



Manitoba Federation of Labour Submission to the Manitoba Standing Committee on Human Resources on Bill 20

The Employment Standards Code Amendment Act (2)

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Manitoba Federation of Labour

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Bill 20: *The Employment Standards Code Amendment Act (2)*

The Manitoba Federation of Labour (MFL) is Manitoba's central labour body, representing the interests of more than 100,000 unionized workers. We have serious concerns about a number of elements of this bill and the impact they would have on working families and vulnerable workers. This bill includes a number of proposed changes to the *Employment Standards Code*, some of which our movement agrees with, but many which we oppose. I wish to provide some context on the bill and why we are very concerned about the precedent it sets in terms of rejecting a number of joint recommendations from labour and business. We also have deep concerns about the way this Bill was pushed forward without first hearing the recommendations of the Labour Management Review Committee on a number of items.

When a Provincial government of any stripe refuses to listen to the advice of the business community and labour together – advice that the government itself has asked for - it should concern all Manitobans. After all, it is the employers and workers who have to live and work with the rules set out in Employment Standards. Unfortunately, refusing to listen is exactly what the Pallister government has done in introducing Bill 20 – *The Employment Standards Code Amendment Act*.

The Labour Management Review Committee (LMRC) has existed for several decades, serving as a forum for labour and employer representatives to work through complicated and sometime divisive issues, with the goal of coming to an agreement on the best path forward for all Manitobans. The LMRC has provided good advice to successive governments of different political backgrounds, who have seen the value of building consensus on issues that affect workers and employers.

When government sends issues to the LMRC to be reviewed, the employer and labour representatives of the committee do their best to find a constructive path forward that

both labour and employers can agree on. When consensus is reached on an issue, the Provincial government has almost always accepted our advice.

I say almost because, for the first time that anyone can remember, the Government of Manitoba has rejected the consensus recommendations of the LMRC on not only one, but three separate important issues, instead pushing ahead with its own agenda.

The first shoe to drop involved the legislated minimum wage for security guards. Last fall, security guards were caught off guard when the Pallister government decided to freeze their pay, just days before a legislated pay increase was to take effect. The government claimed it wanted to hear from the LMRC first. But, when the LMRC reported back with consensus advice to proceed with the legislated wage increase, the Pallister government inexplicably said no. The fact that employers and workers in this sector supported the legislated wage scale did not carry any weight with this government. It was clear they had made up their minds from the start. Unfortunately, Bill 20 includes two more changes that fly in the face of advice from the LMRC.

Government also asked for our advice on the critically important question of when young people should be able to begin their working lives, and then ignored our advice. Business and labour had recommended setting the safe minimum working age for children at 14 years old, as it is in both Ontario and Saskatchewan. This advice was given after careful consideration of the hazards that face young workers on the job, and the prevention strategies for keeping them safe. Instead, this bill would set the age at a weaker minimum of 13. We should be doing all we can to ensure young workers are properly prepared to work and are safe on the job. Proposing a lower standard than our neighbouring provinces is not a way to ensure that. Instead of listening to the joint advice of the LMRC, the Pallister government is legislating a complex and potentially dangerous scheme designed to allow children as young as 13-year-olds to obtain employment permits. No government should roll the dice with the safety of our children.

We were also asked to consider a proposal put forward by the department to give extraordinary new powers to the Director of Employment Standards to refuse to allow a worker to make an Employment Standards claim, violating their basic right to due process. This proposal was flatly rejected by the LMRC, but inexplicably the Pallister government is moving ahead with this removal of due process just the same.

If this government isn't listening to either labour or business when it comes to employment issues, then who are they listening to?

In addition to rejecting the consensus advice of the LMRC, this Bill also includes a number of changes that government had asked the committee for advice on, but did not wait for before introducing the Bill.

One of these changes is that Bill 20 would allow employers and employees to enter into an agreement specifying different standard hours of work than the default standard hours specified in the Act. We are concerned that the effects of these proposed changes would mean that some workers essentially work a large number of hours without adequate breaks in between. We think that a two-year maximum time limit on these types of agreements should be put in place to account for the number of industries with high levels of staff turnover. We also think that a four-week cycle is more appropriate.

With respect to the provisions in this Bill which would exclude unionized workers from accessing Employment Standards' dispute resolution process, we continue to be concerned with this government's inability to provide us with basic information about why this is needed, how many workers this would impact, and why they think certain workers should be excluded from this process. To date our questions remain unanswered, and it is indefensible that government would move forward with this type of exclusion without being able to explain its rationale or the impacts of this decision, and without hearing from representatives of the workers or the employers who are going to have to live with this decision.

While we are pleased that after months of delay, the Pallister government finally wants to enable Manitoba to mirror the Federal government's extensions to parental leave and critical illness leave – which the LMRC has unanimously endorsed – it is deeply troubling that the government would lump these positive changes for working families in with a number of changes which go completely against what the business and labour community think is in the best interest of Manitobans. The government had an opportunity to pass a stand-alone bill, introduced by the NDP, which would have aligned these extensions with the federal changes in the fall, but refused to do so. Working families deserve a government that listens and follows good advice to make changes that are in their best interests. Unfortunately, the Pallister government continues to go it alone without listening to anyone.

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