

ECAO

**ELECTRICAL CONTRACTORS
ASSOCIATION OF ONTARIO**

PERSPECTIVE ON PROVINCIAL LABOUR LAW REVIEW

**Submission to the Special Advisors of
the Changing Workplace Review October - 2016**

ECAO
ELECTRICAL CONTRACTORS
ASSOCIATION OF ONTARIO

October 14, 2016

C. Michael Mitchell
The Honourable John C. Murray
Special Advisors
Changing Workplaces Review, ELCPB
400 University Avenue, 12th Floor
Toronto, ON M7A 1T7

Dear C. Michael Mitchell and the Hon. John C. Murray:

Thank you for the opportunity to provide comments on your interim report Changing Workplaces Review.

Although some aspects of what is being reviewed and potentially modified or significantly changed doesn't impact our members directly, there is an underlying message we would respectfully like to make with regards to the report you will provide the Minister.

That message, simply, is to be ever mindful of the highly competitive business environment in our province and indeed around the world. Profit margins for our members are already razor thin. While we appreciate the need to protect vulnerable workers we strongly feel that any changes to the legislation must reflect a balance in ensuring a safe and fair working environment while providing Ontario companies with the freedom to grow their businesses, generate a profit and hire more workers.

Thank you for your taking the time to consult with stakeholders and gain input from all sides of the equation. On behalf of our Board and our members I wish you all the best in your deliberations and we look forward to the findings.

Sincerely,



Jeff Koller
Executive Director



**The Changing Workplace Review
Response to the Interim Report
by Electrical Contractors Association of Ontario (ECAO)
October 14, 2016**

About the ECAO

The Electrical Contractors Association of Ontario was founded in 1948 to serve and represent the interests of the electrical contracting industry. ECAO is committed to addressing the needs of the industry by providing a variety of services directly to the membership, and by making representations on behalf of the entire industry to government and industry colleagues. Its success has been due to the support and active participation of the industry.

ECAO membership consists of bona fide electrical contractors with a contractual relationship with the International Brotherhood of Electrical Workers (IBEW). There are presently 11 Area ECA's which are affiliated with ECAO.

ECAO Response to the Interim Report

ECAO has reviewed the interim report and applauds the work done to date by special advisors C. Michael Mitchell and John C. Murray. The consultation process appears to be thorough, transparent and has generated much interest and many comments both formal and informal.

Being the first comprehensive review of the Labour Relations Act, 1995, and Employment Standards Act, 2000, ECAO is fully supportive of this initiative and how such a review, with the feedback it generates and recommendations put forth as a result of that feedback, could enhance protections for workers and support for businesses in Ontario's evolving workforce.

There is no question that protecting "vulnerable workers" in "precarious jobs" is necessary and prudent. ECAO would caution however, that sweeping legislative changes in order to tackle this challenge may only serve to hurt upstanding, good and honest employers who treat their employees fairly providing them with competitive wages and benefits, safe working conditions and respect in the workplace.

The global economy that our members compete in is highly dynamic, ultra-competitive and changing constantly. Employers must have the freedom and flexibility to adapt to this economic environment and not be bound by endless regulations and legislation that ends up primarily punishing or restricting good employers.

Employers must be able to remain competitive, grow their businesses and as a result create jobs and grow our economy.

While the various specific categories outlined in the report are all important to review ECAO would like to comment on a specific few where substantial changes could have an impact on our members and our industry as a whole.

5.2.3 Exemptions, Special Rules and Process

ECAO strongly agrees that there should not be a broad elimination of exemptions. Under Approaches for a New Process ECAO prefers Option 2 and all the recommendations contained within. An organization like ECAO would be a strong and well informed representative agency to participate on the committees outlined in this option.

5.3.2 Scheduling

As with the majority of employer representative groups, ECAO opposes any mandatory scheduling provisions in the ESA that apply to all employers (i.e., provisions that are applicable irrespective of the size, location, and industry). We would reinforce that a one-size-fits-all approach for scheduling does not work and that no changes be made to current models of scheduling in the ESA or exceptions made for the construction industry.

ECAO recommended option would be to maintain status quo.

5.3.5 Paid Sick Days

We are opposed to the creation of paid sick days. We agree with other employers that a new statutory requirement would be overly costly and have a negative impact on competitiveness.

ECAO recommended option would be to maintain status quo.

5.5.2 Education Awareness Programs

ECAO agrees that the complexity of the ESA makes it difficult for employers to comply with the Act. Furthermore, ESAO agrees that education and communication around the ESA needs to be worded more clearly and simply. Information in multiple languages and clear and concise interpretations of the provisions is necessary. It should also be noted that mandatory training, be it for ESA or any other legislation, adds significant cost to employers that they are often times unable to budget for due to the education being imposed on them with little advanced notice. In an increasingly competitive market place this added burden of cost to the employer can have a significant impact on the bottom line making it difficult to expand business and hire additional employees.

Conclusion

The purpose of our submission is to provide the Special Advisors with commentary on proposed changes to the Labour Relations Act and the Employment Standards Act from the perspective of our members - electrical contractors - who employ thousands of unionized skilled workers. Any recommendations to the government must consider the broader economic context, highly competitive nature of many industries and employers who have a proven track record of providing competitive wages, good benefits and who respect their workers. Protecting vulnerable workers should be a priority and changes to legislation should address those issues however, they should not be so broad sweeping in nature as to take away what little competitive advantages are left for Ontario companies. The economic impacts of any proposed changes to the Labour Relations Act and the Employment Standards Act must also reflect a balance between a desire to counteract the changes that Ontario's workforce has undergone over the past few decades and the need to maintain a healthy and safe business environment.