

March 5, 2018

Bill 17 – update

Hi all,

We met again with the Ministry of Labor folks and are on a slightly altered path. For all the residential programs, they have agreed that everyone fits under the Caregivers regulation. As many of you had pointed out this is what people were using prior to the legislation changes. I have asked that the Ministry write that clearly within the employment standards fact sheets or in some other clear way.

For the outreach/crisis driven work the primary rationale for the changes would be to allow the sector to respond appropriately to emergency/crisis situations that fall outside of the predictable work day. The following proposal is to amend the Employment Standards Regulation to:

- define a category of employment in relation to the provision of “individual and family support services” as funded by the Ministries of Children Services and Community and Social Services in relation to fulfilling requirements of program –specific legislation (legislation to be identified e.g. Family Support for Children’s with Disabilities Act);
- Establish a daily overtime threshold of 12 hours in a day;
- Propose of 176 hours in a 4 week period before overtime entitlements are calculated; and
- Provide an exemption from requirements of the Code around “notice of work times” including notification of schedule changes (section 17 of the Code) to enable scheduling of work within parameters approved by the employer (this supports the ability for employers and employees to structure work schedules suited to the clients/families they are providing care to

Note that:

- The employer will need to keep records of when staff do work
- No special rules are proposed for general holidays.
- No special rules are proposed for averaging agreements since the changes above will have the effect of allowing employers and employees to manage their hours of work within the month (in effect allowing averaging).

The proposal of a 176 hour threshold for determining overtime entitlements over a four week period better aligns with the 44 hour per week threshold in place for most employers in other industries

There are some expectations of who has to support this direction and we need to get those in writing. Once that has been completed then there is a formal approval cycle that this request has to go through.

Again if you have any questions please do not hesitate to contact me.

Rhonda Barraclough

RhondaB@alignab.ca