

December 14, 2021

To the Members of the Social Affairs, Science and Technology Committee;

I write to you today as Critic of Bill C-3.

I had sent three questions to the Ministers’ office last week, requesting written responses in lieu of a Critic’s Briefing. My questions were:

* Can the government provide greater detail regarding the reasoning to go with accrued days vs bulk entitlement?
* Can the government respond to stakeholders' suggestions to provide all 10 days after 1 month of employment?
* We heard some clarity on the question of certification today so that question has been answered.

I am sharing with you (below) the response that I received early this morning and serving notice that I intend move to table it as an exhibit at today’s committee meeting so that it can be considered as evidence and included in the body of testimony used for our pre-study report. It addresses important issues of implementation timing, as raised by Sen. Harder and provides the Government’s reasoning on issues raised by Senators and stakeholders such as the accrual method and whether this leave would apply to short-term contractors and those who are placed via a human resources staffing agency.

I wanted to send this in advance of the meeting so that colleagues have the opportunity to give some consideration to the contents of this response and look forward to discussing it with you further during committee this afternoon.

I would suggest that the response to both questions below could be addressed with this:

Providing all ten days of medical leave with pay up front could impose costs on employers in high-turnover industries, such as road transportation, where employees change employers frequently. By accumulating paid leave throughout the year, new and departing employees would receive days of medical leave with pay for the months that they are with a particular employer, and thus limiting costs on employers in high-turnover industries.

Over the coming the months, the Government of Canada will convene provinces and territories to discuss a plan to legislate sick leave across the country. Relevant stakeholders, including employers and labour groups, will also be engaged to understand what, if anything, is required to support the unique needs of small business owners and/or specific industries.

The proposed legislation provides for a regulation-making power that could be used to adjust the new medical leave of absence with pay requirements with respect to certain classes of employees. This would ensure that the new paid leave is applied in such a way that is equitable and adjusted to the unique needs of industries, if necessary. Any adjustments would be required to ensure that the earning periods of medical leave with pay are at a rate that is not substantially different to the rate provided for in the legislation.

The proposed new entitlement of ten days of medical leave with pay constitutes a significant change to the Canada Labour Code. It is proposed that the coming into force of these amendments would occur on a day to be fixed by the Governor in Council to allow time for consultations with stakeholders, training inspectors, education and awareness-raising activities for employers and employees, and the development of regulations if required.

Respectfully,

Dennis Patterson,

Senator for Nunavut

