

# **TERMS OF REFERENCE**

The Honourable Matthew MacKay, Minister of Economic Growth, Tourism and Culture, as confirmed by the Lieutenant Governor in Council, has appointed a Panel to review the *Employment Standards Act* and its associated regulations.

## **1. Background**

- 1.1 The *Employment Standards Act (ESA)* and *Youth Employment Act (YEA)* were last reviewed over a decade ago (2006).
- 1.2 Since that time, the context of work, forms of employment relationships, social expectations for what is addressed by employers, the demographics of the workplace, and economic pressures have shifted and changed.
- 1.3 Over the past number of years, there have been several calls from interest groups, as well as recommendations made by the Employment Standards Board to government, to undertake a comprehensive review of the ESA.
- 1.4 A recommendation to complete a Comprehensive Review of the *ESA* was made in *Belonging and Thriving: A Poverty Reduction Action Plan for Prince Edward Island (2019-2024)*.

## **2. Mandate**

- 2.1 The mandate of the Panel is to conduct a comprehensive review of the Prince Edward Island *ESA* and its associated regulations, and the *YEA*, taking into account the developments noted in the background above and any other factors considered relevant.
- 2.2 The Panel is to make recommendations on legislative changes to the *ESA* and *YEA*, with a view to improving the effectiveness of the legislation.

## **3. Membership**

The Panel will consist of:

- 3.1 A neutral Chair, selected through RFP and retained by way of a Professional Service Agreement.
- 3.2 A member representing the views of employees, selected through EngagePEI.
- 3.3 A member representing the views of employers, selected through EngagePEI.

## **4. Responsibility**

- 4.1 The Panel will examine employment standards legislation in other Canadian jurisdictions for the purpose of identifying contrasts and comparisons with Prince Edward Island's legislation.
- 4.2 The Panel will be responsible for producing an Interim Report, to be used for public consultations, and a Final Report for the Minister.
- 4.3 The Panel will engage in stakeholder and public consultation, including but not limited to consultations with labour and employer organizations, government entities that deal with labour legislation, and any other relevant and appropriate interest groups. The stakeholder and public consultation will follow the timeline and process as set out below.
- 4.4 In conducting the review, the Panel must be mindful of certain factors:
  - Existing agreements between the Atlantic Provinces on harmonization of certain employment standards matters.
  - Any International Labour Organization (ILO) Conventions that have been ratified by the Province of Prince Edward Island.
  - Elements of the *ESA* and *YEA* overlap with other areas of employment law, including matters which are in the jurisdiction of human rights and occupational health and safety. It is likely that participants in the consultation process will provide comments and feedback on these areas of employment law falling outside the scope of the *ESA*. The Panel is directed to take notice of

comments on other areas of employment law and report on employment law issues falling outside the scope of the *ESA* in the Final Report.

- The Panel must follow the rules respecting the collection and use of personal information under the Prince Edward Island *Freedom of Information and Protection of Privacy Act*.
- The Panel should ensure that it includes gender and diversity analysis during the process.

## 5 Timeline and Process

5.1 The Review Panel is tasked with conducting the review in the following manner, using the time-lines as guidance:

<b>Stage 1</b>	Initial consultations (ensuring employer groups, employee groups, the Employment Standards Board, Labour and Industrial Relations Division staff, other government entities involved with employment matters, and academics have been engaged) and production of an Interim Report to advise Islanders of the range of issues that have been identified and the options for change that have been proposed.	12 months
<b>Stage 2</b>	A second round of consultations with stakeholders and the public, using the Interim Report as a guide to assist in the solicitation of feedback on the proposed options for change.	5 months
<b>Stage 3</b>	Production of the Final Report, with recommendations on changes that should be made to the <i>Employment Standards Act</i> and <i>Youth Employment Act</i> , to be provided to the Minister.	5 months

5.2 It will be permissible for the Review Panel to shorten the time-lines for completing any of the stages.

5.3 If additional time is required to complete any of the stages of the review, the Panel shall request an extension from the Minister.

5.4 The Panel will present the final, written report to the Minister responsible for the *ESA* and *YEA* at the end of Stage 3.

## 6 Administrative Resources

6.1 The Labour and Industrial Relations Division, of EGTC, will provide assistance with research and administrative requirements of the Panel. This will include:

- Compiling background materials for the Panel, such as legislation, reports and reviews related to employment standards.
- Assistance with meeting logistics, including scheduling meeting times, locations and presenters.