A MATTER OF CONTROL: SASKATCHEWAN
LABOUR STANDARDS AND PART-TIME WORK

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A) INTRODUCTION

In the 19th Century workers and social reformers in Western countries fought for legislation prohibiting child labour. Then there were the struggles for 12, 10 and eight-hour workdays. In the 1930s labour campaigned for a 30-hour workweek. This never came to pass, but by the 1960s and early 1970s standard sociology texts had chapters combining discussions of work and leisure. And the Canadian Television network (CTV) had a weekly program entitled “Here Come the Seventies,” which focused on the struggle to find new ways to fill our leisure time as the main problem for the future.

Then came the 1980s, and leisure was a thing of the past. The global crisis of capital accumulation, which actually began in the early 1970s, caused business and governments to talk more about the need for increased productivity and economic growth, despite the fact that new technologies had increased output per worker phenomenally, with no decline in absolute economic growth. And we now have increasing numbers of people with more leisure time than ever before. But they have little wherewithal to enjoy their time, because over 30 million people in the Western world are unemployed and, according to the International Labour Organization (ILO), “30% of the world’s labor force of about 2.5 billion people is either unemployed or underemployed” (The Wall Street Journal, February 22, 1995). More than one in five people in most Western countries is working low-wage part-time jobs, many due to lack of full-time employment, or lack of child care. The 15-hour workweek has now arrived for many, while others are forced to work overtime (Morissette and Sunter, 1994). Sociology texts no longer discuss work and leisure in the same breath. Why this turn of events?

This paper is an attempt to answer that question. Our discussion begins with an overview of the structural changes that have given rise to what is euphemistically called “the contingent economy,” based on part-time and other sorts of casual labour. We then turn to a general discussion of proposals for better labour legislation that might improve the working and living conditions of these casual labourers. This general discussion is followed by an analysis of the politics surrounding attempts to revise the Saskatchewan Labour Standards Act to give increased rights and benefits, for part-time workers in particular. The result was one of the most advanced pieces of labour standards legislation in North America, but one that was completely watered down through weak regulations—which many see as the government’s concession to a very hostile business lobby.

In order to see what part-time workers themselves think about the legislative changes, the battles around them, and the prospects for their working and family lives, we interviewed 20 part-time workers in unionized and non-unionized businesses. The results are discussed in Section E of our paper. Most of our participants speak favourably of the legislative changes, but are very disappointed with the government for backing down when it came to writing enabling regulations to enforce the new provisions of the Act. Their stories and recommendations reveal that much is left to be done to improve the lot of part-timers. In our conclusion we offer policy recommendations for improving the working and social welfare conditions of both part-time and full-time workers who confront the so-called contingent economy.
B) THE CONTINGENT ECONOMY

In recent years, students of the labour market have noted the growth of what is being referred to as “contingent” or “non-standard” labour, on the assumption that full-time waged labour is the standard form of labour (ECC, 1990; Krahn, 1992). So-called contingent or non-standard labour includes part-time, temporary, and contract work and self-employment. These are called contingent forms of employment because they generally lack any modicum of job security or benefits. Historically, this sort of work has been called “casual labour” (Jones, 1984).

The growth of the contingent labour force is intimately tied to the process of global restructuring, which is being aided and abetted by neo-liberal free-market state policies. Corporations are trying to cut costs by “downsizing”—a euphemism for laying off workers. This is one part of the shift towards so-called flexible production. The structure of the flexible labour market is one which shifts more and more components of production from the individual firm to series of suppliers. This is occurring in both goods and services production. In the drive to lower overhead costs many companies, especially large ones, are now contracting out much of the work that was previously done “in-house.” As a result of downsizing by large “core” companies there has been a rapid growth of “peripheral” workers employed by contractors, or hired on a temporary basis by core firms (Broad, 1991; 1995).

The structure of the emerging labour market is depicted in Figure 1. At the core we find the most highly skilled workers, especially those involved in research and design, who are noted for their functional flexibility. The first peripheral tier incorporates full-time workers, who are numerically flexible due to higher turnover than the core group. The second peripheral group provides even greater numerical flexibility, because it is made up of part-timers and other casual workers. “All evidence points to a very significant growth in this category of employees in the last few years” (Harvey, 1989: 150-). On the outer tier, not directly employed by core firms, one finds the temporary help agencies, sub-contractors, self-employed, and increased outsourcing to the geographical periphery—the Third World. And in both the periphery and core states of the world-economy one now finds a growing “informal economy,” providing both goods and services to the “formal economy” (Portes and Sassen, 1987).

Contingent jobs have been the fastest growing types of jobs across Canada in recent years. Research by the Economic Council of Canada (ECC, 1990; 1991) identifies four types of contingent work in particular: part-time employment; short-term work; own-account self-employment; and temporary-help agency work. “Between 1981 and 1986, these four forms of non-standard employment accounted for about half of all new jobs; they now represent nearly 30 percent of total employment” (ECC, 1990:12). The authors of the report add that their “analysis indicates a long-term trend towards more non-standard employment” (1990:13).

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1 We use the term “neo-liberal” here to refer to current political-economic practices based on notions of free-market capitalism a la Adam Smith’s (1776) “invisible hand” of the market. The practices are sometimes referred to as “neo-conservative,” given that they got their biggest push under Tory regimes in Britain, Canada and the United States. But the affinity with classical liberalism makes neo-liberal the apt term.
Perhaps the most obvious growth of the contingent labour force in Canada is in part-time work. Statistics Canada first began to measure part-time employment through theLabour Force Survey (LFS) in 1953. At that time part-time work was employment of "less than 35 hours per week," and 197,000 people, or less than four percent of the Canadian labour force was found to be working part time (see Table 1). At present, despite the fact that the measure for part time was lowered to "less than
30 hours per week” in 1975, LFS data show that 2,254,000 people, or 17 percent of Canadian workers are part-timers. And use of the old (35 hour) measure would put those working part time at over 20 percent of the labour force (see Graph 1).

The official LFS count of 17 percent part-time workers in the Canadian labour force is based on reference point figures. Statistics Canada also releases annual average figures, which have shown over 20 percent of the labour force to be part time, using the 30-hour mark (Gower, 1988:17). According to the Canadian Census, over 20 percent of employed workers in Canada are part-timers (Broad, 1993b). And those part-timers who are “self-employed” are categorized as self-employed by the LFS, but not as part-time. Moreover, the number of part-timers, and all casuals, would increase even more if we included members of the informal labour force. Suffice to say that at least one in five members of the Canadian labour force is now working part-time.

Although there has been an increase in the number and proportion of males in the labour force working part-time, the majority of part-timers are still women (see Table 2). Close to 70 percent of part-timers in Canada are women working less than 20 hours per week (Broad, 1993b). In 1976, 20.8 percent of formally-employed Canadian women worked part time. By 1994, 26.1 percent were employed part time. Meanwhile, the percentage of men working part time increased from 5.1 percent in 1976 to 9.5 percent in 1994.

For Saskatchewan, LFS data show that 17.7 percent of those who are formally employed are working part time, and 70.4 percent of these part-timers are women (see Table 3). Most female part-timers have children, including many (36 percent) with children under six years of age (Broad, 1993a). This fact tends to bare out the claim of feminists that it is continuing family responsibilities and lack of affordable child care that keep many women from working full time.

But in recent years, there has been a growth of part-time jobs in Saskatchewan held by both male and female workers. The proportion of females reporting part-time work increased from 25.4 percent of all formally-employed women in 1976 to 32.2 percent in 1991, at the height of the 1990-92 recession, then dropping back to 28.2 percent in 1994 (Table 3). On the other hand, the percentage of males working part time in Saskatchewan rose from 6.0 percent in 1976 to 8.2 percent in 1991, and continued to rise to 9.1 percent in 1994. As in the rest of Canada, most male part-timers are young, while females tend to be more evenly spread across all age categories. In Saskatchewan, three-quarters of part-time workers are found in the service sector, the majority in low-paid clerical, sales and service jobs (Broad, 1993a).

Overall, there has been a casualization of the labour market tied to the current economic restructuring. Contrary to the best scenarios presented by theorists of post-industrial society, the Economic Council found more “bad” than “good” jobs being created, both in terms of skill content and wages. And the more recent report of the federal Advisory Group on Working Time and the Distribution of Work (Advisory Group, 1994) corroborates the Economic Council’s conclusion—the prospects for most workers appear to be for further deskilling and declining standards of living. The Council reports, for example, a declining proportion of Canadian families with middle-level incomes (ECC, 1990:15; see also Ternowetsky and Thorn, 1991).
TABLE 1
Part-time and Full-time Employment in Canada, 1953-1994

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<thead>
<tr>
<th>Year</th>
<th>Part-time Employment</th>
<th>Full-time Employment</th>
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<tr>
<td></td>
<td>Actual ('000)</td>
<td>As a % of Total Employment</td>
</tr>
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<td>706</td>
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</table>


* The Labour Force Survey was revised in 1975. The first figure is based on the old Labour Force Survey; part-time employment between 1953 and 1975 consisted of persons who usually worked less than 35 hours per week. The second figure is based on the revised Survey and since 1975 part-time employment consists of persons who usually work less than 30 hours per week.
GRAPH 1
Percentage of Part-time Workers in the Canadian Labour Force, 1953 - 1994

There has been a steady post-WWII growth trend in part-time work - to the point that around 1 in 5 workers are now part-timers (see text).

Lines (A) and (C) register the official percentage of part-time workers in the labour force. Line (B) was constructed by adding the 2.3% 1975 difference to the post-1975 official measures of part-time (see note, Table 7.3), to give an approximation of the growth in pre-1975 terms.

Source: Table 1.
### TABLE 2
Full-Time and Part-Time Employment in Canada
Annual Averages by Sex 1976-1994 (000s)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Employed</th>
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<th>Part Time</th>
<th>MALES</th>
<th>Full Time</th>
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### TABLE 3
Full-Time and Part-Time Employment in Saskatchewan
Annual Averages by Sex 1976-1994 (000s)

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<th>Part Time</th>
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<th>Full Time</th>
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<th>FEMALES</th>
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Richard Barnet, observing trends throughout the capitalist world, states:

The problem is starkly simple: an astonishingly large and increasing number of human beings are not needed or wanted to make the goods or to provide the services that the paying customers of the world can afford. Since most people in the world depend on having a job just to eat, the unemployed, the underemployed, and the ‘subemployed’—a term used to describe those who work part time but need to work full time, or who earn wages that are too low to support a minimum standard of living—have neither the money nor the state of mind to keep the global mass consumption system humming. Their ranks are growing so fast that the worldwide job crisis threatens not only global economic growth but the capitalist system itself (Barnet 1993:47).

The problem for workers, of course, is how to counter the degradation of their working and welfare conditions resulting from the casualization of labour.

C) THE CONTINGENT ECONOMY VERSUS LABOUR STANDARDS

Trade unionists are concerned that the growth of so-called contingent labour is both running counter to their historical struggles for full and better employment and contributing to the current social and labour-market polarization in Canada—to the particular disadvantage of women and youth. Much has been reported in the media in recent years about a “lost generation of youth” who have only unemployment or low-waged, dead-end, casual service-sector jobs to look forward to. In opposition to the contingent economy, some social-democratic labour economists argue for a “share economy” as the more humane way to increase human resource flexibility. The share economy “is represented by long-term employer-employee relationships that can be adjusted based on norms, standards or various formulas. Some of the key institutions of the share economy include profit sharing, gain sharing, performance bargaining, leaner job ladders, retraining, and redeployment” (Belous, 1989:xi). Belous describes this as the “new deal model” of human resource management as outlined in Table 4. With the new deal model, as opposed to the contingent model, emphasis is placed on labour, business and government partnerships, and long-term economic planning.

According to labour and women’s groups, the problem with flexible work schemes to date is that they have too often been implemented to the advantage of the employer, but to the disadvantage of the employee. It is the worker who must be flexible. However, there has been some experimentation with flexible working arrangements which are more “worker-friendly.” A few employers permit “flex-time” arrangements allowing their employees to better balance work and family responsibilities. There has also been some use of “job-sharing” which allows two employees working part time to share one full-time job. And, especially in Europe, there has been much discussion of “work-sharing” which, through reduced hours for full-time workers, would allow the unemployed and underemployed to be better incorporated into the active labour force. This discussion is just heating up in Canada (O’Hara, 1993).

With respect to part-time work in particular, there is the potential for phased retirement of older workers, or for phasing younger workers or disadvantaged groups into the labour force by allowing

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2 Not only is this a waste of human potential, the trend appears to be having a negative impact in terms of high youth crime rates and attraction to fascist political movements, which prey on alienation by offering youth simplistic explanations for their problems (e.g., that non-white immigrants are taking all the good jobs).
them to gain some workplace experience. And women in Sweden, for example, have benefited from their legislated right to work part-time while they have young children without loss of seniority or benefits (Sundstrom, 1987). But this example illustrates the crux of the problem of part-time work—it is most attractive and beneficial to employees if they are guaranteed their rights and benefits, at least prorated, in terms of hours worked and seniority.

<table>
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<td>The New Deal Model Versus the Contingent Model</td>
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<td>of Human Resource Management</td>
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<table>
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<th>New Deal Model</th>
<th>Contingent Model</th>
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<tr>
<td>- Unions play a central role in the development and operation of human resource systems.</td>
<td>- Unions play a small, peripheral role in the human resource system.</td>
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<td>- Government is a leading influence in human resource systems in terms of regulations and guidance.</td>
<td>- Government, while still a factor, is not looked to as a major source of guidance.</td>
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<td>- Contingent workers are the exception rather than the norm.</td>
<td>- Contingent workers play a major and central role in the flexible system.</td>
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<td>- International economic forces play only a small role in establishing human resource systems.</td>
<td>- International economic forces have a large impact in establishing and altering human resource system compensation levels and work rules.</td>
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<td>- Greater emphasis is on security than on risks and rewards.</td>
<td>- Risks and rewards are given more emphasis, and security is viewed as a less obtainable objective.</td>
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As to what reforms might be implemented to improve conditions for part-timers, labour activists see two obvious possibilities. The first is to expand collective bargaining to incorporate part-timers, many of whom remain unorganized (see Broad, 1995a). The second is to improve labour legislation to ensure that part-timers gain broader coverage with respect to rights and benefits. The intent of legislative reforms would be to raise the minimum standards in the labour market overall. It is commonly noted that many contingent and women workers fall outside the provisions of labour standards acts. In a lengthy discussion of employment standards, Fudge (1991:16) argues: “Existing labour standards legislation have failed to protect workers from employers’ attempts to exploit flexible labour.” She goes on to note that

emphasis upon the length of employment with a particular employer as a means of determining entitlement to employment benefits encourages employers to use labour flexibly through a variety of means including on-call labour (business’ counterpart to just-in-time inventory), temporary and part-time work, contracting out, and lay-offs, while imposing few burdens upon employers regarding the social costs of such labour (Fudge, 1991:21).
Fudge explains how labour standards legislation could be applied to various sorts of leaves, hours of work, and employment income and security. Moreover, the majority of non-unionized workers would benefit from an increase in minimum standards which would create a sort of “level playing field” for all employees. Of course, many employers would object to such strengthening of legislation in the interest of workers, as was seen with the recent debate over reform to labour standards legislation in Saskatchewan. In that case, a vocal business lobby was successful in stopping the provincial government from translating progressive legislative reforms into regulations which would give part-time workers more control over their lives (Broad and Foster, 1995).

**D) LABOUR STANDARDS IN SASKATCHEWAN**

Saskatchewan trade unionists have been struggling for years for reforms to the provincial Labour Standards Act. After a lengthy process of public consultation, which pitted the trade union movement and progressive social activists against a determined business lobby, on June 2, 1994 the Saskatchewan Legislature passed Bill 32, The Labour Standards Amendment Act, 1994. The amendments contained in this Bill would give more protection to contingent workers, though less than the labour movement would like. But the Bill was not proclaimed, the government stating that it wanted to consult before enacting the new provisions through regulations (see below).

A central thrust of Bill 32 is to raise minimum labour standards in the province such that part-time workers would have better conditions of work and more control over their working and family lives. Four provisions in particular were created with this intent. Subsection 13.1 of the amended Act stipulates employees be given one weeks notice of work schedules. This provision is important to part-timers for putting a stop to “on-call” working arrangements whereby employees are left hanging by the phone to see if they will be called in to work.

While very few full-time workers have on-call work arrangements, one in four part-time workers are on-call (Broad, 1993a). On-call workers cannot plan their lives because they never know when they will have to work. At the time the amendments to the Act were first introduced to the Saskatchewan Legislature, Labour Minister Ned Shillington went on CBC Regina’s “Radio Noon” show to explain the amendments and answer questions from callers. The response was overwhelmingly positive. It was obvious that most callers had experienced part-time work or knew someone who worked part time. Callers spoke of part-timers’ inability to control or plan their lives.

One woman referred to part-timers as being under “house arrest,” because if they are not readily available they may miss a shift and the much-needed income. But even if they are called in to work, those who are parents must have access to child care. A woman whom we interviewed for a previous study noted that, if she did not have her sister (who was at home with her own young children) on-call for child care, she would not be able to rush to her paid job when called in. In any event, her pay was too low to access anything other than informal child care (Broad and Foster, 1995). By requiring that employers post schedules one week in advance, Bill 32 allows part-time workers to gain more control over their lives. This provision is something that individual workers and unions have been wanting for some time.
Subsection 13.3 of *Bill 32* stipulates that employers grant an unpaid meal break of at least 30 minutes within every six or more consecutive hours of work. This would prevent employers from working employees who work six hours or more in a day for a full day without a break.

Subsection 13.4 of the *Bill 32* is entitled “Additional hours of work.” It reads as follows:

1. Where required to do so by the regulations, an employer shall offer to part-time employees in accordance with their length of service and qualifications any additional hours of work that become available, except in the case of emergency circumstances within the meaning of subsection 12(4).

2. No employer shall take disciplinary action against an employee who refuses to work or to be at the disposal of the employer for the additional hours of work offered in accordance with this section of the regulations.

This is an extremely important provision of *Bill 32*, that would prevent employers from continuing to replace full-time workers with lower-waged part-timers who lack benefits and income security.

Saskatchewan unions have also been arguing for more worker control over availability of hours, and were pleased that subsection 13.4 of the *Labour Standards Act* would allow those employees with the most seniority to work additional hours if they become available. For example, if a senior employee has been working four-hour shifts and the employer needs someone to work a consecutive shift of four hours, the intent of the Act is that the worker could take the additional hours, making a full eight-hour day.

The option for workers with seniority to take the most available hours, up to a full-time shift, means that employers would not as easily be able to use part-time work as a way to prevent or undermine unionization, wages and benefits. At the same time, individual workers would be given more control over their hours of work so that if they want to work full time they could, or they could remain part time. This is especially important to women who, in our society, must balance paid work and child care.

Also important to part-timers is subsection 45.1 of the amended Act, which states: “Where an employer provides a benefit to employees who work at least 30 hours per week, or any other number of hours prescribed in the regulations, the employer shall provide benefits in accordance with the regulations to all eligible employees.” This provision would prevent employers from replacing full-timers with part-timers as a way of escaping employer benefit costs.

A problem Saskatchewan part-time workers face is that they are less apt to be covered by collective agreements than full-timers. And where part-timers are unionized they are seldom fully covered by collective agreements. According to Statistics Canada’s Labour Market Activity Survey, 58 percent of full-time, full-year workers in Saskatchewan were covered by an employer pension plan in 1990, but only 19 percent of part-time, full-year workers and only seven percent of part-time, part-year workers were so covered (Broad, 1993a). The labour standards amendments address these workers’ needs by requiring pro-rated benefits for part-timers in workplaces where full-timers are covered.
To translate the amended *Labour Standards Act* into a set of regulations, the Saskatchewan Government set out to get recommendations from business and labour. For this purpose the government established a joint business-labour commission and 14 sectoral committees to undertake consultations on implementing the new provisions of the Act. The terms of reference for the Joint Commission on Part-Time Work state:

In response to business concerns regarding Bill 32, the Cabinet approved the establishment of a joint business-labour commission on the implementation of provisions respecting most available hours (subsection 13.4) and benefits for part-time employees (subsection 45.1) (Joint Commission, 1994: Appendix A).

Differences between business and labour were obvious in the deliberations of the Joint Commission, and in its inability to achieve consensus on recommendations regarding most available hours and pro-rating of benefits to part-timers. The Joint Commission’s final report incorporates some general recommendations, but includes separate “employee” and “employer” sections on both hours and benefits. The employee section on most available hours begins with the statement:

We, the Employee Representatives on the Commission, recognize the importance of promoting fairness within the workplace and of developing labour regulations that reflect the basic social values of fairness, equity and compassion, as the life of many part-time employees is marked by insecurity and anxiety. Because women comprise the majority of involuntary part-time employees, inadequate protection for part-time employees has been cited among the factors which have given rise to child poverty in this country. Part-time employees, including multiple job employees earning low to minimum wage, are failing to earn an adequate living wage (Joint Commission, 1994:23).

The employee representatives add that 45 percent of part-timers in the province work part time because they cannot find full-time jobs. “The experience of part-time employees has been depicted today as an endless search ‘to find more hours’ in contrast to the more common expression ‘to find a job’” (Joint Commission, 1994:23). Thus the labour representatives recommended that the Regulations require: “Where additional hours become available and where an employer requires that the hours be filled, the employer shall offer these hours to part-time employees based on length of service, qualifications and availability” (Joint Commission, 1994:26). The labour representatives then spelled out the specifics for implementing their recommendation regarding most available hours.

When we turn to the employer representatives’ position in the Joint Commission’s report, we see clearly that the interests of business and labour are diametrically opposed. The business representatives’ first recommendation is: “That no employer be included under the requirements of subsection 13.4” (Joint Commission, 1994:37). The employer representatives go on to list 12 reasons why they make their first recommendation (see Appendix B). Most of these reasons focus on how difficult subsection 13.4 would supposedly be to administer. Secondly, it is argued that the provision “is contrary to the government’s ‘hands off’ approach to collective bargaining” (Joint Commission, 1994:38). (One business spokesperson previously expressed to us his complete opposition to any government regulation of the labour market.) Thirdly, the business representatives expressed concern that subsection 13.4 might cause discrimination against minorities, or cause loss of work for junior part-timers. But according to Hotel Employees, Restaurant Employees Union representative Gary Whelan:
Owners are not looking at the human factor, and they say all these provisions of Bill 32 would cost them money. I say there is more paperwork and management time spent for part-time workers, versus providing full-time employment. But it is easier for owners to control part-time workers because the part-timer has fewer hours and more to lose.

Having first stated their blanket opposition to the implementation of subsection 13.4, the employer representatives then go on to offer further recommendations, in the event that government should decide to proceed with implementation. An obvious distinction between business’ and labour’s recommendations is that business is most concerned with economic and management issues, while labour is more focused on social welfare issues. This is perhaps most obvious in the employer representatives’ reference to available hours, in parentheses, as “call-in hours” (Joint Commission, 1994:42-3). This conception contradicts both the intent of Bill 32 and that of the labour movement in using the most available hours provision as a way to provide involuntary part-time workers with full-time “jobs,” not just more “hours.”

Turning to the question of benefits for part-time workers, subsection 45.1, we again find non-consensus between employer and employee representatives to the Joint Commission. There is agreement on the scope of benefits. The Joint Commission states:

The intention of the provision is to ensure that when employers provide benefits of, or any combination of group life, accidental death and dismemberment, dental, and employee and dependent coverage for prescription drug plans, to full-time employees, the like benefits will also be provided to part-time employees at the level of ‘benefit formula’ set out herein (Joint Commission, 1994:50).

The Joint Commission then recommends: “Where full-time employees in a job category receive benefits, part-time employees in the same job category shall receive like benefits to the minimum as outlined in the above scope of benefits” (Joint Commission, 1994:52). The Commission further recommends that, to qualify, part-timers have been employed by the employer for a minimum of six months, except where existing plans provide for earlier access, have worked for a minimum of 780 hours in the previous fiscal year to maintain eligibility, and work a minimum of 15 hours per week. Ostensibly, meeting these conditions shows employee commitment to the workplace. But, as Gary Whelan and other labour leaders rightly ask, what is to stop employers from lowering part-timers’ weekly hours to less than 15, or laying them off before they reach the 780 hour annual minimum just to avoid benefit costs, and then rehiring them? As well, the Joint Commission agreed that full-time students and employees entitled to benefits under Treaty Rights be excluded from the benefits provision. The assumption is that students are only working for cash and have no long-term attachment to their job, and Treaty Indians have all the benefits they need. The Commission noted that its recommendations on benefits would affect only seven percent of part-time employees in the province (Joint Commission, 1994:69).

But even the above concessions by labour were not sufficient for business representatives to the Joint Commission. Business recommended that all employees covered by a collective bargaining agreement be exempted from the provisions of subsection 45.1. In a rhetorical defence of the sanctity of collective bargaining, the business representatives argued that “The Labour Standards Act should not override arrangements achieved as a result of this process” (Joint Commission, 1994:63). This, of
course, would negate the intent of having labour standards at all which, as previously noted, would suit some businesspeople just fine.

The new Labour Standards Regulations were passed by Cabinet, effective February 3, 1995. And officials with the Saskatchewan Federation of Labour found them very disappointing—being watered-down even more than expected. Provisions for posting of work schedules a week in advance were maintained, and part-timers will gain rights to pro-rated dental, group life, accidental death and dismemberment, and prescription drug plans. But this applies only if such benefits are already available; if the total number of employee hours reach the equivalent of 10 full-timers working 40 hours per week; if part-timers work 390 hours in the first six months of employment to become eligible; and only if they work 15 or more hours per week and maintain employment of at least 780 hours, based on a yearly review—otherwise they are not eligible for benefits until the next yearly review. And full-time students are exempted from the benefits provision. Extension of the new benefits provision to workers is to be implemented by employers by August of 1995, with collective agreements revised to reflect the new Regulations by February 1996.

The important most available hours provision of the Act was left unproclaimed. In reference to Bill 32, the Joint Commission commented: “The Government of Saskatchewan has introduced part-time work provisions respecting the distribution of additional hours and the provision of benefits which are ground breaking” (Joint Commission, 1994:71). But the government’s plough obviously broke when it struck the business lobby’s opposition to the most available hours provision.

According to the SFL’s “Labour Column,” the Romanow government “has made it a habit to introduce good, progressive changes to our labour laws, then spend the next several weeks backing away from the changes and ultimately watering them down.” SFL officials argue that this is what has happened with Bills 32 and 54 (amending the provincial Trade Union Act), and amendments to other labour Acts. In its “Labour Column” the SFL complains that “the government did not stick with the original language in the Bills. Instead, government officials and cabinet ministers decided there was some political mileage in being seen responding to the objections of a small, but loud group of employers who opposed the legislation.”

In discussions with the authors, some SFL officials accused the Saskatchewan government of duplicity. These officials say that the government has gone so far as to encourage business opposition to the labour Bills. In the cases of close to 300 non-labour Bills that have gone through the Saskatchewan Legislature since 1991, revisions have been few and minor. But with the six labour Bills introduced since 1991, five have had substantial revisions made during second reading to satisfy business lobbyists. The joint business-labour commission, along with the 14 sectoral committees set up to make recommendations on the Labour Standards Regulations, was seen by labour as yet another way for business to express its opposition. When asked his opinion of the process, Gary Whelan, who sat on one of the sectoral committees, told us he thought it was a “waste of time and money,” although “if something had come of it, it would have been O.K.”

According to Barb Byers, president of the Saskatchewan Federation of Labour, the labour movement worries that, without good labour standards legislation, employers will continue to use part-
time work as a way to keep unions out and workers unorganized. But both Byers and Chris Banting, Saskatchewan Secretary-Treasurer of the Retail, Wholesale, Department Store Union (RWDSU), many of whose members are part-time workers, say that the labour movement is interested in bettering the conditions of all workers, not just unionized full-time workers. This is why labour has pushed hard for the labour standards amendments. Labour leaders like Byers and Banting are not opposed to part-time work as such, because they know that many workers depend on part-time jobs. They also know that there will be no rush to replace part-time jobs with full-time ones, so labour must work to improve conditions for part-timers. The recent amendments to the Labour Standards Act promised people like those interviewed for this study a little more control over their lives. Glenn Stewart of the United Food and Commercial Workers Union says:

What needs to be done is to educate people about minimum standards. There should be more discussion about raising minimum wage and putting more money in the worker’s pocket. Having more money means you’re going to spend more, and that helps the economy. But the corporate agenda is lower wages, higher profits. We need to focus on creating well-paid employment rather than cutting good jobs and replacing them with part-time work.

Ironically, the debate over part-time work recalls the struggle over minimum wage. Many businesses opposed the setting of a minimum wage, while some argued in favour on the grounds that it would create some stability in the marketplace. In fact, given the cost analysis done by the Department of Labour, the business opposition to Bill 32 seems quite irrational. Both costs of providing benefits and those of allowing for advance scheduling and additional hours are minimal. An official with the Saskatchewan Department of Labour, who was privy to the hearings and consultations around the labour standards review, suggested to us that business opposition to the labour standards revisions is essentially a matter of control.

As noted above, the emergence of the contingent economy is part of a corporate drive to regain control over labour markets and production processes to increase profits. This all comes under the heading of restructuring to improve corporations’ global competitiveness, which is often facilitated by neo-liberal policies. What sets the Saskatchewan legislation apart, in principle, is that by allowing workers to gain more control over their lives, it does not fit the neo-liberal trend. Employers obviously agree, so the Saskatchewan government, apparently not wanting to upset its friends in business or subvert the dominant neo-liberal paradigm, left the most important parts of Bill 32 un proclaimed.

E) WORKING PART TIME IN SASKATCHEWAN

A central purpose of our study was to ask Saskatchewan part-timers themselves how the provisions of the revised Saskatchewan Labour Standards Act, as enacted through the new Regulations, will affect their living and working conditions. We also asked those interviewed what further improvements they would like to see in labour standards legislation. Our sample consisted of 20 part-time workers in the city of Regina. In addition, we contacted a number of trade unionists and some management representatives, who declined to discuss the issue of labour standards, though one did comment that the revised Regulations will have little impact on his (unionized) operations in the province. Perhaps business peoples’ reticence, now that the deed is done, tells us more about their views on labour standards than words.
Of the 20 workers interviewed, all work in private-sector service industries, which is where we find the majority of part-timers. Fifteen of the 20 are women, which is also in line with the national breakdown of part-timers. Seventeen of those interviewed work primarily in unionized settings, which is not typical of part-timers, though several work a second part-time job which is not unionized. Half of those interviewed work in the retail food industry, five is the hotel industry, and the other five in banking and telemarketing. Again, we should note that this breakdown is complicated by the fact that many of those interviewed are often working more than one part-time job to try to make ends meet, a situation which is becoming more typical of part-timers (Broad, 1993b).

We collected a number of demographic statistics to determine who worked part-time, how long they had worked part-time, whether they had several jobs in the past three years, and if they presently had more than one part-time job. Perhaps because most of the part-time employees interviewed are covered by collective agreements, their length of service with one employer averaged more than six years. The number of working hours per week varied from a low of eight to a maximum of 30. A few participants classified as part-time consistently worked 30 or more hours per week, which is considered full-time according to the Labour Standards Act. Eight out of the 20 participants held another part-time job.

The unionized female participants had an average age of 31, and they ranged in age from 20 to 51 years. Their average length of service with one employer was six years and four months. The male unionized employees’ ages ranged from 24 to 31 years. They had worked for one employer an average of four years and eight months. Eight of the part-timers interviewed were married, six were single, four divorced, one had a common-law relationship and one was separated. All of the divorced, married, separated and common-law female participants had children. The single female participants had no children. Children of divorced female participants were older compared to those of the married female participants. Most children of married female participants were under 10 years of age. Married male participants had younger children than both divorced and married female participants.

**Why do Those Interviewed Work Part Time?**

The majority of those part-timers interviewed stated that they would prefer full-time work, but they cannot find it. One woman³ commented: “Because the labour pool is so big out there, I haven’t been able to find full-time work. It’s a sign of the times. It used to be that for every three jobs I applied for, I got at least one interview. Now, I can apply for 10 jobs and I may get one interview.” She added: “As a part-time employee, you become a job hopper. In an interview I was asked, ‘Why so many jobs?’ But it doesn’t take an expert to figure it out.”

Some of those interviewed have had their hours cut back. One woman told us: “They don’t hire full-time at Acme⁴ anymore. At Ajax [where she also works part time], they already have two full-time staff and say that’s all they need right now. I would work full time if I could, but there really is no

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³ To protect participants’ anonymity, we will not use names. And because most part-timers and most of those interviewed are women, we will use the feminine pronoun in our discussion.
⁴ Again for reasons of anonymity, we will not use the real names of any enterprises where those interviewed for the study are employed.
full-time work.” Another participant says: “I went to part-time shortly after the Regulations came into effect. Every time I found another job, Acme would cut my hours. I went from having 25-30 hours per week to three shifts totalling 12 hours per week. The minimum number of hours I got back when I first started working at Acme was 16 per week.” Another participant says that “with my seniority, I can’t see my hours dropping below 24 per week. But after 15 years with this employer I would expect more in terms of security.”

Still others would take full-time jobs if not for family and school responsibilities. One woman says: “I work part-time because my day care costs are too high, and I can’t afford to keep my children in day care for 10 hours a day. Right now I make $8 an hour, and it would cost me $9 an hour to keep them in day care.” She adds: “I used to work five nights a week and my kids were in day care at night, at school all day, and on the weekends they were with their father [she and he are divorced]. I had no time with them at all.”

Eight of the 20 part-time workers interviewed have taken a second part-time job in search of a full-time income. This points to the fact, contrary to what many employers say, that many part-timers do want full-time work. People work part-time jobs out of necessity—for most, part-time work is better than no work at all. Though most of the part-time employees interviewed had worked for years at their jobs, some participants did say that they are continually searching for better wages, more hours, better working conditions and job security. Our discussions with part-timers suggests that this may be more the case for non-unionized than unionized part-time workers. But even at Food Mart, which is unionized, one worker tells us: “You’d be hard pressed to find anyone here who doesn’t have two jobs.”

Those part-timers who have been with one employer for a long time say they do not want to jeopardize the little security and seniority they have. Many expressed the view that they got hooked into a part-time position and, afterwards, they could not afford to leave. One participant told us: “I would rather work full time, but I cannot afford to leave now with the wage I’m making.” People say they get hooked into some part-time positions because they start off with more hours per week and a bigger pay cheque. When their hours start decreasing, they hang on to what they have hoping that things will improve. One employee said that when her position was first advertised, the employer stated that part-time employees would get 16 hours a week minimum and $8 an hour. After seven months of working there, her hours started getting cut back. She never reached the magic $8 an hour, and neither did any other part-time employee in the establishment, so she looked for another job.

Some part-time employees working in retail were hired under the classification of seasonal workers. These part-timers hang on to their jobs because employers tell them that, if they perform well, they will be one of the lucky ones kept on. But even if they are kept on, their hours of work are cut back according to the season. Their employers rely on cutting hours and people according to market fluctuations. In a slow year, the part-time employees’ hours of work would remain low. When the busy season winds up, those who do not perform as well, or who were not always available for work on a moment’s notice, are laid off.

Other part-timers see themselves as hooked because, if they quit their jobs, they are not eligible for unemployment insurance benefits. Even though part-timers pay into unemployment insurance, they
need the appropriate number of hours and weeks of work in order to collect unemployment insurance benefits. Without unemployment insurance, for most part-timers social assistance is the only alternative.

As for those with family or study responsibilities, all expressed the need to have a full-time income. But the part-timers going to school did not want to risk the time they had to spend on their course work and the money they invested in their education by working more than part-time hours. Their part-time work allowed them to keep their foot in the employment door, to pay for their courses and help support themselves and their families. These part-timers eventually hoped, after completing their studies, to improve their standard of living and find better employment opportunities. Those we interviewed who have children say that family responsibilities and the cost and availability of child care have prohibited them from seeking full-time work. For single parents in particular, the cost of child care is too high to make working full time feasible.

Having experience as a part-time employee in a number of areas may also be seen as a liability rather than an asset. One participant says: "Having worked at so many jobs now, it seems like a liability, whereas before it may have shown your range of experience and adaptability." Another person contends: "Part-time employees are always at the bottom and not included. And, having all those part-time jobs looks bad on a resume. If you put all your part-time jobs on a resume they may say, 'Look, how can you hold a job?'"

**Scheduling**

Under the revised *Labour Standards Act*, subsection 13.1, employers are required to post written work schedules one week in advance, and must provide one week's notice of shift changes. There is, however, an exemption to this subsection stating that employers are not required to provide written or posted notices when the size of the business is small and when notice is "deemed impractical." Neither one of these exemptions is explained in detail.

Both the unionized and non-unionized part-time employees interviewed felt they would benefit from having one week's notice of work schedules and advance notice for shift changes, because it would provide more stability and structure in their lives. Most of the unionized part-timers usually received only two days notice of scheduling for the following workweek, though they said they would like to receive two weeks notice of shifts as stipulated in some of their union contracts. Some non-unionized employees said they will not benefit from the required one week's advance notice, because their work schedules are already booked for the month. Others say they were given set shifts for certain days of the week when they were hired, and those shifts do not change. However, everyone agreed they would benefit from one week's notice of changes in their shifts.

All of those interviewed said they would benefit from knowing ahead of time approximately how much money they will make in a month. It would also help them in terms of arranging child care, making appointments and booking off shifts, and planning events with their family and friends. One woman who works at Food Mart says "you have to wait until the schedule goes up, and then call your dentist or doctor for a cancellation appointment." Two others, who work at Grocery Store, complain
that even when they do book time off in advance for a school play or other family occasion, they find later that their employer has intentionally scheduled them for a shift that conflicts with the occasion.

As previously noted, for single mothers this situation is particularly problematic, because a single parent has the added cost and burden of arranging day care or baby-sitters to take into consideration. It is difficult to find child care at a moments notice. One participant says: “For advance notice they can give you 45 minutes. The other day they wanted me to come in within 10 minutes, and I had no sitter. With my supervisor, he expects your life to stop. You are supposed to sit by the phone and wait for that call.” She then adds: “The beauty of having part-time workers, especially a long list of part-time workers, is that you always have a lot of people waiting who you can call in, in case it gets busy.”

Family plans have to be cancelled or deferred, and if one cannot find child care or make alternate arrangements, they face loss of income because they cannot accept the extra hours. Worse still, part-timers tell us that if they refuse what the employer deems to be too many shifts, they simply stop receiving calls. A participant said: “They will ask you what’s so important that you would have to schedule a day off, or that you would have to take a day off. The assistant manager made me feel guilty that I had a husband. She said I should consider myself lucky that my children had a father to take care of them so that I could work.”

A problem encountered by most of the part-timers interviewed is that they are scheduled for the minimum number of hours per week, so they are forced to accept on-call shifts and be available at all times. Some employers schedule shifts called TBAs (To Be Announced), where the employee is tentatively scheduled for a day, but with no guarantee that she will actually work the scheduled hours. It is left up to the employee to ask the employer in advance whether she will be needed for the scheduled shift. But despite being constantly left in limbo, one participant complains: “Our employer has told us the reason he can’t schedule in advance is because of our outside commitments—asking for days off and appointments.”

Working part-time and being on-call means that, financially, one cannot refuse to accept extra hours. Those extra hours mean the difference between being able to pay for monthly necessities, or having to seek outside financial support. But accepting extra hours usually comes at the expense of one’s home life and family responsibilities.

Most of the part-time workers we spoke with had both scheduled hours and were on-call, which usually means receiving a phone call from the employer at the last minute to come in for a shift. So employers clearly do benefit from the fact that they have a lot of part-time workers on-call and do not have to schedule shifts and pay workers for being there if it is not busy. Clearly most part-timers are at the beck and call of their employer. And given the obvious use of part-timers as an on-call labour pool, it comes as no surprise that several of those interviewed feel the Labour Standards advance scheduling provision will have no effect. They say that employers will simply take advantage of the exemption provision for situations “deemed impractical.”

**Breaks**

Subsections 13.2 and 13.3 of the new *Labour Standards Act* require employers to provide rest and meal breaks for all employees. Employers must provide a rest break of eight consecutive hours in
any 24-hour work period. Employers must also provide a 30-minute unpaid meal break to all employees who work six or more consecutive hours in a shift. If it is mutually agreed upon, an employer and employee can make alternate arrangements for the meal break.

Most of the unionized part-timers we interviewed stated that they already have provisions in their collective agreements which provide longer rest periods than required by the revised Act. The rest break ranges from a 10 to 16-hour period between shifts. The non-unionized employees interviewed did not feel that they would benefit from this provision, because they are not required to work another shift before the eight hours rest break. The general consensus from all part-time employees was that they would not benefit from the meal break provision, because their employers only give them shifts of three to five-and-three-quarter hours. With shifts of less than six hours, part-timers are not entitled to the meal break provision. Some of those interviewed said that if they did have shifts of six or more hours, they would rather not have their shift extended for a meal break. Instead, they would like to go home early. Others said they would benefit from this provision if their meal breaks were paid.

Coffee and smaller rest breaks are not legislated in the Labour Standards Act, but all of the part-time employees interviewed were provided with 15-minute breaks for shifts lasting from three to five-and-three-quarter hours. For those under union contracts, there are provisions in the collective agreements stating when breaks have to occur. Breaks are to be provided to part-time employees an hour-and-a-half after the shift starts and one hour before the shift ends. But those part-timers with this type of contract said they would rather their contracts stipulated that breaks come mid-shift when they are more in need of rest. Usually the employer makes them take their break right after the first hour-and-a-half, and then the employee ends up being on their feet for four hours straight in a five-and-three-quarter hour shift.

Some non-unionized employees said that their short 15-minute breaks are taken when it is not busy. They felt that their employer had not hired or did not schedule enough staff so that their breaks could be taken when they needed one. So these employees end up taking their breaks whenever they can fit them in. One participant says of the new provisions stipulating breaks: “It’s good because they can’t take advantage of you now that it’s in the Legislation. At Acme, if they could they would work you for eight hours straight.” But another worker, at Grocery Store, says employers continue to use shorter hours as a way to get around the provision. “They reduced the length of our shift so that they don’t have to give two 15 minute breaks and the half-hour meal break.”

Benefits

According to subsection 45.1 of the revised Labour Standards Act, eligible part-time employees are to be given, on a pro-rated basis, the same type of benefits offered to full-time employees. This provision applies only to work places where full-time employees are provided benefits, and where there are 10 or more “full-time equivalent” (FTE) employees. The definition and application of benefits for part-time employees is explained in the Labour Standards Regulations, sections 23 to 26.

Unionized part-time employees interviewed for our study said they may benefit from this provision by being eligible for some additional plans. But for the most part, they are offered benefits in their
union contracts, with eligibility depending on the number of hours worked per week. Of course, some benefit plans are better than others.

Many non-unionized part-time employees are currently offered few benefits, and most would have to pay into the plans themselves if benefits are offered. In this case, if they are paid low wages, it will be difficult for them to afford the extra cost of benefits. Still others have no access to benefits, because benefits are not offered to full-time employees in their workplaces. In short, extension of benefit coverage for Saskatchewan’s part-time workforce will not be extensive. As noted above, the Joint Commission estimated that only seven percent of part-timers in the province would be affected.

Where part-timers are affected by subsection 45.1, the type of benefits offered and level of coverage varies from one employer to the other, but most include dental, vision care, prescription drug, hospitalization, disability and life insurance, and pensions. Most of these plans cover immediate family members or, in a few instances, the employee can pay extra to have family members covered.

In general, non-unionized participants appreciate the extension of benefits to part-timers, but would like to see more. One participant says: “I think it’s a good idea and it’s an improvement to provide benefits, though I wish I had a pension plan. The benefits would help me. But I need a full-time job, because my partner is not in good health and I’ll soon have to provide for myself and take care of him.” And even though unionized part-timers see less utility in the benefits provision, one participant highlights the plight of a particular group of women when she says: “No, this provision would not affect me right now. It would affect me though if the Saskatchewan government cut social assistance to single mothers working part time.” Another unionized participant says: “Without sick leave, I can’t afford not to go in when I’m sick, because I would lose those hours. Sick leave should be provided to part-time employees too.”

Some participants voiced their opposition to the exemption of students from benefits. One participant says: “This provision would not affect me because I work restricted hours and I am a full-time student. It doesn’t seem like they really considered students.” Another indignantly states: “Full-time students are not eligible for benefits, because they aren’t working to live but for spending money. Excuse me, I’m 30 years old and have three children, and I’m just working for spending money?” These women see the student exemption simply as a means for employers to avoid payment of benefits.

A major concern for many of those interviewed is that employers will continue to cut part-timers’ hours below 15 per week simply to escape benefit costs. A unionized worker at Food Mart asks: “So, will they cut my hours to 14 per week, and everyone else’s, so we don’t get the benefits?” At Acme, where the workers are not unionized, one participant says: “They already cut back our hours because they knew they would have to pay us benefits otherwise.”

Additional Hours

As noted above, the most available hours provision of the new Labour Standards Act, subsection 13.4, remains unproclaimed. But because the provision raised so much interest in the labour movement and among the general public, we thought it important to gain our participants’ views on the provision. The Final Report of the Joint Commission on Part-Time Work recommended that employers in
workplaces with 10 or more full-time-equivalent employees be required to give senior part-timers the option of taking extra hours when they become available. Our participants say many workplaces do offer extra hours based on seniority and availability. But if employees have little seniority, this provision is not beneficial to them. And if employees restrict their hours, then they lose their seniority. Moreover, some participants claim that employers work their way around offering extra hours based on seniority by asking to extend shifts, using restricted availability, work performance, and not following job classifications.

Most of the part-time employees we spoke with felt they would benefit from having the most available hours provision of the Act proclaimed. One participant comments: “I think there are a lot of part-time people who would want more hours to improve their families’ lifestyles and standards of living.” Another says: “I know how I feel when I can’t provide for my family, and you don’t feel like a worthwhile part of society. Having more hours would probably alleviate some family problems.”

Business and labour representatives to the Joint Commission could not agree on whether additional hours should be offered to part-timers based on seniority or qualifications. Labour is in favour of providing additional hours according to seniority based on date of hire. Business thinks that additional hours should be provided to part-time employees based on their qualifications first, and then seniority. However, a number of participants have reservations about whether additional hours should be offered on the basis of seniority, or qualifications. Several had obviously had experiences where senior part-time employees did not work as hard as junior part-timers. One participant said she would not benefit from this provision because she is not one of the senior part-timers and, therefore, she would never get extra hours. With so many other part-time employees ahead of her, she would never be able to build up seniority either. And another woman, who works in the hotel business, told us:

There are a lot of students who work banquets. Students generally restrict their shifts when they are in school, but then in summer they go unrestricted and take hours away from other staff. So seniority should be based on the number of days you work, rather than your start date.

Some of the part-timers in unionized companies like the idea of having everyone trained for every job within the business, and then basing additional hours strictly upon seniority. But, as others pointed out, this is to the advantage of the employer, because employees no longer have any specialized skills. So they are more easily replaced by someone else. A couple of part-time employees said that their employers are already working at training all part-time staff in their departments to do every job in the department.

In general, part-time employees were concerned about the fact that this provision was not proclaimed. But a number of participants with children believe that additional hours is a trade-off between having more money, which they need, but then having less time to spend with their family.

**General Impact of Bill 32**

Our participants were asked if they thought the revised Labour Standards Regulations will fulfill the Saskatchewan government’s originally stated intent of providing better work and benefit protection for the increasing number of part-time workers in the province. Most participants think the revisions
will bring some improvements for part-timers. One says: “I think the changes will help those who aren’t unionized.” Another comments: “The new provisions will boost the conditions of part-time workers a little, but the interpretation and the language are complex. How many part-timers know their rights and can interpret these standards?” She then adds that the biggest problem is that “there is no job protection here.”

One participant says: “A lot of people are disappointed with Bill 32 because it was watered down, and it seems the government gave way to the business sector.” And another contends: “If the government implemented everything in the Act that wasn’t proclaimed, then it would benefit everyone.” But one participant gave a clear negative appraisal of the revisions: “Overall, they made it worse for a lot of part-time workers, because employers are laying people off and expecting part-timers to do more work in shorter shifts. It seems to have made the work environment more stressful. Now, you cannot stop to talk to other employees. You’re expected just to stick to your work—to be quiet, do your work and go home. I compare it to a penitentiary with forced labour. It’s inhumane.”

Participants were also asked how they thought their employers and unions would respond to the revisions. The consensus was that employers would not agree with the changes, mainly because of the extra costs and administrative work involved. Some commented that their employers opposed the changes all along. And, given the watered-down Regulations that were finally produced, one participant says: “It sound like the business sector helped write it.”

Most participants thought the unions would agree that the new provisions are a step in the right direction, but they are so watered down that they will not help the majority of part-time workers. And union leaders we have spoken with feel that the provision for additional available hours is most important, and needs to be proclaimed in order to provide any significant protection for part-time workers.

**What Could be Done to Improve Part-Time Work?**

Finally, we asked participants to suggest ways to improve the working and social welfare conditions of part-timers and other casual workers. Most of those interviewed felt that government intervention on behalf of the part-time employee should be stronger. Their main criticism is that the government should have insisted that employers create more full-time jobs. One participant says: “The government should have said, ‘Make more full-time positions available rather than part-time.’” At least, part-time workers should have enough hours so that they don’t have to work two part-time jobs. You get physically sick doing this and, in this case, you either lose your hours or go in sick.” She adds: “The government could add something that provides job security, or more notice of lay-offs. With no job security, you can’t think about having or supporting a family.”

For those who do have families to support, many said that there would be little problem with the idea of working part-time, if one had a decent wage. They recommend that government raise the minimum wage so people can make a living. Others said the issue of day care has to be seriously examined. One woman says: “I think day care should be a big part of any business. If you have a certain number of employees with children, and they work late hours, then their employers should fund day care centres.” However, another woman questions the whole idea of having so much late work.
“Most people like to work in the day because they want their nights to spend time with their families. They need full-time hours and want days because of their families.”

Some participants said part-time employees need more information about their rights and suggest that the Department of Labour should have a conflict resolution process in place for non-unionized part-time workers. It was recommended that the government produce a simplified version of the provision for benefits and additional hours so that it is understandable, and that there be an enforcement mechanism in the Act to deal with employers who violate it. Three participants also suggested that students be covered by the Act.

One woman summed up the mood of most participants when she said: “We need more full-time employment. I’ve had enough of these corporations making mega bucks at the expense of the family. I think what we need is more information. We are too tired to research these things for ourselves, so these things just get passed over us without us knowing.” The final recommendation of another woman is: “Organize, organize, organize! We need more union shops, because employers would be required to provide a higher standard of living to everyone. In a lot of workplaces employers don’t even follow the minimum standards under the Act, even though it’s the law.”

F) CONCLUSION: PART-TIME WORK FOR ALL?

Twenty years ago Harry Braverman (1975) forecast the growth of what he called “second jobs”—the sort of jobs that people used to do for extra money in addition to their primary jobs. Increasingly, according to Braverman, these second jobs, which the Economic Council of Canada labelled “bad jobs,” would be the only ones available. Two decades later, it appears that Braverman was right. Our participants’ constant “search for hours” certainly supports his argument.

One possible solution to this problem, advocated by the labour movement and captured by the revised Saskatchewan Labour Standards Act, is that part-time workers be able to access more hours, with better pay and benefits, to turn “bad” part-time jobs into “good” full-time jobs. This certainly seems to be the preference for many of those interviewed for this study, but not all. A second theme that surfaces in our study is that people have personal lives too. Many do not just “live to work,” but “work to live.” But this is a notion contrary to the ideals of our current socio-economic system in which people are only viewed as “economic beings”—as producers and consumers. This notion is taken to the extreme in a recent article on homelessness in the Journal of Business Research. Therein, homelessness is seen to be a problem primarily because the homeless make poor consumers (Hill, 1994). But what if we are not all “born to shop?”

Some of us believe that the modern, or perhaps postmodern dilemma is a loss of human values. We are constantly told by business leaders and government that we cannot do this or that, or cannot afford this or that, because of the economy. Federal Finance Minister Paul Martin told us that government must continue to cut its spending because having deficits violates “the laws of capital markets”—as if these are natural laws akin to the law of gravity (The Globe and Mail, October 18, 1994). But they are not! Economies and economic laws, if they exist, are human inventions. They serve (at least some) human purposes. And if they are not serving us well, we can change them, or invent new ways of doing things.
The drive to work longer hours is a relatively recent phenomenon, a product of capitalism and its Industrial Revolution. Prior to the Industrial Revolution people worked long hours in certain seasons, but also had slack times (O’Hara, 1993). Some would argue that the increases to production brought by the Industrial Revolution initially required longer hours of work, though this is questionable (Noble, 1995). But with the current global capacity for production, the notion that people need to work harder, and overtime, is ludicrous. This is especially evident when we see production increases continue alongside increasing unemployment and underemployment—what has been called “jobless economic growth.”

We are currently being told that we must increase productivity to improve our global competitiveness. But we also see that we, as a society, are producing phenomenally more goods and services with fewer workers due to new technologies (Advisory Group, 1994). So let us propose something a bit off beat. Why don’t we all work less? Let’s all work part time, but on our (i.e., human) terms! Is this a crazy idea? In the current political economic climate it would seem so. But in the long run of history it makes perfect sense, as we suggested in our introduction. In Europe, trade unions present the demand for a four-day workweek as an extension of the historical struggle for shorter hours. Labour in North America is a bit behind in this struggle, but the idea seems to be catching on. In Canada, Bruce O’Hara (1993) has been advocating reduced working hours as the solution to both overemployment and underemployment. These are seemingly different problems, but have the common effect of increasing stress on personal and family lives.

The Canadian Government has also picked up the idea of reduced work time as one solution to unemployment. In establishing his Advisory Group on Working Time and the Distribution of Work, Human Resources Minister Lloyd Axworthy stated:

It is clear that there are too few jobs. However, the challenge lies not only in the number of jobs but also in their distribution. Redistribution of work could help Canadians to better balance work and family life, provide greater access to employment for those in need, and enhance opportunities for people to pursue education and skills upgrading. It could also offer an option for people who would, under certain circumstances, prefer to work fewer hours (Advisory Group, 1994:1).

While the Minister, understandably, tends to view people here as “human resources,” he admits that they may have interests other than work.

The key to Axworthy’s statement is the idea of “redistribution.” But we must go further than simply redistributing work, for it is not sufficient simply to redistribute low-paying, alienating jobs, or hours. Our model must be one that counters labour market and social polarization in all of its dimensions—social, economic and political. This requires returning to notions of full employment, and to the precepts of the welfare state, as opposed to the neo-liberal free-market dogmas currently preoccupying governments. But it also requires going beyond old ideas of full employment and social welfare as adjuncts to the capitalist market economy. If human values are to be central to our model, the economy must be reinvented.
We must begin to ask once again why we work. Work must be seen to have value beyond producing commodities for profit. We must see work as a means to improve our human lives. So work must be socially useful, not harmful, and must have intrinsic value. Work should be enjoyable. Industrial technologies have allowed us to reduce the necessary labour time in all areas of production, but often without the commensurate expansion of space for creativity and enjoyment. As noted above, the leisure principle has gone out the window, because the so-called laws of capital markets harness us all to the machine.

We could conclude with a variety of specific proposals for improving peoples’ working conditions—those of part-timers in particular. But this has already been done. We need only to refer to proposals that have been made by the previous federal Commission of Inquiry into Part-time Work, in its largely-ignored report (Labour Canada, 1983); by the more recent Advisory Group on Working Time and the Distribution of Work, in what promises to be another ignored report (Advisory Group, 1994); in the Saskatchewan Government’s amendments to its Labour Standards Act, which were left unproclaimed; and to the recommendations on working conditions and hours of work by people like Bruce O’Hara (1993; 1994).

The real challenge is to break the block that causes recommendations by the aforementioned groups and people to be buried. We must begin with the question, “What are we producing and why?” Is our economy useful in promoting human needs without putting undue stress on the natural world? Is it time to replace our growth-oriented model of production with a model of sustainable production? Given our current global capacity to produce, it is time to challenge the old liberal dogma of “progress,” which was taken to extremes in the 1980s, by asking “Who wants still more development?” (Wallerstein, 1986).

The 1980s was a watershed decade, a turning point in the history of capitalism. It was a period that witnessed the beginning of the end of a vast system of collective or state property in the so-called socialist countries, the establishment of computer-aided modes of production and distribution, the arrival of the global economy, and the adoption around the world of neo-liberal policies whose principle was the unrestrained economic power of private property (Teeple, 1995:1).

Central to neo-liberalism is a drive to turn back the clock on social welfare (Magdoff, 1995). To counter this drive the left must take the lead in reinventing social welfare, advancing “redistribution” as the call of a broad social movement returning us to the historical task of improving living and working conditions for all. For workers and communities this is, of course, a matter of control (Brecher and Costello, 1990).
Appendix A
Terms of Reference for Joint Commission on Part-Time Work

The following is the terms of reference provided to the Commission on Part-Time Work:

In response to business concerns regarding Bill 32, the Cabinet approved the establishment of a joint business-labour commission on the implementation of provisions respecting most available hours (subsection 13.4) and benefits for part-time employees (subsection 45.1).

The Joint Commission will complement the work of the joint sectoral working committees by addressing implementation issues related only to subsections 13.4 and 45.1. The report will be advisory not binding.

Structure

The five member Commission will consist of:

- two employer representatives
- two labour representatives
- a chairperson

Terms of Reference

1. Consistent with the public policy objectives of providing senior part-time employees an opportunity to increase their hours of work and move towards full-time work as additional hours of work become available, provide the Minister of Labour with advice and a recommendation respecting the effective implementation of Subsection 13.4 of The Labour Standards Act. Issues to be addressed include:

- the definition of additional hours of work;
- the determination of job categories for the allocation of additional hours of work;
- the determination of length of service and qualifications of part-time employees;
- applications of this provision to multiple work sites or work places with multiple collective agreements;
- employer discretion to schedule additional hours of work;
- relation between this provision and existing workplace programs for the distribution of part-time work and promotion of long service part-time employees;
- application of this provision to employers on the basis of either number of employees, sector or other criteria;
• other issues related to this policy objective as requested by the Minister.

2. Consistent with the public policy objective of providing part-time employees access to pro-rated benefits, provide the Minister with advice and a recommendation respecting the recommendation respecting the effective implementation of subsection 45.1 of The Labour Standards Act. Issues to be addressed include:

• the definition of benefits to be provided to part-time employees;
• the feasibility of pro-rating leaves for part-time employees;
• method for calculation and delivery of pro-rated benefits, including consideration of menu of benefits options for part-time employees, or cash in lieu of benefits, and the advisability of relating part-time benefits to full-time benefit packages;
• cost-sharing of benefits and affordability for part-time employees;
• eligibility criteria for part-time employees;
• application of these provisions to specific groups of employees such as students and casual employees;
• application of this provision by employer on the basis of either number of employees, sector or other criteria;
• implications of this provision for existing benefits packages;
• other issues related to this policy objective as requested by the Minister.

3. Consult with representatives of affected employers and labour in the conduct of the review.

4. Receive and review expert technical advice on the effective implementation of subsections 13.4 and 45.1 of The Labour Standards Act.
Appendix B

Business Representatives’ Reasons for Opposing
Most Available Hours Provision of Bill 32

1. Due to the multiplicity of arrangements for the allocation of additional hours, it is almost impossible to develop one universal set of regulations that is workable, practical and fair to all employees and employers.

2. The drafting of regulations will create very difficult or impossible obstacles to insure no conflicting regulations exist between subsections 13.4 and 12.4, 13.1 or section 72 of The Labour Standards Act, or the provisions of The Trade Union Act, The Education Act, or similar labour related legislation.

3. It would be very difficult to draft clear and precise regulations to insure employers are not brought before tribunals to test the intent of the regulations.

4. There will be difficulty with the enforcement of this provision because of the lack of quantifiable information available. This will cause the Labour Standards Officer to be placed in an onerous position in conducting investigations of complaints.

5. The enforcement of subsection 13.4 has the potential to lead to difficult decisions. In order to properly enforce a call-in system, it could become necessary to increase the number of Labour Standards officers who would be required to dedicate a substantial amount of time investigating call-in complaints.

6. For employers with collective bargaining agreements, as well as for non-unionized employers, this provision will result in a disruption of long standing employee-employer arrangements for the allocation of additional hours. It is our belief that this would negatively impact “protecting and fostering a positive labour relations climate.”

7. The inclusion of subsection 13.4 as a minimum standard is contrary to the government’s “hands off” approach to collective bargaining, which allows the parties to achieve negotiated arrangements.

8. Regulations have the potential to restrict the negotiation process of collective agreements.

9. The potential for systemic discrimination against identified minorities exists.

10. There is a potential to create competitive disadvantages for employers with collective agreements.

11. There is a potential for reducing or eliminating additional hours to junior part-time employees thereby having a negative effect on the Government’s job creation efforts.

12. This will create additional administrative requirements for employers to insure compliance with the regulations, at a time when no significant problems have been identified with current practises, thus questioning the need to introduce such regulations.
Appendix C
Interview Questionnaire for Part-time Workers

1. Do you work part-time (less than 30 hours per week)?

2. Do you have more than one part-time job?

3. Why do you work part-time rather than full-time hours (more than 30 hours per week)?

4. Are you covered by a trade-union collective agreement?

5. Are your hours of work scheduled in advance, or do you have an on-call arrangement with your employer (specify)?

6. The new Labour Standards Act (s. 13.1) stipulates that all employers must post written work schedules one week in advance. When changing work schedules, an employer must give one weeks notice prior to changes made in work schedules (exempt under s. 13.1(2.1) from providing written or posted notices when the size of their operation is small and when written notice is deemed impractical).

   (a) Will you benefit from this regulation?
   (b) Will the regulation stipulating advance scheduling help you to balance your work and home responsibilities?
   (c) If so, how?

7. Section 13.2(1) and 13.3(1) of the new Labour Standards Act allow employees to have rest and meal breaks. An employer must provide all employees with scheduled rest breaks of eight consecutive hours in any 24 hour work period, with the exception of emergency circumstances. Employers also have to provide a 30 minute unpaid meal break to each employee who works 6 or more consecutive hours. The employer and employees can make alternate arrangements for meal breaks, if mutually agreed upon.

   (a) Does your employer already provide rest breaks and, if not, are you compensated? (i.e., given over-time, time in lieu etc.)
   (b) Do you have regularly scheduled meal breaks? How long do they last?
   (c) How will you benefit from regularly scheduled breaks?

8. (a) Are you entitled to employee benefits?
   (b) If so, what benefits do you have (e.g., health benefits, pension, RRSP)?
   (c) Do these benefits cover other family members (e.g., spouse, children, other dependents)?
   (d) Are your employee benefits part of a trade-union collective agreement?
9. The new Labour Standards Regulations (s. 23-26) stipulate that in workplaces with 10 or more Full-time Equivalent (FTE) employees, eligible part-time workers are to be given, on a pro-rated basis, the same type of benefits offered to full-timers. An eligible part-time employee qualifies for these benefits after six and one half months of work, if they worked a minimum of 15 hours per week during that period. A yearly review is conducted to determine whether a part-time employee is still eligible for benefits (based on a minimum of 780 hours of work). If you are a full-time student, you are not eligible for these benefits.

(a) Will this provision affect you?
(b) If so, how?

10. The revised Labour Standards Act has a "most available hours" provision (s. 13.4) which has not been proclaimed. If this provision is enacted, employers in workplaces with 10 or more Full-time Equivalent Employees (FTE) must give senior part-time employees extra hours when they become available. Additional hours will be offered to part-time employees based on their seniority, qualifications and availability. A part-time employee working additional hours can work up to, but not over full-time hours. Full-time hours are defined by the employer (as in a 30 hour week or 40 hour week).

(a) Do you think the government should proclaim this provision of the Act?
(b) How would you benefit from such a provision; in both your paid work and family life?

11. The Saskatchewan government's stated reason for revising the provincial Labour Standards Act is to provide better work and benefit protection for the increasing number of part-time and other non-standard workers.

(a) Do you think the revised legislation and regulations will achieve this task?
(b) Does your employer support the new legislation? (Why or why not?)
(c) Does your trade union support the new legislation? (Why or why not?)

12. (a) Overall, do you think the revised legislation and regulations are satisfactory? (Why or why not?)
(b) What more could be done to improve the working and social welfare conditions of part-timers and other casual workers?
REFERENCES


