



October 3, 2016

Changing Workplaces Review, ELCPB  
400 University Avenue, 12<sup>th</sup> Floor,  
Toronto, ON M7A 1T7  
Via email: [CWR.SpecialAdvisors@ontario.ca](mailto:CWR.SpecialAdvisors@ontario.ca)

Attention: Special Advisors  
Michael Mitchell and Justice John Murray

Dear Sirs,

### **Changing Workplaces Review Special Advisors' Interim Report**

This employer, Agilec, has carefully and thoughtfully reviewed the Changing Workplaces Review Special Advisors' Interim Report, and is grateful for the opportunity to provide comments and submissions in response to the report.

As a smaller company of less than 200 employees, we pride ourselves on being an employer that for the most part provides a greater benefit than required under ESA2000.

We recognize the changing labour market and support many of the recommendations put forth in the Interim Report, but there are certain recommendations that would impose a significant financial burden on small- and medium-sized businesses such as ours.

What follows is Agilec's response to the various recommendations set out in the Interim Report:

#### **Section 5.2 Scope and Coverage of the ESA Subsection 5.2.1 Definition of Employee**

##### Definition of Employee in the ESA

Concerns:

- Removes the purpose of this relationship
- Negatively impacts the contractors as business owners – takes away their ability to guide their own business and have autonomy

This employer supports Option 5: Maintain the status quo.



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## **Subsection 5.2.3 Exemptions, Special Rules and General Process**

### Issue 1 – Information Technology Professionals

This employer supports:

Option 2: Remove the exemption from overtime pay, or create a different rule

Option 3: Remove the exemption from hours of work and overtime pay, or create some different rule.

### Issue 3 – Managers and Supervisors

This employer supports:

Option 3: Include in the definition of managers and supervisors those who

d) the employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise.

## **Section 5.3 Standards**

### **5.3.3 Public Holidays and Paid Vacation**

#### **Subsection 5.3.3.1 Public Holidays**

The employer supports Option 1: Maintain status quo – maintain the current public holiday pay calculations – i.e., total amount of regular wages earned and vacation pay payable to the employee in the 4 work weeks before the work week in which the public holiday occurred, divided by 20.

#### **Subsection 5.3.3.1 Paid Vacation**

Concerns:

- Negatively impacts companies who have improved their compensation packages by offering additional paid vacation time
- This would be a huge financial burden for small business – an additional 2% of earnings per employee

This employer supports Option 2: Increase entitlement to 3 weeks after a certain period of employment with the same employer – either 5 or 8 years.

#### **Subsection 5.3.4 Personal Emergency Leave**

This employer supports Option 4: A combination of options 2 and 3 but maintaining different entitlements for different-sized employers.

#### **Subsection 5.3.5 Paid Sick Days**

This employer supports Option 1: Maintain the status quo.

## **Section 5.3.8 Termination, Severance and Just Cause**

### **Subsection 5.3.8.1 Termination of Employment**

Concerns:

- This could put employers out of business
- The financial impact could be staggering
- Limits the ability of businesses to be flexible to changing demands in the economy

This employer supports Option 1: Maintain the status quo.

#### **Subsection 5.3.8.2 Severance Pay**

Concerns:

- This could put employers out of business
- The financial impact could be staggering
- Limits the ability of businesses to be flexible to changing demands in the economy

This employer supports Option 1: Maintain the status quo.

#### **Subsection 5.3.8.3 Just Cause**

Concerns:

- The employer will find a way to circumvent this, for example, short-term contract work to avoid an employment relationship that they cannot terminate
- Negatively impacts the agility of the small and medium employers in Ontario – these businesses are responsible for most of the growth
- Interferes with the employee/employer relationship. It becomes adversarial

This employer supports Option 1: Maintain the status quo.

In summary, Agilec appreciates the opportunity to participate in the review of the ESA2000. We are invested in the Changing Workplaces Review and remain optimistic that it will result in improvements to our outdated employment laws, yet provide a fair legislation to employers in Ontario. It is our hope that the potential negative impact on the Canadian economy will be considered with each proposed submission.

We look forward to participating in the next stages in the review and to seeing the final report in the coming year.

Sincerely,



Danette Anthony  
Chief Strategy Officer  
AGILEC