

**Presentation to Employment Standards Review
UN Platform for Action Committee Manitoba (UNPAC)
January 16, 2006.**

Who we are

The UN Platform for Action Committee (UNPAC) was established in 1995 after 45 Manitoba women attended the United Nations Fourth World Conference on Women in Beijing. Representatives from the Government of Manitoba also attended these meetings. By the close of the Conference, 189 countries, including Canada, voted unanimously to adopt the Beijing Declaration and Platform for Action reflecting a new international commitment to the goals of equality, development and peace for all women everywhere.

Since 2001 UNPAC's work has focused on the area of Women and the Economy, one of the Platform for Action's 12 Critical Areas of Concern. Through our website <www.unpac.ca> and our video *Banging the Door Down: Women and the Economy* video/DVD, we continue to promote women's economic literacy in Manitoba while advocating for economic equality for women in Manitoba and internationally. UNPAC is currently working in the area of Gender Budgets – a tool used around the world to examine the impact of government budgets on women and girls as compared with men and boys. We are facilitating participatory workshops for women across the province educating them on the provincial government budget process while consulting them on their priorities for government spending and revenue. We are also lobbying the Government of Manitoba to make gender analysis an integral part of the budget process in order that the budget may promote women's economic equality rather than exacerbate women's inequality.

Background

Women's experience in the workplace is key to women's economic situation. Yet women still face extensive employment-related discrimination.

1. Women still earn less than men. On average women earn 64 cents for every dollar earned by their male counterparts. As full-time workers women earn 73 cents for every dollar earned by men.

At the bottom end, women are more likely to be found in the lowest paid jobs which include sewing machine operators, food servers, cashiers, and domestic workers. According to Statistics Canada women outnumber men in all of the lowest paid occupations in Canada except service station attendants. Women make up two-thirds of minimum wage earners.

At the top end, only as judges do women come close to earning what their male counterparts in the same profession earn. In the other nine highest paid occupations in Canada, which include senior managers, dentists, and physicians, women earn as low as 56% of what men in the same occupation earn.

2. Women's work is more precarious. According to Statistics Canada over 40% of female workers work in non-standard types of employment including casual, temporary and part-time work, self-employment and holding multiple jobs. This includes tele-work, the restaurant and hotel industry, the garment industry and domestic work. A home care worker quoted in the Just Income Coalition's recently released "Paid to be Poor" report says:

"The home-care scheduling policy imposes gruelling days on single parents like myself. My day starts at 5 a.m. when I take my son to my aunt's house so that I can get to my first client's home at 6 a.m. Because we may be scheduled to work a few hours in the morning and again in the evening, I often have to be away from home for eleven hours a day, only to be paid for six hours of work."

Women living with disabilities face similar challenges; while many people with disabilities are able to engage in paid work, they may require a more flexible workplace. As a result, self-employment – which has no benefits and less job security – is often the only option available to many women living with disabilities.

3. Women still bear the largest responsibility for child rearing. Manitoba has no universal childcare program and only enough licensed childcare spaces for 14% of our province's youngsters leaving many mothers in precarious situations. Many women must "choose" to work part-time or in flexible jobs, work which tend to be lower paying, in order to be able to manage their full-time unpaid work of raising the next generation. Women make up two thirds of part-time workers, most of whom have no rights to benefits.
4. Women still face discrimination and harassment in the workplace. Because of women's caregiving responsibilities and their frequent dependence on low-paying jobs, they are more vulnerable to workplace harassment. This vulnerability is compounded for racialized women, Aboriginal women and women living with disabilities.
5. Women face many extenuating challenges that affect their ability to perform equally in the paid labour force. Lack of affordable, quality, safe, accessible housing – which we have heard as the number one concern in every single workshop with every group of women across the province – is at the top of the list. How can one look for a job when one's whole sense of security is threatened by lack of a safe place to live? Other issues include lack of a comprehensive childcare system, transportation challenges - felt most deeply by those in rural areas and small towns, limited education and training opportunities - again, felt most deeply by those living outside of large urban areas, and an EI system that is sorely lacking. While maternity benefits have been increased federally to one year, this affects only those women who actually receive benefits – 61% in 2001 – and those whose income is high enough that they can afford to live off 55% of it.

Women are too frequently caught in a deadly downward spiral. Availability of housing, childcare, transportation, and training and educational opportunities has a profound impact on the job opportunities available to women, particularly those who are vulnerable because of economic status, race, ability and educational status. Women end up in low-paying, low-status, part-time jobs because of these challenges; however, in turn their access to housing, childcare, education and other services is dictated by being in low-end jobs. An astonishing 20% of Manitoba women are living in poverty. Certain groups including single mothers, seniors, Aboriginal women, women living with disabilities and immigrant women experience poverty much more frequently and deeply. Changing employment standards is not the only solution to this situation; however, the changes we recommend are an important step in the process of creating equality for all Manitoba women.

Recommendations

The following recommendations seek to improve women's situation in the workplace and, therefore, increase women's economic equality in line with promises made under the Beijing Declaration and Platform for Action.

1. Pro-rated benefits, including statutory holiday pay for part-time workers, should be introduced and should apply to all part-time workers and all hours worked, with no exceptions. This will dissuade employers from hiring part-time and casual employees in order to avoid paying benefits. Extending pension coverage for all workers should be considered at the same time (although we recognize that this issue falls under different provincial legislation).
2. All workers must be included in the Employment Standards Code. This includes all agricultural workers regardless of the size of their workplace, domestic workers including those who come under Canada's Live-In Caregiver Program, and those who are self-employed.
3. Minimum wage should be increased to 60% of the average industrial wage and indexed to increases in the average industrial wage in order that minimum wage earners may benefit from economic growth and be protected from inflation. Minimum wage rates should be encoded in Employment Standards and removed from the time-consuming and costly political arena in which they are currently debated. Minimum wage should do what it was created to do which is ensure that workers are protected from poverty and wages that are too low to survive on. As such minimum wage should provide a living wage.
4. Employers should be required to provide more flexible working hours such as work hours standardized to children's school days, shorter work weeks and job sharing possibilities. People living with disabilities would benefit from such arrangements as while many are able to contribute to society through paid work their contributions are frequently compromised by not being able to fit into the standard work week. Parents would of course also benefit from such

- arrangements as well as an option for them to return to their former job part-time rather than full-time after their year of parental leave is complete. More flexible working hours and more flexibility around parental leave will also help encourage more men to take an active role in child rearing which will in turn challenge gender stereotypes and promote better relations between women and men within families and across society at large.
5. There should be no time worked requirement placed on eligibility for parental leave. This provides further protection to parents, especially mothers who frequently find themselves without enough qualifying hours.
 6. There should be an allowance for more paid and unpaid leaves, including to part-time workers, in order to accommodate people with disabilities as well as parents and other caregivers.
 7. Because women's and men's occupations still tend to be segregated, equal pay for work of equal value does not necessarily translate into equal wages. The concept of equal pay can be interpreted narrowly, therefore, it is important that the definition be broader. One format currently used rates criteria such as skill, effort, responsibility and working conditions across all sectors in an establishment. Pay equity should also be expanded into the private sector through the Employment Standards Code. While the public sector has long been a source of well-paying, quality, stable employment for women, most women work in the private sector where wages are lower and benefits not as certain. This reality increases as governments downsize sending more women into the private sector.
 8. Workplaces must provide supports that workers need. Childcare facilities should be more available at workplaces. English as a Second Language classes should be available free of charge to all immigrant workers and their families. According to Canadian law employers have a duty to accommodate persons with disabilities and to create barrier-free workplaces that provide equal employment opportunities for people living with disabilities. Costs for these supports should be born by large employers though government supports should be available to small business owners for whom costs are prohibitive.
 9. Hours for part-time workers need to be regulated. Many part-time workers face constant fluctuation in their work hours and receive inadequate notice for changes in hours. In order to reduce additional stress in the lives of low-wage workers and their families, work schedules should be posted one week in advance and existing part-time employees should be granted right of first refusal on additional hours that become available before new employees are recruited.
 10. There should be a more standardized practice for informing workers of their rights including a vigorous education campaign. Employment rights should be included in school curriculum and ESL classes, employment standards officers should visit schools to inform students about their workplace rights, and school counsellors

should be informed of workers' rights so they are prepared to answer questions. In addition, the Employment Standards Code should be translated into plain language and into all languages used by Manitoba workers today. Particular attention must be paid to those working in non-standardized workplaces who are already in vulnerable positions and whose rights are frequently violated. Employers should be required to post, in prominent places in the workplace, a statement of the rights of workers and the obligations of employers regarding all aspects of the jobs. ESL classes should include discussions on the rights of workers, employment standards, health and safety standards, and the right to join trade unions. Alongside the education campaign, there should be more comprehensive and accessible provisions available to those whose workplace rights have been violated including those who have experienced sexual harassment. Anonymous reporting, including third-party reporting, is one part of such a process.

11. There should be more meaningful penalties for employers who violate Labour Standards in order that workplaces across Manitoba can improve across the board. This may include more education to inform employers of their responsibilities to employees.
12. Finally, we recommend that gender-based analysis be used in all development and application of the Employment Standards Code in order to ensure that women and men benefit equally from the protections offered by the Code.