


Fair Workplaces, Better Jobs Act 2017

...winning progress through political action

Bill Murnighan
Director of Research
Ontario Regional Council
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Toronto



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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**

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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.

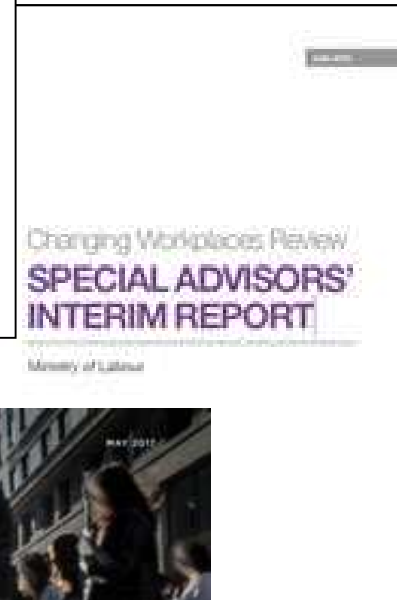
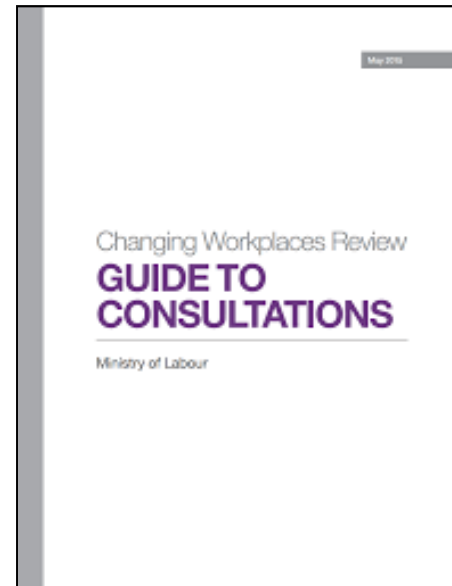


Top kick-off initiative of Unifor



The Changing Workplaces Review

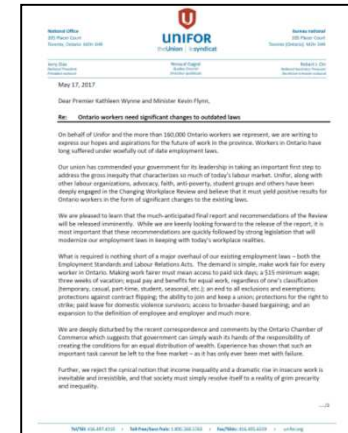
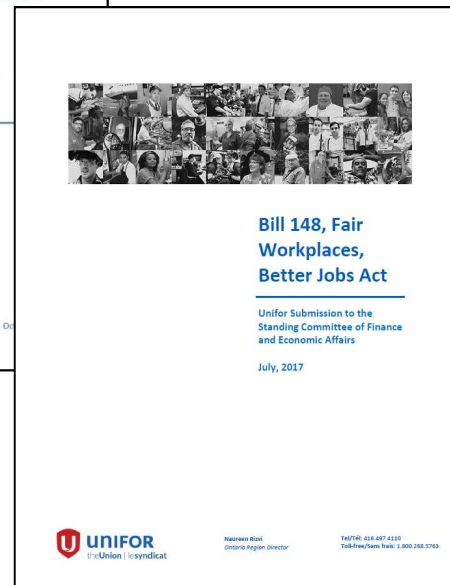
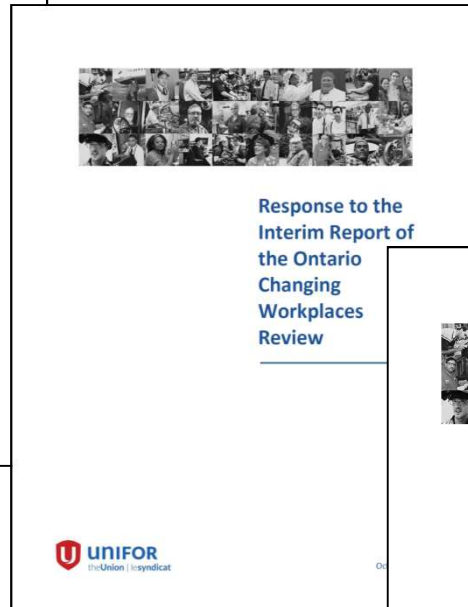
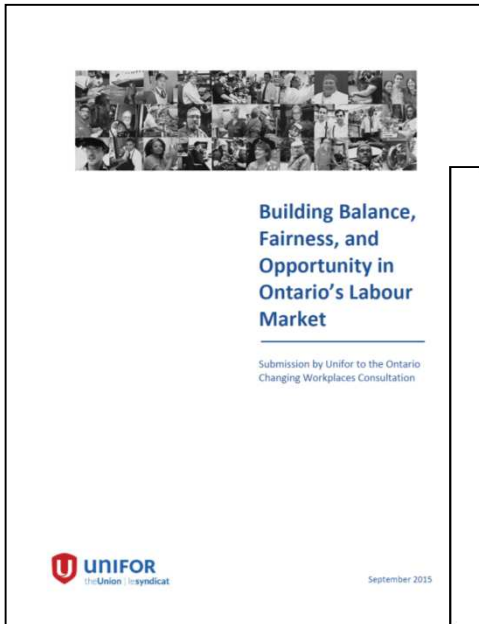
- 2014 Throne Speech and mandate letter.
- Employment standards and labour relations.
- Advisors – May 2015 M. Mitchell, J. Murray: 12 cities, 200 witnesses, 300 submissions.
- Interim report (July 2016), final report (May 2017), Bill 148 (June 2017)



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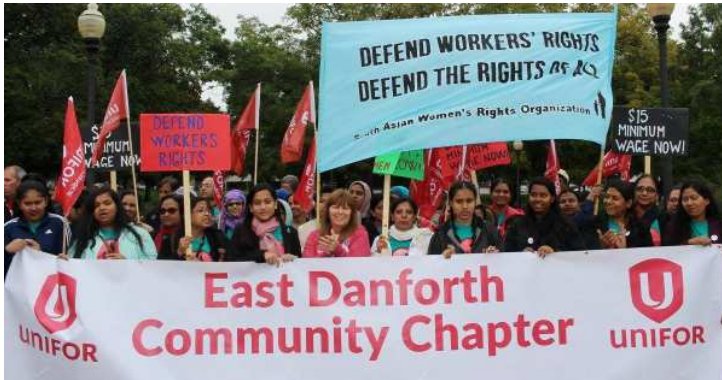
2. Unifor Activism

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

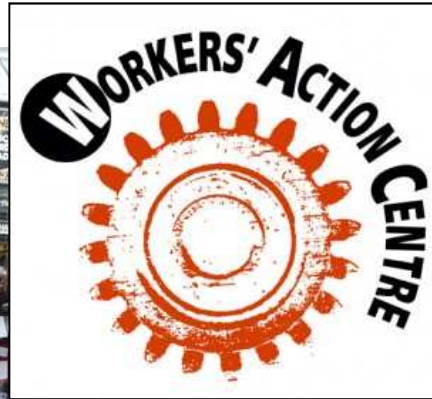


Final amendments to Bill 148 include:

- ✓ Stronger equal pay language
- ✓ Tighter scheduling provisions
- ✓ Easier access to unionization

KEEP THE \$15 & FAIRNESS

Keep fighting for #15andFairness for all of us.



LOBLAW CEO SAYS HE CAN'T AFFORD TO PAY YOU \$15/HR

TORONTO STAR
Loblaw says minimum-wage hikes will balloon expenses by \$190 million
The grocery and drugstore company also says health-care reform is expected to also hurt its bottom line.

NET WORTH:
\$8.82 Billion



DON'T LET THE BIG BUSINESS LOBBY STOP US NOW!

Big Business lobbyists are campaigning against Bill 148 and they consider it will hurt either now or after the next election. They are spending millions of dollars on a campaign to scare us by suggesting that implementation of the necessary measures will raise the necessary.

DECADES OF EVIDENCE SHOWS THAT higher minimum wages, together with working conditions, create stronger businesses, economies, and healthier communities for all of us.

Large corporations are often the biggest opponents of any improvements in workers' wages and working conditions because they don't want to share their good profits.

DID YOU KNOW...

...that Canada's top CEO's earn 193 times the average worker's salary?

GET INVOLVED!

We are the majority! Put those 2 out of every 3 people in Ontario against \$15 and fairness. When we vote and organize, we win!

- Talk to your friends & coworkers about what's at stake with Bill 148.
- Call to action your local newspaper.
- Write a letter to your local newspaper.
- Attend a meeting to your community.
- Visit the website to learn more about this.



Join the fight!
15andFairness.org
• Fight for \$15 & Fairness
• @15andFairness #15andFairness
• 15andFairness.org
• 1-877-488-3428

THE FIGHT FOR \$15 & FAIRNESS ISN'T OVER



BIG CHANGES ARE ON THE TABLE TO IMPROVE WORKERS' WAGES & WORKING CONDITIONS

A \$15 minimum wage is good for Ontario.



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



Alberta's minimum wage is going to \$15.
Ontario deserves a raise too.



It boosts workers spending power.
According to research, it won't result in job losses.

behindthenumbers.ca



Bill 148 third and final reading

November 22nd, 11:55 am



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3. What's in the Law?



unifor

Quick summary now

...more detailed resources available

- **A summary of changes at Ministry of Labour website:**
 - <https://www.labour.gov.on.ca/>
 - <https://news.ontario.ca/mol/en/2017/11/modernizing-ontarios-labour-laws-to-create-fairness-and-opportunity-the-fair-workplaces-better-jobs.html>
- **The full legislation at Ontario Legislative assembly website:**
 - www.ontla.on.ca
 - <http://www.ontla.on.ca/bills/>

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Employment Standards

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

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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 1st 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**

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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 1st 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

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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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