

August 31, 2016

Submission to the Changing Workplaces Review On Personal Emergency Leave

Pro Bono Ontario (PBO) At SickKids, Family Legal Health Program.

PBO at SickKids *The Family Legal Health Program* is a free legal service of Pro Bono Ontario, located at The Hospital for Sick Children. Launched in winter 2009, the Program uses legal solutions to address non-medical issues that can impact a child's health or a family's capacity to care for their sick child. It serves low and moderate income families whose children receive treatment at SickKids, the Program has now spread to other children's hospitals in Ontario and across the country, based on this model. As well as providing direct legal services to patients and families the Program also provides advocacy to effect change on systemic issues that impact the health and wellbeing of present and future patient populations.

Many of our parents require time away from the workplace to care for children who are both critically and chronically ill. For those parents of critically ill children there is now job protection for up to 35 weeks under the *Employment Standards Act*. However, for parents whose children are chronically ill and those who suffer an injury, but who are not at risk of death, have necessarily relied on the 10 personal emergency days in order to both provide necessary support for their child and ensure their employment is not at risk. Many of these parents are in low paying, and precarious employment where employers are not sympathetic to the obligations faced by parents of ill children. Further, for single parents, particularly those who do not have extended family support, the protected leave is essential.

Breaking up the 10 days into categories will have the greatest impact on parents of chronically ill children. Our social workers report that many parents, particularly single income parents, suffer extreme stress and anxiety about losing their job when their children require regular hospital visits in order to meet their medical needs. Protection of 10 days under the *ESA* is a clear and frequently relied upon protection for those families. We fear that if those 10 days are reduced through categorization those parents will face the choice of either risking job loss, or miss appointments. By not following through with essential treatment this not only puts the child's health at risk, but will also require staff to report otherwise caring parents to Children's Aid Societies.

While these may also be cases where families are protected from discrimination on the basis of family status under human rights law, most families do not want to risk losing their job while awaiting a possible positive human rights decision month or years later. The Employment Standards 10 days leave does not require such a decision, and has been respected by almost all employers in our experience. We are asking that the leave is not divided into categories thus potentially forcing families who will no longer have the relied upon protection of *ESA* 10 PEL days, to choose between the health of their child and economic survival. We would also ask that this protection be extended to all employees in Ontario..

Lee Ann Chapman, triage lawyer  
PBO at SickKids, [lee\\_ann@pblo.org](mailto:lee_ann@pblo.org) 416 813 8063