



20 April 2018

Jean-Marc Dupuis, Deputy Minister
Post-Secondary Education, Training and Labour
Government of New Brunswick
PO Box 6000
Fredericton, NB
E3B 5H1

Dear Mr Dupuis:

Re: *Employment Standards Act* Amendments - Domestic, Intimate Partner or Sexual Violence Leave

Introduction:

Thank you for the opportunity to provide input on behalf of the nearly 1000 members of the Fredericton Chamber of Commerce on this important issue. Employers of all sizes recognize that our employees are the most important asset to any organization. Their health, well-being and personal lives have significantly tangible effects on the success or failure of a business. Beyond that, many employers view employees as family members - often spending more time with their co-workers than at home. The majority of chamber members are small businesses - often with a tight-knit staff, including the owner or manager.

Our entire board of directors has reviewed your letter of 15 February 2018 along with the associated jurisdictional information and discussed the same at a special session during our most recent meeting of the board. We agree that domestic/intimate partner/sexual violence is an issue well worth your department's time and effort and we commend the Government of New Brunswick for taking these first steps to protect the citizens of New Brunswick. It is important to set the minimum requirements for businesses at a level that can be absorbed by businesses of all shapes and sizes in order to mitigate the economic impacts of leave.

Please note:

- I. While we are sure there are many legitimate factors and facets of the issue that your department is considering, as a business-focused organization, we will limit our comments to this perspective, which requires us to consider the effects of an extended leave of absence on a company (regardless of the unquestioned necessity of the leave).
- II. We are proposing legislative minimums, but suggest that the majority of employers would be prepared to go beyond these minimums to support their employees in many circumstances to the extent they (and their businesses) are capable.



Questions:

1. How long should the leave be? Should there be some combination of lengths that can be used continuously or intermittently?

Our organization proposes following Alberta's model of up to 10 days of unpaid leave per year. We submit that the employee should be able to be take these continuously or intermittently, dependant on the specific needs of a particular individual.

Even short leaves of absence can have a substantial impact on an organization. The timing of the absence, the number of total employees in the organization, the position/knowledge of the individual taking leave may all be exacerbating factors during a leave. A leave beyond 10 days will create logistical, operational and economic difficulties for New Brunswick small businesses.

2. Should the leave be paid, unpaid or a combination of the two?

To help businesses absorb the costs associated with an absence, the required leave should be unpaid. Many employers may choose to top up some wages or provide other flexibility to their employees such as making up hours at a later time, an advance on future wages or working from an alternate location. However, for some businesses in the province, two weeks of paid leave will be difficult to absorb from time-to-time. Given the emergency-based nature of the subject matter, it is not practical to plan for such a leave (as is possible with a scheduled maternity leave, for example). Additional costs to business are more easily dealt with when there is time to plan.

3. Should an employer be permitted to request proof or verification of the leave request? If yes, what evidence should be required?

Yes, an employer should be able to request proof or verification of the leave request to prevent potential abuses by a small number of employees. Recognizing that each situation is unique and some victims may never seek help from a professional, we suggest a broad range of permissible forms of evidence (in writing or verbally), including but not limited to:

- medical practitioners and other health professionals (nurses, psychologists, social workers);
- police reports or court orders/judgments; or
- evidence from those who work in the domestic violence sector (transition houses, second stages housing and domestic violence outreach workers), victim services, clergy or spiritual advisors or other reasonable verification.



4. Should there be a requirement to maintain confidentiality?

Yes, confidentiality of the victim should be maintained by the employer. Confidentiality can increase a victim's confidence in the process and is required to reduce risks to the victim and enhance safety. Employers would be assisted by clear step-by-step guidelines detailing their responsibilities as well as best practices in this regard.

Conclusion:

The Fredericton Chamber of Commerce is supportive of domestic, intimate partner or sexual violence leave for employees in New Brunswick. We ask the department to consider the practical effects on New Brunswick's small businesses as detailed in this submission when finalizing the legislation and related regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keir Clark'.

Keir Clark
Scotia Wealth Management
President, Fredericton Chamber of Commerce

A handwritten signature in blue ink, appearing to read 'Krista Ross'.

Krista Ross, CEO
Fredericton Chamber of Commerce