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Changing Workplaces Review, ELCPB  
400 University Ave., 12<sup>th</sup> Floor  
Toronto, ON  
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## RE: Submission to the Changing Workplaces Review

SEIU is pleased to participate and submit its reflections and suggestions to the Ontario government's Changing Workplace Review. It is our hope that the government's open call to Ontarians asking for suggestions of how to make the *Employment Standards Act* (ESA) and the *Labour Relations Act* (LRA) more reflective and responsive to today's work environment will lead to the province of Ontario continuing to be a great place to live and work.

SEIU recognizes that modernizing the ESA and LRA will not only reflect the changing workplace for the employees but will also benefit the ability of employers and the various industries in Ontario to provide high quality services.

### Travel Time:

Many of SEIU's members care for clients in the community, travelling to the client's home to deliver healthcare and homemaking services. These workers are expected to travel to each client's home, sometimes visiting up to 4 clients in a single day. For many of these workers the employer does not cover or provide adequate compensation for these travel and transportation costs. The ESA is clear that time spent travelling during the course of the workday should be considered work time. However employees have noticed, especially since the 2008 economic recession, employers have continued to chip away at their travel and transportation costs, leaving it up to the employees to dip into their own funds to carry out their role and responsibilities. At a time when Ontario's health system is transforming, where health services are shifting away from a central institution-based setting towards individual home and community-based care, the government and employers need to recognize that it is up to them to ensure the necessary costs to carry out health services are covered by the program and not by the voluntary goodwill of the care providers.

### Recommendation:

Rules around the interpretation of "work time" for employees travelling should be enforced as many employers currently find room within the ESA rules to provide minimum compensation for employees travel expenses: the time traveling between the various work locations should be counted as work time and provided fair compensation. Workers should be compensated for this time as they are still "on the job".

**Employment classification:**

A growing trend among employers, especially in the healthcare sector, is to create more part-time positions as opposed to stable, full-time positions. A significant disadvantage for part-time workers is they are typically not eligible to receive benefits such as enrolling in a workplace pension plan, or receive health care and dental insurance coverage. In Ontario, the number of part-time jobs has increased much faster than full-time jobs. Many workers would prefer to have a secure, full-time job with workplace benefits. Creating more permanent full-time positions not only assists in supporting hard-working Ontarians to maintain a decent standard of living but also positively contributes to recruitment and retention of high quality healthcare workers who are integral to the operation of Ontario's public healthcare system.

**Recommendation:**

Whether employees are classified as part-time or full-time, ensure employees are not treated differently based on their work classification. The ESA should be adapted to reflect this growing trend of employment by ensuring employers harmonize pay, benefits and working conditions for comparable work.

**Advanced notice of scheduling:**

In Ontario, employers are not obligated to provide advanced scheduling notice to its employees. This results in many workers not knowing if or when they will be asked to work and leaves workers in a very vulnerable position as to whether they will earn enough of a wage not only to provide for themselves but for the families many of them support as well. Living paycheck to paycheck is no way to live, and unfortunately too many workers in Ontario face this scenario every month. Mandating that employers design their scheduling with advanced notice to its employees is what's fair and what's right. Not only will this allow employees to plan their own personal obligations and responsibilities but will also contribute to a greater productivity of the workforce by allowing workers to maximize their working hour potential, especially those who work part-time for more than one employer.

**Recommendation:**

Employers should be required to provide its employees 10 -14 days advance notice of the work schedule.

**Access to Unionization:**

Over the past twenty years in Canada, unionization has experienced a continuous downward trend. The current system is designed to discourage unionization by allowing employers to withhold current lists of employees. So in the event where several employees take on the initiative to unionize they are limited in their ability to contact their fellow co-workers beyond a haphazard process. Without the ability of employees to communicate with their coworkers in a coordinated fashion this limits the ability to provide all workers with the necessary knowledge to make an informed decision on whether to become unionize is the right choice or not for them.

Currently, employee lists are only accessed at the end of an organizing campaign, two days prior to the vote. This hardly gives enough time for workers to receive important information on the benefits of collective representation and to make an informed decision prior to the vote.

**Recommendation:**

Allow unions to obtain a list of current employees in the workplace at the beginning of an organizing campaign

### **Successor Rights in home and community care sector**

Whenever there is a transition of a home care contract from one provider to another there is no systematic management of this transition. Continuity of care is nearly impossible to sustain in this environment within the current system where you do not have managed transitions when home care contracts change hands. Unmanaged transitions in this sector are a significant barrier to the efficient functioning of the home and community care sector, increases the turnover rate for personal support workers, undermines client care and client satisfaction, and leads to heightened instability in the sector.

#### *Recommendation:*

Within the Labour Relations Act, extend successor rights specifically to homemaking and personal support services (as defined under the Home Care and Community Services Act).

### **About SEIU Healthcare:**

SEIU Healthcare is a union of more than 55,000 frontline healthcare workers. Our members work in retirement and nursing homes, homecare and community services, and hospitals throughout Ontario. Our union is a collective of a wide variety of people in healthcare including personal support workers, registered practical nurses, RNs, health care aides and a variety of other front-line health care providers.