

It's time to eliminate wage exemptions

Low wages are a gender pay equity issue that we can and must address. Women, in particular women of colour, are over-represented in low-wage work in our province. According to the BC Fair Wages Commission report to BC's labour minister on Minimum Wage, 61% of all workers earning less than \$15 per hour are women. This over-representation of women in low wage work contributes to the gap in the average wage with women earning \$4.54 per hour less than men.

One of the causes of lower wages for women is outdated and sexist legislation and regulation. For example, exemptions that allow workers to be paid less than minimum wage disproportionately affect women. Women make up the majority of liquor servers being paid \$10.10 per hour, live-in home support workers earning \$113.50 per 24-hour day, and for some crops, the farm workers earning the piece rate. These workers deserve the same minimum wage as other workers in BC. They should be paid for each hour worked and be eligible for overtime when working in excess of 40 hours per week.

These differential wages not only result in lower pay for women, but also open the door to other forms of exploitation due to weak employment standards and a lack of enforcement.

It's time to level the playing field by eliminating wage exemptions. The minimum wage must be just that - the minimum wage a person can be paid for any kind of work in the province of BC.

1. LIQUOR SERVERS

Serving is a difficult job with high customer service demands, poor hours, and often inferior working conditions. Servers deal with issues like part-time work, last-minute shifts, cancelled shifts, and split shifts. Additionally, servers often face a range of abuses such as sexual harassment and wage theft.

There is also a significant gender gap that cannot be ignored. According to Statistics Canada, 81% of all food and beverage servers in BC are women — and the server wage only helps to entrench gender discrimination.



The liquor server wage originated in 2011 after pressure from employer representatives from the restaurant sector with no meaningful consultation with workers.

Some have argued that servers have access to tips and therefore do not need a fair wage. However, tips are not considered wages by the *Employment Standards Act* and they cannot be substituted for fair pay. Additionally, other tipped workers are not paid a lower rate, including valets, taxi drivers, hotel concierges, hair stylists and estheticians. Tipping is largely unregulated and open to abuse by employers and managers. Inequity of tips is further magnified depending on your place of employment, for example, tips at lower-priced establishments versus high-end restaurants.

Research has also shown that making servers dependent on tips to pay their bills leaves them at risk of enduring sexual harassment at work. Managers who assert dress codes and customers who feel entitled to engage in sexualized behaviour because they are “paying for service” means workers are vulnerable and left with little recourse.

Other provinces have made the move to eliminate the liquor server wage. Alberta eliminated the province’s lower liquor server wage on October 1, 2016. As that province moves towards a \$15 per hour minimum wage, liquor servers will arrive there at the same time.

2. LIVE-IN HOME SUPPORT WORKERS

There are several classes of domestic workers/caregivers in the *Employment Standards Act* and Regulation that are subject to various exclusions of rights, including minimum wage and overtime wages.

The live-in home support worker wage unfairly targets a vulnerable workforce of predominately women of colour. It devalues a job traditionally considered women’s work and leaves workers at risk of overwork, isolation and abuse with no recourse.

The BC Federation of Labour supports the recommendation of the West Coast Domestic Workers’ Association that all domestic workers/caregivers, including live-in home support workers, receive at least minimum wage for all hours worked and receive additional compensation for overtime.

3. FARM WORKERS

Farm workers’ piece rate must be eliminated. All farm workers should be guaranteed at least the hourly minimum wage.

Farm workers are predominately workers of colour and include a high population of new immigrants. The discriminatory practice of paying poverty wages to vulnerable and often exploited workers must end.

Piece-rate legislation makes little sense. It is not clear why some crops are covered by minimum wage but others use piece rates. For example, blueberries are paid at a piece rate, whereas tomato harvesting is paid at the minimum wage.

The piece rates have no correlation to minimum wage rates.

Increases to the piece rate have lagged behind other increases. Since 1992, the minimum wage has increased by 106.4% but the piece rate for blueberries, for example, has only increased by 48.5%. The average increase in piece rates since 1992 is only 61.8%.

Farm workers are also excluded from various other provisions of the *Employment Standards Act*. They receive no overtime, even in peak season, and no statutory holiday pay. Paying piece rate encourages poor labour practices, discouraging workers from taking breaks, for example, which can lead to overworking and result in injury.

The piece rate is hard to enforce, unlike an hourly wage. It is more open to abuse by unscrupulous employers through rigged scales, improper counting, unregulated bin sizes, rejection of crops due to quality, and overall poor record keeping.

The piece rate can also result in differentiated pay for the same work — workers under the Seasonal Agricultural Workers Program are paid an hourly wage while other workers are paid the piece rate. This practice is inequitable and discriminatory.

RECOMMENDATIONS:

1. Eliminate all exemptions to the minimum wage so that all workers have access to fair hourly pay and overtime; and
2. Enact pay equity legislation so that women can make real choices about their economic and personal security.



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