

September 18, 2015

Changing Workplaces Review

Response to Consultation Request

Submitted On behalf of:

Eastern Ontario Region Municipalities:

- County of Frontenac
- Lanark County
- Prescott-Russell United Counties
- Northumberland County
- Township of Leeds and the Thousand Islands
- City of Brockville
- County of Peterborough

Introduction

This report was developed by the member municipalities who form part of the Eastern Ontario Municipal Human Resources Group. This group works as a team regarding human resource related issues, opportunities and emerging challenges. The municipalities in Eastern Ontario serve over 700,000 residents and the organizations are comprised of unionized and non-unionized employee groups offering a diverse set of services.

Common themes facing municipalities are the pending retirements of older male employees, and the increasing utilization of part-time or contract employees as a way to keep costs down. Municipalities and the Councils that govern them are growing increasingly concerned with rising costs of employees (wages, group benefit plans, WSIB, EHT, pension contributions, CPP, the newly introduced Ontario Pension Plan, etc. Municipalities rely on tax levies assessed against its residents to fund employee costs and there is rising tension as residents expect low tax increases while the cost of living, employee and other expenses continue to rise, often well above the CPI.

The information that follows was gathered following The Guide to Consultations for The Changing Workplace Review. It follows the format of the sixteen (16) questions posed by the Special Advisors guiding the process. A collective summary as well as individual responses from participating municipalities is included in response to each of the questions.

Part A – Changing Workplaces:

Q1 – How has work changed for you?

The comments below reflect individual experiences from the HR perspective at the participating municipalities. However, there are a number of themes that emerge regarding unionization and some success being experience in achieving a more collaborative approach to labour relations through a greater emphasis on relationship building. The experience tends to vary dependent on the union and organizational leadership in place and the will of the parties to effect change in the traditional bargaining relationship. Other changes being experienced include the impact of increasing technology on a demographic population which is becoming more educated and diverse as it relates to gender, place of origin and age (several generations in the same workplace). While there is recognition that legislation (such as pay equity, health & safety) has positively impacted workplaces overall, there remains concern that the workplace is becoming more and more complex. Perhaps overall simplification should be a goal of this review.

As a Human Resources practitioner in the public sector, unionization remains strong. However, it is my finding that employees do not regularly participate in union efforts and appear to be not as engaged as they once were in becoming an employee representative. I attribute this to sound policies, procedures and legislation where employees feel protected.

Unionized ratio has slightly decreased over the years, but nothing really noticeable.

2002 – 71.8%

2007 – 72.2%

2013 – 71.8%

2015 – 70.5%

Our 4 unions are well implemented and this change is only due to adding a bit more non-unionized positions than unionized ones.

Overall the workplace has become more and more complex and municipalities struggle to maintain an effective balance between increasing and often overlapping or contradictory legislation while meeting increasing expectations for quicker/better services for the residents we serve. Stepping back and reflecting over the past 15 years since the ESA was last revised, the workplace has become increasingly litigious with a greater “rights conscious” workforce whose interpretation of legislation, their rights in the workplace and ability to raise complaints (legitimate or not) has become more prevalent. This requires a well-trained group of managers who can effectively communicate, diffuse and resolve complaints at the lowest level. The expected efficiencies due to technological change have not been realized given the profuse use of electronic communication and the expectation (unrealistic) of immediate response for employees in municipalities. Employees often report feeling like they are “on the clock 24/7” due to never ending email communication, phone text, social media feeds, etc. There is also an increasing need for a higher educated/skilled workforce given the need for highly efficient, knowledgeable and innovative employees required to meet current and emerging needs. The demographic make-up of a typical municipal organization is more diverse than it once was with women achieving greater equity, however, municipal demographics in eastern Ontario rural municipalities tend to remain largely white, able bodied Caucasian.

With the decline of unionization in many workplaces, most significantly in the private sector, it hasn't had a great deal of impact in union membership in the public sector. However, the “us and them” mentality has changed significantly when dealing with union issues. There is a much more cohesive approach to resolving issues and as such directly impacts how work is being done, relationship building has become key when dealing with the unions. Less stress on the positioning by parties and more emphasis on working together. b) Dealing with several generations of workers has also had significant impact on workplaces. Adapting the style of the workers most especially as it relates to communication styles. Young workers often balk at having to follow established policies and procedures. More emphasis on “counseling” workers as opposed to disciplining workers which creates the need for leaders to have better interpersonal skills that require them to be more effective communicators. Less hierarchical organizational structures are apparent which allows for a much more flexible work environment. c) Diverse workplaces are becoming more apparent and the need for Canadians to welcome diversity in the workplace is key to organizational success. d) Alternate Work Arrangements and flexible work environments change the way businesses do business. Technology has allowed for the creation of “virtual” and mobile workplaces.

There has not been an inherent change in work for me. Women are more broadly recognized in leadership positions, thereby eliminating segregation among men and women. Union relations have become more collaborative and less combative.

Equal opportunity has provided some promotional and compensation opportunities formerly reserved for males. The workplace does however demand significantly greater responsibility and multi-tasking efforts with minimal resources to support tighter deadlines. Various legislation (Human Rights, Employment Standards, Occupational

Health & Safety, etc.) impose barriers which often restrict employers of their ability to manage successful economic growth. Considering the level of education and skills possessed of those entering into the workforce the boundaries are more defined.

Combined by advancement in technology, information is easily accessible to everyone without having to manipulate or rely on other parties to expose oneself to a far greater diverse area of comparing what is available in the marketplace.

We have the same representation i.e. number of union groups and the demographics within those groups would see older males due to pending retirements. The replacements being hired are typically younger males/females who are qualified for the role. We have seen a reduction in positions within the organization due to Management Reviews. Our students and temporary workers are also holding unionized roles.

Q2 – What type of workplace changes do we need to both improve economic security for workers, especially vulnerable workers, and to succeed and prosper in the 21st century?

Vulnerable workers, including young adults, immigrants, women and those with disabilities, do have some support currently but the responses below indicate that such supports need to be sustained and/or improved moving forward. If we are to rely increasingly on the vulnerable sectors for labour force participation, then we need to ensure there are supports and structures in place to adequately support them as they take the necessary steps to become more educated, comfortable with the English language, able to access workplaces (rural locations), etc. Most vulnerable workers experiencing lower than average wage rates, little if any access to employer provided benefits, career advancements, etc. While minimum wage is not part of this study, it is clearly a contributor and important part of economic security for such workers.

Further advancement in the health, safety and wellness of our employees to ensure staff are protected in the workplace and feel secure both physically and mentally. Ongoing and vigilant policies in dealing with bullies, harassment and violence. The psychological research project that is underway is becoming identified as a strength and if and when it becomes part of legislation it will be helpful in leading this process.

Vulnerable workers in the municipal sector would include those with disabilities (physical and mental), women, young inexperienced workers and those whose place of origin is not Canada (immigrants). While Ontario has launched extensive legislation that is intended to provide greater equity, job security, economic prosperity, etc., the implementation of legislation still needs work. As an example, there is a significant emphasis on the need to employ those with disabilities, yet in rural Ontario (where most of us in eastern Ontario work and live), there is limited/no access to public transportation which is one of the biggest barriers facing those with disabilities. Pay equity and employment equity did improve the landscape for women but there is still work needed and perhaps a different approach to really eradicate discriminatory practices. For immigrant workers there needs to be greater support for them in language development as this can have the effect of excluding them from work where command of the English language is required. This also relates directly to wage rates, access to benefits, etc. so should receive greater attention/funding.

I would consider vulnerable workers to be women, young adults and recent immigrants. Many workers, most

especially those in single-parent families, have two part time jobs in order to make up a full time job. This is prevalent in our long term care facility in our organization. Many of these part-time workers are combining the two jobs in order to make ends meet for their families and are often on the bubble and considered the “working poor”. The risk associated to this type of workplace status is that the most vulnerable workers do not have benefits and requires workplaces to fully understand the provisions under the ESA as it relates to job-protected leaves. In addition, many of these workers have potential to learn and develop but do not have the means to do so. Many of them have the initiative and desire to learn in order to achieve future success, but need to pay the bills to get by and this becomes their priority. It becomes an endless cycle of poverty.

It is agreed that there needs to be focus placed on economic security for workers inclusive of vulnerable workers. However, the focus should not be only on vulnerable workers otherwise we create a gap on the other end. There needs to be balance and focus on ability to fulfil the requirements of a job.

Equality and inclusion which typically exist in the majority of workplaces by way of well-designed workplace employment equity and pay equity policies and programs have a positive impact on individual Canadians by creating an 'even playing field' for all. They also benefit the Canadian economy by taking full advantage of the abilities and talents of all citizens. I believe the current Employment Standards and legislation are essentially already providing the foundation for creating productive workplaces.

Have seen a move towards use of temporary employees by industry and a reduction in benefits as a result. Part of this is to help evaluate worker performance and also in part to keep costs down. We need to be cost competitive in order to keep industry. Cost of benefits effect the bottom line and we need to ensure workplaces are able to support full time employees without risk. A review of probationary periods, costs for benefits, and other costs all need to be reviewed.

Q3 – As workplaces change, new types of employment relationships emerge, and if the long term decline in union representation continues, are new models of worker representation, including potentially other forms of union representation, needed beyond what is currently provided in the LRA?

Times have changed and the workplace has changed, but the models for worker representation haven't changed in some time. There is no doubt that there is a continued need for worker representation, but the comments below indicate that perhaps the playing field needs to be leveled and some form of representation for non-unionized employees be instituted. Perhaps the focus for the future is on a more collaborative and partnership centred approach to worker representation that “requires” cooperation of all parties. The European model of labour relations seems to be successful for the parties while providing the environment for economic prosperity so perhaps there are lessons to be learned there that we can apply. The process of collective bargaining is labour intensive and should be reviewed for opportunities to simplify, place parameters on certification to ensure a minimal membership, etc.

No comment at this time. More study required.

We sometimes use ad hoc committees for questions with non-unionized people. For example on the question of benefits. Employees of all non-union horizons are asked to participate in giving their opinion on what they would like to see.

We don't negotiate salary increase but I know some corporation do negotiate with non-union committees in order for them not to get unionized.

I think the decline in unionization in Ontario is an indicator that another model is appropriate at this time. While unions served their purpose in the days of early industrialization and the initial formation of worker rights, we hear from represented workers that they are concerned about "how" unions represent them currently in a more service-oriented workplace. We have many employees who would like to have the choice about whether they join a union when employed and that is currently not available to them. It would be good to see some parameters placed on union certifications as well such as minimum numbers, integrating with existing locals rather than creating a new local, etc. An example: a municipal local representing 3 Firefighters – requires a full collective agreement, bargaining process, etc., which is a resource intensive process to address the needs/wants of 3 employees. For some occupations perhaps regional/provincial bargaining makes best sense rather than the on-going resources across all Ontario municipalities to bargain individually and often with unions wanting to "leap frog" above recently negotiated settlements.

Employees need proper representation in the workplace in order to ensure that they are treated fairly and equitably. Unions have taken that role on in the past and with the decline of unions, a proper and structured format (or policy) for resolving disputes needs to be instituted in those workplaces. Though the OHSA, ESA and other legislative bodies do ensure for the most part that employees are covered for minimum workplace standards, there are areas that will remain a concern as it relates to how employees are treated in non-unionized workplaces. Competent leadership will ensure that employees' concerns are heard and they are treated appropriately. As such, emphasis needs to be placed on ensuring that the leaders in the organization are skilled in this area and that appropriate forums and processes are available for employees to voice their concerns and to deal with them effectively.

I do not believe so. Employers need to create a balanced relationship with their staff. Likewise, unions need to take a collaborative approach as opposed to the old 'militant' approach.

Present legislation is adequate. Canadians risk higher unemployment rates if forced to adopt proposed changes considering businesses can only operate within the financial limitations permitted.

Yes but this would require study and review of trends over several years to determine if there is a set pattern in the representation that can be captured.

Q4 – Three key objectives in the employment relationship:

Efficiency: Economic performance (competitiveness, productivity, quality)

Equity: Fair standards regarding outcomes and treatment

Voice: The opportunity for meaningful input into decision affecting the workplace

Are these the key objectives or are there others? How do we balance these objectives or others where they may conflict? What are the goals and values regarding work that should guide reform of employment and labour laws? What should the goals of this review be?

There is general agreement that these three objectives are appropriate. However, there is concern that health and safety of workers remains a key priority and embedded in workplace standards to ensure it is adopted and implemented as a high priority. There is some concern in the comments that follow about current pay equity legislation and perhaps the need for reform in that area if there is an objective of “equity”. There also needs to be clarity about when, how and on what issues workers need to have a voice.

The goals are clearly outlined in the Changing Workplaces Review insofar as it relates to considering the broader issues affecting the workplace and how the current labour and employment law address these trends and future concerns. Because it is such a broad-based review, the key objectives also seem to be extremely broad-based. There will be conflict between the key objectives of efficiency and voice because taking into consideration employee inputs takes time, effort and ultimately impacts the efficiency of the workplace. If employer's buy in to providing opportunities for meaningful input, they will recognize that it is the workers who often know how to do the work more efficiently and productively. This mind-shift will take time and effective leaders to implement. One last consideration as it relates to this review and implementation once it is approved is how the changes are to be executed and how to ensure, through regular and proper monitoring, that the reforms are workable. These types of consultative reviews and the documents that are created typically provide distinctive guidelines but rarely identify what to do if the implementation plan does not succeed and what course of action will be undertaken in that case. They need to build this into the implementation plan. Key objectives are good. Balancing competing interests always hard, does help if you clearly know and are reminded of the objectives. Not sure there are one set of goals/values that can provide reform, although I do think each employer should have goals and values clearly defined.

The method pay equity is calculated right now is basically used in order to swipe everything under the carpet. Maybe it served a purpose at the time but I feel like it would be more useful to simply calculate a fair comparison between jobs and not always try to find a male comparator. Probably a wishful thinking.

The three objectives of efficiency, equity and voice are admirable but very difficult to implement which is why we have so many labour lawyers ☺ I think the other objectives has to be health and safety in the workplace and some sense of priority of the objectives when differences or issues arise.

Agreed.

I am not sure about the Voice objective - think Safety would be ahead of this. Also feel that we are not yet at a partnership with input from employees in the workplace. Not all workplaces are created equal. The balance is between legislation, corporate goals and safety. We need to ensure that we have equitable and efficient and safe workplaces. Not sure how you will provide legislation to regulate and prevent conflict. Don't want to add additional burden on employers as currently heavy on the legislation side. Collective agreements and open door policies provide resolution for conflict currently.

Part B - The Employment Standards Act, 2000 (ESA)

Q5 – In light of the changes in workplaces, how do you feel about the employment standards that are currently in the ESA? Can you recommend any changes to better protect workers? Do the particular concerns of part-time, casual and temporary workers need to be addressed, and if so, how?

The comments below indicate that generally the provisions of the ESA are adequate except in the cases of vulnerable workers as noted earlier. If the ESA could be simplified (condensed), then it would be easier for workers to be more aware of their rights under the ESA and the mechanisms through which they can easily have workplace issues resolved (with protection and assistance). The ESA in some cases (averaging of hours), seems to be restrictive and requires ESA permission at the Director level even when parties are agreeable. Anywhere permissions are currently required should be reviewed to ensure such approvals continue to serve a useful purpose.

The ESA has taken into consideration those workers who do not have the luxury of benefits as most FT status employees enjoy. Having legislation related to personal emergency leave days available to those employees lessens the stress associated to previous concerns related to care giving and personal illness. But, are there better ways to protect workers – the answer is yes. For those who fall under the part-time/casual/temporary worker status, they are often concerned that if they contact ESA they will lose their jobs and be reported. Yet often times it is known that they are not being treated fairly by their employers. It is a catch-22. The problem that exists is that the ESA only refers to employers with over 50 workers. More education and awareness related to employee rights as it relates to ESA is necessary for those in the employment status of part-time/casual/temporary. Suggestion of mandating a yearly requirement of workplaces to educate those individuals, either through on-boarding practices or during employment may reduce the possibility of employees not

being treated fairly or equitably and ensuring they know their rights as workers. Visits by inspectors or random audits of workplaces may increase the proper utilization of ESA protected leaves for employees.

If Employers are reported, more effective follow up should occur and employers who violate the ESA should be publicly reported (on the website, in a newsletter?) in order for other employers to see the risk associated to violating the rules.

I think this question goes hand in hand with the earlier question regarding vulnerable workers who tend to also be incumbents of part-time, contract and casual employment relationships. The challenge here is to ensure there are worker rights that don't tip the balance for employers in affordability, which ultimately could lead to elimination of some of these employment relationships. The ESA generally provides protection for all workers but for part-time, contract and temporary workers the provisions around notice of termination, severance, etc. could be strengthened to provide better protection.

Current ESA is sufficient. Concerns might be that if employers are challenged from the ability of utilizing part-time, casual and temporary workers that longer hours and more work will be placed on permanent full time staff creating a stressful work environment. Some provisions could possibly be introduced where employers experiencing a high utilization rate are required to report any justification for not filling vacancies with permanent staff.

There are opportunities to change the current ESA and the need to write/secure permission that can be addressed by the Employer and employee. Appears to be heavy handed in these times and not flexible. One thing employees tend to want is to have a bit more flexibility when it comes to taking vacation, leaves, etc. and often they don't necessarily follow the ESA or have a good understanding of their requirements. We treat our temporary/seasonal employees as part of union contract and avoid them many rights but also have variation as they are not required 12 months of the year. Paying vacation and % in lieu of benefits is part of how we treat them but perhaps this would be good if not everyone is doing so.

Q6 – Are changes needed to support businesses in the modern economy? How could the Act be simplified while remaining fair and comprehensive? Are there standards in the ESA that you find too complex? If so, what are they and how could they be simplified?

There is support for the nature of protected leaves within the ESA but not with how they have been implemented. Employers and employees find there is much confusion related to the leaves, how one becomes eligible, etc. Clarity and educational documents need to be provided “prior to” implementation of changes to ESA. The language around statutory and holiday pay is interpreted differently and should be simplified.

Ridiculous the number of leaves that were introduced. Very cumbersome to administer.

I like the concept of protected leaves for employees but don't like the design of the leave requirements as they currently stand. Again, I think a simplified approach would work including clarity about when leaves can be subsequently applied, etc. If employees can take personal

emergency leave, then a pregnancy leave followed by a family medical leave it needs to be easily identifiable and the process for the request/approval of each leave needs to be clear and simple. Overall when contemplating changes to the ESA I think we need to be very careful to ensure that worker protection is not at the erosion of employer rights and their ability to successfully run their business. There are many on the brink of collapse and further expenses or employee requirements could tip the delicate balance. It would also be helpful if "exemptions" for the different sections of the standards be clearly articulated (i.e. what does/does not apply to paramedics?)

The statutory holidays are too complex and difficult to manage, especially for smaller employers. There are a lot of exceptions for every type of employees (casual, temporary, etc.). It would be easier to simply give an in lieu amount instead of calculating the wage by days worked in previous weeks.

<http://www.labour.gov.on.ca/english/es/pubs/guide/publicolidays.php>

Appear to be a reasonable balance, uncomplicated interpretation.

I love the online guide and plain language ESA examples that have been set up and the calculators. Some items get blurred i.e. parental leave and who handles would be nice to see a simple process for this. Not having to seek approvals i.e. for averaging agreements for overtime etc.

Q7 – Some concerns have been raised about how best to address an employee’s need for short-term absences from the workplace (for example, for illness). Currently, an employee whose employer regularly employs 50 or more employees is entitled to an unpaid leave of absence of up to 10 days per year because of any of the following:

A personal illness, injury or medical emergency;

The death, illness, injury or medical emergency of certain relatives; or

An urgent matter that concerns certain relatives.

Should this leave be revised in any way? Should there be a number of job-protected sick days and personal emergency days for every employee?

Are there other types of leaves that are not addressed that should be?

For unionized environments this is typically addressed via the collective agreement and is most often compensated leave. For those without union protection it can be a different situation and some protection as is currently provided is appropriate. There is some worry that by mandating a set number of sick and personal emergency days we could inadvertently contribute to loss of jobs as the flexibility and ability to run a business are negatively affected.

One solution is allowing those employees who work for employers with 20 or more workers to receive ESA job protected leave opportunity. 20 days is in direct alignment with the Occupational Health and Safety Act in relation to the creation of a joint health and safety committee. 20 workers or less seems to create undue hardship for employers. Having said that, I do believe that the ESA personal emergency unpaid leave should be available for all Canadian workers which would then reduce the perception that all workers are not being

treated with fairness and equitability. By allowing the job protected ESA leave to all workers, regardless of their work status, keeps the workplace accountable. I believe the ESA leaves take into account all forms of necessary leave. Perhaps for business with less than 50 employees, perhaps less days, maybe 5?

I think it should at least be clarified. We currently might be giving too many days but considering the ambiguity of the wording, we didn't want to argue for it. We give days for personal sick leave, bereavement leave and special (or personal) leave (for any reason). As they are all pretty specific, we also give up to 10 unpaid days. It could be clarified that, whatever the reason, those personal emergency leave should not be given if the employee already took 10 days or other days (sick, bereavement, or other).

My experience would indicate that the "leave" is not the issue. Rather it's the "unpaid" concept of the leave which many workers who don't have union protection cannot afford. Typically such leaves are accompanied by other expenses such as medications, travel for treatments, etc., often creating hardship for the affected employee.

In cases of definitions summarized above, every employee, regardless of how many employees are employed should be entitled to an unpaid leave of absence.

In theory this makes sense however it is not necessary clear when better than benefits exist. Need to find a way to describe what is and is not covered i.e. paid sick leave vs unpaid leave is it 5 paid days better than 10 unpaid days or should it 5 paid and 5 unpaid for example. How does the employer manage with short or no notice and what is required if no notice is given i.e. are the employees AWOL and subject to discipline which is not in keeping with spirit of intent. There is sometimes a need for employees to care for family members that are not at risk of dying but perhaps have had a serious illness/accident and there is nothing in place for these situations.

Q8 – In the context of the changing nature of employment, what do you think about who is and is not covered by the ESA? What specific changes would you like to see? Are there changes to definitions of employees and employers or to existing exclusions and exemptions that should be considered? Are there new exemptions that should be considered?

In the case of municipalities, most workers have coverage by the ESA as a minimum. There is a suggestion below that judges, politician or inmates not be covered. There is concern that the rights for managers need to be embedded in the ESA and clarity regarding exclusion from union criteria.

Status quo.

It would be helpful to clearly understand at a glimpse who does/does not have coverage in the ESA. Police? Fire? Paramedics? Managers? The standards are long and written in legal-ease making it difficult to navigate and easily understand the lay of the land. There should be simplification of the criteria regarding when a position is to be included/excluded from unionization.

Do not feel that politicians, judges or inmates should be covered under definition of worker.
Would feel that managers should be covered????

Q9 – Are there specific employment relationships (e.g. those arising from franchising or subcontracting or agencies) that may require special attention in the ESA?

In the municipal environment, clarification of the temporary agency requirements as well as worker rights in a sub-contractor capacity would be helpful.

No.
Possibly clarifying for temp agencies, but I don't really have any example.
Issue arising with WSIB definition of employee for subcontractor and need limitation to coverage under ESA i.e. if hiring someone as janitorial service they have a specific contract and should not be defined as an employee and entitled to ESA severance, etc.

Q10 – Do the current enforcement provisions of the Act work well? In your experience, what problems, if any, exist with the current system, and what changes, if any, should be made? In your experience, what changes could help increase compliance with the ESA?

Enforcement and compliance don't appear to be problematic although there is concern that there is a tendency to award in favour of the worker even when it is clear the decision should have gone the other way. This is also the case with interest arbitration although that is outside the scope of this review. The improvement required appears to be around education, simplified guides, public education, etc.

No I do not think that the current enforcement provisions work well, too bureaucratic for employees who are not well educated. A better reporting methodology for employees who feel that they are not being fairly treated. Less rigidity and more empathy when individuals contact ESA for assistance. More employee education and public service announcements to increase awareness, individuals need to know what their rights are in a straight forward and easily understood way. PSA could demonstrate role plays of an average uncertain worker contacting their office.
We have examples of employees contact MOL for information and the employee contacting them for the same information and getting two different answers. I think the challenge is to ensure MOL employees are adequately trained on the ESA and that they are ask the appropriate questions to get sufficient clarity before responding.
Yes. If any, my experience has shown that MOL award the employee even in situations where a decision should have been ruled in favor of the employer.
Have not had any complaints so cannot speak to this.

Part C - The Labour Relations Act, 1995 (LRA)

Q11 – In the context of the changing nature of employment, what do you think about who is and is not covered by the LRA? What specific changes would you like to see?

The comments below would indicate that emergency services should be examined to determine if/how ESA would apply. Also, the rights for employees to make an informed choice about joining a union is desired.

Present category of classification types is sufficient. Status quo.
Again I think some clarity about provisions for emergency service sector (police, fire, paramedics) is required. Are paramedics part of the emergency service sector or part of the health care industry? For those sectors, how do we ensure health and safety for workers who work for more than one employer and could work shifts back to back? Privacy legislation does not allow for exchange of employee schedules between employers and this can contribute to health and safety concerns for such employees.
(It will never happen but I'm writing it anyway) I'd like the employee to have the choice of being part or not of a union and therefore not automatically pay the union dues.
Fire fighters and other essential services should be covered by other legislation should remain that way. Also feel that there is some uniqueness that does exist and for a reason.

Q12 – In the context of changing workplaces, are changes required to the manner in which workers choose union representation under the LRA? Are changes needed in the way that bargaining units are defined, both at the time of certification and afterwards? Are broader bargaining structures required either generally or for certain industries? Are changes needed in regard to protecting bargaining rights?

The theme in the comments below indicates that revisiting the requirement for workers to join a union is required. Employers often hear this concern from employees during onboarding and orientation activities, and also when their personal philosophy is not aligned with that of union leadership. There is also reference to the need to explore regional/provincial bargaining to improve efficiencies and equity.

No.
I think the biggest change is to allow employees the right to decline membership if they so desire. I also think that the exploration of regional bargaining (where it makes sense) should be instituted. It is a high resource burden on small municipalities who often times can have several union locals to work with. As an example: provincial bargaining for paramedics; regional bargaining for public works outside employees (labourers, drivers, mechanics, etc.)
Yes believe that employees are able to represent themselves better and do not necessarily

have a need for unions as in the past. Would recommend removing the mandatory joining of unions or even a review of membership other than decertification which is difficult for employees. The process of both of the sign up and decertification are not understood by employees and feel they have no recourse against union. Need to ensure that union representation is wanted and being handled appropriately. Successor rights seem to be a deterrent to the amalgamation or purchasing of business and this can ultimately affect people's ability to stay employed i.e. business is moved rather than continues and employment remains. Should perhaps be a different method of handling.

Q13 – Are changes required to the LRA with regard to the ground rules for collective bargaining? Are new tools needed in the LRA with respect to industrial disputes or to deal with protracted labour disputes?

The comments below indicate that a “modernizing” of the LRA could be helpful, particularly in the world of social media. If we are to move towards a model of collaboration, then the LRA needs to compel that behavior and deal harshly with the old model of conquer and divide. Roles and rights of the parties needs to be clarified and balanced.

No.

We have luckily not had a labour dispute that escalated to a strike situation. However, the perception from the experience of others is that it needs to be redesigned to compel parties to collaborate on solutions rather than focus on strengthening entrenched positions. I also believe that social media politicking should be removed/barred from the process as it is incredibly difficult to control and takes away from transparency and respect between the parties.

Language around strikes and lock outs seems old and dated and difficult to enforce. Feel that tensions rise during this time and there seems to be less inclination to behave respectfully. Not good for either side. Also better definitions of bargaining in good faith i.e. roles of Executive/Boards/Management i.e. confidentiality, ability to bargain at table only etc. Some management are not truly sure of how to communicate with staff and to keep their views known. Also discussions with media what are guidelines/best practices. Granting of injunctions are too difficult - need to review all collective bargaining processes and ensure straight forward.

Q14 – In light of the changing workplace and the needs of workers and employers in the modern economy, are changes needed regarding the unfair labour practices set out in the LRA, or to the OLRB’s power to provide remedies in response to unfair labour practices?

There appears to be a need to examine the involved of MoL appointed arbitrators in the bargaining and dispute resolution processes.

No.

Section 49 and the identification of an arbitrator and expedited process doesn't work in my mind. It facilitates the ability for unions to walk away from a dispute resolution process in motion and involve the LRA unnecessarily. If a collective agreement is in place then stay with the requirements as negotiated between the parties.

Not sure should have jurisdiction lying with two organizations i.e. should be ESA or LRA but not both as may have different powers/remedies and consistency may be lost. i.e. also feel that arbitration has been utilized too often and without a proper attempt at resolution. Really need to ensure the parties have exhausted the process. Similarly with bargaining - too often the process is forced and taken to third party because it can rather than rely on own means to reach agreement.

Q15 – Are there changes that could be made to the LRA that would enable the parties to deal with the challenges of the modern economy?

There appears to be a desire to explore other options for collective bargaining and dispute resolution that are more efficient in nature.

No comment

I believe the modern economy will require a most stable and sustainable approach to labour relations, including reduced ongoing effort related to collective bargaining for numerous small locals. Find ways to reduce the collective bargaining landscape effort!

Have less formal resolution available i.e. advisor available to mediate/investigate and work with parties to find solution.

Part D – Conclusion

Q16 – Are there any other issues related to this topic that you feel need to be addressed? Are there additional changes, falling within the mandate of this review, that should be considered?

Modernizing hours of work and reviewing excess hour's agreement requirements would be helpful.

No comment

Flexible working arrangements are something that workers want but few organizations have been successful in implementing. Some guidelines or criteria for implementation and consistency across organizations might be helpful. Also think that review of the requirement for MoL to approve all excess hours agreements annually is a make work exercise when in most situations the nature of work is the same and typically has an emergency element to it.

Hours of work, overtime, lunch breaks, all need to be brought in line with times.