

Scott Jackson.
Int'l Machinists.

Thanks for this opportunity.

Scott Jackson . I am employed by the International Association of Machinists and Aerospace Workers as a union organizer since 2002. I know you have heard and will hear from many other people about the need for protection for low-wage workers, precariously employed workers, temp workers, contract workers and others. The best way to protect these workers is to give them real access to joining a union, ^{students} and retaining membership in a union

Presently there are many barriers. I would like to focus on 2 that I have found to be of particular concern to workers ^{during} in my time as a union organizer. Successor rights and employer interference with workers trying to organize.

Interference

To my mind, in the last few years it has become increasingly more difficult for workers to join a union. Not because they don't want to – we still receive many calls and much interest – but because the employer fights so much harder – seemingly with impunity. The present laws are not adequate and are not enforced. In the past Employers simply fired workers who wanted a union as a way to keep the union out. The Act now provides a mechanism to get those employees back to work so I personally don't see firing as often. Employers are now much more sophisticated in how they frustrate their employees desire to have a union.

There is no doubt that many workers want a union but they are in many cases too frightened of their Employers to actively pursue getting one. Managers and supervisors are under instruction to constantly talk about the dangers of being in a union and that the facility will close if the workers were to ever get unionized. Virtually every interested worker that wants a union is scared to death to have his/her name associated with one. Workers won't risk speaking with fellow employees about starting the process or signing a union card because they believe once the cards are submitted to the Board and the Employer finds out an application is in - their job is in jeopardy. The thing is that – as I earlier mentioned - in my experience they are actually less likely to be fired today during the organizing campaign – that will happen months later after the union has lost the vote and has gone away. Leading up to the vote the Employer will employ all of the things that you have heard from many others making similar presentations –

threats of closure, threats of deportation, threats of losing what little wages and benefits they might have. And/or the promises of how things will be different if the employees will just give the boss one more chance. These whisper campaigns are usually done by managers and supervisors one on one. *The threats aren't just words. The international students at a hotel we were...* All of which is contrary to the existing OLRA. Employers however have learned that they can get away with all of these things. We know that its possible that the Union could be certified under the Act if its found that they have engaged in these activities but we also know that it is rarely done. More likely a second vote will be ordered and if the employees were too scared to vote their conscience at the first vote how likely is it they will vote their conscience at another vote. Especially when the employer has now had more time to get his promises and threats out on the shop floor.

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It's a major problem that the Employer has frightened employees into voting against the Union and then workers are expected to testify that the Employer broke the rules - with no union to protect them, on the chance that they might get a revote and there might be a change in the outcome. I myself am very reluctant to even ask an employee to come forward under those circumstances.

If there are no consequences the Employer will use every opportunity to scare and intimidate its employees. Card check without a vote would be the best way to overcome Employer interference and it has been shown to work in the construction sector of Ontario as well as many other provinces presently and in the past.

Successor Rights

Employers are subcontracting major portions of their business to subcontractors to save money. But all the savings come on the backs of workers. A cleaning company wins a bid to clean a mall and hires employees at minimum wage and no benefits. The employees want a better deal and unionize. With the union they are able to negotiate a better deal but then the contract is put up for bid – a new employer wins the bid – posts jobs for employees – the same employees apply because at least it's a job – and they are rehired to the same job back at minimum

wage and back with no benefits. And the cycle starts again. These employees have no chance to improve their situation. Again, this has happened to groups I personally have helped get a union. In 2 instances more than once. That cycle has been going on for years. But now we have subcontracting on steroids. Now the owner of a business can hire a management firm to hire its own employees to run the owners business. If they get unionized in an attempt to better their lives they are employees of the management team not the owner and any negotiations are with the management team. If they are successful in making any gains the owner can let one management team and their employees go and hire a new one. Again likely with the same employees getting their same jobs back. This isn't fiction – the IAM represents such a retirement home ^{in Stratford}. Of course we all know that retirement and long term care facilities do the same thing with the dietary and housekeeping parts of their business on a regular basis. The employees who are successful in getting a union are threatened that if they ask for too much in negotiations they will lose what little they have by the contractor's contract being rebid. These particular employees cannot strike and are subject to the arbitration process. Everyone knows what the standards for wages and benefits for the industry are but they can't be achieved or the contract will be offered for rebid.

Although the example I have presented deals with retirement home employees; of course there are other whole sectors that are affected in exactly the same manner. Patient transfer services, security, couriers, janitorial and many others.

Successor rights has shown itself to work in many large sectors of the economy.

The only real solution to helping these workers improve their situation is to grant the same successor rights for these employees.

Thank you for giving me the opportunity to present my concerns to you and hopefully you will give them consideration in your recommendations.