

## Employment Standards Code Review Input

I am a working individual who was under the misinformed impression that all workers have rights and protections through the government. I was working for a company that was mistreating its employees, and like most of my co workers, I thought when these abuses of power were happening, that all we needed to do was call the labor board and report it, and that would be the end of it.

However, upon doing this I found out that there was nothing the labor board could do, because there basically is no employment standards. I went to a worker's rights office, that provides assistance and advocacy for people who work in non unionized workplaces, like I did. The staff there informed me that the difference between the 1930's and today, is that in the 1930's workers knew they didn't have any rights, we still don't have any rights today, however the difference is most people are under the impression that they are protected by the government until something unjust happens to them. For example, most people are under the impression an employer must give you 2 fifteen minutes breaks, and a half hour lunch break in an 8 hour work day, when they are only required to give you a half hour break, for every 5 hours worked.

I found the people at this worker's right office, which is sponsored by the Canadian Union Of Postal Workers to be very helpful. Upon interviewing the staff from this office, I found the people to not be a stereotypical "employees vs. the employer" mentality. In fact they told me that if the governments provided adequate protection for employees, we wouldn't even necessarily need unions.

The company I worked for, [REDACTED], where I worked for 2 years, fired almost 80% of the staff over the 2 year period I worked there. They did not fire people due to downsizing, but they fired people at the drop of a hat and anyone who disagreed with things that went on there was promptly fired. I was also threatened with termination, however I quit before that happened.

[REDACTED] would fire people and not give them a reason, which the labour board told me an employer doesn't need a reason to fire someone. And when I am referring to being fired I mean random firings where an employee is not even made aware that there is an issue or a problem. People were not given reasons. If anyone at work questioned why all the firings were taking place, because everyone fired was replaced by someone new, we were told "its all confidential, and there is a good reason for all of it".

So random firings which created such an element of fear, because you never knew who was going to get turfed next. We were also forced to sign a confidentiality agreement saying we would not disclose our wage to anyone as it was grounds for termination. I personally was making \$10.75 an hour, when I started working there we did not have the confidentiality agreement and everyone knew how much everyone else made. After this confidentiality agreement came out, people eventually started comparing notes and finding out there was a reason the employer didn't want anyone disclosing their wage because there were huge discrepancies between what employees were making. One staff member who had been with the company for 3 years found out she was making less than someone who had just been hired and was working in the same job as her.

This company also told the staff that if anyone was ill for a day, that they must provide a doctor's note, even if it's for only one absence in a year. They told us that a regular doctor's note was not acceptable, and that we had to provide a doctor's note which had a reason for our absence. When we told our employer that our doctors said that they are not required to give that information due to the privacy act, the employer told us "we as staff, must waive our right to privacy, and authorize a doctor to disclose this information to the company, via a doctor's note." This company did not pay people if they were absent, so I don't know why they felt this was necessary, but they did tell us that anyone who brought in a standard form doctor's note, would be considered to have not provided a doctor's note.

A single mother who worked for the company and had to miss a day because her daughter was sick, was required to bring in a doctor's note saying what was wrong with her daughter. My doctor said that they are not required to disclose someone's personal health information and a standard doctor's note is acceptable, and in fact all they need. When I contacted the provincial ombudsman about this he agreed that what they were doing was wrong, however he told me "there is no law saying they can't do that, and no law saying they can" so the provincial ombudsman told me there was nothing he could do. However, if someone was to challenge this with the employer, they could be fired.

The company also had many, many rules and regulations such as punishing employees by reducing their hours when they saw fit. Some staff came into work and had their hours reduced from full time status to 4 hours per day for a month, as punishment, without any warning. There were a lot of single parents working at this company, so if the employer is reducing your hours by half for a month that can be a hardship on someone, and unnecessary when in fact there was a lot of work to do at the company.

I found the issue regarding doctors notes to be excessive, also because if I am sick because I have a flu, I don't necessarily need to go to a doctor, because I know what to do to get over a flu. All of these mandatory trips to the doctor are putting an unnecessary burden on the health care system. For example, someone who suffers from migraine headaches would not need to go to the doctor every time they had a migraine, and their doctor would probably agree. Nor would someone who had a cold need to go to the doctor every time they had a cold, but the employer required us to or we would be fired. I don't think the government wants everyone in Manitoba to go to the doctor every time they get a cold or a stomach ache.

The company I worked for also starting sending staff home early on a regular basis, a lot of times people only worked 3 or 4 hours of a scheduled 8 hour work day. They said it was due to a work shortage, but then they hired 30 or more people to staff another department, when they could have easily just transferred people. The company did regular changes to the schedule, I was hired as full time days, they later started changing shifts around without notice and I was working a variety of shifts. They said that people needed to be available between the hours of 7am to 11pm. So they moved my shifts all over the place and then reduced my hours by sending me home early, however I couldn't get another job because my employer was requiring me to be available for any hours between 7am to 11pm.

I understand that companies need people to work a variety of shifts, but when employees are put in positions where they have no say in what hours they will be working is unfair. There were a lot of people who wanted to work just days, there were a lot of people that wanted to work just evenings. However they moved everybody around, which puts anyone's family life and child care arrangements out of whack, because people were often informed of their new schedule a week before it came out or less, and staff were told "work it or you are fired".

It makes common sense that if employees are working the shifts that they would prefer, that they would be much happier. I believe there should be some kind of legislation that protects employees with having a say in the shifts they work. In a healthy business arrangement, employees are in partnership with their employer, and want to have a work schedule that mutually satisfies. To put an entire staff on a rotating, random shift, and expect them to have their life to revolve around this, when the schedule changes every two weeks at random, and when you find out what hours you'll be working is like a roll of the dice, I do not believe is fair.

The flip side to this is that, as I stated, staff members had wanted a regular, permanent shift and would have preferred to work either straight days or straight evenings. Given the opportunity, the staff themselves would have been able to come up with a better arrangement, but the employer wouldn't let us. The cost to this sort of thing is broad reaching as it effects families, single parents, children, a person's mental and physical health and productivity, job satisfaction, and general happiness with life.

I appreciate your time, if you want to verify anything I've told you about this employer; [REDACTED], I suggest you check the Employment Insurance file for this company and see how many people who worked there have had claims with EI, this might also emphasize how much a bullying employer costs the system.

Sincerely,

Original signed by:

T. Walker