



Managing Impacts of Layered Legislation

Issue

Bill 17: the Fair and Family-friendly Workplaces Act and *Bill 30: An Act to Protect the Health and Well-being of Working Albertans* are viewed as comprehensive pieces of legislation that have been passed with very short consultation periods and an inadequate timeframe for employers to adjust. The changes have placed pressure on organizations to meet new legislation standards with limited additional resources from the government, coupled with a lack of understanding by Government of the time commitment and requirements to adjust and implement the changes legislated. With the final Employment Standards regulations being passed at the beginning of December and the new standards coming into effect on January 1, 2018, it did not leave sufficient time for employers to change their own internal processes, IT systems, and communicate with staff. Often human resource and occupational health and safety duties in an organization can be carried out by the same person, who may also carry additional duties or in many cases rest solely on an employer or manager. The changes and magnitude of information to digest caused immense increased workload and uncertainty for businesses trying to understand the implications of the changes. This has included cost and time to implement the changes and become compliant. This not only unfairly burdens employers, but also impacts overall operations, as employers must ultimately shift focus away from day to day operations to adjusting to these changes.

Background

Bill 17: the Fair and Family-friendly Workplaces Act was first read on May 24, 2017, receiving Royal Assent on June 7, 2017 with the final regulations being passed in early December 2017 and coming into effect on January 1, 2018. One of the primary reasons for this bill being introduced was due to the fact that the rules that govern our workplaces had not been updated since 1988. The purpose was to provide Albertans with modern, balanced workplace legislation that protects the rights of hardworking Albertans and helps businesses to stay competitive .

However, the challenge with the legislation has been more about the lack of consultation, education, awareness and balanced approach that workplace legislation should require. There was a significant difference between how the change in legislation was handled in 1988 and how the legislation was most recently handled. With only 36 days of consultation compared to the previous two year process and thorough review. When the legislation was last amended in 1988, a specific commitment was made to a thorough review of labour legislation in the province. There was some discussion about how that commitment should be met, and there was an unprecedented process initiated. The process, first of all, was that of appointing a multisector-based committee of Albertans¹. With the speed at which the changes occurred most recently, the very narrow consultation period and short implementation period, there

¹ Alberta Hansard, May 25, 2017:

http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/hansards/han/legislature_29/session_3/20170525_1330_01_han.pdf#page=17

remains the question as to how this resulted in balanced workplace legislation that would help business stay competitive.

Additionally, *Bill 30: An Act to Protect the Health and Well-being of Working Albertans* was first read on November 27, 2017, receiving Royal Assent on December 15, 2017 with most changes coming into effect June 1, 2018² and some amendments to the Worker's Compensation Act coming into force on January 1, 2018. There was 9 weeks of consultation³ with input closing on October 16, 2017. The purpose of this bill was to update occupational health and safety requirements and to enshrine the three rights for workers, making sure that harassment is defined and included in occupational health and safety, making sure that responsibilities for all workplace parties are clearly defined, and on the WCB side making sure that we have a sustainable system that provides the supports that Alberta's workers need⁴.

Both of these Bills have introduced questions and concerns with affected employers, with uncertainty in some areas, a lack of clarity in others and minimal promotion, education and support currently provided on these changes. Call centres have experienced higher than normal call volumes coming into January 2018, with online inquiries receiving an automatic reply to allow three working days for a response.

The primary concern remains with the disconnect that exists between Government legislation and those that are required to implement the changes. It is unclear to stakeholders as to why the Government continues to feel that legislation needs to be passed so quickly without appropriate and adequate consultation and subsequent education with stakeholders to ensure a balanced and fair approach to legislation is taken.

The Alberta Chambers of Commerce recommends the Government of Alberta:

1. Reduce the frequency and speed of legislative changes, taking into consideration the scope and implementation requirements of legislative changes being proposed;
2. Ensure that there is inter-departmental collaboration within ministries to avoid layering of legislative changes and the subsequent impacts;
3. Take a balanced approach in both consultation and legislative changes to reduce burden on business and provide for a reasonable time for consultation, implementation or enforcement period, while taking into consideration economic, cost and implementation impacts;
4. Provide an overview of legislation changes that are being considered in advance that will have an impact on specific stakeholder groups so that organizational changes and workload requirements can be determined and planned for in advance;
5. Conduct additional consultation with stakeholders after legislation is first introduced to identify any gaps, challenges or implementation concerns to ensure legislation and regulations are balanced and can be clearly interpreted once coming into force;
6. Provide more timely and accurate information and education to impacted stakeholders in advance of changes, providing stakeholders time to adjust to long term decisions around change management and operational systems;

² Occupational health and safety changes: <https://www.alberta.ca/ohs-changes.aspx>

³ Alberta Hansard, November 30, 2017:

http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/hansards/han/legislature_29/session_3/20171130_0900_01_han.pdf#page=5

⁴ Alberta Hansard, December 12, 2017: http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/hansards/han/legislature_29/session_3/20171212_1930_01_han.pdf#page=23

7. Implement additional staff training, extended hours and increased support in government call centres that will be subject to increased volume and inquiries as a result of legislative changes.
8. Ensure timing of legislative changes and information is done with enough advance notice that businesses can plan in order to prevent administrative burden from occurring right at or before a calendar year end when businesses and organizations can be closed, on skeleton staff or managing yearend activities.