

Changing Workplaces Review - Responses to the Interim Report Peterborough Public Health - October 12, 2016

Section #	Section Title	Option(s) Preferred	Rationale
5.2.1	Definition of Employee	(pp. 147-148) 2 and 6	<ul style="list-style-type: none"> ▪ Workers need to be clear about what their employment status is in order to ensure they benefit from the protections available to them.
5.2.3	Exemptions, Special Rules and General Process	(pp. 161-164)	<ul style="list-style-type: none"> ▪ We endorse the Interim Report's assertion that "...the ESA should be applied to as many employees as possible and that departures from, or modifications to, the norm should be limited and justifiable" (p. 155). ▪ The greater the job security and stability, the healthier the worker. The more opportunities employers have to exempt certain workers, means less protection for those workers. The less job stability and security, the greater the likelihood of experiencing job and employment strain and, ultimately, a greater risk of poor health.
5.3.1	Hours of Work and Overtime Pay	(pp. 195-196) 11	<ul style="list-style-type: none"> ▪ We support lowering the trigger for overtime from 44 to 40 hours. Work-life balance not only benefits the worker but the employer. Workers who can balance the demands of work, family and community obligations will be more productive. Having said that, if employers want employees to work overtime, then the employee needs to be properly compensated. We would be concerned if the legislation made it too easy for employers to overwork their employees. ▪ We are concerned about the trend toward allowing for longer hours per day. Some of the options speak to employee rights to decline overtime under certain circumstances. Given the power imbalance between the employer and worker, will employees really feel it is safe to decline overtime? Will the employer have the final say on whether or not the workers' reason for declining overtime is valid? If their decline is denied, what is their recourse? Workload management is a key determinant to psychological health and safety in the workplace and workers need to have some control over the demands on their time.
5.3.2	Scheduling	(pp. 203-204) 2a), 3, 4	<ul style="list-style-type: none"> ▪ Re: 2 = We support increasing the minimum hours of reporting pay to three hours at <u>regular</u> pay. In order to plan financial obligations, workers need predictability for their income. When reporting for their shift, they are expecting their regular pay. In addition, the increased financial burden on employers may encourage them to develop efficiencies in their scheduling practices. ▪ Re: 3 = As employers require greater flexibility in their labour practices, the same flexibility should be extended to the workers in order for them to have some control over their work-life obligations. ▪ Re: 4 = Any options that make schedules more predictable (i.e., known in advance) allows workers to plan

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			other aspects of their lives (including health appointments and other commitments that contribute to their health and well-being).
5.3.3.1	Public Holidays	(p. 206) 4?	<ul style="list-style-type: none"> We support any option that simplifies the process for employers, is easily understood by workers and provides greater financial predictability and stability. By establishing a specified percentage to be paid out during each pay period, it is more likely to ensure that workers are properly compensated and that the expense to the employer is distributed in a predictable manner throughout the year. A simplified process means that workers can easily calculate and keep track of the payments.
5.3.3.2	Paid Vacation	(pp. 207-208) 3	<ul style="list-style-type: none"> We support the position of worker advocates that paid vacation should increase to three weeks for all workers. The work environment has become far more psychologically demanding on workers due to the fact that a lot of work requires mental effort more than physical effort. In addition, the work environment has changed (i.e., heavy workloads and job demands, high levels of effort and perhaps low levels of control) which means that, more than ever, workers need opportunities to rest and rejuvenate in order to contribute to higher performance and productivity.
5.3.5	Paid Sick Days	(pp. 214-215) 2 a) ii and 2 c)	<ul style="list-style-type: none"> It is good public health practice for all workers to stay home when they are ill. Having paid sick days would ensure that this would happen more frequently at no risk of job or earnings losses to the worker. In a press release dated January 7, 2014, the Ontario Medical Association president advocated that employers not require a medical note when an employee is sick in order to avoid the spread of illness and to eliminate unnecessary visits to the physician's office. (https://www.oma.org/Mediaroom/PressReleases/Pages/PleaseStayHome.aspx). We feel that medical notes should not be required automatically each time an employee is ill but should be discretionary, on an as needed basis.
5.3.6	Other Leaves of Absence	(p. 219) 3, 4	<ul style="list-style-type: none"> Workers have many competing demands between work expectations and life responsibilities. With women participating in high numbers in the workforce, many families are being maintained by two working parents. The family safety net is more tenuous today than in generations past. In addition, given that women still only earn a fraction of what men earn, their job security is even more pressing especially at times of crisis such as fleeing an abusive relationship. We support leaves that protect job security. Consolidating the various leaves may help to streamline the process for employers.
5.3.7	Part-time and Temporary Work – Wages and Benefits	(pp. 227-228) 2, 5	<ul style="list-style-type: none"> We firmly believe that a worker, regardless of the hours they work, should be compensated at parity with other workers doing the same or similar work. We agree with the option to cap the number and duration of limited term contracts in an effort to avoid having workers in a continual state of uncertainty around financial security.

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5.3.9	Temporary Help Agencies (THAs)	(pp. 252-253) 3, 4, 7, 8, 9	<ul style="list-style-type: none"> ▪ Temporary workers are the most vulnerable of all workers. Any changes to the Standard that provide them with greater protections including parity with other workers doing the same work is important. ▪ Making transitions to direct employment will enable workers to find greater employment stability and expanding termination and severance pay provisions provides workers with some financial support as they look for other work. The Peterborough Workers' Action Centre has heard several stories of the mistreatment of workers involved with THAs and any legislation that holds them to a higher standard of conduct is most welcome.
5.5	Enforcement and Administration		<ul style="list-style-type: none"> ▪ We strongly believe that greater education of employer responsibilities and employee rights is necessary. Is it possible to require the completion of some type of on-line ESA training module for employers before they can open for business? ▪ Would it be a useful practice to post on the Ministry of Labour website, a monthly listing of all employers found in violation of the ESA through inspections?

Conclusion

Many of these options need to be considered in a way that balances the interests of workers and employers. We are concerned that decisions will be made based on the cost to businesses/employers without considering the costs on society of an unstable and precarious workforce. Not only is the health and well-being of workers at risk but social costs are almost certain to rise—costs in social programs (food security, housing, income security), health programs (e.g., health care costs related to stress-related illnesses such as cardiovascular disease, cancer, mental illness and addiction) and community safety programs.

Respectfully submitted,

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