

SEIU-West:

**Consultation on amendments to
Saskatchewan Employment Act (SEA)
employment leave provisions**

Submitted June 5, 2018



INTRODUCTION

On May 4, 2018, Barbara Cape, President of SEIU-West, received a letter dated May 1st from Michael Carr, Deputy Minister of Labour Relations and Workplace Safety. The letter invited SEIU-West to participate in consultations on amendments to *The Saskatchewan Employment Act (SEA)* related to recent changes to the federal *Employment Insurance Act (EIA)*.

The letter invited our written submission by June 5, 2018.

The following is our submission.

In brief, we appreciate the opportunity to contribute to this process, and welcome in principle the two proposed changes mentioned in the letter: the creation of a new “critically ill adult care” leave and the expansion of the existing parental care leave.

However, we would like a clearer and fuller sense of the government’s plans and timeline for these changes. Mr. Carr’s letter states that the proposed changes would “realign” the *SEA* with the *EIA*, and further states that “The employment leaves in Part II (Employment Standards) of *The Saskatchewan Employment Act* are intended to provide job protection for employees who are accessing Employment Insurance benefits.” This suggests that the proposed changes involve little more than a minor housekeeping amendment to the *SEA* necessitated by changes in the *EIA*.

We hope the government has not taken an excessively narrow view of the larger context and potential of these changes. On May 31, 2018, the Honourable Don Morgan, Minister of Labour Relations and Workplace Safety, indicated to the media that the government plans to introduce a bill in the fall legislative session to extend parental leave, “other leaves for the critically ill and also other things as well”.¹ Is a review of other types of employment leaves contemplated? Will this be part of the full-scale review of Part 2 of the *SEA* mandated under section 9-13 of the *SEA*?

We at SEIU-West firmly believe that employment leave provisions are a crucial part of fair, progressive, and productive employment standards legislation. Employment leaves can make workers happier, healthier, and more productive. They can help make our communities more just. However, as discussed below, they can only do this to the extent that they are supported by adequate levels of government investment in social infrastructure—in particular, health care, long-term care, and child care. One’s ability to welcome a new child or care for a sick relative should not depend on the size or wealth of one’s family or the ability to craft a compelling GoFundMe campaign.

¹ Martell C. Sask. committed to tabling extended parental leave bill in autumn. CBC News. May 31, 2018. <http://www.cbc.ca/news/canada/saskatchewan/sask-18-month-parental-leave-1.4685342>

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Federal EI benefits providing partial income replacement during employment leaves can be seen as part of that social infrastructure. Saskatchewan should not see these federal benefits as a ceiling on our own efforts or a burden we must grudging or mechanically “align” our efforts with. We can—and should—go beyond. Saskatchewan should strive to be a policy leader, not a follower, on employment and social policy like employment leaves.

We note as an example of provincial leadership Ontario’s *Fair Workplaces, Better Jobs Act, 2017*,² which provides for leaves, including employer-paid leaves, for workers experiencing domestic or sexual violence or a specified personal emergency. These leaves were not driven by a reactive effort to maintain alignment with the *EIA*, but rather by an effort to increase social fairness.

We hope that any review of the *SEA*’s employment leave provisions will include a thorough evaluation of the potential gender equality impacts of any proposed changes.³ The vast majority of parental and adult caregiver leaves are taken by women.

² https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2017/2017-11/bill---text-41-2-en-b148ra_e.pdf

³ Doucet A, McKay L. Parental leave, class inequalities, and ‘caring with’: an ethics of care approach to Canadian parental leave policy. In Langford R, Albanese P, Prentice S eds. *Caring for Children: Social Movements and Public Policy in Canada*. Vancouver: UBC Press, 2017. 97-118.

SURVEY

SEIU-West’s approach in responding to this consultation opportunity was driven by who we are.

SEIU-West represents more than 13,000 workers in the province of Saskatchewan, in health care (including acute, long-term and home care), education, community-based organizations, municipalities, and the private and allied sectors.

Our mandate obliges us to advocate on behalf of the needs and interests of our members. This requires that we accurately reflect their workplace experiences in all that we do.

Our members are covered by collective agreements which in most cases go significantly beyond the minimum standards laid out in Part 2 of the *SEA*. Most of our members would not be directly affected by the government’s two proposed changes.

However, SEIU-West is also mandated to advocate for a more just and humane society for all, not merely our members. We stand for economic and social justice, for dignity and respect, for having a voice on the job and in society, and for a secure job with the opportunity to advance.

Upon receiving Mr. Carr’s letter we reached out to staff representatives and senior leadership in our Contract Bargaining and Enforcement department. Informed by their feedback, an online survey was developed and was promoted to SEIU-West members by means of posts on SEIU-West’s website and Facebook page. The survey was open from May 17 to 31, 2018. It was completed by 168 SEIU-West members.

SEIU-West’s membership has a median age of about 50 and is about 85% female. About 75% of members work for the Saskatchewan Health Authority (SHA) and its affiliates. The survey oversampled SHA employees, people under 50, and—especially—women, who made up 94% of respondents. This is somewhat unsurprising, as federal government data indicates that women make up about 86% of recipients of EI parental benefits and about 75% of caregiver beneficiaries.⁴

PARENTAL LEAVE RESULTS

Our survey clearly attracted the attention of those members who already have some experience with maternity and parental leaves in particular: 17% of all respondents, and 18% of female respondents reported taking maternity leave in the past five years. No male respondents reported taking parental leave. Of those women who took leave for the birth of a

⁴ Employment Insurance Monitoring and Assessment Report for the fiscal year beginning April 1, 2015 and ending March 31, 2016.
<https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2016.html>

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child (no one reported taking adoption leave), all reported receiving EI benefits during their leave. About half took 52 weeks of leave.

On the subject of a proposed increase in SEA parental leaves from the current 37 weeks, 59% of respondents favoured an increase. When these “pro-increase” respondents were asked what the leave should be increased to, 57% of them gave a number. Of those who gave a number, 57% said 60-63 weeks or “same as the federal standard”, but 25% argued for an even higher limit, such as 18 months⁵ or “until the child is school aged”. Many of these respondents, as well as many more “pro-increase” respondents, mentioned in their reasons the difficulty of obtaining day care, especially for infants. These comments suggest that rather than being seen as something that liberates parents from the need to find and fund day care, staying home with a child can be a choice forced on parents by the lack of accessible, affordable child care.

The rate of EI wage replacement while on leave also affects real-world accessibility to the leave. Several respondents mentioned that if the benefit period is to be extended, the coverage percentage should increase too. We acknowledge that the EI wage replacement rate is a policy choice of the federal rather than the Saskatchewan government. Nevertheless, we urge the Government of Saskatchewan to use its powers of advocacy and the other policy tools at its disposal to counteract or mitigate this potential disincentive to taking full advantage of extended parental leave.

Being serious about encouraging parents to take full advantage of maternity and paternity leaves includes acknowledging – as many respondents did in their comments – that longer parental leaves can help strengthen parent-child and parent-parent bonds. The following comments are especially compelling.

- *52 weeks but can be extended 6 months without pay like a mat leave. I agree that parental leave is important too. The mom will be tired and having a dad there will be helpful. Plus Day Care is very expensive and there are wait lists for them sometimes. Support parents to be with their children and not strangers. Also increase the pay out if possible. 55% of their wage is hard on young families. It feels like they are being punished for having a baby when the wage is so low must go back to work to support their family. Possibly increase it to 85%. One employer in Saskatoon offers 90% maternity leave.*
- *Parental leave, if utilized by the other partner is an amazing thing to be able to have. If there are any complications with the pregnancy, birth, or within the first year with either mother or baby the aid of the partner is beyond necessary. To be able to have a greater number of weeks optional would be phenomenal to those who decide or need to utilize them and will decrease the risk of postpartum depression as well as the health and wellness of both parent and baby. To feel like you need to rush to back to work even*

⁵ The length of maternity leave provided under the SEIU-West—SAHO Collective Agreement. <http://www.seiuwest.ca/files/2014/10/CBA-SAHO-April-1-2012-to-March-31-2017.pdf>

though there is still a need to be at home, or even go to doctor's visits or hospital stays, is heartbreaking. Raising a child takes 2 parents, and the first year is the most difficult and the most important year for both parents and baby.

ADULT CAREGIVER LEAVE

The survey attempted to get a sense of the extent to which SEIU-West members have accessed the current EI and SEA caregiver leave provisions, and the extent of any unmet needs.

We asked whether, in the past five years, the respondent ever took time off work to care for a sick or injured spouse, child, or parent – 64% said yes. Of those, 59% took time off more than once. Of those who said yes, 40% said that the relative's life was in danger. Less than 5% of those who took time off received EI benefits. The median length of leave taken was 2 weeks.⁶⁶

After informing survey takers that the federal government now gives up to 15 weeks of EI benefits to people who are off work caring for a critically ill adult family member, we asked whether such caregivers should get leave under the SEA (apart from the eight weeks of compassionate care leave under section 2-56(2)) – 89.2% said yes. When asked how many weeks, 71% of gave a number. The average of their responses was 18.1, though this is misleadingly low as a further 7 respondents said some version of “as long as needed.” The most commonly-given answer was 15 weeks (given by 45% of respondents who gave a number), but 38% favoured a limit higher than 15 weeks.

Many of these and the other pro-increase respondents mentioned an issue analogous to the day care access challenges discussed above: the time, cost, and other challenges associated with arranging care and (if necessary) nursing home placement for their adult relative. The following comment poignantly articulates these challenges, as well as the profound emotional demands of caregiving (which another respondent described as “at least as stressful as having a baby”).

- *If it's 6 months you will have more time to organize things. It can be a long process for your loved one to enter a nursing home, if they can even afford to be in one. Caring for a loved one can be very mentally and physically draining. The caregiver needs time to rest as well before returning to work.*

⁶⁶ Most of these respondents are covered by the SEIU-West—SAHO Collective Agreement, which allows for up to 45 hours per year of paid “family illness leave”. <http://www.seiuwest.ca/files/2014/10/CBA-SAHO-April-1-2012-to-March-31-2017.pdf>

CONCLUSION

EI special benefits and SEA employment leaves serve complementary but different purposes. The vast majority of survey respondents – 88% in fact – agreed that the amount of employment leave to which one is legally entitled under the SEA should not be dictated by the maximum number of weeks of benefit coverage that the federal government provides under the EIA.

In the words of one respondent to our member survey:

- *“Legislators should be focused upon providing the necessary supports to workers in Sask, so as to keep people interested in living and working here. Particularly when one considers that we have the lowest minimum wage in Canada – our provincial government needs to avoid a race for the bottom when it comes to these kinds of provisions.”*

In the words of another respondent:

- *“Keep your employees happy and watch how great things become!”*