Fair Workplaces, Better Jobs Act 2017
...winning progress through political action

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1. How we got here
2. Unifor activism
3. Gains we have won
4. Implications for our workplaces
5. What next
1. How we got here
Challenging precarious work

• Rise of precarious employment is the defining feature of work over last several decades.
• Among 7 million people working in Ontario:
  – 1.3 million part-time
  – 1.1 million self-employed
  – 750,000 temporary
• These categories account for 45% of all work.
• United Way-McMaster study: more than half the jobs precarious in GTA and Hamilton.
Renewing the labour movement

• Addressing changing nature of employment, and growth of precarious work, at the core of project to build Unifor.

• Unions had to change to engage in the changing world of work, and connect to the next generation.

• A key piece of the project: The **laws** had to change.
Top kick-off initiative of Unifor
The Changing Workplaces Review

- 2014 Throne Speech and mandate letter.
- Employment standards and labour relations.
- Interim report (July 2016), final report (May 2017), Bill 148 (June 2017)
2. Unifor Activism
Battle of the policy briefs

And letters, op-eds, blog posts, research papers, and more!
But people power is the key!
Supporting powerful coalitions

We did it! NEW LABOUR LAW IS COMING

Final amendments to Bill 148 include:
✓ Stronger equal pay language
✓ Tighter scheduling provisions
✓ Easier access to unionization

Keep fighting for #15andFairness for all of us.

NET WORTH: $8.82 Billion

A $15 minimum wage is good for Ontario.

1 in 4 Ontario workers get a raise.
Almost half work in big companies.

It honests workers spending power.
According to research, it won't impact job losses.
Bill 148 third and final reading
November 22\textsuperscript{nd}, 11:55 am
3. What’s in the Law?
Quick summary now
...more detailed resources available

• A summary of changes at Ministry of Labour website:
  – https://www.labour.gov.on.ca/

• The full legislation at Ontario Legislative assembly website:
  – www.ontla.on.ca
  – http://www.ontla.on.ca/bills/
Challenging low pay
...the $15 minimum wage

• 1 in 4 paid less than $15 per hour in Ontario
  – 1.5 million people, 60% are 25 years or older
• Share of min. wage earners doubled in decade
  – 58% are women, 35% are racialized
• $11.60 now:
  – $14.00 Jan 1st 2018
  – $15.00 Jan 1st 2019
  – Inflation adjustment after
• 29% in two years!
Tackling temporary, contract work
...equal pay for equal work

• **Equal pay**
  – Same pay for casual, part-time, temporary and seasonal employees doing substantially same work

• **Temporary Help Agencies**
  – Agency workers paid same as client employees
  – 1 week notice if early termination of 3+ month job

• Undermines the low pay incentive of many forms of precarious work.
Fairer scheduling
...greater rights to pay and notice

• Pay for on-call duty
  – 3 hours pay at regular rate

• Call-in pay
  – Was: 3 hours pay at minimum wage
  – Now: 3 hours pay at employee’s regular rate

• Cancelled shifts
  – less than 48 hours notice = 3 hours regular pay

• Protected refusal of shifts
  – less than 96 hours notice = no repercussions
Raising children
...pregnancy, parental and bereavement

• Parental leave
  – Was: 35 weeks if took pregnancy, 37 weeks if not
  – Now: 61 weeks if took pregnancy, 63 weeks if not
  – Pregnancy + parental now 1 ½ years

• Pregnancy loss
  – Was: 6 weeks leave
  – Now: 12 weeks leave

• Death or disappearance of child
  – New 104 weeks leave
Addressing family needs
…emergency, critical care, family leave

• Paid personal emergency leave
  – Was: only employers with 50+, 10 days unpaid
  – Now: all employers, 10 days, 2 paid, no note

• Family medical leave
  – Was: 8 weeks in 6 month period
  – Now: 28 weeks in one year period

• Critical illness leave
  – Was: 37 weeks critically ill child
  – Now: add 17 weeks critically ill adult family
Supporting women facing violence
...domestic or sexual violence leave

• Domestic or sexual violence leave
  – Employee or their child
  – 10 individual days of leave, first 5 days paid
  – Additional 15 weeks protected leave
More paid time off
...stronger vacation time

• Minimum paid vacation
  – Was: 2 weeks
  – Now: 3 weeks after five years
Stronger enforcement
…new powers, fines and inspectors

• Can now order pay directly to employee
• No need to contact employer before claim
• Administrative fines increased 40%-50%
• Power to publish names of violators
• Interest on unpaid wages
• Stronger collections powers, warrants, liens
• 175 more employment standards officers
Labour Relations
Stronger rights to organize
...card check, lists, votes, board powers

• Card-based organizing for new sectors
  – Building services, home care and community services, and temporary help agencies
  – 55% support for certification without a vote

• Organizing lists
  – Employee list and contacts with 20% support

• Votes off premises and electronic
  – Less room for employer interference

• Stronger powers remedial certification
  – Better remedy for employer misconduct
Achieving a first contract
....interest arbitration and just cause

• **Access to 1\textsuperscript{st} contract arbitration**
  – Access to new first contract mediation-arbitration
  – More powers for Board to send to arbitration

• **Just cause once certified**
  – Protection from unjust discipline and dismissal
  – Was: only as part of a collective agreement
  – Now: as soon as certified
Battling contract flipping
...more rights to bring your union with you

• **Successor rights**
  – Extended to retendering of building services contracts (cleaning, food services, security)
  – Regulatory power to extend to other service providers receiving public funds
Progress on sectoral bargaining
...merging bargaining units

• Consolidating common-employer units
  – Can apply to the Board to consolidate new units
    with existing units of same employer
  – Joint union-employer application process for other
    kinds of consolidation of existing bargaining units
    of same employer and same union
Stronger right to strike
...no loss of right to return

* Return to work after strike
  - Was: guaranteed for 6 months
  - Now: no limit
Tougher enforcement
...higher fines

• Maximum fines increased
  – Was: Individuals $2,000, organizations $25,000
  – Now: Individuals $5,000, organizations $100,000
No high heel rule
...changes to OHSA

• High heel rule
  – Cannot be required to wear elevated heel
  – Exceptions for entertainment and advertising
Most important gains in 25+ years
...first major changes adding rights

- Challenging low pay
- Tackling temporary, contract work
- Fairer scheduling
- Raising children
- Addressing family needs
- Supporting women facing violence
- More paid time off
- Stronger rights to organize
- Achieving a first contract
- Battling contract flipping
- Progress on sectoral bargaining
- Stronger right to strike
- Tougher enforcement
- No high heel rule

That’s progress
4. Implications for our workplaces
Timing
...phased-in effective dates

• Immediately
  – High heel rule, mislabelling independent contractors

• December 3, 2017
  – Parental leave, critical illness leave

• January 1, 2018
  – $14 minimum wage, all labour relations changes, all other leaves

• April 1, 2018
  – Equal pay for equal work

• January 1, 2019
  – $15 minimum wage, scheduling
Implications
...for existing collective agreements

• Some changes may have impact on provisions of existing collective agreements, particularly:

• **Minimum Wages**
  – On January 1\textsuperscript{st} 2018 and 2019

• **Equal pay for equal work**
  – Agreement provisions in force April 1, 2018 stand until January 1, 2020 at latest, or expiration

• **Scheduling**
  – Agreement in force January 1, 2019 stand until January 1, 2020 at latest, or expiration

• Of course there may be other implications
5. What Next
What to do next?  
…with job well done

• Implement changes as needed in bargaining
• Use new organizing rights
• Push for card-based organizing in other sectors
• Push for successor rights in other sectors
• Mobilize to protect these gains from the PCs
• Support efforts to win changes in all jurisdictions

• Engage members: tell the story of how our political activism wins progress!
And take a moment to celebrate!
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