



PEI Advisory Council on the Status of Women

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Standing Committee on Community
Affairs and Economic Development
Office of the Clerk
Province House
PO Box 2000
Charlottetown PE CIA 7N8

Dear Mr. Henderson and Committee Members:

Thank you for the opportunity to make input into your Public Hearings on Sunday Shopping.

It appears that Sunday shopping has both advantages and disadvantages for women in the Prince Edward Island community. Their perceptions on the value of Sunday shopping are diverse and may depend on whether they respond to the issue as business owners, as employees, as people of a particular religious faith, as primary shoppers for their families, or as visitors to the Island.

The Advisory Council on the Status of Women's most important role, however, is to ask your committee to consider the effects of Sunday shopping for any women who stand to be disproportionately negatively affected by Sunday shopping.

The PEIACSW Mandate

The Prince Edward Island Advisory Council on the Status of Women (PEIACSW) is a provincial government advisory body dedicated to supporting women's full and equal participation in social, legal, cultural, economic, and political spheres of life.

The Council regularly works in collaboration with government and community groups, undertakes research on issues of concern to women, offers analysis and recommendations to policy-makers, responds to media, and creates public education resources.

The Advisory Council has a legislated mandate to recommend legislation, policies, and practices to improve the status of women on Prince Edward Island.

In our analysis, policies and legislation around Sunday shopping most affect the women who have the least input into their working hours.

On the positive side, unlimited Sunday shopping might mean that women who have few choices about their working hours have more choices about their shopping hours. It also might mean that typically low-paid retail workers have more shifts and more hours available to them which could for instance, assist them in qualifying for maternity and parental benefits under EI.

On the negative side, unlimited Sunday shopping might mean that women retail workers have that much less choice about when they work. They might in some instances face increased pressure to work on a day they previously had reserved for themselves or their family responsibilities. It might mean that underpaid retail workers who are also caregivers have less flexibility to balance their paid and unpaid work responsibilities.

Some recent Statistics Canada figures suggest what is at stake for women retail workers:

- Women made up 56.7% of all Canadians working in sales and service in 2004.
- Women workers in the sales and services sector earned only 52.2% of what male workers earned in the same sector in 2003.
- Senior women were twice as likely as their male counterparts to work in clerical, sales, or service occupations in 2004.
- The average PEI hourly wage for sales and service occupations was \$11.11 in December 2007: the lowest rate for any occupation category and \$5.72 an hour less than the provincial average.
- Non-unionized workers earned an average of \$7.56 less than unionized workers in PEI in December 2007. (Union-represented workers earned \$22.03, while non-union workers earned \$14.47.) Most retail sales work on PEI is non-unionized.
- Women made up 68.0% of all part-time employees in Canada in 2007 (a percentage that has hardly changed in 30 years). Of all employed people, 26.1% of women (and only 11.0% of men) were employed part-time.
- Women were 15 times more likely to be working part-time to care for children and almost 4 times more likely than men to be working part-time for other personal or family responsibilities. (They were less than half as likely to be working part-time to go to school.)
- The industries most affected by unlimited Sunday shopping include three of the four lowest-paid industries in Canada (2006 figures): retail trade; arts, entertainment, and recreation; and accommodation and food services.

Do these statistics mean that your committee should recommend limitations on Sunday shopping? Not necessarily. But they do mean that women workers in the sales and service sector are already disadvantaged as a group and therefore require special consideration when the issue of Sunday shopping is decided. In all fairness, it is important that this group not be further strained by policy decisions.

In the point of view of the Advisory Council on the Status of Women, the most important role of legislators in making a decision about Sunday shopping is to ensure that the most vulnerable women are protected. First and foremost, this means protecting employees who are unacceptably pressured or manipulated to work hours and shifts that cause problems for them and their families.

Your committee has already heard from the Province's Director of Labour and Industrial Relations, Roy Doucette, who confirmed that his office has received complaints from employees who said they were told that if they didn't work on Sundays, they would suffer consequences. Mr. Doucette also said that his office has the power to follow up on such complaints and to impose penalties.

The legislation through which the Province regulates employer/employee relations is the Employment Standards Act, and, in our view, it is fundamental that this Act be up to date and that it be just and equitable for employers and employees, no matter what day of the week they work.

The previous government conducted a review of the Employment Standards Act, led by a review panel which was guided by research, deliberation, and public input. The review panel submitted a report with recommendations for changes that would update the act.

As the Advisory Council on the Status of Women indicated in a letter to Roy Doucette in August 2007, we see the updates proposed in this report for the PEI Employment Standards Act as steps in the right direction. They are generally supportive of women's equality in workplaces and offer some urgently needed updates to an outdated Act. The recommendations respect the rights of citizens to know and understand the legislation that applies to them in their workplaces. The recommendations also codify policy and good employment practice in helpful ways.

While we offered minor comments and corrections, and while we continue to see opportunities for future improvements to the Employment Standards Act, we urge that government enact the changes recommended in the review panel's report as soon as possible, with the exception of proposed provisions allowing for more than one minimum wage.

Last fall, a Status of Women representative, as part of the Working Group for a Livable

Income, had the opportunity to meet with Minister Carolyn Bertram to underline our support for the Employment Standards review panel's recommendations.

It is the advice of the PEI Advisory Council on the Status of Women that enacting the recommended changes to the Employment Standards Act would be the government's most important first step towards protecting vulnerable women employees in the sales and service sector.

The Human Rights Act is the other key provincial legislation that may protect vulnerable workers' rights to refuse work on a religious or other discriminatory basis. **The Advisory Council on the Status of Women urges your committee to seek advice from the Human Rights Commission, to ensure that if restrictions on Sunday shopping are removed, workers who refuse to work on a given day for valid reasons are adequately protected from discrimination.**

We wish you well in your deliberations and would be pleased to respond to any questions you might have regarding this brief.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Lund'.

Kirstin Lund
Chairperson