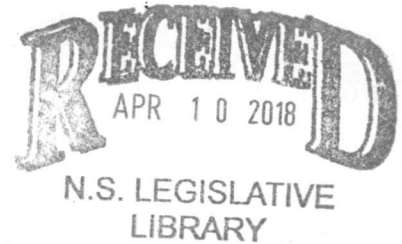


LAW AMENDMENTS COMMITTEE

Red Chamber, Province House

Monday, April 9, 2018



Bill 82 - Halifax Regional Municipality Charter (amended)

3:30 p.m. 1. John Traves, Counsel
Halifax Regional Municipality

Bill 84 - Halifax Regional Municipality Charter (amended)

3:30 p.m. 1. John Traves, Counsel
Halifax Regional Municipality

Bill 65 - Psychologists Act (amended)

3:45 p.m. 1. Todd Leader, President
Association of Psychologists of Nova Scotia

Bill 107 - Labour Standards Code (amended)

4:15 p.m. 1. Jimmy Bray

Bill 99 - House of Assembly Act (amended)

4:30 p.m. 1. Norbert LeBlanc, Président
Conseil acadien de Par-en-Bas (CAPEB)

2. Ghislain Boudreau, Président
 Marie-Claude Rioux, Directrice générale
Fédération acadienne de la Nouvelle-Écosse (fane)

5:00 p.m. 3. Daniel Thériault, Directeur général
Fédération culturelle acadienne de la Nouvelle-Écosse (FéCANE)

4. Brenda Pickup, Présidente
Conseil Communautaire du Grand-Havre

5. Elaine Thimot, Directrice générale
La Société acadienne de Clare

Bill 108 - Cannabis Control Act

- 5:30 p.m. 1. Sharon MacIntosh
2. Kevin Russell, Executive Director
 Investment Property Owners Association of Nova Scotia
- 6:00 p.m. 3. Robert MacDonald, CEO and President
 Mohammed Al-Hamdani, Director of Health Initiatives
 Lung Association of Nova Scotia (LANS)
- 6:30 p.m. 4. Shirley Burdock, Executive Director
 Injury Free Nova Scotia
5. John Traves, Counsel
 Halifax Regional Municipality
- 7:00 p.m. 6. Kate Johnston
 IWK

Bill 79 - Property Valuation Services Corporation Act (amended)

No representation

Bill 87 - Fisheries and Coastal Resources Act (amended)

No representation

Bill 104 - Research Nova Scotia Corporation Act

No representation

Bill 106 - Insurance Act (amended)

No representation

**Bill #107
Labour Standards Code (amended)**

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE

PAGES 3 to 6, Clause 6,

(a) proposed heading before proposed Section 60Y - add "AND SUPPORT" after "LEAVE";

(b) proposed Section 60Y, line 1 - delete "60ZB" and substitute "60ZD";

(c) proposed subsection 60Z(1), line 2 - delete "an unpaid" and substitute "a";

(d) proposed Section 60Z - add the following subsections:

(4) Subject to subsection (5), a leave of absence taken under this Section is to be taken as unpaid leave.

(5) Where an employee takes a leave of absence under this Section, the employer shall pay the employee for the first five days of leave taken.

(6) An employer may apply, in the manner prescribed by the Minister, to be reimbursed for any amount paid to an employee under subsection (5) and, where the Minister is satisfied that the amounts were paid under that subsection, the employer must be reimbursed for the amounts paid out of the General Revenue Fund.

and

(e) add after proposed Section 60ZB the following Sections:

60ZC Where an employee notifies the employer that the employee has experienced domestic violence, the employer shall allow the employee to make any flexible work arrangements, including changing the employee's hours of work or the place from which the employee works, necessary or advisable to minimize the likelihood of the person who responsible for the domestic violence causing the employee to experience further domestic violence at or in transit to or from the employee's place of work.

60ZD The Minister shall cause to be created a public awareness campaign to help employers

(a) recognize the physical and behavioural signs that an employee has or may have experienced domestic violence;

(b) learn to communicate effectively and appropriately with an employee who has or may have experienced domestic violence; and

(c) determine what resources to offer an employee who has experienced domestic violence.

Bill #107
Labour Standards Code (amended)

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE

PAGE 4, Clause 6, proposed Section 60Z - add the following subsection immediately after subsection (1):

- (2) Notwithstanding subsection (1) and clause 60ZA(1)(a),
 - (a) the first five days of a leave of absence taken under this Section must be paid work days; and
 - (b) the employer shall continue to maintain a benefit plan in which the employee participated prior to the commencement of a leave of absence under this Section and the employee shall continue to pay the same share of the cost of the benefit plan as the employee paid prior to the commencement of the leave.

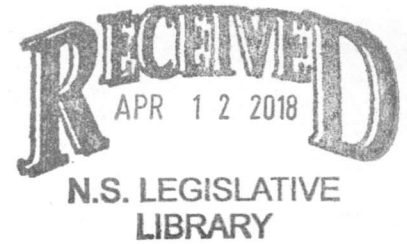
PAGE 5, Clause 6, proposed subsection 60Z, subsections (2) and (3) - renumber as (3) and (4).

LAW AMENDMENTS COMMITTEE

Red Chamber, Province House

Thursday, April 12, 2018

10:00 a.m.



Bill 65 - Psychologists Act (amended)

Deferred from previous meeting

Bill 99 - House of Assembly Act (amended)

Deferred from previous meeting

Bill 107 - Labour Standards Code (amended)

Deferred from previous meeting

Bill 114 - Gaelic College Foundation Act or Achd Fonndas Colaisde na Gàidhlig

No representation

Bill 116 - Financial Measures (2018) Act

No representation

**Bill 118 - Municipal Government Act (amended) and
Halifax Regional Municipality Charter (amended)**

No representation

Halifax Office
63 Otter Lake Road, 2nd floor
Halifax, Nova Scotia B3S 1M1



Bureau d'Halifax
63, cour Otter Lake, 2e étage
Halifax (Nouvelle-Écosse) B3S 1M1

Jerry Dias
National President
Président national

Renaud Gagné
Quebec Director
Directeur québécois

Robert J. Orr
National Secretary-Treasurer
Secrétaire-trésorier national

April 10, 2018

By Email legc.office@novascotia.ca and Mail

Committee on Law Amendments
Legislative Committees Office
One Government Place, 2nd Floor
1700 Granville Street
PO Box 2630 Station M
Halifax, NS B3J 3P7

Dear Sir/Madam:

Re: Bill 107

Please accept this submission on Bill 107, amending the Labour Standards Code, Respecting Leaves of Absence.

Unifor represents 315,000 members across Canada, 14,000 of which work and live in Nova Scotia. As the Atlantic Regional Director, I connect with members in various sectors of the economy, working for employers large and small. I've supported the work that my union has done to negotiate programs and policies dealing with domestic and intimate partner violence. I am proud to say that we are a leader in workplace supports.

The components of our program include a trained workplace Women's Advocate, protection from discipline where performance is affected by violence, and paid domestic violence leave. We have been successful in many workplaces across the country, including at Bell Aliant, but we know that this applies only to the minority of workers in unionized workplaces.

We welcome the government's action in moving to amend the Labour Standards Code to better support victims of domestic violence. Putting such a leave in legislation that covers a broad spectrum of workers is a positive move. There are positive elements to this proposed legislation – its wide inclusion in its definition of intimate partner recognizes that violence affects relationships of all types; its positive approach to the sensitive nature of information in these circumstances and the government's comments that they want to ensure the verification process is not burdensome and does not cause stress for victims seeking leave. However, the intent of the legislation is undermined by not making the leave a paid leave.

The government heard from stakeholders about the need to address the complex situations of domestic violence without the added stress and fear of losing their jobs. They also heard about the importance of economic security to those in this situation. The statistics show that these are overwhelmingly women. And we also know that women are overrepresented in the lowest paying jobs in our province. To require women to self-fund this leave is almost to erase the availability of this leave.

To justify leaving domestic violence leave unpaid, the government relies on the fact that other leaves under the Labour Standards Code are unpaid. This misses the fact that in Manitoba, Ontario and the federal jurisdiction, all other leaves are unpaid as well. This didn't stop those governments from bringing in paid leave. Nova Scotia should follow their lead.

Canada is not the first to put a paid domestic violence leave in place. It is the law nationally in the Philippines and it is in place in several states in the US including: Arizona, Arkansas, California, Colorado, Connecticut, Massachusetts, Florida, Hawaii, Illinois, Kansas, Maine, New Jersey, New Mexico, North Carolina, Oregon, Virginia, Washington and the District of Columbia.

It has also been in place for some time covering over 2 million workers in Australia. In a follow up study, data showed that it is not an onerous burden on employers. Employees, on average, took the equivalent of two or three days off to deal with legal and medical concerns, find housing or take steps to improve their safety.

We urge the government to put true supports into this legislation and make this leave a paid leave.

Sincerely,

A handwritten signature in black ink, appearing to read "Lana Payne". The signature is fluid and cursive, with a large initial "L" and "P".

LANA PAYNE
Atlantic Regional Director

Bill #107
Labour Standards Code (amended)

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE

PAGES 3 to 6, Clause 6,

(a) **proposed heading before proposed Section 60Y** - add "AND SUPPORT" after "LEAVE";

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and

(e) **add after proposed Section 60ZB the following Sections:**

60ZC Where an employee notifies the employer that the employee has experienced domestic violence, the employer shall allow the employee to make any flexible work arrangements, including changing the employee's hours of work or the place from which the employee works, necessary or advisable to minimize the likelihood of the person who responsible for the domestic violence causing the employee to experience further domestic violence at or in transit to or from the employee's place of work.

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(a) recognize the physical and behavioural signs that an employee has or may have experienced domestic violence;

(b) learn to communicate effectively and appropriately with an employee who has or may have experienced domestic violence; and

(c) determine what resources to offer an employee who has experienced domestic violence.

CARRIED

Bill #107
Labour Standards Code (amended)

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF LABOUR AND ADVANCED EDUCATION

PAGE 1, Clause 1, add the following after clause 7(bn):

(bo) make regulations respecting paid leave in place of all or part of any unpaid leave under this Act;
