

February 15th, 2023

To: BTS Ontario Delegates

Re: Update on Bill C-63 (24-hour notice of shift change)

Sisters and Brothers,

This has moved at a snail's pace. The draft regulations were released in Dec 25, 2021 and can be found here:

<https://www.gazette.gc.ca/rp-pr/p1/2021/2021-12-25/html/reg1-eng.html>

The final regulations have been pushed back to Summer/fall of 2023.

Based on the 2021 draft regulations, the only proposed exemption for the 24-hour notice in the Telecommunications sector was for "Commission salespersons in the telecommunications and broadcasting sector." Based on previous conversations, we did not think this would affect Unifor members very much.

On February 22, 2020, a Government Notice was published that clarifies how the 24 hours' notice of shift change applies with respect to employees who work on the basis of on-call and standby arrangements:

<https://www.gazette.gc.ca/rp-pr/p1/2020/2020-02-22/html/notice-avis-eng.html#ne1>

Here is what that notice says:

Notice is therefore also given that the Minister of Labour considers that an employer who gives an employee written notice of 24 hours before the employer changes a work period or shift during which an employee is due to work or adds another work period or shift to the employee's schedule, including giving written notice of 24 hours before adding or changing a period where the employee is scheduled to be on-call or on standby, satisfies the requirements of section 173.1 of the Code. As a result, the Minister of Labour does not consider that regulations respecting on-call or standby employees in respect of section 173.1 are required at this time.

Unfortunately because the regulations (provided in the links above) have yet to be brought into force, the following temporary exemptions still apply (see section 5):

<https://www.canada.ca/en/employment-social-development/programs/laws-regulations/labour/interpretations-policies/scope-application.html>

Note that "yes" in the table means that an exemption applies until the regulations are brought into force. As we noted, the current timeline our research department has been given from ESDC's Labour Program is that the proposed regulations should be implemented in the first half of the year. Once in force, all telecom employees apart from commission's salespersons will benefit from the 24-hour notice of shift change provision.

Moving forward, we have notified the Company that our expectation is once the exemption is lifted, our members will be entitled to the revised notice period as per legislation , which will supersede the Collective agreement.

In Solidarity,

Clayton Nunn – National Representative

Kevin Paddon – Local 31

Jim Fling – Local 34-0

Mike Snell – Local 30-0

Colum Lynn – Local 1996-0

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