

June 5, 2020

Honourable John Horgan
Premier of British Columbia
PO BOX 9041
STN PROV GOVT
Victoria, BC V8W 9E1

Submitted via Email: Premier@gov.bc.ca

Dear Premier Horgan:

Re: Employment Standards Act – Request for further Extension of Temporary Lay-off Provisions

We would like to thank your government for continuing to work collaboratively with British Columbia's businesses and workers during the unprecedented COVID-19 health and economic crisis. Since the onset of COVID-19, a staggering 353,000 jobs have been lost in our province.

The far-reaching impact of COVID -19 will require even greater collaboration and common purpose to rebuild confidence and to attract the private sector investment capital needed to get people back to work and to create family supporting jobs for British Columbians. Recently your government extended provincial COVID-19 emergency orders alongside plans to re-open the BC economy. The current recovery is very tenuous, and your immediate attention is required to save potentially thousands of businesses from insolvency and/or bankruptcy and significant further job losses for BC workers.

We are writing to request that your government revisit Order in Council (OIC) No. 219, dated May 4, 2020, which extended the temporary layoff timeframe under the *Employment Standards Act* from 13 to 16 weeks in a 20-week period. We appreciate your government's original effort to extend the statutory period by three weeks. However, the three-week extension under OIC No. 219 has now lapsed, and there is an urgent need to extend the timeframe again. This request follows up on a commitment from your office to revisit this matter depending on the duration of the COVID-19 emergency period following the original May 4, 2020 OIC, No. 219.

By way of background, *Employment Standards Act* provisions governing temporary layoffs require that if an employee is laid off voluntarily, they are deemed to be terminated after 13 weeks thereby requiring the employer to pay severance. For many employers hit hard by COVID-19, severance payments will be significant and, in many cases, will lead to bankruptcy and/or insolvency. We are seeking an extension of the **temporary layoff** timeframe to cover the current extraordinary circumstances presented by COVID-19 and to protect as many livelihoods as possible by keeping businesses solvent and ensuring employees actually have a job to return to. The requirement to immediately pay severance at the expiry of the 16-week period (i.e. approximately end-of-June 2020) may exhaust working capital and force businesses into bankruptcy and/or insolvency at precisely the time when we are all working together to reopen hard-hit sectors and facilitating the conditions for a safe and staged return-to-work.

Accordingly, we recommend that your government extend the temporary layoff provision for at least a further 13-week period through to **August 31, 2020** to provide employers with certainty during the tenuous recovery period currently underway. **We also urge your government to ensure that the temporary layoff period runs the full duration of your government’s COVID-19 emergency orders plus an additional six (6) weeks beyond their expiry.** This approach has recently been taken in Ontario, and is designed to help facilitate business recovery and to maintain employee attachment to their employer. In the interim, an employee can continue to access federal (emergency) income support programs. At stake, Premier, are literally thousands of potential further permanent job losses, particularly among younger workers and vulnerable people in our society.

On a final note, one suggestion in previous discussions with your officials was to make use Section 72 to allow individual employers to apply for temporary layoff extensions. This is not a suitable option for two reasons; first, time-to-decision within the Employment Standards Branch is too long due to backlogs; and, second, the application process requires too much paperwork and presents too much uncertainty for already overstressed and overburdened businesses coping with COVID-19 fallout.

Premier, thank you again for your continued collaboration and commitment to work with the business community through the current COVID-19 public health and economic crisis. We look forward to your prompt response to this critically important issue.

Sincerely,





 Greg D'Avignon
 President & CEO





 Val Litwin
 President & CEO

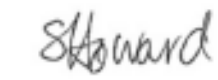



 Chris Gardner
 President




 Bridgitte Anderson
 President and CEO




 Samantha Howard
 Senior Director, B.C.





 Anita Huberman
 President & CEO




 Greg Wilson
 Director
 Government Relations




 Mark von Schellwitz
 Vice President,
 Western Canada



Ingrid Jarrett
President & CEO



Walt Judas
CEO



Dave Earle
President & CEO



Alex Rueben
Executive Director

Ted Lee

Acting President and CEO, Tourism Vancouver
Chair, Metro Vancouver Tourism and Hospitality
Response and Recovery Task Force

- CC: Honourable Harry Bains, Minister of Labour
Honourable Michelle Mungall, Minister of Jobs, Economic Development and Competitiveness
Mr. Geoff Meggs, Chief of Staff to the Premier
Mr. Don Wright, Deputy Minister to the Premier, Secretary to Cabinet and Head of the Public Service
Mr. Trevor Hughes, Deputy Minister of Labour
Mr. Fazil Mihar, Deputy Minister, Jobs, Economic Development and Competitiveness