



Nova Scotia
Federation
of Labour, CLC

Submission to Labour Standards Consultation on meal breaks

November 10, 2006

Bill Grant, Acting Director
Labour Standards
5151 Terminal Rd.
P.O. Box 697
Halifax, N.S., B3J 2T8

Dear Mr. Grant:

Although we are somewhat surprised such a basic requirement as a meal break is out for broad-based consultation, we are nonetheless pleased to have the opportunity to comment on proposed amendments to the Labour Standards Code to give workers the right to an unpaid meal break after five hours of work.

1. Should there be a requirement for meal breaks in the Labour Standards Code?

Clearly we are firmly of the view and position that there should be a requirement for meal breaks in the Labour Standards Code; as such breaks are a basic requirement of a reasonable work life.

Although we believe the 30 minute break should follow four hours of work; we are aware all other jurisdictions provide the break after five hours work and this is better than what is provided now in Nova Scotia.

2. Should there be exceptions for special situations?

The general rule should be no exceptions, however we realize a couple provinces have provisions where the provisions for required breaks do not apply in unforeseen emergencies and should the province decide to pursue this path we clearly need to define these emergencies in such a way in the Code that the employer does not take advantage of a situation by putting the employee(s) in an undesirable and pressured position.

Also, the legislation should provide provision in the event that an employee is required to work their normal scheduled break time such time and beyond until the appropriate break is given shall be paid at time and one-half their normal rate of pay. Such a provision would ensure the exception for special situations is not abused.

3. Should some industries or types of employees be exempt from a requirement for meal breaks?

No, we do not believe there are any employees or industries that should be exempt from a requirement for meal breaks.

4. Should there be flexibility for employers and employees to agree to non standard arrangements?

Our response to this proposal is basically the same as our response to question 2, in that if the province were to consider a flexibility provision the safeguards outlined in our response to question 2 should follow, for flexibility is in fact a form of exemption.

5. Any other comments?

We anticipate the obvious intent of government would be to follow the pattern for this break to be an unpaid break.

We would however urge that consideration be given that if an employee is required to be available for work (on call) or is not allowed to leave their workstation then the break shall be a paid break.

When workers are treated with respect, productivity and morale always increase.

We thank you for the opportunity to be a part of these consultations.

Giving workers a meal break is not the only change we need in Labour Standards, but it is a start, of a process we believe long overdue as, there are many other areas that need to be updated.

We would be happy to meet with you any time on this important issue.

Yours truly,

RICK CLARKE

President

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