

*Modern Rights for Manitoba  
Workers*

*Canadian Auto Workers Submission  
to Manitoba's Employment Standards Review  
2005  
"Employment Standards for Modern  
Workplaces and Modern Families"*



*January, 2006*

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The National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada) welcomes the Manitoba government's review of the province's Employment Standards Code.

CAW-Canada is the country's largest private sector union. Our 260,000 members, more than a quarter-million workers, are employed in a wide range of Canadian industries and services including auto and auto parts, aerospace, telecommunications, air, rail, road and marine transportation, fisheries, hospitality and many others, including a variety of industries in Manitoba. Some work for very large, multinational corporations while others are employed in workplaces with less than twenty employees.

### **Hours of Work and Overtime**

Employment standards in respect of hours of work and overtime are fundamental to the health and well-being of individual workers, their families and their communities. These standards play a vital role in shaping the larger economy, the costs we bear collectively for a culture of overwork and our capacity for job creation.

Our key concerns in this review:

- current Code provisions must be properly enforced and made applicable to all workers, including those working unpaid overtime on a contract, salaried or on-call basis
- work time variances must not allow for excessive overtime, in keeping with the greater family and leisure time promised by the advent of new technologies and the demonstrated benefits for job creation, health and safety, and community life. The social costs of excessive long hours are mounting and we are losing opportunities for new job creation, the recall of laid-off workers, additional hours for underemployed part-time workers, a safe and healthy work environment for co-workers and healthy communities. Why in the 21<sup>st</sup> century are workers not being provided with an hourly wage and other benefits that give them the real 'choice' of supporting themselves and their family on 40 hours work a week?. Something is very wrong.

## Paid Time for Annual Vacations and General Holidays

We propose that the province move to

- 3 weeks paid vacation after 1 year service
- 4 weeks paid vacation after 5 years
- 5 weeks paid vacation after 10 years.

We also propose that the province adopt both the August Civic Holiday and Boxing Day as general paid holidays.

The average annual paid time away from work is 36.1 days in Europe. In Manitoba it is only 23 days, even assuming the current 3 weeks of paid vacation after 5 years service.

<i>European Union: Annual Paid Time From Work (2004)</i> (agreed time in original member states, including Norway, excl. Switzerland)			
	Paid Vacation (expressed in days*)	Paid Holidays	TOTAL Paid Days
Austria	25 days	+11 days	= 36.0 days
Belgium	20	10	30.0
Denmark	30	11	41.0
Finland	25	12	37.0
France	25	10	35.0
Germany	29.1	10.5	39.6
Greece	23	11	34.0
Ireland	20	9	29.0
Italy	28	12	40.0
Luxembourg	28	9	37.0
Malta	24	13	37.0
Netherlands	31.3	8	39.3
Norway	25	9	34.0
Spain	22	11	33.0
Portugal	24.5	9	33.5
Sweden	33	11	44.0
UK	24.5	9	33.5
* assumes 5 days in vacation week		<b>AVERAGE</b>	<b>= 36.1 days</b>

## **Leave Provisions**

Legislated provisions for leave from work are yet another aspect of providing for adequate time from work on a “whole-work life” basis.

In keeping with the recently tabled Federal amendments to the EI Act regulations on Compassionate Care Benefits it is important that this province immediately amend its legislation to extend leave protections to **other family members including those considered the equivalent of a family member**. Furthermore, **the requirement that there be a “significant risk of death” within 26 week should be eliminated**. The “serious illness or serious accident” provisions in the Saskatchewan and Quebec legislation should be more than sufficient requirements. **An option for a longer leave period is also needed**. Both Saskatchewan and Quebec allow for a 12 week period (extendable to 16 weeks in Saskatchewan, 104 weeks in Quebec).

We want to emphasize the need for other new leave improvements including:

- **One week annual paid leave for training and learning.** An entitlement to employer-paid leave is in keeping with recommendations in the 1974 Paid Educational Leave Convention #140 (ILO).
- **Strengthen the non-discrimination obligations and remove any ambiguities in the parental leave provisions.** The Code’s no-discrimination protections for workers taking parental leave are being sorely tested by some employers who have chosen not to provide employees with notice of training/promotion opportunities while they are on leave, or not to return them to substantially the same position with the same rate of pay.
- **There are compelling reasons to introduce a family responsibility leave provision. Saskatchewan at 12 days and Quebec at 10 days are the preferred models for family responsibility leave, except that such leave should be paid time from work.** Otherwise, workers with the lowest income because of their wage rate, part-time hours or temporary status will be the least able to take advantage of the leave and end up using sick days, vacation time or other personal paid time to cope with family illness, injury, hospitalization, medical appointments, arrangements for elder care or childcare, or sudden disruptions in that care.

## **Minimum Wages**

We also want to emphasize the need to **significantly increase the province's minimum wage, specifically to \$10 an hour**, as most unions and anti-poverty groups in Canada now advocate, with an automatic annual adjustment.

We also want to propose legislation that would require equal pay for work of equal value for part-time workers as well as an entitlement to full and equal benefits for part-time employees with qualifying conditions set at not more than 15 to 20 hours weekly.