

November 30, 2005

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

To Whom It May Concern:

Genesis Hospitality Inc. employs approximately 670 employees in Manitoba and 180 employees in Ontario. Being in the hospitality industry we employ many students, youth, part-time individuals and casual employees to fill our heavier demand on the evenings, weekends and holidays. In addition the hospitality industry faces high turnover especially with the university and college students. It is not uncommon to have turnover of over 100%.

In addition Genesis employs many full-time people who have completed 10, 15, 20 or even 25 years of service with our organization. The full-time employees fill a role of the Monday to Friday 7:00am – 3:00pm shift which generally requires less workers. The students and youth play a very important role of working the evening, weekend and holiday shifts.

The student employee faces two challenges and Genesis has to maneuver around the cycles of the student schedule. First in the Fall, late August and the beginning of September many students decide to move on to a new level of education so they re-locate to another city, which means we need to hire more people to replace their shifts. Secondly they begin a course load that has heavier demands on their time, which is fantastic on their behalf of betterment, but on the flip side then the student employee wants less hours or very specific shifts to work around their school calendar, which in turn means we need to hire more part-time employees.

The next student employee cycle begins in the Spring late May and June when University and college students end their semesters. Our long list of part-time student employees takes on another dynamic shift. First some employees locate positions in their career path and secondly some employees see the long list of part-time people on the schedule and realize they need to acquire more shifts or full-time work to supplement their student savings for the next semester. So many students leave in the Spring and that again forces us to hire another set of employees.

You may say why bother with student employee at all, today more than ever there are fewer people available to work. After posting a help wanted advertisement only a few applicants may apply, for some job postings, we have had zero applicants. There is no abundance of potential employees just waiting to fill the void, in addition the student employee prefers to work those evening, weekend and holiday shifts to help supplement their tuition and living costs.

At the end of the day we need part-time employees that are ready and available to work evenings, weekends and holidays the time when our business flourishes, which will continue to mean high turnover rates.

These are my opinions on the Employment Standards Act;

1. Hours of Work and Overtime

a) Hourly Workers

The current process of issuing an hours of work variance is suitable and I would not recommend any changes to this procedure. I would recommend that the work week be extended to 44 hours per week and that overtime not be paid until 44 hours per week is reached, much like the Ontario Employment Standards.

b) Salaried Employees

I do not believe there needs to be any changes to the salaried employee provisions.

c) Incentive Based Workers N/A

d) Managers

Yes, I believe there should be a definition for manager but I do not believe it such vary much from the definition of salaried employee.

2. Exclusions from the Code N/A

3. Promoting Compliance

Manitoba should not change the enforcement tools under the Code.

4. Termination Notice

I do not believe the termination notice needs to be changed, especially once an employee has given notice their work efforts drop drastically and their absenteeism increases, having a poor performing employee around longer than two weeks deflates morale, increases fellow employee workload and generally causes great concern whether the employee will actually show for their scheduled shift. Two weeks is fair for both employer and employee.

We have never withheld a financial penalty for failing to provide proper notice, if the employee worked those hours they are entitled to that pay.

5. Statutory Holiday Pay for Part-Time Workers

Manitoba should not change this eligibility requirement as this will have tremendous financial impact upon the hospitality industry. Some of the busiest days are holidays and it is a known fact that people go out to celebrate and dine on those holidays. If any change is made it would be to exempt the hospitality industry from paying any additional benefit for working on the statutory holiday.

6. Wage Deductions

I do not believe there should be any changes to Code for wage deductions. When an employee is short cash on their sales report for their shift, this is the perhaps the only way for the employer to recapture what revenue has not been properly remitted by an employee. I am adamant that the wage deductions code is sufficient and should not be changed. There is a process if an employee does not agree with the wage deduction.

7. Employment of Children N/A

8. Unpaid Leaves and Work-Life Balance

I do not believe the Code should be changed to provide more unpaid leaves, we have no issue with our employees and we are a very compassionate and forgiving employer. In many cases there is difficulty in hiring and scheduling enough employees adding to this would be allowing more unpaid leaves. With many employees having come from split and broken families' one employee may have a father / mother and two or three- step fathers / mothers plus an extensive list of grandparents, adding to this portion of Code has farther and greater impact than anyone can imagine.

Sincerely,

Kevin Swark – CHA  
Executive Vice President  
Genesis Hospitality Inc.