

LABOUR MANAGEMENT REVIEW COMMITTEE

March 16, 2010

The Honourable Jennifer Howard
Minister of Labour and Immigration
Room 317 Legislative Building
Winnipeg MB R3C 0V8

Dear Minister:

As requested in your letter of January 12, 2010, the Manitoba Labour Management Review Committee (LMRC) convened to review the issue of clarifying the status of volunteer camp counsellors under *The Employment Standards Code*. Following a detailed discussion of the issue, both caucuses agreed to recommend a change to the Code respecting camp counsellors, detailed below. The Committee wishes to thank you for the opportunity to express its views on this important issue.

The LMRC recognizes that a significant number of camp counsellors currently fall in something of a 'grey area' under employment standards legislation. Section 2 of the Employment Standards Regulation states that the Code does not apply to an individual who works as a volunteer for a charitable or political organization, and does not receive a wage. Due to the religious or otherwise charitable nature of the majority of organizations that engage camp counsellors, they have until now been considered volunteers, and therefore exempt from the Code. Members recognize that while counsellors at non-denominational camps may also continue to be regarded as 'volunteer(s) for a charitable organization' and therefore exempt from the Code's provisions, an amendment should be made to provide clarity under the Code.

The members of the LMRC also agreed that the regulations under the Code should be amended to provide clarity while not altering the current status of volunteers in general in Manitoba. It is recognized that the regulation should not act to draw wage earners into the volunteer sector, nor should it restrict other non-profit organizations from engaging volunteers as is currently practiced.

Therefore, it is proposed that the current exemptions under section 2 of the Employment Standards Regulation, covering volunteers for charitable or political organizations, remain unchanged. A new provision would be added in the following section that would exclude volunteers who work as camp counsellors at a charitable or religious residential camp from

the main entitlements of the code, while still allowing these individuals the ability to file a complaint with the director of Employment Standards.

Also, it is recognized by the members of the LMRC that many non-profit organizations have been in the practice of paying an honourarium to their volunteers. To ensure this option continues to be available in the case of legitimate volunteers, we recommend that clarifying language distinguishing "Honourarium" from "Wage" be added to the section. This would apply to all clauses in Section 2.

The proposed amendment would provide clarity to well over 30 charitable camps in Manitoba, ensuring they can operate confidently in Manitoba. The majority of Canadian jurisdictions currently have similar provisions under their employment standards legislation.

We wish to express our appreciation to the employer and employee representatives on the Committee for their time and effort in addressing this issue. We also wish to recognize the work of Department of Labour and Immigration staff in providing research and support.

If you have any questions or wish to discuss any aspect of the report, please do not hesitate to contact the Chairperson.

Sincerely,

Original Signed
Kevin Rebeck
Labour
Caucus Chair

Original Signed
Michael Werier
Chairperson

Original Signed
Peter Wightman
Management
Caucus Chair

cc: Members of the Manitoba Labour Management Review Committee