

Ontario workers to get crisis leave [CA-ON]^[1]

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EXCERPTS

Many employees in Ontario are getting the right to up to 10 unpaid days off work a year to deal with family crises such as a sick child.

Under legislation introduced yesterday by Labour Minister Chris Stockwell, people who work for companies with at least 50 employees would be able to take the family emergency days.

Ontario would be the first province in Canada to offer them.

The leave would allow for time off work with sick children, elderly parents or for bereavement. The legislation covers spouses, same-sex partners, grandchildren, stepchildren or any other relative dependent on the employee for care.

Margaret Marland, the minister responsible for children's issues, said the 10 days are a recognition that emergencies happen and parents need to be able to deal with them.

"Family crisis leave recognizes that while most parents are working, there are occasions when they need time off to look after a sick child or another emergency within their family," Marland added.

The 10 days form part of wide-ranging amendments to the Employment Standards Act that also extend job protection for new parents on leave to one full year from the current 35 weeks.

That move follows a federal government decision to offer Employment Insurance for 50 weeks for new parents.

The change represents a significant shift from Premier Mike Harris' comments a few weeks ago that longer parental leaves had not been identified to his government as a priority.

Groups representing workers say the downside to the bill comes in proposed changes to the work week that transforms the definition of the week to a maximum of 60 hours from the current 48.

Right now, any overtime hours worked beyond 48 hours requires a ministry permit. Under the new proposals, anything up to 60 hours does not require a permit, although overtime has to be paid after 44 hours.

The bill, if passed, would also allow employers to average an employee's overtime over four weeks, thereby avoiding paying overtime by giving employees random time off.

For example, an employee who works 55 hours in one week, but only 35 hours the following week will not necessarily earn overtime.

Stockwell stressed that the arrangement could only apply if the employee agrees to this "flexible work schedule" but critics say workers would be intimidated into accepting time off in lieu of overtime.

"He's totally disingenuous if he actually believes that the workers in this province can say no to their employer," said Mary Gellatly of Parkdale Community Legal Services, who counsels workers on job-related problems. "I work with workers every day who come to me because they've been fired for standing up for their rights or even saying something as little as 'No I can't work the overtime because I have to go do child care.'"

Gellatly said the provisions lean in favour of the employer and will make life harder for the worker.

"It's going to mean longer hours, less control over people's schedules and horrendous working conditions and family conditions for most workers," she added. "The overtime pay is a huge gift to business and it's a real attack on the workers."

Stockwell said he will hire 20 new inspectors, in addition to the 100 now employed, to police the workplaces of the province and punish employers that use the new provisions to their financial advantage by intimidating or threatening workers.

"And that's why I'm concerned there are bad employers out there and that's why we have to hire more inspectors to go into those places and make sure that doesn't happen," he said.

The minister also said the government will allow employees who feel they are bullied or treated illegally at work to complain to the government anonymously and prompt an immediate inspection of their workplace.

NDP labour critic David Christopherson (Hamilton West) labelled the changes to the work week an attack on families. He said the extended parental leave and the family crisis days will do little for parents who feel compelled to work a 60-hour week.

“You don't seem to care how many parents are going to miss soccer games and Christmas concerts when they know they want to be there to support their families,” he told Stockwell in the Legislature. “I want you to explain to this House and to the people of Ontario what at all is reasonable about choosing between your job and your children.”

Liberal Leader Dalton McGuinty drew the comparison with retail employees who are technically not required to work Sundays, adding that employers can use the overtime rules to their advantage.

“It's simple, if you say you don't work Sundays, you don't get the job in the first place,” he said.

-Reprinted from The Toronto Star.

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