

Good morning,

I would like to provide the following suggested changes to the Manitoba Employment Standards in order to better meet the needs of the changing workforce.

As a working mother with young children, I find the stress of dealing with both family and work responsibilities to be a difficult juggling act, and I am hearing the same thing from most people with families where both parents work full time (which seems to be the norm these days). I believe strongly that the Code needs to be revised to help families to cope with the demands of work and home life, and offer the following suggestions:

1. Hours of work and Overtime

(a) I believe the process for issuing hours of work variances should be simplified and demystified since there are many families in today's workforce where both parents work full time. If the employee and employer are in agreement to provide flex hours daily or changing the employee's hours of work in order to better suit their family obligations (averaging), it should be approved. Perhaps a standard agreement or form could be developed that could be printed from your website and signed by both the employer and employee and mailed to the Director to keep on file.

(b) I think the Code should have specific criteria included to determine if a salaried employee should be paid for overtime worked or not, and there should also still be restrictions on the number of overtime hours worked that are to be included in the salaried wage. I know several young mothers who took management positions and were told on hiring that overtime would be expected only during certain peak periods of the year. Instead the overtime worked became an almost daily occurrence, as well as some weekends. I think this is unfair since working parents only have a few hours in the evenings and 2 days to spend with their children, plus complete all their household chores. If employers had to pay overtime rates after the maximum number of overtime hours per week were reached for Management staff, I think they would think twice about requesting or expecting unrealistic amounts of overtime to be worked.

(c) I believe these types of workers should also be protected from being expected to work an unrealistic number of hours.

(d) A definition of "manager" should definitely be included in the Code, and perhaps also a minimum wage for managers with unpaid overtime.

2. Agricultural Workers

I do not have any experience in this area, therefore I do not feel I can make any recommendations on this topic.

3. Promoting Compliance

Enforcement tools should include penalties based on the type of violation, which would help ensure that worker's rights are protected. I think there are workers out there who know that their employers are not in compliance with the Code, but don't want to "rock the boat" for fear of reprimand or losing their jobs. I think the requirement to post Employment Standards in the workplace is a good idea.

4. Termination Notice

I definitely believe that termination notice period requirements should be based on years of service. A long term employee should receive a longer notice period (a pay in lieu of notice) than an employee who has been with the employer for less than a year.

5. Statutory Holiday Pay for Part Time Workers

I think the 15 out of 30 rule is unfair and should be modified. Perhaps a percentage of the hours worked in the 2 or 4 weeks prior to the stat should be used to calculate part time stat pay.

6. Wage Deductions

If the employee agrees to the deduction and signs an agreement or form to have this deduction made from their pay, it should be their decision to make. I don't feel it is the employer's place to determine if an employee should be allowed to have certain deductions made to their pay, if the employee requests the deduction.

7. Employment of Children

I think the more clear the rules are, the easier they are to follow. The industries or occupations children are not allowed to be employed in should be outlined and children under 12 should be prohibited from being employed. If children under 12 are not permitted to babysit, why should they be able to work in another industry?

8. Unpaid Leaves

In order to help with increasing family and work demands, I believe unpaid leaves for family responsibility, emergencies and bereavement should be legislated. I believe that paid sick time for children should also be legislated. There are many families where the parents do not receive paid sick time off when their children are ill and do not have the family support to have someone else look after their children when they are ill. Many families have difficulty with the burden of losing a week's worth of wages if their children are sick with a flu. The same can also be said of families with aging parents who need assistance with activities of daily living (getting to & from appointments, etc) or illness.

If the changing needs of working families are not addressed, there will continue to be increased sick time, stress and sick leaves and problems retaining and recruiting long term employees.

If our family's and children's needs are not met and work comes first in our lives, it will have a definite negative long term impact on not only the future of our children and families, but also employers and society as a whole.

Thank you for the opportunity to provide feedback on the Employment Standards Review 2005.

Sincerely,

Julia Peemoeller, CGA
Payroll Coordinator
St. Boniface General Hospital