

A MILLION REASONS TO FIX LABOUR LAW!

**THE LIBERAL GOVERNMENT SHOULD RESTORE
THE RIGHTS OF WORKING PEOPLE
TAKEN AWAY BY MIKE HARRIS**

SUBMISSION TO THE STANDING COMMITTEE ON SOCIAL POLICY

For the Toronto & York Region Labour Council, the discussion about Bill 144 starts with two realities. The first is that the McGuinty government can easily restore the rights of working people that Mike Harris took away. There is no magic required, there are no budgetary implications, and similar legislation exists in either federal or other provincial labour codes.

The second is that working people need unions in order to improve their incomes and working conditions. Today, more than a million workers in the Toronto region earn less than \$29,800 per year*. In key sectors of the economy – healthcare, manufacturing, retail, hospitality, clerical and service work – there are hard-working women and men who deserve much better. Many of them are new Canadians, but many have been here for generations. Most are workers of colour or women. They all share one thing in common – the work they do is undervalued and underpaid.

During the last decade of the 20th century working families in Toronto suffered serious setbacks. The income of two earner families dropped 13% in real dollars; those with only one earner dropped 18%. Thousands of well-paid manufacturing jobs disappeared due to free trade, while cuts to the public sector took away many more jobs that used to offer decent wages and benefits. Changes to labour law in 1995 made it far more difficult for workers to form unions and bargain improvements to their wages.

In contrast, corporate profits have exploded – a 20% increase last year brought them to the highest percentage of GDP in Canadian history.

It has been nearly a year and a half since the election of the Dalton McGuinty government. Voters were determined to end the reckless and short-sighted policies of the Common Sense Revolution, and in Toronto swept every one of the eight Conservative MPP's out of office. And yet today, we are disappointed in either the delay or substance of what is being offered to correct the myriad of problems that are the legacy of the Harris regime.

In November 2004 the provincial government introduced reforms to the Ontario Labour Relations Act. Some of the measures in Bill 144 are welcome and long overdue. They could start to repair the damage by the Conservatives who amended the Labour Relations Act time and again to please various groups of employers. But the Bill fails in its central obligation - to give back the core **effective** right of workers in every sector of the economy to organize into a union.

Last November the Labour Council sponsored two forums to highlight the treatment of non-union workers. These were conducted in Mandarin, Cantonese, Punjabi and English – the first languages of a growing portion of our workforce. We heard from speaker after speaker about their anger and frustration dealing with employers who seemed to be able to violate the law with few consequences. People who had been fired for organizing or speaking out, people owed thousands of dollars in wages or

benefits, people working in locations where the notion of employment standards didn't exist. Some of their stories have been captured in the "Book of Shame" we have provided to all MPP's in Toronto and York Region.

It is interesting to note that the business community has formed a lobby group which includes corporations that pay **some of the lowest wages in the province**. It is no surprise that this business lobby doesn't want Bill 144 to tackle the root cause of the violations exposed in our Book of Shame.

Bill 144 is flawed – but not because it goes too far. In fact, many of the abuses outlined there would still not be curbed by the proposals in the Bill. The specific language required to modernize the Labour Relations Act has been outlined in the Ontario Federation of Labour's December 2004 submission to the Minister of Labour, which we support.

Bill 144 should be amended to:

- Restore the traditional form of card-check certification for all sectors
- Restore successor rights for provincial employees and building service workers (cleaners, guards, etc) so they don't lose their job when work is restructured
- Extend union rights to agri-business workers and part-time college employees
- Remove the ability of "non-construction" employers to decertify agreements
- Restore the ban on strikebreakers

The most important issue is the need to restore card-check certification as the standard method in which workers attain a bargaining agent of their choice. This system of certification was in place for almost half a century in Ontario, and Bill 144 proposes to re-instate it for the construction sector alone. We support the intent of giving this right back to building trades workers, and ask that it be restored for everyone.

Every person applying to be represented by a union signs a legal document to that effect, in the same manner that our signature, properly witnessed, can assign a lawyer or executor to represent our interests. Nobody demands that we undergo a trial by fire for five days to determine if those signatures are valid.

Corporate lobbyists ask what is wrong with a vote. The answer is simple – without freedom of association and freedom of speech at the workplace, there is no such thing as a free and democratic vote.

Compare what happens to a general election to holding a vote in a workplace. Only one party (management) has access to all voters, where the other cannot get either the names or addresses of the full voters list. The canvassers for the other party are forced to distribute material or canvass in secret. Only the governing party can hold meetings or approach voters in the workplace. It can even bring individual voters into one-on-one captive audience hearings to threaten them with dire consequences if they vote the "wrong way".

Canvassers of the other party routinely face reprisals or firings which act as a warning to rest of the electorate. And finally, the vote is held in the building of the governing party,

with its supervisors eyeing every voter before they cast their ballot. Whose definition of democracy is this?

This is what workers face in most instances when they try to exercise their so-called democratic right to join a union and enter into a collective bargaining relationship with their employer. The ballot question is seldom viewed simply as “Do you want a union?” – but has been changed in the most cases to “Do you want to keep your job?”

Employers instinctively use the five days leading up to a vote to launch a reign of terror to change the ballot question in people’s mind. No matter what the sector, the chilling effect has resulted in union votes losing time after time. The history of Wal-mart makes it clear that the threat of closing operations is a very serious consequence that powerful employers are willing inflict rather than deal with a union.

Will the elimination of a mandatory vote end this kind of pressure? Not entirely. But the increase in the use of wholesale intimidation has been dramatic since the imposition of a vote process in Bill 7 in 1995. Since then, the success rate of certification applications had dropped dramatically. In 1994-95, the OLRB granted 762 certificates out of 1077 applications. That decreased to 307 out of 624 applications in 2001-2002, and then to 318 out of 658 in 2002-03. In 2003-04 it was down to 301 certifications, covering only 12,173 workers. Fully half the union drives were defeated - because the vote process is fundamentally unfair.

In most workplaces, the employer gets to set the rules, determine the pay, and decide on who to reward and who not to. Only with a union do the workers also have a say in what happens. It’s a collective voice, that balances the unilateral power of management with a written contract setting some rules. Wages, hours of work, benefits, and the right to appeal bad decisions are the fundamentals of a collective agreement. It’s the only guarantee of fairness at work, which is why people in **every sector of our economy** have formed unions to be their voice.

Most unions in Ontario were created by an earlier generation, and we sometimes take their benefits for granted. Particularly for new Canadians, building strong unions was the key to raising the standard of living for their families and their communities. It was true many years ago, it is today...and will be tomorrow. The Ontario government needs to understand that and restore fair labour laws.

On behalf of the 190,000 members of this Council, we ask you to take a stand for the full restoration of all rights for working women and men who are your constituents. Doing so puts no financial burden on the government. But failure to restore those rights will leave many questions in the minds of ordinary people about the power of corporations like Wal-mart in our society, and whose side this Liberal government is actually on.