

The Manitoba Government and
General Employees' Union (MGEU)
Presentation to
The Labour Standards Code Review

Delivered by MGEU President Peter Olfert

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- Thank you for the opportunity to speak to you this evening.
- Like many who have spoken on these issues already, let me commend the government for undertaking changes to Employment Standards legislation.
- With the exception of minor changes over the years, the Act hasn't been updated in a meaningful way since the early 1970s. With the futures of so many workers at stake, it's time we addressed the inequities that have surfaced in the past three decades.
- Manitoba's workplaces are not the same as they were back in the 1970s, and the changes to Employment Standards legislation must reflect these new realities.
- For example, more and more individuals coming into the job market are forced to juggle several part-time jobs to make ends meet for their families.
- Let me be clear: these workers deserve access to the pro-rated benefits, vacations-with-pay, and statutory and general holiday entitlements that so many full-time workers enjoy today.
- Part-time workers have contributed, through their labour and efforts, to the success the province has experienced in the past three decades.
- Unfortunately they are at the mercy of employers who are determined to reduce costs by not offering pro-rated benefits. They deserve fairness, and that's what we must deliver in this legislation.
- Companies like Wal Mart, for example, tailor the majority of workers' schedules to ensure they do not work enough hours to qualify for benefits or entitlements.

- While this may be an example of a large multinational company, this same practice takes place regularly at Manitoba companies looking to cut corners and pad the bottom line at the expense of workers.
- MGEU, like other unions, has been able to fight for workers to ensure fairness, but for the 65% of workers in the province who are not currently unionized – this legislation is their hope.
- I know the business lobby will fight this, but it's time to send a message to workers that they are valued and their needs matter, too.
- The same can be said of sick leave – how can we, in good conscience, say to workers that getting sick is not an option.
- How can we, a community built on the values of health and public access to health care, allow ill health to determine whether one can meet the rent, pay the bills, or provide for their families.
- But outside of a unionized workplace, sick leave is anything but guaranteed.
- The reality is that people get sick, they injure themselves through no fault of their own, and yet still there is no security of employment. Again, workers are at the mercy of employers.
- I'd like to add that these are fairness issues first and foremost but I'd also argue that they are recruitment and retention issues, as well.
- We've heard over and over that businesses can't compete in the current climate, that taxes are too high, that they can't find enough workers, etc.
- One thing they won't say is that more competitive wages and access to benefits that most workers already take for granted is

a persuasive way to get workers to live and work in this province.

- Another aspect of the legislation that must be carefully addressed is the prevalence of unpaid “call in” work. A number of workers, and particularly part-time workers, are asked to come in for short shifts “just in case”.
- It has come to our attention that some employers circumvent the minimum three-hour “call-in” credit by pressuring the employee to go home before the three-hour period has been worked.
- The Labour Board has ruled that this is a voluntary action by the employee and removes the obligation of the employer to pay the minimum three-hour call-in penalty. It is anything but “voluntary” since if employees do not agree to go home early, they are not called in for future shifts.
- Often the workers who bear the burden of this kind of activity are immigrants or young workers who feel vulnerable to being let go if they do not comply with these practices. They need the protection that stronger legislation will bring.
- We’d also like to see changes where vacation is concerned. Currently, workers in Manitoba are entitled to two weeks of paid vacation per year after one year of continuous employment with the same employer and three weeks of vacation after five years.
- This should be increased to three weeks after one year, four weeks after five years, five weeks after ten years and six weeks after twenty years of service. This vacation entitlement should not be affected by a change of ownership of the workplace.
- And part-time workers should be entitled to the same increase of vacation time and pay using the appropriate calculation

formula, without losing entitlement to seniority accrual and entitlement to EI benefits.

- General Holiday pay should be calculated and pro-rated based on the average daily number of hours worked in the four weeks preceding the week of the general holiday. The requirement that an employee work at least 15 days in the prior 30 days to be entitled to General Holiday pay should be repealed.
- And finally, farm workers seem to fall outside the parameters of Employment Standards legislation. Why are there laws to protect other workers and not farm workers?
- There may be challenges and methods of operation that are unique to agriculture but there is no justification for these workers to be treated any differently.
- It was only recently that farm workers were brought into the Workers Compensation system after years of neglect. It's time they were brought in to Employment Standards legislation, as well.
- The argument used to be that these were mainly family farms and that family members shouldn't be included in the legislation. The reality today is large scale, industrial enterprises and in addition, huge confined livestock operations.
- They deserve the rights and protections other workers are afforded.
- In conclusion, I would like to suggest that employers be more involved in making their workers – and particularly new workers – aware of what their new rights in two ways:
 - the first is by making the Employment Standards Act available in workplaces; and
 - ensuring all new workers get a copy of the legislation.

- Unions make information about workplace rights available to new members. But, when it comes to new hires who are not part of a union, they are largely left in the dark when it comes to what their rights are.
- Let's make this educational portion of the new legislation mandatory to ensure workers know when they are being mistreated.
- Thank you very much.