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Releases

BCLI recommended revisions to Employment Standards Act fall short of needs of working people

As BC Labour Minister Harry Bains considers changes to strengthen protections for all workers in the province, a report and recommendations from a legal group fail overall to address the urgent need for change, says the BC Federation of Labour.

Under the BC Liberal government both basic standards and funding for the Employment Standards Branch were slashed. Workers were left with few rights and little support. Workers mistreated by their employers were abandoned and handed a self-help kit.

“The Law Institute review begins to address some of the deficiencies in the Act, but overall the recommendations are too cautious and fail to undo the 16 years of damage inflicted by the BC Liberal government,” said Laird Cronk, President of the BCFED.

The BCLI report includes some positive recommendations that the BCFED supports, including:

• ending the mandatory use of the self-help kit;

• heightening enforcement to stop the misclassification of employees as contractors; and

• returning to a minimum call-in pay of four hours.

However, the review fails to include recommendations in several significant areas. While the report recommends a review of exemptions to the Act, it does not call for the immediate elimination of differential work conditions. “Employment standards should be universal. They must apply to everyone.
This makes it easier for workers and employers to know the rules, simplifies enforcement, and treats all workers and workplaces equally,” said Cronk.

The report fails to mention paid leave for domestic and intimate partner violence. “Domestic and intimate partner violence take a toll on both the personal and work life of those affected,” said Sussanne Skidmore, Secretary Treasurer of the BCFED. “Access to paid leave for survivors of violence to find safety and seek support is a necessary step in ensuring that our laws address the whole worker.” Both Manitoba and Ontario already provide paid leave.

Finally, the report contains few recommendations to make work better. There is no majority recommendation to implement paid sick leave, increase vacation pay or better protect workers’ tips and gratuities. Unlike the BC Law Institute report, the Ontario Changing Workplace Review more comprehensively addressed today’s workplaces and the impacts of rising precarity and the gig economy. It is a far more comprehensive and impactful document.

“The BC NDP government has an opportunity to address the real needs of working people who we know are finding it harder and harder to thrive in our province. We urge the BC government to look beyond this report and make much more bold changes to our employment laws,” said Cronk.