



12 July 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 - Domestic, Intimate Partner or Sexual Violence Leave Draft Regulations*

Thank you for the opportunity to provide input on behalf of the nearly 1000 members of the Fredericton Chamber of Commerce on the draft regulations noted above. As we stated in our 20 April 2018 submission, 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.

We would like to reiterate that 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. We served a similar role while sitting on the Muriel McQueen Fergusson Foundation's committee that responded to the original consultation process. We hope that offering a business perspective to the possible effect these changes could have on small business will contribute to drafting the best possible regulations for all parties involved.

We think it is also important to note that for many of our members, their employees are often a 'second family' and while we are proposing legislative minimums, the majority of employers may go beyond these minimums to support their employees in many circumstances to the extent they (and their businesses) are capable.

There are two sections in particular that we think might be difficult for some employers to absorb:

- Section 3(2)(b) - providing 16 weeks of leave to an employee will be very difficult for employers in some circumstances. Generally speaking, the smaller the business, the more difficult it is to have an employee absent for four months (ex: finding a temporary replacement quickly, training, holding the position, incorporating the person back into the workplace, etc). Perhaps even more critical is the impact of the leave relative to the role within the organization (ex: highly-skilled duties that only one person can perform at the company, someone in a



management role, etc.). Every situation will be different, but we anticipate that oftentimes employers will struggle with 16 weeks.

- Section 5(1) - As above, each incident will be highly circumstance-dependent for both the employee and the employer, but we expect that providing a week's salary to an employee not at work will create difficulty for some employers. Other types of compassionate leaves that are unpaid include: compassionate care leave, family responsibility leave, bereavement leave, critical illness leave, etc.

While we have outlined potentially problematic effects on employers caused by the draft regulation, our organization restates its support of the intent of the legislation. In fact, this consultation process has provided a valuable awareness opportunity for our organization. Our entire 21-member board of directors discussed the issue in February and subsequently approved our original 20 April 2018 submission. Since that time, the conversation has continued not only within the chamber of commerce, but many of our board members have taken the issue to their own organizations. A good result before regulations are even adopted!

Sincerely,

A black ink signature of Ryan Boyer, consisting of a stylized 'R' and 'B'.

Ryan Boyer, President
Fredericton Chamber of Commerce
Cain Boyer Benefits Group

A blue ink signature of Krista Ross, written in a cursive style.

Krista Ross, CEO
Fredericton Chamber of Commerce