



United Way
Toronto & York Region



C. Michael Mitchell
The Hon. John C. Murray
Changing Workplaces Review
ELCPB 400 University Ave., 12th Floor
Toronto, Ontario M7A 1T7
September 21, 2016

Re: Changing Workplaces Review on Personal Emergency Leave

Dear Special Advisors to the Changing Workplaces Review

We welcome the opportunity to respond to the Personal Emergency Leave (PEL) provisions of the Changing Workplaces Review. We recognize that these comments are being submitted after the official deadline has passed and would appreciate your consideration of this submission nonetheless.

We are submitting this brief with the following recommendations:

- We support the removal of the 50 employee thresholds for PEL (option 2)
- We discourage the maintenance of the status quo (option 1), breaking down the 10 day entitlement into separate leaves (option 3) or a combination of options 2 and 3 (option 4)

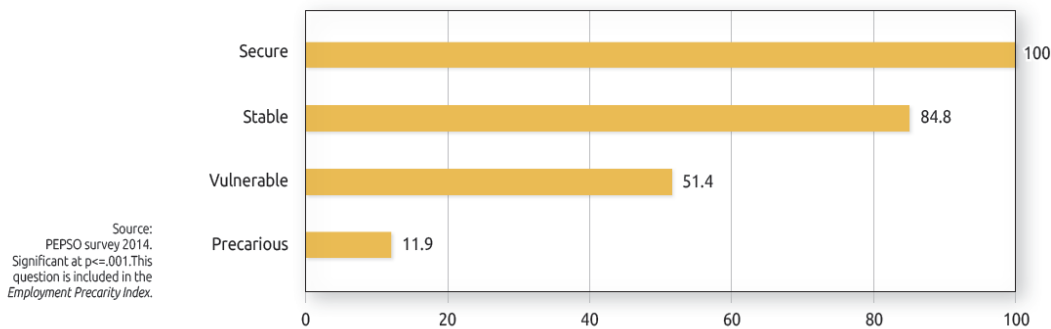
These PEL recommendations respond to issues raised in our work on precarious employment found in our May 2015 report *The Precarity Penalty*—the result of a 2015 survey of over 4,000 working adults in the Greater Toronto Hamilton Area.

Workers in precarious employment have low access to paid leave and job protected leave

Our research shows that 44% of workers in the GTHA today are working in a situation with some degree of precarity. Many people in precarious jobs have a hard time moving into better opportunities. This is in part because they lack access to important supports such as **paid leave**. Only 12% of those in precarious employment were paid if they missed a day's work (Figure 35 below).



Figure 35: Paid if misses a day's work by employment security (%)



Many workers in precarious employment also do not have access to **job protected leave**. These workers are not covered by the Employment Standards Act, either because they are not considered employees or because they are not covered under certain exemptions, such as the exemption on personal emergency leave for workplaces with fewer than 50 employees.

Access to leave plays an important role in helping workers establish a work-life balance. This lack of access to paid or unpaid leave compounds the vulnerabilities that these workers face. Not having access to job-protected leave, let alone paid time off, can compromise a household's ability to cope with unanticipated events, such as a child's illness. This contributes to the higher levels of stress and anxiety reported in *The Precarity Penalty*.

Option 1: Maintain the status quo

We do not support the maintenance of the status quo, as we believe the exemption on small employers compounds the vulnerabilities of those in precarious employment. This is explained in greater detail in the following section.

Option 2: Remove the 50 employee threshold for PEL

We strongly recommend that the 50 employee threshold for PEL be removed. According to Vosko et al, 19% or 971,000 employees do not have access to PEL because the size of their employer's workforce falls below 50 employees.¹ This number does not include an unknown portion of the workforce that does not have access to PEL due to a lack of employment standards coverage due to misclassification as an independent contractor.

¹ Vosko, Leah Andrea M. Noack, and Mark P. Thomas. How Far Does the Employment Standards Act, 2000 Extend and What Are the Gaps in Coverage. Toronto: Ontario Ministry of Labour, 2015.



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In this increasingly complex and insecure labour market, we need more support for workers, not less.

Option 3: Break down the 10-day entitlement into separate leave categories with separate entitlements for each category but with the aggregate still amounting to 10 days in each calendar year.

We discourage the separation of the PEL into separate leave categories. The challenges faced by those in precarious employment tend to make these individuals more vulnerable than other workers. For example, those in precarious employment are more likely to experience anxiety and social isolation due to their employment situation as compared to secure workers, and as such, may require access to more sick days for themselves or their family members than more secure workers. And regardless of employment status, it is already difficult to predict how many days one will need for personal illness versus a child's illness or other urgent family matter. In addition, we believe that breaking down the 10-day entitlement will create a more complex system that will be more difficult to enforce. For these reasons, we believe that workers need the flexibility to use personal emergency leave without specific prescriptions attached to the type of leave and discourage the separation of leave categories under the PEL. We also encourage the special advisors to adopt a holistic approach moving forward and to consider the PEL provisions alongside the rest of the review.

Option 4: A combination of options 2 and 3 but maintaining different entitlements for different sized employers.

We do not support a combination of options 2 and 3 for reasons stated in Options 2 and 3 above.

We thank you again for the opportunity to put forth recommendations based on our extensive research into precarious employment and look forward to upcoming submissions.

Sincerely,

Michelynn Laflèche
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United Way Toronto & York Region