

October 14, 2016

Dear Special Advisors C. Mitchell and Hon. John C. Murray,

Thank you for the opportunity to respond to the Ministry of Labour's Changing Workplaces Review Interim Report.

Hamilton Conservation Authority (HCA) believes that it is important to keep Ontario working and ensure that legislation is modernizing to keep pace with changing employment environments and technology and should generally keep pace with other jurisdictions. However, financial impacts need to be taken into account and differences between industries taken into consideration, especially those with seasonal operations. Many of the proposed changes to the Ontario *Labour Relations Act* (LRA) and the *Employment Standards Act* (ESA) will have important implications for Ontario organizations. The Changing Workplaces Review Interim Report identifies approximately 50 issues and over 225 options of varying size and scope. HCA would like to offer the following responses to a few of those 50 issues, related to the ESA.

#### **ESA Issues – Minimum Wage Differentials, Paid sick days and vacation**

HCA hired over 200 summer students in 2016 to work in our conservation areas. A significant percentage of these were under age 18 and were first time job opportunities. Eliminating the under age 18 minimum wage would have an economic impact and consequence on employment numbers to our conservation areas as they do not receive provincial funding or municipal levy support for their operations. The positions are also largely short term with an employment period of 4 months or less. We would like to see further consultation and thresholds/waiting periods considered for new paid provisions such as sick days and increased vacation entitlement in light of short term seasonal employment.

#### **ESA Issues – Threshold for Termination and Just Cause**

Consideration for removing the 3-month employment threshold for termination pay detracts from the concept of a probationary period and time for an employer to train, develop and evaluate a new employee (seasonal or longer term) for the position they have been hired for and we feel the 3-month threshold should be left in place status quo. Additionally, requiring employees to provide notice of their termination of employment appears unrealistic and unenforceable. In our situation, we inevitably have some students every year who accept employment terms until the end of August or Labour Day, but leave (quit) early due to post-secondary school acceptances to move to their school residences or leave much earlier to accept summer positions with another employer. In respect to just cause, we also feel the status quo should be maintained. Caps for termination pay can certainly be reviewed to ensure they are fair and thresholds for

severance pay similarly reviewed (and clarified where needed such as whether payroll outside of Ontario is included).

### **ESA Compliance**

Broadly speaking, more education and outreach initiatives undertaken by the Ministry of Labour would be very beneficial to increase knowledge and compliance with ESA, including more examples within the website, posters and guides. Perhaps the required positing of ESA guides (similar to the green book for Occupational Health & Safety) should be considered and materials provided to various agencies and organizations such as BIAs, associations and schools. With respect to internal responsibility system, option 2 requiring annual self-audits on select standards (which could be reported online) may make sense, especially if a lack of compliance with the ESA has been identified.

The above are just a few examples of areas that would impact HCA and certainly, there are many more. The scope of issues identified is very large and we feel to comment effectively, these need to be broken down and grouped into categories for targeted and specific responses, (similar to submissions with respect to personal emergency leave options) and further, that the two acts be commented on separately.

Thank you again for the opportunity to respond to the Ministry of Labour's Changing Workplaces Review Interim Report.

Sincerely,

Lisa Burnside

Director, Human Resources