

Letter to New Brunswick Members of parliament

Friday March 8, 2012

International Women's Day

Dear MP,

March 8th is usually a day to celebrate the success of women in the economic, political and social realms. Yes, women have come a long way in society but this year there is a black cloud hanging over their head.

The gender breakdowns within the New Brunswick (NB) workforce has changed markedly during the last 25 years. In 1976, women made up 34% of the labour force. They now represent 54.7%, surpassing the 45.3% participation by men¹. But this increase in number has a dark side. Women's wages in NB, traditionally lower than those of men, are still dragging behind. In 2011, their average hourly wage was 11.7% lower than that of men.

Moreover, the jobs that NB women frequently hold are those that pay the least. In this province, of the 13 job sectors used in Statistics Canada's reports, in 7 of these, women represent more than 50% of the workers. It is interesting to see that of those seven predominantly female job sectors, three of them are among the lowest paying jobs in the whole economy: Accommodation & Food Services (\$340 average weekly salary), Other Services (\$422 average weekly salary) and Retail Trade (\$504 average weekly salary). The fish-plant and tourism industries also hire a high number of female seasonal workers. The hourly rate in these two sectors is close to the minimum wage. The Health Care, the Social Assistance and the Education and Public Administration sectors are also fields where more than 50% of the labour force is female. However, women in these sectors are making decent wages, mainly because of the high level of unionization in these professions.

Another particularity of women in the labour force is their overrepresentation in part time, temporary, term/contract job and casual employment in Canada. In 2010-2011, 66.9% of women, compared to 33.1% of men, were working part time. A little more than half were temporary (51.3%) and term or contract job (53.3%) and close to two-thirds (61.5%) were casual². The reasons for this situation are related to family responsibilities: child care, maternity leaves, caring for elderly parents or vulnerable family members. During recent years, the rise in part time employment has exacerbated this situation. This has an impact on women's ability to access Employment Insurance benefits because of the highest number of hours of work needed, especially in low unemployment regions like Moncton-Saint John-Fredericton. If they receive EI benefits, usually it is for a shorter period of time compared to men because they have accumulated less hours of work than men.

¹ http://www.hrsdc.gc.ca/eng/workplaceskills/labour_market_information/bulletins/nb/nb-lmb-2012fall.shtml

² *EI Monitoring and Assessment Report, 2011*

This year, there are **dark clouds** looming over the head of women in the labour force, especially those in low paying jobs insecure jobs or those doing seasonal work. Thousands of women in the work force are very concerned about the drastic changes made by the Harper Government to the Employment Insurance (EI) program and about their impacts on them. Women fear they will have more difficulty accessing EI benefits when they desperately need this financial support while they are in-between jobs.

The first dark cloud is the new division of unemployed workers in three separate categories. Each category will be force to apply for jobs which will only pay 90%, 80 % or 70% of their former salary. In NB, thousands of women fall into the “frequent” category of claimants because of the seasonality of their jobs: tourism, fishing industry, education. With the new changes, these women will have less time to find a suitable job and will also now be forced to accept jobs that will pay up to 30% less than in their former employment. This will have an impact on their present employment revenue and certainly on their future EI claims. **They will be seriously disadvantaged financially.**

The second dark cloud is that it will become increasingly difficult to refuse a job. Yes, Service Canada claims that a job may be turned down if it is not deemed suitable for reasons of family responsibilities, hours of work and travel time. However, it is quite clear in the federal government EI policies, as elaborated in the *Digest of Benefits Entitlement Principles*, that women will have a hard time refusing jobs on these criteria. As detailed in Annex A, family obligations and hours of work will rarely be accepted as legitimate reasons for declining a job offer. Claimants will be expected to make arrangements for the care of family members so as to allow them to accept the hours of work that are available in the labour market. **Women applying for a job and telling the employer that they are only available for a limited period of time because they are pregnant will be considered as refusing a job.** Travel will not easily be accepted as a legitimate excuse to refuse a job. This applies to people living in remote, rural, urban or suburban areas.

The third dark cloud is the modification of the Pilot Project which had allowed workers to draw EI based on the wages earned during their 14 best weeks of work. This covered all of NB, except in the more urban EI region of Moncton-Saint John-Fredericton. This pilot project was beneficial to many women. The 2011 EI Monitoring and Assessment Report says that: *women were significantly more likely to benefit from the pilot; 74.6% of women in the pilot regions benefited from the pilot, compared with 46.9% of men. Had the pilot project not been in place, the average weekly benefit of affected claimants in 2010/11 would have been \$290, instead of \$337. This suggests that claimants who benefited from the Best 14 Weeks pilot project received a weekly benefit rate that was, on average, \$47 higher than it would have been, had the pilot project not been in place*³. The modification of the Pilot Project of the 14 best weeks to the 14 - 22 best weeks means that women in the Restigouche-Albert and Edmundston-Charlotte EI regions won't have this advantage anymore, the end result being a decrease in their revenue. **Women will be disadvantaged financially**

³ EI Monitoring and Assessment Report, 2011

The fourth black cloud is the disappearance of the Pilot Project of the five extra weeks of EI for regions of high unemployment. This pilot project was put in place because the Federal Government recognized the particular difficult economic situation of twenty-one regions across the country. In NB, it was two-thirds of the province which was benefitting from this pilot project. It recognized that workers were having a harder time to find a job and that their EI was running out before they could find another job or return to their seasonal employment. Women who were in the seasonal industries of tourism, fisheries and others were able, in this way, to extend their benefit period and not fall in the Spring Black Hole. The EI Monitoring and Assessment Report, 2011 reported that 57.6% of frequent claimants benefited from this pilot project⁴. The 2010 report said the same thing. **The cancellation of this pilot project will certainly be financially disadvantageous for women.**

These above reasons are just a few of the foreseeable negative impacts that the EI changes will have on women in NB and everywhere else in Canada. It is too early to predict with certainty what will be the overall impact of these sweeping changes on women but we can say with certainty that it will only aggravate the financial situation of women if they lose their employment and need to access EI benefits.

We hope that the 2013 International Women's Day will be an occasion for all NB women to form a solidarity chain and fight against the Harper Government 's attack on such an essential program that is preventing women to fall into poverty in-between jobs.

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⁴ *EI Monitoring and Assessment Report, 2011*

Annex A

Digest of Benefits Entitlement Principles by the Government of Canada

http://www.servicecanada.gc.ca/eng/ei/digest/table_of_contents.shtml

Applicability

9.1.2 (...)Also to be noted is that, other than self-employment, the definition of "employment" is not restrictive. Any refusal to work in suitable employment for an employer, whether the employment is insurable, or whether it is in Canada or abroad may lead to a seven to twelve week disqualification. Although service in the Canadian Forces is employment, a refusal to enlist will not result in a disqualification.

9.2.3 Has not taken advantage of an opportunity

Rather than flatly refuse the employment, a person might report for an interview and reveal future intentions which do not meet the prospective employer's needs. Hence, a frequent contention is that there was no refusal, since no offer of employment had been made.

It is the opposite situation that must be examined. **Where the applicant is not willing to accept the conditions offered by the prospective employer, there is a refusal of employment.** To be more precise, the applicant is said to have "not taken advantage of an opportunity for suitable employment".

Accordingly, a refusal of employment occurs where the claimant advises the employer that they are available for only a limited period of time, whether by reason of a contemplated move to another area, pregnancy, a pending return to former employment or preferred occupation, or by reason of waiting for better employment to become available. Whether it is to account for training expenses or for some other reason, employers may require new employees to stay in their employ for a reasonable period of time. **Whether a person has acted out of honesty in disclosing future intentions does not alter the fact that there was a refusal of employment.**

The expression "has not taken advantage of an opportunity" also describes the case of a person who does not display the interest and prudence which are to be expected from someone desirous of finding work as soon as possible. Hagglng over the employment offered, demanding a salary which is too high or reporting too late for the interview might be such as to show a lack of reasonable care.

However, it cannot automatically be assumed that there was unwillingness to accept the employment conditions where, during the interview, the claimant merely stated having no experience or being pregnant.

Finally, there are cases where a person is neither offered nor referred to employment but nevertheless has personal knowledge of an employment opportunity. A failure to take reasonable steps to obtain the employment can be said to have "**not taken advantage of an opportunity for suitable employment**". However, failing to resume an employment at the end of a lay-off period or at the end of a period of leave is voluntarily leaving employment and not a refusal of employment

Family obligations and Hours of work

The hours of work- 9.4.1.2 [...] Consequently, with only a few exceptions and from the beginning of their claim for benefits, **claimants are obligated to seek and accept all hours of work**, including full-time, part-time, evenings, nights and shift work, as well as work that may involve inconvenient or long hours, or overtime.

As an exception, hours of work are not suitable if they are incompatible with the claimant's family obligations. In order to avoid such an incompatible situation, and to establish their availability for

work, **claimants are expected to make arrangements for the care of family members, that will allow them to accept the hours of work that are available in the labour market.**

The fact that the employer's hours of work are incompatible with a claimant's family obligations or religious beliefs, and that the incompatibility cannot be resolved by the claimant, may indicate that the claimant's willingness and/or ability to work are doubtful or that there are severe limitations on the claimant's availability. All cases will be considered based on all of the claimant's individual circumstances.

9.4.1.3 The nature of work

However, if the claimant's moral convictions or religious beliefs mean that a claimant imposes significant restrictions on their ability or willingness to accept work this may indicate that there are more serious limitations on the claimant's availability for work.

As an exception, hours of work are not suitable if they are incompatible with the claimant's family obligations. In order to avoid such an incompatible situation, and to establish their availability for work, **claimants are expected to make arrangements for the care of family members, that will allow them to accept the hours of work that are available in the labour market.**

10.8.1 The legislative requirements

In order to avoid any incompatible situations described in the legislation and to establish their availability for work, **claimants are expected to make every effort to free themselves of barriers to accepting work, such as family obligations and other personal responsibilities, so that they are able to seek and accept the hours of work that are available in the labour market.** Notwithstanding a claimant's unwillingness to work certain hours or days of the week because of their religious beliefs, the claimant must still be available for all other hours of work. In some instances it may be possible for claimants to make arrangements with employers to adjust the hours of work in order to accommodate the claimant's family obligations, personal responsibilities or religious beliefs.

Claimants who have not made arrangements to free themselves of family obligations or other personal responsibilities to allow them to seek and accept all available hours of work, **may not be able to prove that they are available for work.**

Daily commuting time

9.4.1.4 [...] Consequently, **with only a few exceptions** and from the beginning of their claims for benefit, claimants are obligated to seek and accept all suitable employment that involves commuting within the above mentioned time frames. This applies whether they live in a remote, rural, urban or suburban area.