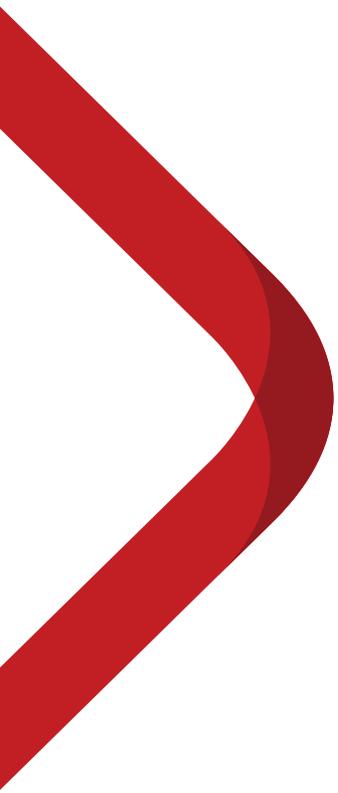


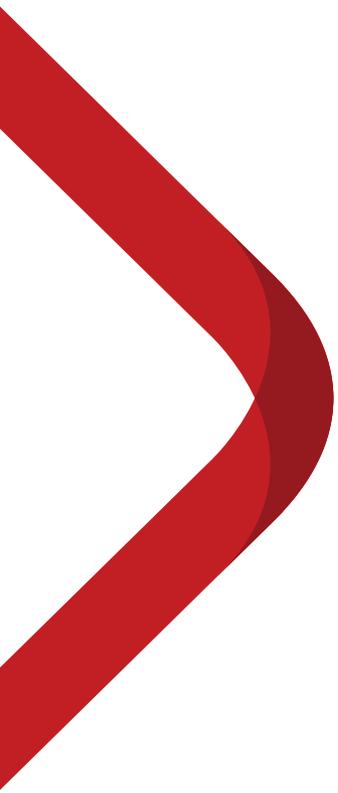
# Fair Workplaces, Better Jobs Act 2017

...winning progress through political action

Bill Murnighan  
Director of Research  
Ontario Regional Council  
December 1-2, 2017  
Toronto



- 
- A thick red ribbon graphic on the left side of the slide, starting from the top left and curving downwards and to the right, ending in a pointed shape.
- 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.

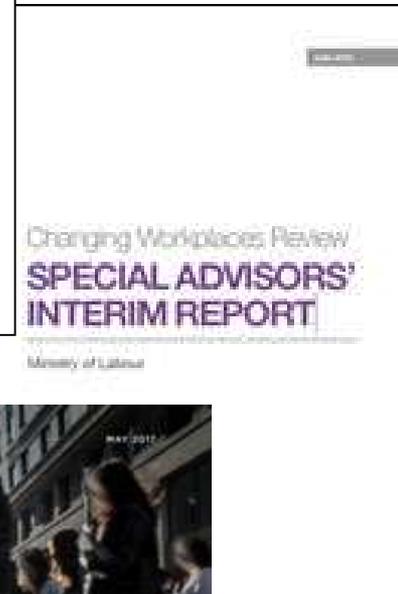
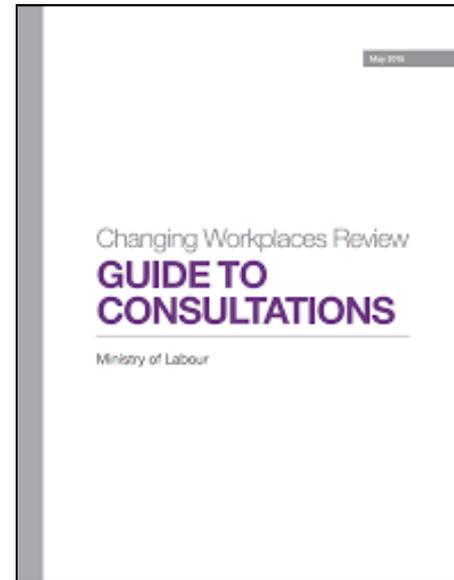


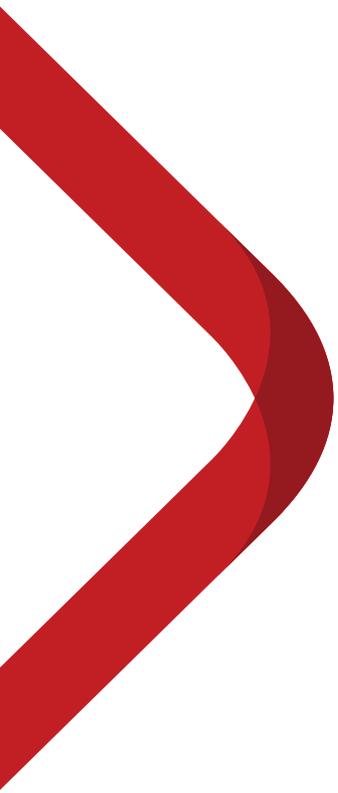
# Top kick-off initiative of Unifor



# 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



## Building Balance, Fairness, and Opportunity in Ontario's Labour Market

Submission by Unifor to the Ontario Changing Workplaces Consultation



September 2015



## Response to the Interim Report of the Ontario Changing Workplaces Review



## Bill 148, Fair Workplaces, Better Jobs Act

Unifor Submission to the Standing Committee of Finance and Economic Affairs

July, 2017



Nathan Rivlin  
Ontario Region Director

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Toll-Free/Sans frais: 1-800-268-5763



May 17, 2017

Dear Premier Kathleen Wynne and Minister Kevin Flynn,

**Re: Ontario workers need significant changes to outdated laws**

On behalf of Unifor and the more than 150,000 Ontario workers we represent, we are writing to express our hopes and aspirations for the future of work in the province. Workers in Ontario have long suffered under outdated laws out of date employment laws.

Our union has commended your government for its leadership in taking an important first step to address the gross inequity that characterizes so much of today's labour market. Unifor, along with other labour organizations, industry, faith, and poverty, disabled groups and others have been deeply engaged in the Changing Workplaces Review and believe that it must yield positive results for Ontario workers in the form of significant changes to the existing laws.

We are pleased to learn that the much-anticipated final report and recommendations of the Review will be released imminently. While we are keenly looking forward to the release of the report, it is most important that these recommendations are quickly followed by strong legislation that will modernize our employment laws in keeping with today's workplace realities.

What is required is nothing short of a major overhaul of our existing employment laws – both the Employment Standards and Labour Relations Acts. The demands are simple: make work fair for every worker in Ontario. Making work fairer must mean access to paid sick days, a 155 minimum wage, three weeks of vacation, equal pay and benefits for equal work, regardless of one's classification (temporary, casual, part-time, student, seasonal, etc.) an end to all exclusions and exemptions, protections against contract flipping, the ability to join and keep a union, protections for the right to strike, paid leave for domestic violence survivors, access to broader based bargaining, and an expansion to the definition of employee and employer and much more.

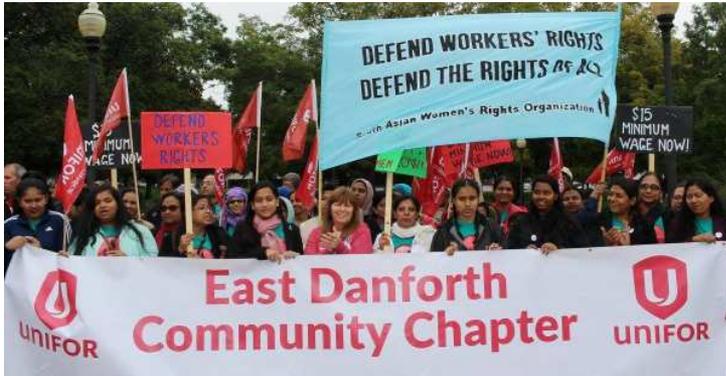
We are deeply disturbed by the recent correspondence and comments by the Ontario's Chamber of Commerce which suggests that government can simply wash its hands of the responsibility of creating the conditions for a more equitable distribution of wealth. Experience has shown that such an important task cannot be left to the free market – as it has only ever been seen with failure.

Further, we reject the cynical notion that income inequality and a dramatic rise in insecure work is inevitable and inescapable, and that society must simply make itself to a reality of gross poverty and inequality.

—

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**

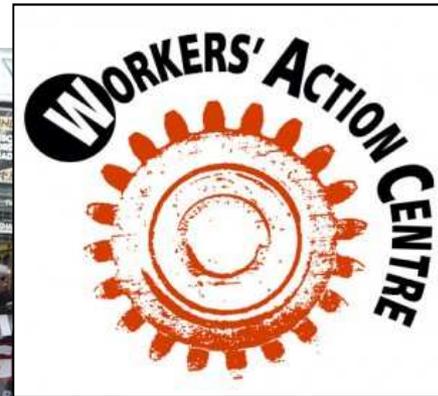


Final amendments to Bill 148 include:

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



Keep fighting for #15andFairness for all of us.



**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 in Quebec is expected to also hurt its bottom line.



**NET WORTH:**  
**\$8.82 Billion**

**GALEN WESTON JR**  
**CEO, LOBLAW**



**DON'T LET THE BIG BUSINESS LOBBY STOP US NOW!**  
Big Business lobbyists are campaigning against Bill 148 and have convinced the bill without them or after their next election. They are spending millions of dollars on a campaign to make us feel suggesting that improvements for ordinary workers will raise the necessary.  
**DECADES OF EVIDENCE SHOWS THAT** Higher minimum wages will help working conditions create healthier businesses, communities, and healthier compensation for all of us.  
Large corporations are often the biggest opponents of any improvement in working conditions because they don't want to share their wealth.  
**DID YOU KNOW...**  
...that Canada's top CEO's earn 193 times the average worker's salary?

**GET INVOLVED!**  
We are the coalition! Push down 2 out of every 3 cents on Ontario's minimum \$15 and fairness. When we unite and organize, we win!  
• Talk to your friends & coworkers about what's at stake with Bill 148.  
• Call us with your local job news.  
• Write a letter to your local newspaper.  
• Attend a meeting to your community.  
• Visit the website to register for action alerts.

**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.

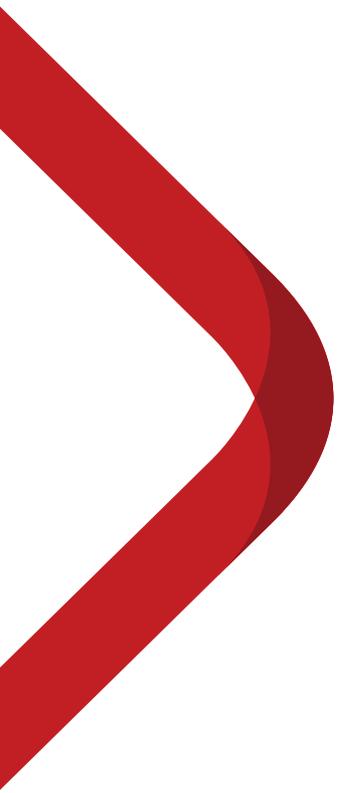
[behindthenumbers.ca](http://behindthenumbers.ca)



# Bill 148 third and final reading

November 22<sup>nd</sup>, 11:55 am



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# 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/>
  - <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)
  - <http://www.ontla.on.ca/bills/>

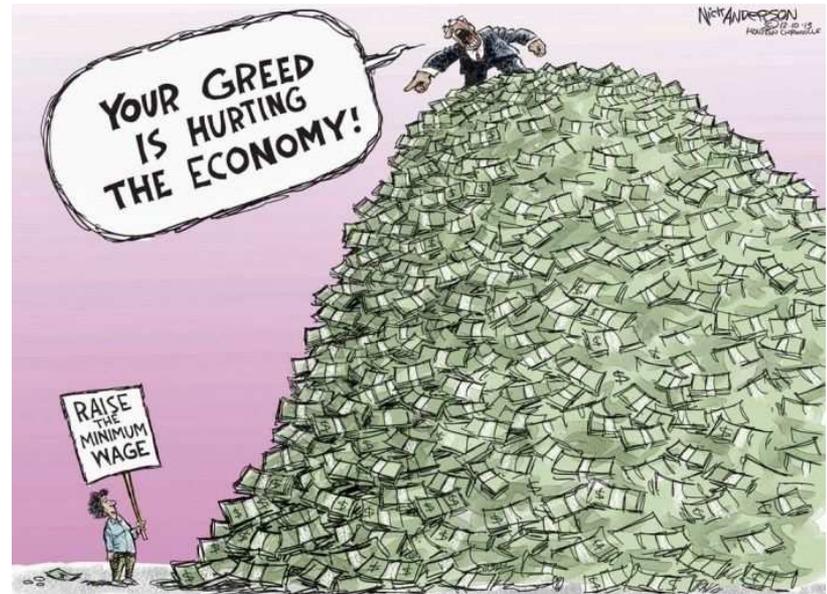
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# Employment Standards

# 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 1<sup>st</sup> 2018
  - \$15.00 Jan 1<sup>st</sup> 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

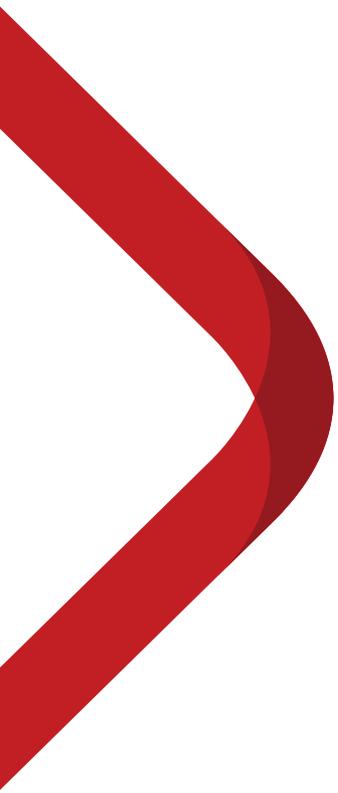
## ...stronger vacation time

- **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 1<sup>st</sup> 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

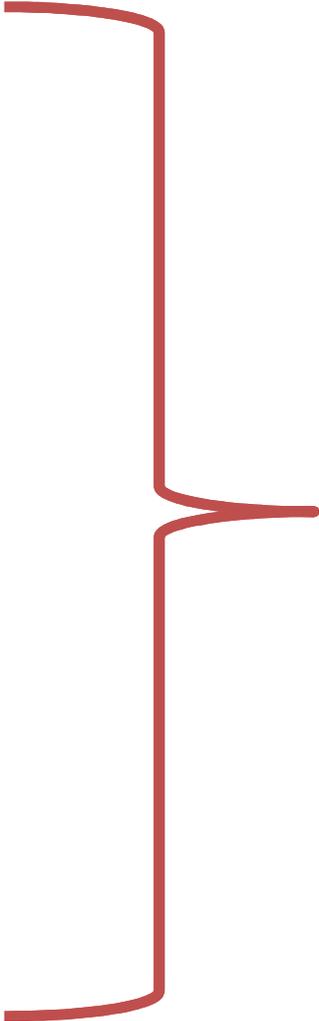
## ...changes to OHSA

- **High heel rule**
  - Cannot be required to wear elevated heel
  - Exceptions for entertainment and advertising

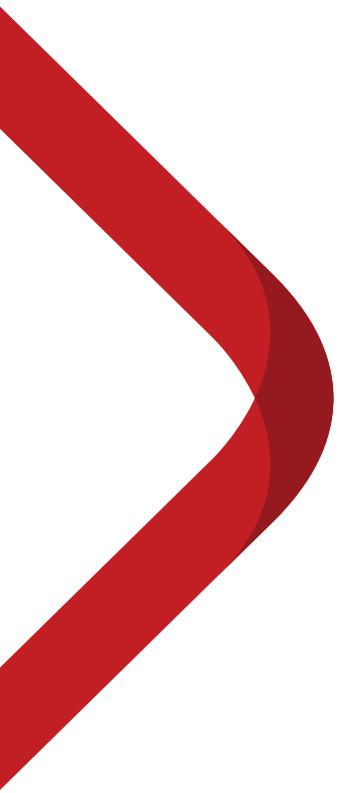
# Most important gains in 25+ years

## ...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

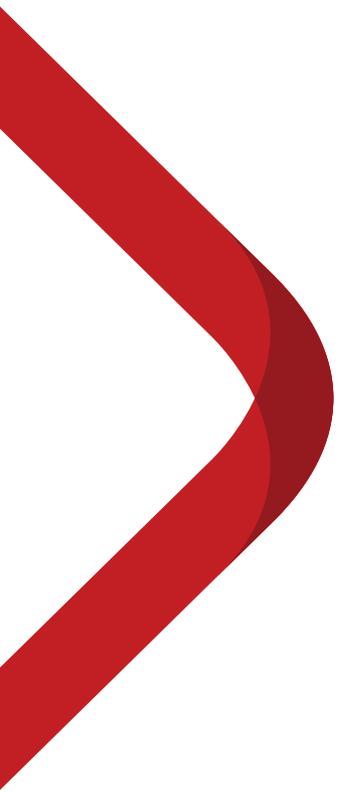
## ...phased-in effective dates

- **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 1<sup>st</sup> 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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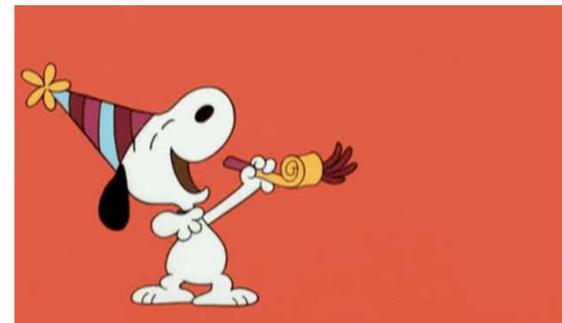
# 5. What Next

# 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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