

Box 177
Oak River, MB R0K 1T0
January 4th, 2006

Secretary
Employment Standards Code Review
614-401 York Avenue
WINNIPEG, MB R3C 0P8

To the Secretary:

We would like to submit comments for the Employment Standards Code Review. We farmed for over 18 years and had employees when farming. After selling the farm, Vern has worked on pipeline construction, road building construction and for farmers and Anne has worked in an office environment for over 20 years. We have therefore been both employers and employees. We have comments on several areas under review.

1. b) **Salaried Employees**
Salaried employees should be required to sign in and out with their actual working hours on a time sheet as do hourly paid employees. All working time would then be documented. Based on an 8 hr. day/40hr. work week, overtime would be recorded and could be paid the same as an hourly paid employee.
- d) **Managers**
This is a very broad description of a manager as the Manager is not necessarily the employer. Providing a definition of a Manager will not clarify rights or obligations. The salaried employee and hourly waged employee should have equal rights.
2. **Agricultural Workers**
It should be noted that farming (whether family farm, ILO, Incorporated, etc.) is a **business**. As in every other business, the employment standards apply – so should they apply to the agricultural sector. Many farms are incorporated now which basically states that they are a business. Some farms also operate construction businesses, grain hauling businesses, etc. under the farm and do not follow construction wage codes or employment standards code. They also do not contribute to Worker's Compensation or follow Workplace Safety Standards. As agricultural workers are expected to be diversified in their ability to operating semis or sometimes heavy equipment, so should they be covered under all provisions of the Code as they would be with other employers. Why should there be different provisions for business?
4. **Termination Notice**
Termination Notice of a pay-period should be given – regardless of length of service. A financial penalty should not be enforced if the worker has just cause to quit.
5. **Statutory Holiday Pay for Part-Time Workers**
The majority of jobs are now part-time or casual. Eligibility for statutory holidays needs to be changed. If an employee is considered **permanent casual** and works full time when working then the employee should be eligible for statutory holiday pay. Many

part-time employees may never qualify for statutory holiday pay but length of service with an employer should be considered. After one year, an employee should qualify for two statutory holidays pay, after two years – four statutory holidays pay and after three years of employment – all statutory holidays pay whether they worked 15 days out of the previous 30 days or not.

6. Wage deductions

Employers should not be allowed to take additional deductions from a worker's pay. Only regular deductions or benefits should be deducted.

8. Unpaid leaves and Work-life Balance

Bereavement, family responsibilities and illness should be considered as part of the Employment Standards Code.

An appropriate length of time for Bereavement leave for an immediate family member should be considered. This may be hard to establish but one should not be expected to arrange burial, recover and organize an estate in 3 days! A half day should be allowed with pay to attend a funeral service as a pallbearer or mourner.

Maternity and parental leave should each be six months but one parent should not be allowed to take both leaves.

Personal illness days should be considered. A doctor's note may be required after an appropriate time frame – one week – taking in consideration that one must pay a fee for the "note from the Doctor". Two days a month should be allowed with an accumulation of up to 24 weeks.

Family responsibility – time should be allowed for family appointments and sickness. Home care by a family member is sometimes necessary after surgery and there should be time allowed for care of a family member.

We are pleased that the Government of Manitoba is reviewing the current legislation to provide improved protection for workers. We hope that our comments will be reviewed and considered for changes. Thank you for the opportunity to submit comments as the public meeting in close proximity to us was held during working hours and we were unable to attend. We look forward to changes to the Employment Standards Code.

Yours truly,

Original signed by:

Vern and Anne Davidson

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