

Canada releases consultation paper on review of federal labour standards

In December 2004, the federal government announced the creation of the Commission on the Review of Federal Labour Standards. The Commission, chaired by Prof. Harry Arthurs, will carry out the first comprehensive review of Part III of the *Canada Labour Code* since the Act was adopted in 1965, issued a Consultation Paper on February 24, 2005 in which it invites submissions from interested parties, and will be holding consultations across Canada later this year.

Part III of the *Canada Labour Code* establishes minimum employment standards for employees in the federally regulated sector of the economy. This includes industries such as air and marine transportation, inter-provincial and international rail, road and pipeline transportation, banking, broadcasting, telecommunications, and federal Crown corporations. It applies to some 15,000 employers and approximately 10 per cent of the Canadian workforce, but does not cover the federal public service. Matters dealt with under Part III include

- hours of work,
- group termination,
- minimum wages,
- equal wages,
- annual vacations,
- general holidays,
- individual termination,
- severance pay,
- garnishment,
- sick leave,
- multi-employers,
- work-related illness and employment injury,
- reassignment, maternity leave, parental leave and compassionate care leave,
- unjust dismissal,
- payment of wages,
- sexual harassment, and
- bereavement leave

The Review is intended to respond to a number of developments that have affected the workplace since 1965, including

- the changing nature of work, the growth of a knowledge-based economy, and the need for extensive learning in the workplace;
- the intensity of competition in the global marketplace, with a corresponding increased pressure on workplace productivity and responsiveness;

- the increased heterogeneity of the workplace – new forms of workplace structures and new forms of employment relationships;
- increased work-life pressures and the need to accommodate evolving family structures; and
- demographic changes, such as the increasing diversity of participants in the workforce and the aging of the workforce.

The Commission has released a Consultation Paper in which it sets out a non-exhaustive list of questions in connection with an overhaul of Part III. The Paper lists the following main areas of discussion:

"Setting the bar" for federal labour standards

The Commission is looking for input into what the goal of labour standards should be: protecting the most vulnerable workers or improving overall workplace standards. It also asks about the relationship between statutory labour standards and collective agreements, the relevance of international labour standards, the balance between protection for workers and flexibility for employers, and whether standards should vary among different industries and occupations, and between large and small businesses.

Whether existing labour standards are working

The Commission is considering whether certain workplace issues that are not covered under Part III should be added, whether issues currently under Part III are best dealt with under other federal legislation, and whether the standards should apply to groups that currently are not covered, such as self-employed persons, managers and specified professionals.

New forms of employment relationships and non-standard work

The Commission is asking whether the federal labour standards should be extended to workers who are not in full time regular employment with a single employer, such as those working in temporary part-time jobs or doing self-employed work, tele-work and multiple job employment.

Balancing work and personal/family responsibilities

Noting that "work-life conflict" is associated with health-damaging workplace stress, the Commission asks what can be done to help workers respond to the demands of family life and what legislative changes, if any, should be made to labour standards to foster greater work-life balance in the workplace.

Workplace productivity

The Commission wants to know whether existing federal labour standards help or harm productivity. Specifically, it asks what the role of labour standards should be in promoting employee training and learning opportunities.

Diversity and changing demographics

Noting that the composition of the Canadian workforce has changed dramatically since 1965, the Commission is seeking input as to how federal labour standards can address multicultural issues in the workplace, the needs of aging employees, the greater numbers of

women, and the greater number of Aboriginal communities with self-governing arrangements.

Modernizing enforcement and administration

This relates mainly to the complaints-based nature of enforcement of labour standards under the Act. The Commission wants to know whether this method of enforcement is adequate when some employers refuse to comply with labour standards. It also asks whether workplace parties should have a greater role in ensuring compliance and whether labour standards need further clarification.

The Commission emphasizes that it will also receive comments on any other issues that relate to federal labour standards, even though they are not raised in the Consultation Paper. The Paper and other documents related to the Review can be found at www.flsc-nf.gc.ca.

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