

BOOK OF SHAME

Stories of the treatment of non-union workers in greater Toronto in 2004

In November 2004 the Toronto & York Region Labour Council and allied community organizations sponsored two forums on workers rights. One was held in English and Punjabi, the other in Cantonese and Mandarin. These are some of the stories told by working women and men about their experiences in a wide variety of workplaces. All of them are new Canadians, who came here to work hard and make a better life for themselves and their families.

Their stories leave no doubt that labour laws and employment standards need to be restored in the province of Ontario.

Goretti – Sodexho employee

Goretti Frias works as a cook for Sodexho Cafeteria Workers at University of Toronto. Like most of her co-workers, she makes between \$8-9 an hour.

Goretti had been talking to workers about starting a union. When her employers found out, she and a fellow co-worker were escorted out of her building and dismissed without pay. They were accused of harassing other workers. Goretti felt that Sodexho's actions were meant to intimidate other workers "If they got rid of us, then everyone else would be scared to of forming a union," she says.

Several days later, Goretti met with her employer and brought with her a union representative to help her understand her rights. The employer could show Goretti no report or proof of what she was charged with. Thanks to the union representative, Goretti's job was restored. "If I had not had the union rep with me, I would have been fired", she says.

On November 8, 2004, the Sodexho cafeteria workers and student supporters from University of Toronto presented a petition signed by 70 per cent of workers demanding that Sodexho recognize their union. In a memo, the company has

responded by saying “we have no basis for believing that a majority of our employees wish to unionize...”

“Where are our rights?” says Goretti. “We have the support of 70 per cent of workers, yet it is not good enough. Should the company ever leave U of T, the workers will still be here. If we were employed by the University, we would be unionized.”

Eddy and Gordon- Chrysler Dealership

Eddy and Gordon are part of bargaining committee at a local car dealership. Their local went out on strike because they could not come to an agreement with their employer for a first contract covering working conditions and wage levels.

On the first day of the strike the employees were shocked to find security guards with dogs confronting the picket line. Workers were pushed by the guards, and some were hit by cars driven by sales people and customers.

The picket line was right across the street from a police station. “The police were intimidating us, saying that we’d better not put one foot on the street or they would arrest us,” says Eddie. “I was hit by a car and had to go to the hospital. I never thought we would have to go through something like this to get a union.”

Xiao Lin - former Glamour Look employee

Woody was one of 200 workers who lost their job when Glamour Look, a cosmetic factory, declared bankruptcy.

Before the factory closed, workers were forced to work 50 to 60 hours per week without being paid overtime. Any overtime work would be paid as a regular hourly rate and entered as bonus. There were inaccurate entries on their pay stubs to make the practice look legal. Employees made a number of complaints to the Ministry of Labour, but the Ministry never went into the factory to investigate and talk with workers.

Under Ontario labour laws, directors are liable. The Labour Board issued an order for the company and its two directors to pay the money owing to employees. One director filed for personal bankruptcy. The other director claims to have resigned however she never stopped acting as a director. After six months, the Ministry is still determining if she is indeed a director. “If the Ministry doesn’t think the law is clear enough on this issue, then the law should be changed,” says Xiao Lin.

Woody points to the fact that employees are only paid after secure creditors like banks receive their money. “Employees are most vulnerable. They don’t have information about a company’s financial situation like banks and suppliers do.”

“Employees get \$7–8 dollars an hour, on which they can hardly survive. If they don’t get back wages, overtime and severance pay, it can be a matter of life and death. There must be measures in place to ensure employees get their money.”

Sukhmander - Dynasty Furniture

Poor working conditions, low wages and no benefits motivated workers at this local furniture factory to form a union.

Sukhmander had played an active role in the organizing effort which was lead by UNITE HERE. Three days after employees voted to form a union, he was dismissed from his job.

Sukhmander immediately went to the Labour Board for reinstatement. Under the law, it is illegal to fire a worker for being part of an organizing drive. Sukhmander waited one year for a response from the Labour Board. He had no money, and didn’t know whether he would ever get his job back. After a year, he received some compensation and had his job reinstated. The \$18,000 he was paid could not compare to the wages he lost.

“Because there’s a UNITE HERE union, things are better in our workplace. But labour laws favour the employer, not us,” says Sukhmander.

Mohammad - MPM

Mohammad had just started a new job with his company in the middle of an organizing drive.

At a meeting called by management, workers were told that the meeting would be audiotaped, saying it was a 'labour law requirement'. Workers were given a flyer detailing the salaries of International union officers and were told that was where their union dues would be spent.

"There were 25 workers in the room and everyone was silent. I spoke up, saying that these salaries should be compared to the owner of the company," says Mohammad. "They also said that if we unionized, the company would lose a large contract from a major car maker." During the union vote the next day, workers were told by a supervisor to vote 'no' to the union. In front of the company vote scrutineer, Mohammad complained to a representative of the Labour Board that the company was intimidating workers.

The next day, Mohammad was laid off "because work was slow." Mohammad knew this was not true because he had just worked overtime on the past weekend, and big orders for supplies had been made in anticipation of pending business. Mohammad has filed a complaint with the Labour Board and is awaiting the outcome.

David - former Triple Well employee

David worked as an inspector at a factory making car seat covers. His job was to inspect products and cut threads after the work of the sewing machine operators.

They worked on piece-rate. The company had a penalty system in place. Any big mistake would result in a wage deduction of \$ 10-20, and small mistakes would cost \$5.

This past September, David and other inspectors negotiated with the company to get rid of the penalty. Within one month, 9 of the inspectors were laid off. They

were only given 1 to 3 weeks termination and severance pay, much less than their entitlement.

The inspector responsibilities were downloaded to all quality control workers, who also work on piece-rate. Merging the two jobs should have resulted in a piece-rate of \$2.63. However quality control workers are only being paid \$1.93 despite the increase in workload. They now have to work 10-12 hours a day to get the job done, at a reduced rate and with no overtime pay.

“More than 90 per cent of these workers do not have English as a first language,” says David. “They didn’t know that wage-deduction penalties are illegal. Those who were terminated did not know what termination payment they were entitled to, and they almost missed the six-month deadline to apply. The Ministry of Labour’s poster on worker rights was posted only in English.”

Catelectric’s owner also owns four other factories named Novaquest Finishing Inc. A number of workers were laid off in September and December of 2003. No termination and severance pay was given to over 100 workers, some of whom had worked at the plant for over 15 years. The company then filed for bankruptcy. Workers estimate that termination and severance pay owing to them is close to one million dollars.

In May 2004, workers received a letter from the Ministry of Labour confirming their entitlements but at the same time informing them that in very few situations involving bankruptcy do the employees receive any part of their termination or severance pay.

Workers believe that the employer is attempting to by-pass paying the workers through bankruptcy. At a fact-finding meeting in September, workers produced good evidence and arguments that Novaquest is indeed a related company. On this basis, the Ministry issued an order to Novaquest. Workers have not received any of their money owed as the employer has filed an appeal to the Labour Board.

“The sophisticated structures of companies make it easy to by-pass the law, in this case by declaring bankruptcy,” says Heng Tac. “Because of their long service, many workers have claims of \$16–17,000, however the maximum limit for a claim with the Ministry is \$10,000. So even if we do win our claim, the employer is still making a substantial gain– paying much less to workers and delaying the payment for a long period of time.”

Jing Dian - Kristo Foam

Jing Dian Dong worked for five months as a machine operator in a factory producing plastic with 30 other employees. The machine ran fast and was a high temperature operation.

One day, his employer told him to turn up the speed of the machine in order to reduce the time spent finishing one batch of products from 30 to 15 minutes. Jing Dian told the employer that there was a clear warning of danger sign posted for operating the machine at that speed. Despite the danger, the employer told him to do it or go home. The employer also said he was unhappy with the time Jing Dian spent on preparation and set-up of the machine every morning.

Jing Dian felt he had no choice but to leave. Because he was forced to quit, he received no termination pay. The employer made the same demand of his replacement. It was impossible to run the machine at the speed requested, and the employer had to accept that 30 minutes was the time needed to finish the batch of products.

“It was wrong to dismiss me for speaking up on safety concerns,” says Jing Dian. “I saw this employer dismiss other workers for very small problems. You can’t be pushed to work faster and disregard health and safety concerns.”

Sam- Matcor employee

Sam worked at factory employing 400 workers. There were issues in the assigning of work, wage discrepancies and overloading of work to employees. Sam and some of his co-workers decided that the best way to protect their rights was to organize for a union.

The employer found out about the union drive. Sam was called to the office to see the employer because of a very minor mistake. The same “mistake” happened frequently in the past yet nobody had cared to notice it. This time, the employer fired Sam in a very rough and violent manner using that small excuse of the mistake. There was little doubt that Sam was fired because of his union organizing.

Sam filed a complaint to the Labour Board. His employer retained a lawyer to fight the case and the situation dragged on for months without any solution. Sam had to work and earn his wage to support his family. He couldn't possibly afford the time and money to endure the never-ending process and attack from his employer in order to regain his job.

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