



Elementary Teachers' Federation of Ontario
Fédération des enseignantes et des enseignants de l'élémentaire de l'Ontario
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September 14, 2015

C. Michael Mitchell
The Honourable John C. Murray
Special Advisors
Changing Workplaces Review, ELCPB
400 University Avenue, 12th Floor
Toronto, ON M7A 1T7

Dear C. Michael Mitchell and the Hon. John C. Murray:

The Elementary Teachers' Federation of Ontario (ETFO) is pleased the provincial government has initiated a review of the *Employment Standards Act, 2000* and the *Ontario Labour Relations Act, 1995*. As acknowledged by the consultation document, economic changes have led to an increase in precarious work and a decline in unionization rates. Non-unionized employees face particularly difficult challenges to finding employment that offers economic security and a workplace environment that respects workers' rights, including the right to have safe and healthy working conditions.

This correspondence does not directly follow the questions outlined in the consultation guide, but is designed to broadly identify policy issues ETFO believes should be addressed as the government moves forward to update provincial employment standards and labour law. ETFO is a member of the Ontario Federation of Labour (OFL) and fully endorses the OFL's preliminary submission dated June 16, 2015.

Labour Relations Act

ETFO has recently been involved in organizing drives and in negotiating first contracts for designated early childhood educators hired by school boards to staff the new full-day Kindergarten program. Throughout that process, ETFO did not encounter the employer resistance and hostility that often characterizes first contract negotiations, particularly in the private sector. The school board sector has a long history of unionization and a normalized process for employer-employee relations.

Straightforward first contract negotiation is, unfortunately, not the norm for many workers. ETFO supports the OFL proposals to the *Ontario Labour Relations Act, 1995* that are aimed at protecting workers seeking their first contract from unfair management practices. Specifically, ETFO supports: reinstating card-based certification; requiring employers to provide employee lists early on in the sign-up process; giving those workers discharged or discriminated against during an organizing drive the right to be reinstated to their original terms and conditions of

employment; providing access to neutral, offsite voting for first contracts; providing easier access to arbitration during first contract negotiations; and banning employers from hiring replacement workers during a strike or lock-out.

Employment Standards

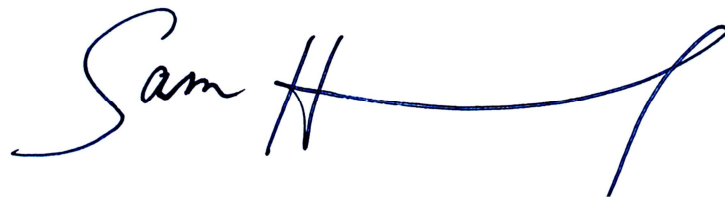
In the current context of increasing rates of precarious work, it is vitally important to address policies and practices that encourage employers to employ young, temporary or migrant workers at lower salary and substandard working conditions. Non-unionized employees are also vulnerable to working longer work weeks without fair compensation and the ability to reject over-time without fear of reprisal. Those engaged in precarious work are more vulnerable to unsafe and unhealthy work conditions, with greater likelihood of occupational illness, injury or workplace fatality. Vulnerable workers in Ontario need increased support to know and exercise their legislated rights and responsibilities.

The *Employment Standards Act, 2000* should be amended to provide for an eight-hour day and a 40-hour week. Employees should have the right to refuse over-time and over-time should be compensated at time-and-a-half or taken as paid time off. Finally, while Ontario has made modest adjustments to the minimum wage, it's time for the province to adopt a \$15 an hour minimum wage to ensure that all Ontario workers are earning wages above the poverty line.

Young workers are recognized as vulnerable workers. Recent changes to the definition of "worker" under the Occupational Health and Safety Act identifies unpaid interns such as co-op students and student teachers as "workers." This change significantly broadens the scope of who is included as a young worker in Ontario with greater protections for It may be timely for review of the ESA to include its current definition of "employee" in the context of recent changes

On behalf of ETFO, I wish you all the best in your deliberations and look forward to the findings and recommendations of the Changing Workplaces Review.

Sincerely,

A handwritten signature in blue ink that reads "Sam Hammond". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sam Hammond,
President

SH:VM:

Copy Sid Ryan, President, the Ontario Federation of Labour
The Hon. Kevin Flynn, Minister of Labour
Randy Hillier, MPP
Cindy Forster, MPP