



**RNAO's Response to *Bill 148:*
*Fair Workplaces, Better Jobs Act, 2017***

Submission to Standing Committee on Finance
and Economic Affairs

November 3, 2017



Summary of RNAO Recommendations

RNAO supports, in the strongest possible way, Bill 148's amendment to increase the general minimum wage to \$14 per hour on January 1, 2018 and to \$15 per hour on January 1, 2019 with annual inflation adjustment on October 1 of every year.

Recommendation 1. Remove the proposed amendment of sub-minimum wages for students and liquor servers.

Recommendation 2. Amend subsections 50 (5) of the ESA to read:

(5) An employee is entitled to take a total of seven days of paid leave and three days of unpaid leave under this section in each calendar year.

Recommendation 3. RNAO encourages the committee to carefully consider recommendations on scheduling and strong equal pay protections as identified by the joint submission of the Workers' Action Centre, Parkdale Community Legal Services, and Fight for \$15 and Fairness.

Introduction

The Registered Nurses' Association of Ontario (RNAO) is the professional association representing registered nurses (RN), nurse practitioners (NP), and nursing students in all roles and sectors across Ontario. Since 1925, RNAO has advocated for healthy public policy, promoted excellence in nursing practice, increased nurses' contributions to shaping the health system, and influenced decisions that affect nurses and the public they serve.

RNAO appreciates the opportunity to provide additional feedback to the Standing Committee on Finance and Economic Affairs on Bill 148, *An Act to amend the Employment Standards Act, 2000 and the Labor Relations Act, 1995 and to make related amendments to other Acts or the Fair Workplaces, Better Jobs Act, 2017*. As nurses, we see firsthand the devastating consequences of low wages and precarious work on people's health and wellbeing.

Fair Workplaces, Better Jobs = A Healthier Ontario

As noted in RNAO's July 21, 2017 initial submission to this Committee, transformative changes in the nature of work require a bold legislative response.¹ It is imperative to act now with the recommended legislative changes in Bill 148 as the health of those struggling to survive is being compromised every day while sub-standard employment continues to grow in our province.^{2 3 4} Furthermore, it is unjust that those who are female, racialized, Indigenous, recent immigrants, and/or dis/abled disproportionately bear the burden of living in poverty.^{5 6 7 8} Since the time that the Committee convened over the summer, the release of 2016 Census data confirmed that total income was 25 per cent lower for Indigenous Canadians than non-Indigenous Canadians, 26 per cent lower for visible minorities than non-visible minorities, and 37 per cent lower for recent immigrants (many of whom are also visible minorities).⁹

RNAO has the following recommendations to further strengthen Bill 148:

Section 23.1 *Employment Standards Act (ESA) Minimum Wage*

RNAO supports, in the strongest possible way, Bill 148's amendment to increase the general minimum wage to \$14 per hour on January 1, 2018 and to \$15 per hour on January 1, 2019 with annual inflation adjustment on October 1 of every year.

Furthermore, RNAO urges the following:

Recommendation 1. Remove the proposed amendment of sub-minimum wages for students and liquor servers.

Rationale: Increasing the minimum wage to \$15 per hour and enforcing fair labour standards for all workers strengthens the possibility of good jobs that serve as a pathway out of poverty. Other jurisdictions that have announced regulatory increases to a \$15 per hour minimum wage include Alberta,¹⁰ New York City,¹¹ Los Angeles County,¹² and California.¹³ The minimum wage must apply equally without exemptions by age or sector. Ontario is the only province/territory that permits employers to pay a lower minimum wage to young workers.¹⁴ The vast majority of jurisdictions in Canada (except for British Columbia, Ontario, and Quebec) do not allow a lower wage for those who serve liquor.¹⁵

Section 50 *Employment Standards Act* (ESA). Personal Emergency Leave

RNAO fully supports the amendment to extend Personal Emergency Leave (PEL) to all workers, not only employees of employers who regularly employ 50 or more employees. Furthermore, RNAO urges you to:

Recommendation 2. Amend subsections 50 (5) of the ESA to read:

(5) An employee is entitled to take a total of seven days of paid leave and three days of unpaid leave under this section in each calendar year.

Rationale: As Ontario is the only jurisdiction to have an employee-size (50+) eligibility threshold for PEL, RNAO fully supports bringing the province in line with other jurisdictions to ensure basic fairness for employees.¹⁶ Currently, PEL is unpaid, job-protected leave that can be used by employees for their own personal illness, injury, and medical emergency or for the death, illness, injury, medical urgency or urgent matter concerning specified family members.

RNAO urges that the number of paid PEL be increased from two to seven days. This would support the health of individual workers and their families^{17 18} and help them cope with bereavement and other urgent family matters.

Close loopholes to ensure decent work

In our initial submission, RNAO encouraged the Standing Committee on Finance and Economic Affairs to be particularly attentive to testimony of those with lived experience of being marginalized and their advocates.^{19 20 21} Amidst ongoing predictions by business interests of catastrophe at the prospect of updating archaic labour laws,^{22 23 24} it is imperative to listen to those who can speak directly to the incredible human, social,

and economic toll that the current legislative regime is exacting. Those who are marginalized do not have the same resources to speak as loudly as commerce but their concerns must be equally and fully considered.

To this end, RNAO was concerned to learn about amendments adopted by the committee in August 2017 that weaken meaningful protection for employees. For example, in the context of scheduling rules, the introduction of employer loopholes that enable exceptions and ambiguity about the nature of an "emergency" and "weather-dependent" terms erodes the purposes of having scheduling rules.²⁵ Instead of shifting the financial risks to employees through a patchwork of exceptions open to interpretation, there must be a floor of minimum standards.

Recommendation 3. RNAO encourages the committee to carefully consider recommendations on scheduling and strong equal pay protections as identified by the joint submission of the Workers' Action Centre, Parkdale Community Legal Services, and Fight for \$15 and Fairness.²⁶

RNAO also urges that any unintended consequences of this legislation be swiftly addressed. For example, there is a need to ensure that injured workers not have their Workplace Safety and Insurance Board (WSIB) benefits reduced when the minimum wage goes up.^{27 28}

RNAO believes that Ontario can be that healthier and better place with the passing of a strengthened and strongly enforced *Fair Workplaces, Better Jobs Act, 2017*. Please know that nurses are unwavering in our commitment to achieve this goal.

Thank you to the Standing Committee on Finance and Economic Affairs for considering our comments and recommendations.

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