



TOP 40 UNDER FORTY

JOB & CAREER F
TOP EMPLOYERS HIRING QUALI

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The Issues



Reform of Labour Policies has been on the legislative agenda for several governments in recent years.



The last time the Labour Relations Code and Employment Standards was amended was in 1988



It is important that outcomes maintain a level playing field between employers and employees to ensure economic growth, business viability, and that democratic freedoms are respected.



The Government is seeking feedback on Employment Standards and Labour Relations



Employment Standards Code

The *Employment Standards Code* establishes the minimum standards for all employment relationships under provincial jurisdiction and applies to the majority of workers in Alberta. This Code provides Albertans with rights and protections through standards on hours of work, overtime, general holidays, special leaves, vacation and more.

The government is looking to make changes to the Employment Standards Code in 5 primary areas.



Job Protected Leaves: Changes to current leaves and establishment of new leaves.



Compressed Work Weeks



Youth Employment Standards.



Administration and Enforcement



Permits

Job Protected Leaves

This refers to policies that deal with work-life balance and flexibility in the workplace. At present, Alberta offers the least number of job-protected leaves of any province or territory. The Government is asking if more kinds of job-protected leaves should be offered in Alberta and if adjustments should be made to current leaves to make them more accommodating.

Job-Protected Leaves Current

- Maternity
- Parental
- Reservist
- Compassionate Care

Job-Protected Leaves - Potential

- Critically-Ill Child
- Death or Disappearance of a Child
- Family Responsibility/Personal Emergency
- Bereavement
- Jury Duty/Court Leave
- Organ Donor
- Citizenship
- Run for Office
- Work-related Injury
- Minor sickness or injury
- Wedding
- Emergency Leave (Gov't Declared)
- Domestic Violence

Family Friendly Standards in Canada

	AB	BC	SK	MB	ON	QC	NB	NS	PEI	NFLD	YK	NWT	NU	Canada	Total Jurisdictions
Maternity	X	X	X	X	X	X	X	X	X	X	X	X	X	X	14
Parental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	14
Reservist	X	X	X	X	X	X	X	X	X	X	X	X	X	X	14
Compassionate Care	X	X	X	X	X	X	X	X	X	X	X	X	X	X	14
Critically-Ill Child			X	X	X	X	X	X	X	X	X			X	10
Death or Disappearance of a Child			X	X	X	X	X	X	X	X	X			X	10
Family Responsibility/ Personal Emergency		X	X	X	X	X	X	X	X	X					9
Bereavement		X	X	X	X	X	X	X	X	X	X	X		X	12
Jury Duty/Court Leave		X					X	X	X			X			5
Organ Donor			X	X	X	X									4
Citizenship			X	X				X							3
Run for office			X												1
Work-related injury			X	X										X	3
Minor sickness or injury			X	X	X	X	X		X	X	X	X		X	10
Long-term sickness or injury			X	X		X								X	4
Wedding						X									1
Emergency leave (Gov't declared emergency)					X			X							2
Domestic Violence		*		X	*										1
Total Types of Leaves	4	7	14	14	11	12	10	11	10	9	8	7	4	10	

An X shows that the jurisdiction offers coverage for the type of leave or circumstance in question.

An asterisk (*) shows the leave was introduced through a private member's bill and is currently under consideration.

Possible Changes to Existing Leaves

Maternity Leave Current

Maximum Length: 15 weeks

Qualify: Employed for 52 weeks

Maternity Leave Proposed

Increase to be competitive with other jurisdictions

Shorten or eliminate qualification period

Parental Leave Current

Maximum Length: 37 weeks

Qualify: Employed for 52 weeks

Parental Leave Proposed

Possible extension to 18 months in line with Federal EI proposals

Shorten or eliminate qualification period

Compassionate Care Current

1. Maximum Length: 8 weeks
2. Qualify: Employed for 52 weeks
3. Notice: 2 weeks

Compassionate Care Proposed

1. Increase to 26 weeks in line with EI standards
2. Shorten or eliminate qualification period
3. Provide flexibility for notices and reduce time

Possible New Job-Protected Leaves

The government is considering adding new unpaid job-protected leaves which correspond with federal EI benefits. These may include the following two leaves.

Death or Disappearance of a Child

Potential Length: 52 weeks

Critically-Ill Child

Potential Length: 37 weeks within a 52 week period

The government is considering adding new unpaid job-protected leaves which allow workers to take job-protected leaves in response to bereavements, personal illness or injury, and family responsibilities

Personal Illness or Injury

Bereavement

Family Responsibilities

Compressed Work Week

A Compressed Work Week means that employees work longer hours on each day in return for fewer days worked per week. Averaging agreements clarify how overtime is calculated when hours of work vary from week to week. The government is looking to clarify how overtime is calculated for Compressed Work Weeks.

Current Situation

- Alberta already allows Compressed Work Week arrangements.

Potential Change

- Providing averaging agreements might give employers and employees more flexibility in determining their scheduling needs.

Questions



Are the existing leave provisions sufficient?



What are your thoughts on adding an earned leave for personal sickness?



Should the eligibility and requirements for job-protected leaves be harmonized with the Federal EI standards?



What are your thoughts on implementing a paid leave for personal sickness, emergencies, or family responsibilities?



Should Alberta add more leaves for family responsibilities or illness?



What could be some impacts to your business of changing the leave provisions?

FEEDBACK

Youth Employment

Canada has ratified the Minimum Age Convention of 1973 which dictates certain standards for youths under the age of 15. Alberta has to fall in line with the law. Other Jurisdictions have similar rules.

What the Law says

- Minimum work age is 12
- Under 16 cannot work during school hours
- 12 – 14 (Adolescents) require consent and a permit to be employed
- There are limited permitted occupations for adolescents
- Employment cannot be dangerous
- Can only work 2 hours on a school day or 8 hours on a non-school day, and cannot work from 9 pm till 6 am.
- Youths 15 – 17 require supervision from 12 am till 6 am

Questions



What are your thoughts on the current rules for adolescents and young person employment?



If you were to make changes to this area of legislation, what would change?



What type of work is appropriate for 13 – 15 year olds? Are there common aspects of employment that we should consider as being suitable for young employees?

FEEDBACK

Administration and Enforcement

Government is considering making changes to the Code to improve compliance and strengthen enforcement processes, including amending the legislation to allow for administrative penalties for repeat offenses.

Problems with Current System

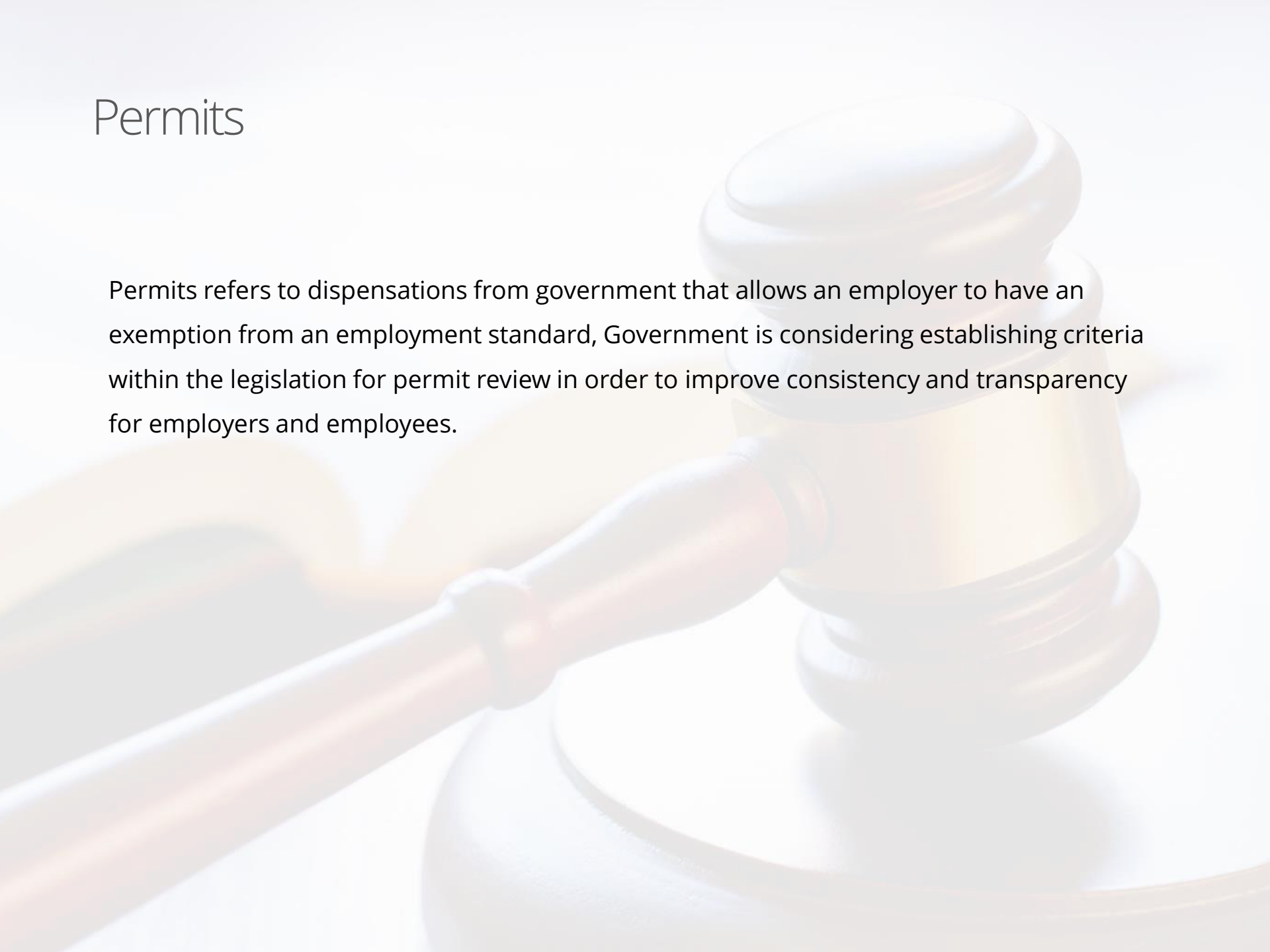
- Long wait times for dispute resolution
- Limited ability to deal with repeat offenders and uncooperative employees due to lack of proportionality or progression in fines and penalties
- Lacks administrative penalties

Proposed Progressive Administrative Penalties

- Would speed up dispute resolutions
- Enhance ability of officers to crack down on serious or repeat offenders
- Examples of Punitive Actions: Mandatory Penalties, Optional Penalties, Progressive Penalties, Individual Penalties, Stacking Penalties, Limited Penalties

Permits

Permits refers to dispensations from government that allows an employer to have an exemption from an employment standard, Government is considering establishing criteria within the legislation for permit review in order to improve consistency and transparency for employers and employees.



Questions



Should Employment Standards allow for administrative penalties to be assessed by the Ministry?



What types of violations should administrative penalties be used for?



Do you think the permitting system is appropriate and adequate?

FEEDBACK



Labour Relations Code

The Labour Relations Code was last amended in 1988. It represents a significant part of the labour policy and regulatory framework in the province. If updates are made, it is important that the outcomes of any updates maintain a level playing field between employers and employees to ensure economic growth, business viability, and democratic freedoms.

The key themes emerging from these recommendations include:

- ✓ How employees can unionize and de-unionize through the certification process
- ✓ The use of first contract arbitration
- ✓ When can employers utilize replacement workers during strikes.

Certification of Unions

Current System – Mandatory Secret Ballot

“A Group of employees may decide they wish to be represented by a union. They may either form their own trade union or join an existing union. This union then files a certification application with the Labour Relations Board (The Board). If the application meets requirements of the Labour Relations Code, (the Board) holds an employee vote. If a majority of employees choose to be represented by that union, (the Board) certifies that union. This means that the union then has the right to negotiate a collective agreement with the employer. This agreement regulates the wages and working conditions of the employees.” (Alberta Labour Relations Board)

Certification of Unions (cont.)

Potential Change – Card Check System

- No vote is held
- Certification is granted if the right percentage of workers sign a certification petition.
- Card-carrying union members are assumed to support certification even if this is not the case.

Secret Ballot

vs

Card Check



Allows employees to express true beliefs or feelings



Fears that employers can use lead up time to schedule vote to influence process



Most aligns with democratic principles



Easier for employer to counter



Employees are open to peer pressure and influence of unions



Employer may have no warning of process



Most aligns with union values



Easier to press workers into a union

De-certification of Unions

Current System

Employers who have had no collective bargaining agreement for three years can apply for a revocation of the union with approval of the Labour Relations Board

Restrictions on what information employers can give employees are unclear

The Labour Relations board applies more rigorous tests regarding employee support than it does for applications for certification

The Labour Relations Board retains undefined powers to refuse employers applications for revocation even when they have had no collective bargaining agreement for three years.

The Role and Authority of the Alberta Relations Board

Current System

The Board has undefined, discretionary authority in certain areas. This creates uncertainty for employers that inhibits growth.

This discretion seems to favor the facilitation of certification rather than being neutral.

Board rulings tend to restrict employers ability to communicate the impacts that certification could have on their business, even when this information is honest and factual.

First Contract Arbitration

Current System

Once a union is certified it must negotiate a collective agreement.

If an impasse is reached in the negotiation of a first contract, parties involved must use a strike or a lockout to break the impasse.

Employees can de-certify the union if it fails to negotiate a collective agreement.

First Contact Arbitration

Under this system mandatory arbitration can be imposed on employers and unions in cases where a new union is unable to negotiate a collective agreement. This undermines the competitiveness of business while limiting the rights of employees to sober second thought.

Replacement Workers

Current System

When a union commences a strike, employers are permitted to hire temporary replacement workers.

Employers cannot permanently replace workers and must guarantee striking workers their positions.

This ensures that a business can maintain itself in the face of a strike and can survive to return its larger work force to their jobs.

It is important that this system is maintained to keep a balance between employer and employee's rights and freedoms.

Questions



Are there any reasons that would support moving to a Card Check system?



How do you feel about first contract arbitration vs. the traditional methods of strike, lockout, and de-certification?



Which certification system best balances the rights of both the employer and employee?



Is it important for employers to retain the right to hire replacement workers?



To what extent should employers be able to communicate their concerns about certification?



What do you think the role of the Labour Relations board should be?

FEEDBACK

What do you Think?

Submit Feedback online by April 18rd

For Employment Standards:

<http://work.alberta.ca/department/workplace-legislation-review.html>

For Labour Relations:

<http://work.alberta.ca/labour/labour-relations-code-review.html>





Thank You