

**KEVIN O'REILLY—MLA FRAME LAKE**  
**BILL 20: AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT**

**Comments to the Bill**

**March 29, 2021**

**MR. O'REILLY:** Merci, Monsieur le President. I do have some remarks to make on this bill. It proposes two sets of changes to the Employment Standards Act: unpaid emergency leave is created, and then there are waivers for group termination advance notice requirements. The Employment Standards Act is a significant legislation that tries to balance workers' rights versus employers' interests. I want to thank the Standing Committee on Social Development for their work. They found a better balance by clarifying the process for employers to seek waivers from group termination notice requirements. They also clarified the process that will be used. The notice of decision to reduce or eliminate group termination notice now has to be posted in a workplace and given to each employee.

I still have major concerns, though, with this bill. In terms of the timing, I suggested to the former Minister of Justice an omnibus, a COVID bill, to deal with issues such as these, and I did that back in April of 2020, but it never really happened. This bill only came forward in November of 2020, only after a federal requirement for emergency leave as part of the Safe Restart Agreement, and on March 12, the Minister said that the bill, I'll just use his words, followed correspondence from "an industry lobbyist group." This bill, in my view, took too long to be developed and was not really, perhaps, at our own initiative. The Minister admitted that there was no public consultation in creating this bill, which I and others expect when making changes to the Employment Standards Act.

The substantive problems with the bill, I want to speak to those, Mr. Speaker. The emergency leave is unpaid. I don't think this creates an incentive to encourage self-isolation. We heard in debate that some other jurisdictions actually even have more generous sick leave provisions in their Employment Standards Act, like the Yukon. I think that there should have been more effort to look at how to make emergency leave paid. That could have been done through some sort of arrangement or split among the federal government, perhaps, GNWT, employers, and even employees, but I don't think that work was done, either.

I want to speak now to the waivers from group termination notice requirements. I think the way that it has been presented in the bill is quite problematic. I couldn't even get the Minister to admit a couple of weeks ago that workers will potentially lose weeks of paid employment if this bill passes, and I certainly expect that it will. This really shifts the burden from employers to employees, and I don't think that that's fair when it comes to group terminations. There may be some situations where this may be warranted, but this bill doesn't provide enough guidance or even strike the right kind of balance between employees' and employers' interests. These changes are not the same as some other jurisdictions, how they have decided to try to handle group termination notices. In the federal legislation, there's a mediated process where people try to sit down and look at ways of avoiding group terminations. We don't have that with this

legislation.

The process for waivers is still not clear. The onus should be on the employer, and I think that should be done through a simple application process. As the bill stands now, the onus is on the employment standards officer. We downloaded that responsibility onto the employment standards officer. Number one, they have to figure out whether an employer is actually providing proper notice, and if not, then they have to figure out whether the employer meets the requirements for a waiver. I believe that this will cause unnecessary delays.

For all these reasons, this bill does not provide for adequate protection of workers' rights and the public interest, the balance is tipped too far in favour of employers, and I will not be supporting it. Mahsi, Mr. Speaker.