

MFL Occupational Health Centre

Brief to the

Employment Standards Code

Review Commission

December 12, 2005

Each person in the labour force, when considered as a family member, is a vital strand in the web of relationships that sustain not just the economy but also our families, our communities and our nation.

-Vanier Institute of the Family

Introduction

The MFL Occupational Health Centre is a community health centre focusing on the health of working Manitobans. Through our medical services and educational programs in the workplace and in the community, we endeavour to promote healthy workplaces, healthy workers and healthy communities. As a community health centre, we recognize that working conditions are a key determinant of health for working people.

The current economy is characterized by the trend to globalization, forcing Canadian workers to compete against cheap labour overseas. Business often claims that their survival and competitiveness depends almost entirely on reducing the cost of labour. In the face of these international forces, people and communities feel increasingly powerless to protect the quality of their jobs. Yet provincial labour legislation is one tool that allows us to establish a basic standard for the quality of these jobs.

Manitoba's Employment Standards Code is based on a model of employment that no longer applies to many Manitoban workers and their families. Women now compose almost one half (46%) of Canada's workforce compared to 1965 when 70% of the workforce was men. Canada's labour force has also become increasingly reliant on immigration to provide workers for our economy. Many of today's immigrant workers come from Asia instead of Europe, bringing significant levels of cultural diversity into our workplaces. In fact, by 2011 all labour force growth is projected to come from immigration. Yet women and immigrant workers in Manitoba make up a large proportion of low income workers with little protection.

Today's labour market is characterized by far greater levels of part-time work, contract employment and self-employment. For working people this has resulted in a lack of job security and limited access to employer-sponsored benefits such as health benefits, dental care and pension plans.

Yet in today's workplace, workers are being asked to work longer hours and to work faster. Since the mid-1970's, the number of Canadian workers putting in 50 or more hours per week has gradually increased. In 2003, one in four Canadian workers worked 50 hours or more per week. A recent study also indicated that one in six Canadian workers report that they work at high speed "all the time".

These changes in the modern workplace have led to increased levels of work-related stress. This is not just an issue for individuals and their families in Manitoba. Increasingly employers are acknowledging the growing benefit costs, absenteeism and productivity losses exacted by workplace stress. Left unchecked and combined with pressures of caring for children or aging parents, current working conditions will contribute to serious health problems among the working population such as heart disease, diabetes and depression.

The Employment Standards Code is an important piece of labour legislation with the potential to mitigate the negative effects of existing labour market conditions and protect the health of working Manitobans. Employers, concerned about financial costs, have rarely taken the lead in providing workers with benefits that will improve their working conditions. Governments everywhere must take a lead role in providing a base of benefits upon which employers and unions can build. We call on the Manitoba government to take this opportunity to lead boldly and with vision to establish a basic standard for the quality of jobs in our province that the working people of Manitoba and their families deserve.

Minimum Wage

According to Statistic Canada's low-income cut off rate, a single unattached worker would have to make \$10 per hour to live above the poverty line in Winnipeg. A family with children would not be able to escape poverty on this wage. Yet Manitoba's minimum wage is set at \$7.25 per hour. In Manitoba 59% of workers who live on less than \$10 per hour are women, according to Statistics Canada. Many low-income workers are forced to work part-time; 37% of workers who make less than \$10 per hour work for less than 30 hours per week. According to Statistics Canada, the number of recent immigrants employed full-time who receive low pay (less than \$10 per hour in 2001 dollars) has doubled since 1980.

Poverty is a health issue. Access to safe housing, healthy food, recreational activities and other basic needs impacts physical health. High poverty levels in society will lead to higher health care costs.

Workers in low-income families are less likely to be able to quit their jobs to escape stressful and unhealthy working conditions. They are also less able to buy goods and services that make it easier to meet family and household responsibilities such as childcare, eldercare, restaurant meals and housekeeping. They are more likely to work long hours for extra income and to experience stress trying to meet their financial obligations. A family with economic security, on the other hand, is much more likely to be able to cope with demands of work, family and community.

We call on the government to set the minimum wage at 60% of the average weekly wage for Manitoba. Furthermore, to keep in step with the average wage, the government should provide annual increases to the minimum wage.

Hours of Work

Reduced Work Time

Canadians are putting in more time at work every year. Currently one in four Canadian workers work 50 hours or more per week. More time at work means less time with family and community. A reduced work week would improve the physical and mental health of individuals as well as community health. Reduced work time allows people time to develop meaningful relationships and connections to their spouses, children and neighbours. Workers will be better able to meet the often conflicting demands of work and family. Reduced work time has also been linked to productivity increases, job creation and reduced unemployment.

We strongly recommend that the Manitoba government implement legislation to reduce work time. Below are some legislative mechanisms to reduce work time that are used by other jurisdictions.

Reduce work week

In France a 35 hour work week was legislated in 2000. Surveys have shown that 60% of workers in France feel that the change in working hours has improved their lives.

Right to shorter or longer hours

Since 2000, Dutch workers have had the right to request shorter or longer hours under the Adjustment of Hours Law. Employers must grant their request unless there is substantive business reason to refuse it. Employees are not required to provide a reason for the request and the quality of their job must not be affected. This legislation means that workers can work full-time at the beginning of their work life, reduce their time when raising young children, return to work full-time when their children are older, and reduce their work time once again in preparation for retirement.

Right to Request Flexible Work

In the United Kingdom, the government passed legislation in 2003 to help working parents care for young children. Parents who have children under six years old or disabled children under 18 have the right to request a change to the hours they work and to the times they work. They may also make a request to work from home. The employer is required to meet with the employee to accommodate the request or provide clear business grounds for refusing it. Employees have the right to appeal an employer's decision.

While some workplaces offer flexible hours in Manitoba, these benefits are typically provided for those in professional occupations who normally have more resources to deal with family and household responsibilities. This means that those Manitobans with the greatest need will usually not have access to flexible work arrangements.

Regulation of hours for part-time workers

It is important that those workers who wish to work part-time be able to do so, but also that involuntary part-time workers have access to the level of employment they need for economic security. We recommend that part-time workers be guaranteed a specific number of hours by their employer and that this be regulated by the government. Adequate notice of changes to part-time hours must be provided by the employer. For low-income workers in particular, changes to their

hours and weekly income can drastically affect their ability to meet their costs of living. While some employers may face uncertainty with respect to their scheduling needs, it is unjust to ask low-income workers to be the ones to solely bear the consequences of this uncertainty.

Overtime

Given the increasing levels of overtime being worked and the simultaneous demands on workers to provide for the need of their families, it is extremely important that overtime remain voluntary in Manitoba. Furthermore, we recommend that a limit on the amount of overtime that can be requested of a worker be established. We also recommend that overtime laws apply to all workers, including salaried workers who are often pressured to work extra hours without any form of compensation.

While overtime is voluntary in Manitoba, few workers would deny a request from their employer to work overtime for fear of losing their job. Better enforcement of the Employment Standards Code in this area would help to ensure that this right is accessible to all workers.

Paid personal/family leave

Manitoba lags behind other provinces in the provision of leaves for personal and family-related leaves and bereavement. Given societal trends towards delayed childbearing, dual income earner families, single parents, and inadequate community and social supports, many working Manitobans are juggling responsibilities for both child care and eldercare. Recent introductions of expanded parental and compassionate leaves are important improvements to the lives of working Manitobans. However, they are time-limited leaves. We know that caring for children and aging parents does not end when the leave ends. Despite the best of arrangements, community and social services do not meet every need. There are unforeseen times when workers need time away from work to meet their personal or family needs.

We recommend that all Manitoba workers be entitled to up to five days of paid personal leave per year. This leave should be available on short notice and to protect the confidentiality of a worker's family situation, workers should not be required to give a reason for their absence.

Vacation

Given changes to the labour market, most Manitoba workers are no longer staying at the same job for their entire working life. In fact, it is projected that the average Canadian worker will have three careers and eight jobs in their working life. Current vacation time provisions under the Employment Standards Code rewards length of service with one employer when that is no longer the reality of the labour market.

To better address the new labour market realities of shorter term tenures and part-time work, we recommend a shift to a model used by the European Union whereby all workers, both full and part-time, are provided a statutory right to four weeks of paid vacation every year. The entitlement to paid annual leave begins on the first day of employment. Part time workers who, for example, normally work three days per week are entitled to 12 days of annual paid vacation.

Enforcement

Given that the Employment Standards Code is the only form of protection for the most vulnerable workers in our society, it is important that enforcement of the code is given priority and the necessary resources. Workers who fear losing their job must be able to make complaints anonymously and have their complaint investigated. Third party complaints should also be allowed. The Workplace Safety and Health Division investigates anonymous and third party complaints on a regular basis. We believe that it is imperative that the Employment Standards Division do the same.

Conclusion

We commend the Government of Manitoba for undertaking this long overdue review of the Employment Standards Code. It is our hope that the results of this review genuinely improve the health and well-being of all working Manitobans.

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