

Child care victory for working parents ^[1]

Editorial

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EXCERPTS

The Canadian government dragged its heels for 10 long years, but finally it has come around to recognizing that employers have a legal obligation to try to accommodate workers who are finding it hard to juggle their job schedules and their kids' child-care needs. Repeated court rulings have forced Ottawa to acknowledge that it can't just wash its hands of the problem.

This is a win for working parents who need some understanding from their employers. But it is even more meaningful for their children because it puts family first. It will keep parents in the workforce, in decent jobs. And it will make it easier for them to place their kids in quality care.

As the Star's Laurie Monsebraaten reports, the Canada Border Services Agency has just thrown in the towel in a landmark dispute with Fiona Johnstone, a former Toronto airport customs officer. She was a full-time employee who asked to work a regular fixed shift (instead of irregular, constantly rotating shifts) so that she could arrange child care. CBSA refused. It did offer her fixed shifts, but only on a part-time basis that would have hurt her chances at promotion, training, pension and other benefits. Nor did CBSA mount a credible argument, as employers have a right to do, that accommodating her would strain the agency's ability to do its job.

She complained to the Canadian Human Rights Tribunal because the Canadian Human Rights Act bars discrimination based on "family status." CBSA tried but failed to press a dubious argument that having kids is just a matter of personal choice, so "family status" doesn't trigger a "duty to accommodate" staff with child-care needs.

The tribunal rightly found in Johnstone's favour. So did Federal Court and the Federal Court of Appeal. The judges ruled that rights legislation should be interpreted broadly, to cover child care. Last week CBSA finally caved, and confirmed that it won't appeal to the Supreme Court. Johnstone's case is now the law.

As the Star has written before, a lot of mothers with young children are in the workforce. Helping them mesh their jobs with their child-care needs is good for the economy as a whole. The message to employers by now should be clear. Within reason, they are required to give working parents a break.

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