

Good Afternoon: It is my pleasure to provide you with my professional thoughts on changes to the Personal Emergency Leave provision of the ESA and the underlying reasons why. We are a US owned, Ontario location of a global manufacturing company. Our company employees 29,000 employees worldwide in 20 countries. The product we manufacture at my facility can be made in many locations worldwide. In fact, we do not ship our finished product to a Canadian location, we ship to the US, Mexico and Europe. As such, with economic and competitive pressures, we strive to ensure we run an efficient operation to keep these jobs here. There are many sources of pressures, one of which is maintaining a consistent labour force.

When Personal Emergency Leave provision came into force in September 2001, we felt we were already offering our employees benefits and programs to enable them to be absent from work when necessary. We offer paid short term and long term disability leave, paid bereavement leave, and an absenteeism policy that allows up to 3% absenteeism (or 8 days per year) for other reasons. In addition, our employees receive paid vacation starting at 10 days. We also put a great deal of effort and time into requests for leave of absences for other reasons such as medical appointments, elder care, etc. We are also a unionized work environment. When the Personal Emergency Leave provision was introduced the union insisted the existing policies and procedures remain in place. They were not helpful in our efforts to make changes due to the additional 10 days being made available to our employees. This has been a source of discussion for the past 15 years.

So now almost 15 years later, our statistics are troubling.

- Our employees have used 7741 personal emergency days in addition to the above mentioned programs.
- Almost every day there are “emergencies”. For instance, this calendar year alone, only 15 days did not have personal emergency days declared.
- Employees use them when vacation days are declined (due to too many requests for that day off), an extra vacation day immediately before or after their approved vacation, call in sick to go golfing or go to a second job, call in every school PA day due to “no babysitter”, call in sick for mandated overtime (7 scheduled to work 5 were sick), the day before or after a statutory holiday, etc..
- We have employees who are only sick (personal emergency day) on Fridays, no other day of the week.
- Over 81% of the personal emergency days this year were for “sickness”.
- Almost two thirds of personal emergency days are taken on Monday or Friday.
- Employees will tell me they “have two more e-days left to use this year”. They want to get their entitlement in before the end of the year.

With our small workforce of less than 200 employees, we have had 15 employees call in personal emergency day on a Friday. That makes running our operation efficiently a very difficult job.

I do not consider us to have an overly difficult relationship with our workforce. Their impression really is that they have an entitlement and they wish to use it. I also do not believe the statistics and comments above are limited to our company.

We have polled our workforce to find out why they miss these days. Often the answer is “because the government gave me 10 days a year and I am going to take them, you can’t stop me”.

As an employer we have some recourse – hire a private detective, take the issue of reducing our other programs to arbitration, etc. These are very costly and time consuming.

I am sure there were many, many great reasons to put Personal Emergency Leave days in legislation due to bad employers. Without that provision, innocent employees would be terminated for missing time due to an injury or death. Workers should be protected from those wrong actions. But companies such as ours is not on that list. We have policies in place to allow for paid time off, we are a unionized work environment. Yet there was no distinction in the legislation to allow for good employers to continue to be good employers and try to keep their workforce stable and competitive.

As much as I am sure of the above, I am also sure the government did not plan to create a program that is being strongly abused by employees and the employer is left to fight with the employee, their union and endure extensive expense to do so.

So I finally get to my suggestion for changes to this provision. I realize there is a provision where an employer can opt out of the Personal Emergency Leave provision if they offer an equivalent program/policy. However, unions will not agree, even at arbitration, that we offer an equivalent program. My suggestion is to introduce very clear structure on how an employer can offer an equivalent program and opt out of the PEL provision.

I am not suggesting we eliminate personal emergency days, I believe there are employers who need to be given this provision to follow. But we are not one of them. Please make it an agreeable process – between employer, employees and union – that is easy to follow and does not cause discussion and costly court cases and lawyer fees.

My company is a law abiding company and we take very seriously our obligation to meet all legislative requirements. We are true and fair to our employees. We find ourselves being an unfair victim of Personal Emergency Leave days and I ask that you consider my suggestion for future changes.

Thank you,

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