

# THE FORD GOVERNMENT JUST DOESN'T WORK FOR WORKERS

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Doug Ford is trying to pull the wool over workers' eyes. He wants to look like he's helping workers and COVID-struck employers. But he's actually helping workers as little as possible while rewarding bosses who injure their workers or deny their status as employees, in a desperate bid for re-election in June.

And it may be working, if public opinion polls continue their trend. The task of the labour movement and our allies is to help workers understand the deceit and trickery Ford and his Conservative government are carrying out.

First, take a look at Bill 27, the so-called Working for Workers Act. Bill 27 is full of too-little-too-late and half measures. It makes sure delivery drivers have washroom access, but doesn't offer that right to construction workers. It requires temporary agencies to be licensed, but doesn't help long-time temp workers get permanent status. It says recruiters can't extract fees from foreign workers seeking Canadian jobs, but doesn't address serious barriers to unionizing experienced by migrant and temporary foreign workers.

Appallingly, Ford slipped a gift to bosses into Bill 27. Under the bill, the Workplace Safety and Insurance Board (WSIB) is required to give back employers about \$3 billion because WSIB has accumulated a large surplus. This means that corporations like mega-bakery Fiera Foods will likely get money back, despite killing workers, because those workers were temps not Fiera employees. Thus, Fiera evades its WSIB responsibility. And where does this \$3 billion come from? The surplus is so large because WSIB squeezes injured workers and denies them coverage or benefits, which includes a process called "deeming."

Wayne Harris, a Sprinkler Fitter, was permanently injured after falling off a ladder in 2012, resulting in seven shoulder surgeries to date. After Wayne went through retraining, the WSIB "deemed" him eligible to be a project manager. Whether or not there was an actual job for him and despite his surgeon saying he should not be working, WSIB cut Wayne's benefits by two thirds as a result of his eligibility to take on a new job. His "phantom job" brought Wayne zero income but saved WSIB a lot of money. This money will now be gifted back to employers through Bill 27.

If we don't roll back these provisions, our workplaces will become less safe and our injuries will bankrupt us.

Second, Ford is increasing the minimum wage. The increase is welcomed by minimum wage workers, but in another case of too-little-too-late, workers have lost an estimated \$5,300 because Ford's Conservatives cut the minimum wage in 2018. If it had gone to \$15 an hour in January 2019, it would already be at about \$15.90. Workers would have been earning \$1-plus an hour more for the last three years and would have had more money in their pockets already.

According to the Ontario Living Wage Network, nowhere in Ontario is Ford's \$15 per hour minimum wage enough to live on. At the Ontario Federation of Labour's 2021 convention, delegates voted overwhelmingly to demand a \$20 minimum wage.

If we don't keep fighting for a living wage, the recovery will take place on the backs of marginalized workers, such as Black, Indigenous and other workers of colour, who have already suffered disproportionately from COVID and the resulting economic displacement.

Third, Ford is getting ready to enshrine the second-class status of gig workers by acting on recommendations of the Ontario Workforce Recovery Advisory Committee. You may remember the Conservatives set up this small, quiet group in the summer of 2021, with no worker representatives. So, it was no surprise that the committee recommended carving out gig workers' employment rights and creating reduced access to benefits such as CPP, EI and workers compensation.

The Employment Standards Act (ESA) needs to explicitly recognize these workers as employees. The Ontario Labour Relations Board (OLRB) has already determined that gig workers are not independent contractors and instead are much like employees. The OLRB's reasons? Simple: The app is the employer's tool; workers are not allowed to subcontract their work; and the fact that they are allowed by the gig company to hold down more than one job doesn't make the workers "independent contractors," it simply means they need multiple jobs to earn enough to survive.

If we don't fundamentally challenge the carving out of gig workers' rights now, you can be sure Ford and his Bay Street friends will come after the rest of us later. If there's a way out for profit-makers, they'll take it. If the bosses had their way, every employee would be subject to the same rules as gig workers. Suddenly, we'll all be gig workers!

Finally, when Ford canceled the \$15 minimum wage in 2018, he also scrapped major improvements to the ESA that were won by the efforts of the Fight for \$15 and Fairness campaign, the labour movement, and other community organizations. These included permanent paid sick days and equal pay provisions for part-time, contract, casual and temporary workers. A year later, Ford's Conservatives passed Bill 124, which capped public sector wage increases at 1% for three years. This leaves a million public sector workers with earnings falling further behind inflation and has deepened the staffing crises in health care, child care and long-term care sectors.

Let's start the new year off right – be crystal clear about which laws actually work for workers, and which ones work for profit. Let's act to make sure workers know that Ford is no friend of theirs. Don't let the Conservatives pull the wool over workers' eyes!

Labour Council resolves to:

1. Call on the provincial government to protect injured workers by:
  - Repealing the WSIB schedule in Bill 27,
  - Instructing WSIB to stop deeming/phantom jobs, and
  - Making the regulations set out under WSIA s 83(4) to hold client companies of temporary help agencies liable for WSIB premiums based on experience ratings of injuries, accidents and deaths of the company's temporary help agency workers (rather than the temp agency bearing that liability)
2. Call on the provincial government to protect gig and app-based workers by:
  - Applying employment standards universally and eliminating exceptions and special categories that restrict worker rights;
  - Proactively addressing the misclassification of workers as independent contractors and reversing the legal onus so employers must prove a worker is not an employee and is truly an independent contractor; and
  - Ensuring all workers have the right to organize into a union should they choose and making that right meaningful by addressing barriers to organizing.
3. Support a \$20 minimum wage
4. Continue to demand 10 paid sick days for all workers, the repeal of Bill 124, and the reinstatement of the ESA improvements cancelled by Ford in 2018
5. Collaborate with labour and community allies to educate affiliates and ask them to educate their members on the truth of Doug Ford's assaults and minimizing of workers' rights
6. Call on affiliates to urge their members to remember on June 4, 2022 – election day – how Doug Ford's Conservatives tried to deceive them