



SUBMISSIONS

BC Employment Standards Consultation

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Via e-mail ESAReview@gov.bc.ca

Dear Minister Harry Bains:

Re: Modernizing the Employment Standards Act

Please accept these submissions by West Coast Legal Education and Action Fund (“West Coast LEAF”) in response to your request for input regarding future changes to the *Employment Standards Act (ESA)*.

About Us

West Coast LEAF is a BC-based legal advocacy organization. Our mandate is to use the law to create an equal and just society for all women and people who experience gender based discrimination. In collaboration with community, we use litigation, law reform, and public legal education to make change. In particular, we aim to transform society by achieving: access to healthcare; access to justice; economic security; freedom from gender based violence; justice for those who are criminalized; and the right to parent. We have particular expertise in equality and human rights and we have done in-depth research on the impacts of BC’s laws and policies on women’s economic security.

Introduction

We welcome the Ministry of Labour’s efforts to engage in a public consultation process on modernizing the *ESA*. We provide the following submissions with two aims.

First, we want to amplify the submissions of organizations such as the BC Employment Standards Coalition (BCESC) and the BC Federation of Labour. These organizations represent a significant cross-section of workers in BC, and their input is vital for determining what is needed in employment standards reform given that the primary purpose of the *ESA* is to ensure that employees in British Columbia receive basic standards of compensation and conditions of employment.¹

Second, we want to highlight the areas of the *ESA* that are in particular need of a substantive gender equality lens. Gender-based discrimination results in women and sexual and gender minorities facing particular difficulties in the labour force. A modernized *ESA* should include protections that are necessary for allowing all genders to participate in the labour market and benefit from the statutory minimum standards.

We have considered the six themes outlined in the Ministry’s call for input and organized our submissions under the following three headings:

1. Family Responsibilities and Violence (Themes 3 and 5)
2. Effective Mechanisms for Enforcement (Themes 2 and 4)

¹ *Employment Standards Act*, RSBC 1996, c. 113, s. 2(a).

3. Enhanced Protections for Vulnerable Workers (Themes 1, 2, 5, and 6)

1. Family Responsibilities and Violence

One of the root causes of the disproportionate amount of economic insecurity experienced by women is the gendered division of labour. The gendered division of labour means that women often perform significantly more unpaid work than men, women's unpaid work is often undervalued, and they are often overrepresented in precarious and low wage employment.² The prevailing expectation that working 37.5 hours per week allows workers the opportunity to fulfill their daily personal and familial obligations fails to recognize the extensive unpaid labour that keeps families and communities together and thriving.

Moreover, this unequal division of labour is a root cause of gender-based violence which, in turn, has been linked to perceptions about women's lesser public status relative to men.³ A recent study from the Canadian Labour Congress found that overall, over a third of respondents had experienced domestic violence in their lifetime.⁴ Women and other people who experience gender-based discrimination were between two and four times more likely to experience domestic violence than cismen. The likelihood of experiencing domestic violence was particularly high for Indigenous people and individuals with disabilities.⁵

In addition to being widespread and disproportionately experienced by marginalized groups, domestic violence negatively impacts a worker's ability to retain employment, and, in turn, disruptions in employment make it harder for victims to escape violent relationships.⁶ Individuals with a history of experiencing domestic violence change jobs more often and are more likely to work in casual or part time roles and, therefore, earn lower incomes. Steady employment and living wages are crucial for individuals who are leaving violent relationships, so they can relocate, access services, and support themselves and their dependents.

West Coast LEAF urges the Ministry of Labour to consider the impacts of the gendered division of labour and gender-based violence in this *ESA* reform. As a result of these systemic issues, women and others who experience gender-based discrimination require strong protections under the *ESA* in order to have equal access to employment and economic security.

To further substantive equality for those affected by the gendered division of labour and gender-based violence, West Coast LEAF makes the following submissions on hours of work, family responsibility leave, the definition of "immediate family", and family violence leave.

² Ingrid Robeyns, "Hush Money or Emancipation Fee? A Gender Analysis of Basic Income," *Basic Income on the Agenda: Policy Objectives and Political Chances*, (Amsterdam: Amsterdam University Press, 2000) 121 at 127; Mark Smith and Genevieve Shanahan, "Is a basic income the solution to persistent inequalities faced by women?" *The Conversation* (Accessed March 7 2019).

³ Julieta Elgarte, "Basic Income and the Gendered Division of Labour" (2008) 3:3 *Basic Income Studies: An International Journal of Basic Income Research* 1 at 3-4.

⁴ Wathen, C.N., MacGregor, J.C.D., MacQuarrie, B.M. with the Canadian Labour Congress, *Can Work be Safe, When Home Isn't? Initial Findings of a Pan-Canadian Survey on Domestic Violence and the Workplace* (London, ON: Centre for Research & Education on Violence Against Women and Children, 2014) at 5.

⁵ *Ibid.*

⁶ *Ibid* at 2.

A. Hours of Work and Family Responsibilities

We support the BCESC's recommendations on requiring employers to provide notice of hours of work.⁷ As discussed above, the gendered division of labour means that women disproportionately bear family responsibilities. When workers with dependents do not have advance notice of their work hours, they face barriers accommodating these family responsibilities and, consequently, are more likely to be terminated.

We echo the BCESC's call to restore the *ESA*'s pre-2002 language in s. 31 around providing notice of hours of work, and establish a minimum notice period of 2 weeks unless there is an emergency circumstance, in which case the minimum notice period would be 24 hours. We also support the Coalition's recommendation to add a new provision to accommodate workers who have family responsibility that make it difficult for them to adapt to work schedule changes, which could read as follows: "*If in the event of a planned shift schedule change, employees affected by such change must give their formal consent to the change before it can be instituted. Such affected employees will not unreasonably withhold consent but in any case family responsibilities will constitute a valid reason for withholding consent to a shift schedule change.*"⁸

B. Family Responsibility Leave and Sick Leave

We echo the BCESC in strongly rejecting the majority of the BCLI's Project Committee recommendation to combine sick leave with family responsibility leave.⁹ As expressed by the BCESC, this recommendation from the BCLI would penalize workers with dependents, who are disproportionately women.¹⁰

Due to the ongoing gendered division of labour, women are more likely to perform caregiving duties for family members, including children and elder dependents. We agree with the BCESC that an amendment to combine sick leave and family responsibility leave would tend to ignore the reality of unpaid labour and reduce participation of women and other caregivers in the workforce, as they would be subject to termination if they were unable to meet their family responsibilities and care for their own illnesses within the limited number of days protected under a single, combined *ESA* leave.

Therefore, we strongly recommend that the Ministry of Labour maintain the current family responsibility leave and introduce a separate sick leave. We support the BCESC recommendations regarding the features of a new *ESA*-protected sick leave.¹¹ In particular, we agree that employers should not be allowed to require sick notes as long as the absence is less than 52 hours, and the employer should be obligated to pay for the doctor's note if one is required for a longer-term personal illness. We also support the BC Federation of Labour's call on government to include attending medical appointments as job-protected sick leave.¹²

⁷ BC Employment Standards Coalition, *Submission to Minister of Labour Harry Bains for Immediate Action on Employment Standards Reform* (September 2, 2018) at 20-21.

⁸ *Ibid* at 21.

⁹ BC Law Institute, *Report on The Employment Standards Act* (December 2018) at 187.

¹⁰ *Supra* note 6 at 28.

¹¹ *Supra* note 6 at 27-28.

¹² BC Federation of Labour, *Modernizing the Employment Standards Act: Submission to Ministry of Labour, Province of BC* (March 2019) at 8.

C. Definition of “Immediate Family”

We also echo the BCESC’s recommendations on a modern definition of “immediate family” that does not discriminate against sexual minorities, migrant workers, Indigenous people, and workers who grew up in foster care.¹³ These groups of workers are particularly vulnerable, and therefore deserve special consideration under the *ESA*, a piece of legislation designed to protect the most vulnerable participants in the labour market. An inclusive, modern definition of “immediate family” should recognize “chosen family”, as well community and extended kinship relationships. We support the BCESC’s recommendation to replace the current definition of “immediate family” with one that protects diverse relationships and achieves the objectives of the leave provisions under the *ESA*.

D. Family Violence Leave

Family violence is a widespread, systemic issue that disproportionately impacts BC’s most vulnerable workers.¹⁴ Family violence leave is essential for protecting the employment of vulnerable workers in difficult situations, which is the primary objective of Part 6 of the *ESA*. We strongly recommend the Ministry of Labour introduce “Family Violence Leave” in the *ESA* and that it include the following key features:

i. Name and Definitions

The new leave should be called “Family Violence Leave,” and it should use broad definitions of both “family” and “violence.” First, the leave provisions should use the same modernized, inclusive definition of “immediate family” discussed above in order to capture all of the intimate relationships in which this type of violence or abuse can occur. Second, the provisions should define “violence” very broadly in order to meet the objective of protecting the jobs of workers suffering physical or emotional harm from a person with whom they have or have had an intimate relationship. We recommend the Ministry of Labour adopt the definition of “family violence” from the *Family Law Act*, as it captures various types of physical, sexual, psychological or emotional abuse, and includes in the case of a child both direct and indirect exposure to family violence.¹⁵

ii. Paid Days and Variations in Working Arrangements

Family Violence Leave should include at least some paid days, and the provisions should allow the worker to request variations in working arrangements with their employer. Paid leave time is crucial for ensuring that workers in need have the necessary financial stability to actually take family violence leave. As discussed above, individuals who have a history of experiencing domestic violence often have lower personal incomes, and they require financial stability to support themselves and their dependents while leaving and healing from violent relationships. Employment standards legislation in Manitoba, Ontario, and New Brunswick provide for five days of paid leave per year, which can be taken intermittently or continuously. We support a maximum leave time of 10 paid days and up to 17 weeks of unpaid leave.

We also support the inclusion of a provision in the *ESA* that provides for accommodations for variations in the employee’s working arrangements. Under the proposed amendments, s. 52.3(5) would

¹³ *Supra* note 6 at 29.

¹⁴ *Supra* note 3.

¹⁵ *Family Law Act*, SBC 2011, c. 25, s. 1.

require the employer to accommodate the employee when they need variation of their assigned work as a result of family violence unless it would cause the employer undue hardship.¹⁶ Variations in working arrangements should include variations in hours of work, days of work, place of work, and any additional terms that need variation. A similar section exists in New Zealand's provisions on domestic violence leave.¹⁷ This type of provision would allow workers to continue earning income beyond the legislated number of paid days while being able to protect themselves and access support services for family violence.

iii. Confidentiality

Family Violence Leave must include requirements around confidentiality. As in other Canadian jurisdictions, employers should be required to ensure that mechanisms are in place to protect the confidentiality of records given to or produced by the employer that relate to an employee taking a leave under this section. Disclosure should be limited to situations where an employee has consented in writing to the disclosure, or where the disclosure is required by law or for an officer/employee/agent of the employer to perform their duties.

2. Mechanisms for Effective Enforcement

We strongly agree with the calls for radically transforming the Employment Standards Branch (ESB) by eliminating the “self-help kit” and allowing for alternative means of bringing complaints, increasing staffing and funding of the branch, and implementing proactive enforcement mechanisms.

The current complaint-driven enforcement system imposes barriers for all workers, but research shows that workers who suffer from discrimination or sexual harassment have particular difficulties enforcing their basic employment rights. In 2017, the federal government published its findings from a consultation on harassment and sexual violence in the workplace.¹⁸ Stakeholders in the consultation suggested that sexual harassment and other forms of discrimination create significant barriers to women and other marginalized people's full participation in the labour market.¹⁹ Those most vulnerable to harassment at work include women in low-wage or precarious jobs, members of visible minority groups, older women, sexual and gender minorities, and people with disabilities.²⁰

Canada's research shows that around 75% of survey respondents who experienced harassment or violence brought complaints, but for over 40% of them, no attempt was made to resolve the issue.²¹ Often, the worker's supervisor did not take the complaint seriously, did not conduct an investigation, and the worker who reported harassment faced retaliation from individuals in positions of authority.²² Of the survey respondents who experienced harassment, over half of them said the perpetrators were individuals who had authority over them in their workplace.²³ Common reasons for not reporting harassment included fears of retaliation, fears that reporting would impede their career advancement, and fears of being

¹⁶ *Supra* note 14.

¹⁷ See New Zealand's *Employment Relations Act 2000*, s. 69ABB(3).

¹⁸ *Harassment and Sexual Violence in the Workplace Public Consultations: What We Heard* (Employment and Social Development Canada, 2017). See <https://www.canada.ca/en/employment-social-development/services/health-safety/reports/workplace-harassment-sexual-violence.html>.

¹⁹ *Ibid* at 12.

²⁰ *Ibid* at 11.

²¹ *Ibid* at 6.

²² *Ibid* at 21.

²³ *Ibid* at 10.

terminated.²⁴ Respondents also expressed concerns around the confidentiality and efficiency of the complaint process.

West Coast LEAF asks that the Ministry of Labour apply a substantive equality lens to its reforms of enforcement mechanisms under the *ESA* ensuring that the most vulnerable workers are able to access their rights under the *ESA*. We made the following recommendations:

A. Staffing and Funding

We echo the BCESC and the BC Federation of Labour's call for a large increase in funding to the ESB to compensate for budget and staffing cuts from the early 2000s and ensure that workers are supported by the ESB throughout the complaint and investigation process.²⁵

B. Complaints

i. Eliminate the Self-Help Kit

We support the BCESC and other organizations' recommendation to eliminate the self-help kit.²⁶ The research discussed above demonstrates the barriers marginalized workers face when they are asked to resolve employment standards violations with their supervisors. Stakeholders in that consultation emphasized the particular importance of offering multiple reporting channels when the employer or supervisor is the alleged violator of the worker's rights. The ESB must provide avenues for workers to enforce their rights without requiring them to confront their employers.

ii. Allow Third Party and Group Complaints

We agree with the BCESC and the BC Federation of labour that third parties should be allowed to file complaints on behalf of workers whose rights have been violated under the *ESA* to enhance timely justice for vulnerable workers.²⁷ We also agree that the Director should have discretion to waive any requirement regarding written authorization of the affected employee when a third party complaint is filed.

We also support the BCESC's recommendation for the ESB to allow group complaints in a manner similar to the one that exists under the *Human Rights Code*.²⁸ Many groups or workers who all work for the same employer or at the same work site experience similar *ESA* violations. A group complaint process would increase efficiency at the ESB and increase the likelihood that all workers who are experiencing the same violations from a single employer will achieve justice.

²⁴ *Ibid* at 22.

²⁵ *Supra* note 6 at 3; *supra* note 11 at 4.

²⁶ *Supra* note 6 at 4.

²⁷ *Supra* note 6 at 5-6; *supra* note 11 at 5.

²⁸ *Supra* note 6 at 34.

iii. Extend Time Periods for Bringing Complaints and Recovering Wages

We echo the BCESC's recommendation to extend the limitation period for filing a complaint at the ESB.²⁹ In general, the limitation period should be extended from six months to two years, so that workers have the same access to legal remedies under the *ESA* as private litigants who bring civil claims.

We also recommend that there be an exemption to the two year limitation period for filing a complaint where the worker is able to demonstrate that the delay in filing a complaint resulted from reprisal, discrimination, or sexual harassment.

In regard to the time period for recovering wages, we agree that it should be extended from six months to three years.³⁰

C. Penalties

We support the BCESC's recommendations regarding penalties for *ESA* violations.³¹ Additional and increased penalties will be more likely to deter employers from violating employees' rights. Penalties should be in proportion to the number of employees affected, they should increase each time any provision of the *ESA* is violated by the same employer, and the amount should increase by at least the rate of inflation since 2001.

D. Proactive Enforcement

Proactive enforcement is vital for ensuring that vulnerable workers receive their full entitlements under the *ESA*. A proactive enforcement strategy should include expanding investigations brought by individuals and initiating investigations in specific industries.

We echo the BCESC's recommendation that the ESB should expand investigations triggered by individual complaints where other workers in that workplace may be experiencing *ESA* violations.³² This will increase protections for vulnerable workers.

We also agree that proactive investigations and ongoing inspections should be conducted in specific industries that are known for their non-compliance. For example, the Ministry of Labour should bring back the Agricultural Compliance Team, who proactively enforced workplace rights for farmworkers, an extremely vulnerable and mistreated class of BC workers, from 1997 until 2001.³³

E. Education and Resources

For enforcement to be effective, workers must know their rights. The government must invest in making sure everyone in BC's labour market knows their basic rights. This knowledge must be readily accessible for all workers regardless of accessibility issues or language barriers. West Coast LEAF urges the

²⁹ *Supra* note 6 at 6.

³⁰ *Supra* note 6 at 6-7.

³¹ *Supra* note 6 at 7-8.

³² *Supra* note 6 at 5.

³³ David Fairey, Christina Hanson, Glen MacInnes, Arlene Tigar McLaren, Gerardo Otero, Kerry Preibisch and Mark Thompson, *Cultivating Farmworker Rights: Ending the exploitation of immigrant and migrant farmworkers in BC* (Canadian Centre for Policy Alternatives – BC Office, Justicia for Migrant Workers, Progressive Intercultural Community Services, BC Federation of Labour, June 2008) at 8-9.

Ministry of Labour to create and implement rights education programs and multi-media resources when *ESA* reforms are introduced.

3. Enhanced Protections for Vulnerable Types of Workers

West Coast LEAF makes the following recommendations with regard to particular vulnerable groups of workers who require better protections under the *ESA*.

A. Children

West Coast LEAF re-iterates its support for First Call's recommendations on *ESA* reforms to ensure children are protected in the labour market.³⁴

B. Workers who Rely on Tips

West Coast LEAF supports the BCESC's recommendations on the regulation of tips and gratuities.³⁵ Women make up 81% of food and beverage servers in BC, so they are disproportionately impacted by the current inadequate regulation of tips and gratuities.³⁶

The BCESC has recommended that BC regulate tips and gratuities in a manner similar to other Canadian jurisdictions. They suggest BC adopt language similar to that introduced in Newfoundland and Labrador, as it clearly states that tips and gratuities are the property of the employee who receives it. The BCESC also recommends adding language to ensure that tip pooling is under employee control, such as the wording in s. 50 of Quebec's *Act respecting labour standards*.

C. Live-in Caregivers

West Coast LEAF supports the recommendations from the BCESC and the Migrant Workers Centre on reforms to the *ESA* to better protect caregivers working in private caregivers.

First, all caregivers should be entitled to the same minimum standards and protections as other types of workers, and their employment rights must be meaningfully enforced.³⁷ Workers performing similar caregiving services are separated under five classifications: domestics, sitters, residential care workers, night attendants, and live-in home support workers. We agree with the BCESC and the Migrant Workers that the Ministry of Labour should eliminate any exclusions of these workers from parts of the *ESA*, as all five classifications of caregivers should enjoy the same minimum standards as other workers under the *ESA*.

In addition, West Coast LEAF supports the BCESC and the Migrant Workers Centre recommendation to eliminate s. 85(2) of the *ESA*.³⁸ Currently, s. 85(2) provides that a director may not enter a private residence for the purpose of ensuring *ESA* compliance without consent of the occupant or

³⁴ *B.C. Child and Youth Employment Standards Policy Recommendations* (First Call: BC Child and Youth Advocacy Coalition, August 2018).

³⁵ *Supra* note 6 at 19.

³⁶ *2018 CEDAW Report Card: How is BC Measuring Up in Women's Rights?* (West Coast LEAF, December 2018) at 17.

³⁷ *Supra* note 6 at 16-17.

³⁸ *Supra* note 6 at 17.

with a warrant. As expressed by the Migrant Workers Centre, this prevents proactive enforcement of workplace rights in private residences, leaving a significant gap in the protection of many domestics and caregivers' *ESA* rights. Caregivers are disproportionately women and they are often immigrant or migrant workers who face substantial barriers in advancing individual complaints.

West Coast LEAF also echoes the BCESC's call for the Ministry of Labour to include live-in caregivers in the standard "at work" definition in s. 1(2) of the *ESA*.³⁹ Amend s. 1(2) of the *ESA* by removing the phrase "unless the designated location is the employee's residence," so that it simply reads: "an employee is deemed to be at work while on call at a location designed by the employer." This amendment would allow workers whose activities are restricted by their employer to be defined as "at work," and therefore receive better coverage under the *ESA*. Live-in caregivers should be entitled to *ESA* protections regarding hours of work, overtime, and on-call compensation.

D. Farmworkers

West Coast LEAF commends BC for passing *Bill 48 – 2018: Temporary Foreign Worker Protection Act*, which will require recruiters to be licensed and employers to be registered, introduce tougher sanctions for employers and recruiters who violate the law, and allow the provincial government to recover any illegal fees charged by recruiters and give them back to workers. When it comes into force, this act will better protect temporary foreign workers, particularly those working in the agriculture industry through the federal Seasonal Agricultural Worker Program (SAWP).

But we know that many immigrant workers also experience *ESA* violations in the agriculture industry, an industry that has been known to have high rates of workplace violations since the 1990s.⁴⁰ Farmworkers outside of SAWP are often female, over 50 years old, and not fluent in English, with the majority Indo-Canadian.⁴¹ As advocated by the BCESC, farmworkers are among the most vulnerable, low paid and exploited workers in BC.

West Coast LEAF urges BC to target this industry with proactive enforcement methods so that these employers respect their workers' rights. As submitted earlier, West Coast LEAF calls on BC to reinstate mechanisms like the Agricultural Compliance Team as a means of proactively enforcing *ESA* protections for farmworkers.

West Coast LEAF also supports the CCPA's recommendation to reintroduce *ESA* entitlements to statutory holidays, annual vacation, hours of work and overtime pay for farmworkers.⁴²

In addition, West Coast LEAF echoes the BCESC's support for the 2018 Fair Wages Commission recommendations regarding the piece rate system and the BCLI's conclusion that the piece rate system undermines the policy rationales for a general minimum wage.⁴³ Although BC raised piece rates 11.5% on January 1, 2019, they remain inadequate. West Coast LEAF re-iterates the call for a piece rate scheme that allows workers being paid on a piece rate basis to receive at least the equivalent of the general minimum wage.

³⁹ *Supra* note 6 at 20.

⁴⁰ *Supra* note 36.

⁴¹ *Supra* note 36 at 13.

⁴² *Supra* note 33 at 12.

⁴³ *Supra* note 6 at 10-12.

E. Temporary Agency Workers

The BCLI Consultation Paper failed to include any discussion or recommendation for the licensing and regulation of employment agencies. This is a huge oversight considering the growing number and the vulnerability of temporary agency workers. Research from the CCPA in 2014 showed that 55.5% of temporary agency workers are women, and women are more likely to turn to temporary agency work in the absence of temporary employment.⁴⁴ In addition, around one third of new immigrant try to enter BC's labour market through temporary agency work.

To ensure better protections for temporary agency workers, West Coast LEAF supports the following recommendations from the BCESC.⁴⁵

In general, amendments are required to regulate the triangular employment relationship between temporary agency workers, employment agencies, and client firms. In this employment relationship, the worker is employed by the agency, but provides services to the client firm. The *ESA* should better account for these types of triangular employment relationships in order to fully protect workers.

The Ministry of Labour must adopt the principle of equal treatment, so that temporary agency workers who perform work comparable to that of permanent workers are afforded comparable *ESA* standards. This should include legislated minimums for wages, benefits, and working conditions.

The *ESA* and the *ESB* should impose higher penalties on both unlicensed employment agencies and client firms that use unlicensed agencies. In 2014, the CCPA found that 84 of the 127 employment agencies in the Lower Mainland Yellow Pages were not licensed by the *ESB*, and that five of those operating, unlicensed agencies had a previous contravention for operating without a license.⁴⁶ As stated by the CCPA, licensing requirements do not protect workers unless they are enforced. In addition to imposing higher penalties, the Ministry of Labour should proactively enforce licensing requirements for employment agencies.

In order to encourage transition to permanent employment, the *ESA* should prohibit “buy-out clauses” and other mobility restrictions that impose fees or limits on client firms who offer permanent employment to temporary agency workers. “Buy-out clauses” prevent temporary agency workers from escaping the precarity of temporary agency work.

The *ESA* should require employment agencies to offer a new assignment at the same pay rate if an assignment ends prematurely. Employment agencies should be required to compensate the worker with the amount of lost pay if the agency cannot offer another assignment at the same pay rate. The *ESA* should also require the employment agency to provide termination pay to the temporary agency worker within 48 hours following the end of a terminated assignment, unless the worker is immediately given an assignment with another client firm.

Finally, the *ESA* should require employment agencies to provide temporary agency workers with the following notices and written information:

- Written information about their employment rights

⁴⁴ Andrew Longhurst, *Precarious: Temporary Agency Work in British Columbia* (CCPA – BC Office, July 2014) at 6.

⁴⁵ *Supra* note 6 at 8-10.

⁴⁶ *Supra* note 47 at 28.

- Detailed information about the employment agency with which they are registered
- A signed document outlining the pay, hours, assignment duration and working conditions being offered for each new assignment
- Notice with respect to the end of their assignment and whether the termination was caused by the agency or the client. The notice should be given within the same time frame as required by the *ESA* for other types of workers.

F. Exclusions

Many vulnerable groups are not currently entitled to the minimum standards or protections provided for under the *ESA*. We support the recommendations from the CCPA and the BCLI for the Ministry of Labour to systematically review existing exclusions, eliminate the exclusions that are not grounded in evidence-based policy rationales, and not grant further exclusions without compelling, evidence-based justification.⁴⁷ As advanced by various organizations, the *ESA* should require equal treatment for all workers including casual, term, and part-time workers. All workers should be covered by the same minimum standards with respect to work hours and overtime.

Conclusion

West Coast LEAF welcomes the Ministry of Labour's plan to modernize employment standards in BC. We encourage the Ministry to ensure that BC's employment standards legislation protects workers of all identities and within all industries.

⁴⁷ *Supra* note 33 at 12.