



August 31, 2016

Changing Workplaces Review
ELCPB 400 University Ave., 12th Floor
Toronto, Ontario M7A 1T7
By email: CWR.SpecialAdvisors@ontario.ca

Attention: Special Advisors

Dear Sirs:

Changing Workplace Review: Personal Emergency Leave (PEL)

In response to the request by the Special Advisors for comment on the Recommendations concerning the Personal Emergency Leave (PEL) provisions outlined in the Changing Workplace review, Maple Leaf Foods is pleased to provide the following comment and submission.

We reserve the right to provide additional comments on other sections of the Interim Report at a later date.

Background

Maple Leaf Foods owns and operates a number of facilities across Ontario. The scope of these operations demonstrate a focused commitment to the Province.

Many of the Maple Leaf operations are covered by collective agreements, certified to established trade unions. Maple Leaf enjoys professional and collegial relationships with these organizations which are, for the most part, mature and sophisticated. Negotiations for renewal of collective agreements continue apace.

In addition to our unionized facilities, we have a number of non-union facilities where we provide terms and conditions that are market driven, recognizing the need to attract and retain talent. Our employees are key to the success and growth of Maple Leaf.

In Ontario, Maple Leaf Foods has a plant network of 15 facilities and a head office in Mississauga, employing overall 1,551 salaried and 2,357 hourly employees. Employees are predominantly full time with comprehensive benefits.

Changing Workplace Review

Maple Leaf appreciates that precarious employment is the reality for many people working and living in Ontario and supports the Review to address those vulnerable workers.

However, where companies and organizations have negotiated terms or have policies that offer a greater right or benefit than the minimums set out in the ESA, those companies should be exempt from the ESA. Specifically, where the minimum standard contained in the Act is less than those offered through policy or collective agreement, then employers and employees should not be subject to the ESA provision.

Current legislation provides ten unpaid job protected leaves of absence. Historically two days were provided for under ESA. A substantial increase. Essentially, each person is entitled to two weeks of unscheduled time off each year. These ten days are in addition to the paid and unpaid leaves provided by the company.

We note that the Review proposes an option for employees to be scheduled with at least two weeks in advance. Such proposal would add a significant burden to a challenging environment of maintaining a full complement of qualified workers.

It is notable that only a *small percentage* of Maple Leaf's employees use their full entitlement of ten emergency days. On average there is a 30% utilization of PEL days by hourly employees across Maple Leaf's manufacturing plants. This does not include salaried staff as PEL days are rarely utilized by salaried employees.

With a wide variety of leaves available, PEL days are utilized in a manner inconsistent with the legislation. Abuse is not uncommon. For example, an employee requests a day off which is denied for operational requirements. On the day in question the employee calls in, declaring a PEL day.

Unscheduled absences are difficult to manage, often requiring overtime to meet production needs. It is not possible to have groups of employees on "stand by" to cover off unscheduled absences.

Maple Leaf provides a variety of leaves for its employees to support legitimate emergencies, sickness and life events. Some are paid, others unpaid such as Bereavement Leave, Short Term Disability, Long Term Disability (in some areas), Jury Duty, Compassionate Care Leave, floating holidays, Sick Days etc.

Options suggested by the Special Advisors

1. Maintain the status quo
2. Remove the 50 employee threshold for PEL days
3. Break down the 10-day entitlement into separate leave categories but with the total still adding up to 10.
4. A combination of options 2 and 3 but maintaining entitlements for different sized employers.

The Special Advisors should consider an exemption for these employers that offer a greater right or benefit than the minimums in the ESA.

However, Maple Leaf would support Option 3, breaking down the 10-day entitlement into separate leave categories. Should there be further discussions on this approach, we would be interested in participating.

In summary, we are mindful of the need to address legislation to support those workers who are vulnerable and work in precarious employment. However, there must be recognition of those employers who provide benefits that are equal or greater than the minimums set out in the Employment Standards Act. These employers and their employees should be exempt from the Act.

We would be happy to discuss further.

Yours truly,

A handwritten signature in cursive script, appearing to read "B. Lumholst-Smith".

Brigid Lumholst-Smith
Vice President – Labour Relations
Human Resources