



Registered Nurses' Association of Ontario
L'Association des infirmières et infirmiers
autorisés de l'Ontario

C. Michael Mitchell
Honourable John C. Murray
Special Advisors
Changing Workplaces Review
Employment, Labour and Corporate Policy Branch (ELCPB)
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August 31, 2016

RE: RNAO submission on personal emergency leave

Dear Mr. Mitchell and Mr. Murray,

Congratulations to you and your team on the July 27, 2016 release¹ of the *Changing Workplaces Review Special Advisors' Interim Report*² to help inform discussion on legislated changes to protect workers in Ontario's evolving globalized economy.

The Registered Nurses' Association of Ontario (RNAO) is the professional association representing registered nurses (RN), nurse practitioners (NP) and nursing students in all settings and roles across the province. The growth of precarious, contingent, casual and part-time employment is of concern to RNAO because not only does it affect RNs and NPs, it also adversely affects the health and well-being of more and more Ontarians.³ The Special Advisors' belief that "decency at work is a fundamental and principled commitment that Ontario should accept as a basis for enacting all of its laws governing the workplace"⁴ is congruent with RNAO's values.⁵

Within this context, **RNAO recommends adoption of option 2 of the personal emergency leave (PEL) possibilities outlined in section 5.3.4 of the interim report. Option 2 would enable all employees to access 10 days of unpaid PEL regardless of the size of the employer by removing the current exemption within the *Employment Standards Act* that limits it to a 50 employee threshold.**⁶

As the interim report points out, Ontario is the only Canadian jurisdiction to have an employer-size (50+) eligibility threshold.⁷ By removing this arbitrary exemption and bringing Ontario in line with other jurisdictions, basic fairness for employees within the province will be increased. Regardless of the size of the employer, each employee would then have equitable access to unpaid PEL to deal with personal illness, injury, medical emergency, or death, medical emergency, or urgent matter concerning prescribed members of an employee's family.⁸

Having the job protection of 10 days of unpaid PEL is a minimum standard for decency at work so that employees can take care of their own health needs and/or urgent needs of their family members. Having the flexibility to use PEL to address family needs has grown increasingly important over the last 40 years with an aging population, more women in the workforce, and changing public policies that have moved care from institutions increasingly to community settings. Data from Statistics Canada's Labour Force Survey for Ontario show workers' own illness/disability account for a shrinking share of lost hours (from 84 per cent in 1976 to 54 per cent in 2015) compared with family responsibilities (which increased from 16 per cent in 1976 to 46 per cent in 2015).⁹

As women continue to perform a disproportionate amount of caring for children, seniors, and others in need,¹⁰ it is critical that the Ministry of Labour use a gender-specific lens to analyze access to unpaid PEL. This would be consistent with recommendation 17 of the Gender Wage Gap Strategy Steering Committee that "the government should require all ministries to apply gender-based analysis to the design, development, implementation and evaluation of all government policies and programs."¹¹

In addition to revising the *Employment Standard Act* so that all employees are entitled to 10 day of unpaid PEL, RNAO is on record as supporting accrued paid sick days.¹² While the subject of this submission is restricted to PEL as requested,¹³ considering PEL without the broader context of other proposed reforms, including paid sick days, does seem to be a fragmented approach. What would compensate for this inefficiency is a speedy implementation of option 2 so that all workers would be able to access up to 10 days of unpaid PEL per year.

RNAO recognizes that there is still much work to be done on the Changing Workplaces Review and will continue to provide additional feedback in our next submission. Thank you for considering this correspondence on personal emergency leave and for all of your work on improving legislated protections for Ontario's workers and strengthening Ontario's economy.

Warm regards,

A handwritten signature in black ink, appearing to read "Doris Grinspun", with a long horizontal flourish underneath.

Doris Grinspun, RN, MSN, PhD, LLD(hon), O.ONT
Chief Executive Officer, RNAO

Cc:

Honourable Kevin Flynn, Minister of Labour

Honourable Brad Duguid, Minister of Economic Development and Growth

References

- ¹ Ministry of Labour (2016). Media release: Ontario seeking input to protect workers and support business. Toronto: Author, July 27, 2016. https://news.ontario.ca/mol/en/2016/07/ontario-seeking-input-to-protect-workers-and-support-business.html?_ga=1.142857845.1733902290.1466524140
- ² Ministry of Labour (2016). *Changing Workplaces Review Special Advisors' Interim Report*. Toronto: Author. https://www.labour.gov.on.ca/english/about/pdf/cwr_interim.pdf
- ³ Registered Nurses' Association of Ontario (2015). RNAO's Response to the Changing Workplaces Review: Submission to the Ministry of Labour, September 21, 2015. http://rnao.ca/sites/rnao-ca/files/RNAO_Submission_to_Changing_Workplaces_Review_FINAL_2.pdf
- ⁴ Ministry of Labour (2016). *Changing Workplaces Review Special Advisors' Interim Report*, 12.
- ⁵ "We respect human dignity and are committed to diversity, inclusivity, equity, social justice, democracy and voluntarism." Registered Nurses' Association of Ontario (2015). Mission Statement. <http://rnao.ca/about/mission>
- ⁶ Ministry of Labour (2016). *Changing Workplaces Review Special Advisors' Interim Report*, 211.
- ⁷ Ministry of Labour (2016). *Changing Workplaces Review Special Advisors' Interim Report*, 209.
- ⁸ Ministry of Labour (2016). *Changing Workplaces Review Special Advisors' Interim Report*, 208.
- ⁹ Researchers from Closing the Employment Standards Enforcement Gap: Improving Protections for People in Precarious Jobs (2016). *Personal Emergency Leave: A Research Brief Addressing Options Identified in the Interim Report of the Changing Workplaces Review*. Toronto: Author, 4. <http://closeesgap.ca/news/publications/>
- ¹⁰ Milan, A., Keown, L., & Urquijo, C. (2011). *Women in Canada: A Gender-based Statistical Report*. Ottawa: Statistics Canada. <http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11546-eng.pdf>
- ¹¹ Austin, N., Davis, L., Heyninck, E., & Singh, P. (2016). *Final Report and Recommendations of the Gender Wage Gap Strategy Steering Committee*. Toronto: Ministry of Labour, 45. https://files.ontario.ca/7198_mol_gwg_finalreport_eng_wa_08f.pdf
- ¹² Grinspun, D. (2016). Paid sick days for a fairer and healthier Ontario. *Hamilton Spectator*, February 3, 2016. <http://www.thespec.com/opinion-story/6259946-paid-sick-days-for-a-fairer-and-healthier-ontario/>
- ¹³ Ministry of Labour (2016). Website: The Changing Workplaces Review <https://www.labour.gov.on.ca/english/about/workplace/>