

Ontario Regional Council's Decent Work Program Emergency Collective Bargaining Directive

December 2018

On October 23, Ontario's conservative government tabled Bill 47 ("*Making Ontario Open for Business Act, 2018*") – legislation designed to undo many of the worker protections previously included in the *Fair Workplaces, Better Jobs Act* of 2017. In a matter of weeks, the Doug Ford government will have undone the most comprehensive overhaul and modernization of labour and employment standards laws in a generation. This was an unexpectedly shameful act by the provincial government, driven by the wishes of many Ontario employers (big and small), corporate think tanks and business lobby groups.

Unifor's response has been swift. Alongside coalition and civil society partners, our union has condemned Bill 47. Unifor activists have mobilized members in the workplace to speak out against this regressive legislation and have participated in various public actions and peaceful protests throughout the province. Unifor leaders and activists have also conveyed the union's opposition to Bill 47 directly to ministerial officials and to employers.

Labour law changes proposed through the *Fair Workplaces, Better Jobs Act* (many of which had not yet come into effect) would have improved the basic conditions of work for many Ontarians, including Unifor members. These enhanced protections would have especially helped raise work standards for those struggling with precarious employment and those earning low-wages. Bill 47 will now set workers back.

Advancing Unifor's Collective Bargaining Program

Unifor was a lead advocate for progressive changes under the *Fair Workplaces, Better Jobs Act*. Local unions and their members devoted significant time and resources campaigning to ensure promised new laws were as comprehensive as possible. Ontarians know that workers can best advance their common interests through collective action and collective bargaining – using collective strength to negotiate favourable terms of work with employers. History has shown that breakthroughs in collective bargaining have later translated into benefits shared by all. In other cases, it is progressive labour laws that enable unions to engage in more effective bargaining, enabling them to negotiate above a basic floor. Unifor's national collective bargaining program demands a synchronization of the union's collective bargaining and so-called "social bargaining" objectives, to advance the rights of workers everywhere.

Responding to Bill 47

In response to the regressive provisions of Bill 47, Unifor issues this emergency collective bargaining directive to all Ontario local unions, bargaining committees, bargaining councils (where in place) and staff.

This directive hereby mandates all duly elected Unifor bargaining committees (negotiating a collective agreement in the Province of Ontario) to include the following objectives among their list of proposals in all forthcoming rounds of collective bargaining:



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- **Start rate of \$15 per hour.** All Unifor collective agreements must include a start rate of pay of at least \$15 per hour.
- **Personal emergency leave.** All agreements must contain provisions for at least two employer-paid emergency leave days (including for sickness and illness). These two paid days shall be available to all members in each calendar year, regardless of work status. These provisions must prohibit any employer request for proof of illness (including a doctor's note).
- **Scheduling.** Collective agreements must include provisions whereby members may request a change in work hours or location, where applicable and corresponding to existing seniority rights. If an employer rejects such a request, they must provide reasons for doing so.
- **On call pay.** Collective agreements must ensure members receive at least three hours of regular pay for any time spent "on call", whether they are not called in to work or are called in and required to work for fewer than three hours.
- **Right to refuse shift changes.** All agreements must afford members the right to refuse work on a non-scheduled day, with less than 96 hours notice, with certain exceptions, including: a situation deemed an "emergency", a threat to public safety, or ensuring the continued delivery of an essential public service.
- **Notice of shift cancellations.** All agreements must provide for at least 48-hours notice of any shift cancellation or on call shift opportunity.
- **Equal pay for equal work – based on gender.** All agreements must provide that unions may request a review of pay rate compliance, and require the employer to either adjust pay discrepancies or respond with reasons for refusal.
- **Equal pay for equal work – based on employment status.** All agreements must prohibit pay differentials between workers who perform substantially the same work (with the same skill, responsibility and under similar working conditions) and where those differentials exist solely on employment status. This means a difference in the number of hours regularly worked (i.e. part-time status) or a difference in the term or permanence of employment (i.e. contract or temporary status). This rule will not apply to wage differentials that exist under a seniority or merit system or systems that measure earnings by quantity or quality of production.

Unifor bargaining committees must make every effort to negotiate the above terms, unless existing collective agreement terms and provisions are already better.

Removing any of the above terms from a bargaining committee's list of objectives, prior to the commencement of bargaining or over the course of negotiations, requires approval from the office of the National President. Efforts to secure the above provisions may require lawful membership engagement activities, including mass actions as well as work stoppages and labour disputes, with resources provided to the Local Union by both Ontario Regional Council and the National Union.

This directive shall complement any bargaining requirements currently in place through Unifor's national collective bargaining program as well as other sector-specific bargaining programs.

This directive shall be in place indefinitely and may be incorporated into Unifor's national collective bargaining program in 2019.