



August 30, 2016

Changing Workplaces Review  
ELCPB 400 University Ave, 12<sup>th</sup> Floor  
Toronto, ON  
M7A1T7

Dear Special Advisors Mitchell and Murray,

On behalf of the Tourism Industry Association of Ontario (TIAO) and its members, we'd like to thank you for taking on the important review of the Employment Standards Act and Labour Relations Act through the Changing Workplaces Review.

At this time, we'd like to provide feedback on the Personal Emergency Leave (PEL) policy, as per your request.

Tourism is vital to the provincial economy. Present in every riding in Ontario, tourism's 163,000 businesses generate \$28.5 billion in annual receipts, are responsible for 4% of Ontario's GDP, and represent more than 1.7 million employees in tourism-related industries<sup>1</sup>. Larger than agriculture, forestry and mining combined, the tourism sector is vast and varied—it includes attractions, festivals, events, accommodations, conventions, recreational activities, camping, culinary and more.

Many tourism owners and operators have expressed that finding, training and maintaining staff is an ongoing challenge; therefore it is imperative that tourism businesses have access to a sufficient labour pool in order to be successful to today's economic climate. A large portion of Ontario's tourism industry is comprised of SMEs, and the needs and capabilities of these businesses must be taken into account in order for Ontario's tourism industry to prosper.

We would suggest that the Government of Ontario should carefully consider any changes made to the PEL. Higher labour costs result in fewer employees being hired by tourism businesses, and additional administrative duties take away valuable time. By thoroughly examining the potential impacts of any and all changes made to the Act, negative unintended consequences for tourism businesses—such as job losses—can be minimized.

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<sup>1</sup> Ministry of Tourism, Culture and Sport (2015), Current Performance Indicators

### **Employee Threshold**

In the Interim Report, you acknowledged that many smaller employers would lack the flexibility and capacity to deal with PELs as currently framed in the legislation. TIAO concurs and supports **maintaining the 50 employee threshold**, as many SMEs have limited operational flexibility, and in some cases, seasonal limitations, particularly related to human resource management.

### **Greater Right or Benefit**

In the Interim Report, the issue of navigating the various ESA leaves outlined concerns shared by the tourism industry. TIAO also supports the suggestion that that the Special Advisors consider an amendment to the ESA that would **clarify the greater right or benefit** issue. If an employer chooses to offer a benefit(s) that is greater than what is required by the ESA, specifically as it relates to the PEL, there needs to be a clear understanding that the ESA doesn't apply in that situation. This will allow for employers to establish better leave policies.

### **Leave Categories**

In the Interim Report, it was noted that misunderstanding and misuse of unpaid leaves of absence is a frequent concern of employers. We agree with the suggestion of providing a breakdown of the 10 days entitlement into separate categories with separate entitlements for each category but with an aggregate still amounting to 10 days per year. It would still be help to further explore how all the leave provisions in the ESA work together, and how we can reduce the administrative burden. A further conversation to explore these two questions would be welcomed by the tourism industry as this would provide further clarification for both employers and employees when negotiating employment contracts.

As an industry, tourism employers need an outstanding workforce to deliver an exceptional experience for their guests. We thank you for the opportunity to provide input into this review, and look forward to a continued conversation going forward.

Respectfully submitted,



Beth Potter  
President & CEO