

OCARE

Ontario Coalition Against Replacement Employees

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Brief to the Changing Workplace Review

July 23, 2015

Attached: Bill 45 (2010)
Bill 83 (2015)

The Ontario Coalition Against Replacement Employees (OCARE) is a committee of concerned citizens working towards banning the use of temporary replacement workers during strikes and lockouts in the province of Ontario. OCARE has been active since 2009 when the one year long USW 6500 strike against VALE.

OCARE evolved out of a strike support committee that was set up to mobilize community support for the workers who were out on strike, and assist them and their families as they dealt with the social and economic effects of the strike. During the strike VALE hired temporary replacement workers to maintain production, and as a result of our contact with the strikers and their families it became apparent to us that the use of replacement workers had a detrimental effect on our community.

VALE's use of replacement workers had a significant impact on the length of the strike, on the striking workers, on their families and on the general health of the community. The use of replacement workers undermined our vibrant, healthy and community minded city. We had to endure a protracted strike, which caused deep divisions in the community and financial hardship for both the workers and local entrepreneurs.

As a result of our experience with the negative social effects of the use of replacement workers, the members of OCARE decided that it was time to push the Ontario government to enact legislation to ban the use of temporary replacement workers during a strike or lockout.

OCARE is convinced that the use of temporary replacement workers has a negative effect the psychological and social well-being of communities. The use of temporary replacement workers affects people's pride, dignity, and confidence in the social structure that supports a strong community. During the VALE strike there were a number of incidents where the community suffered because of divisions caused by the presence of replacement workers. Community events had to be cancelled. Businesses were adversely affected because they were caught up in the dispute. Sports organizations were hurt by the discord.

In light of our experience, our campaign to ban the use of temporary replacement workers is based on the social cost of this destructive practice.

Through its campaign, OCARE has proven that there is strong support in Ontario for a ban on the use of temporary replacement workers. We have collected over 12,000 signatures on our petition to the legislative assembly of Ontario and we are still collecting signatures. During spring of 2011, supporters from across the province met with every MPP to ask them to back a Bill 45, a private members bill brought to the legislature by Nickel Belt MPP France Gelinias, which would have banned the use of replacement workers.

In researching the issue OCARE found that economic studies have been inconclusive about the benefits of the use of replacement workers in strikes and lockouts, but we do know that the Provinces of Quebec and British Columbia have anti-scab legislation and their economies have not suffered. We do feel that when companies are looking to invest in a community no responsible business bases their decision on their ability to use replacement workers during a labour dispute.

While the economic studies have been divided there is some evidence that the use of temporary replacement workers has a negative effect on management labour relations and that when scabs are used longer strikes occur. (Jain 2005) OCARE is also concerned that the use of temporary replacement workers leads to increases in precarious work because the workers hired to replace striking or locked out employees would be contract workers with no job security.

As our campaign grew OCARE did research into the use of temporary replacement workers in Ontario. We called unions that were on strike had surveyed them on the use of replacement workers during their labour disputes. Through this research OCARE has gathered information that indicates there has been a steady growth in the use of replacement workers during labour disputes in Ontario. Also, there has been a proliferation of companies that offer services to organizations that are facing a labour dispute these companies can encourage organizations to use strikes to gain advantage over their employees. These companies contact employers during bargaining and offer to provide services during strikes such as picket line surveillance, security and contract replacement workers.

We have seen what a yearlong strike where replacement workers were used did to our community. We do not want to go through that again and we do not want any community in Ontario to go through that pain and disruption.

OCARE urges you to support healthy, cohesive communities and recommend that the government change the Ontario Labour Relations Act to ban the use of replacement workers during labour disputes.

References

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- Cramton, Peter, Morley Gunderson, and Joseph Tracy. (1999). "Impacts of strike replacement bans in Canada." *Labor Law Journal* Fall 1999: 173-179.
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- Ontario Coalition Against Replacement Employees. (n.d.) *No More Crossing the Line!*
- Savage, Larry, and Jonah Butofsky. (2009). A Federal Anti-scab Law for Canada? The Debate Over Bill C-257. *Just Labour*, Vol 13 Spring 2009: 15-28. Attachments:

Attachments

Petition

Bill 45

Bill 83

Letter to Glenn Thibeault MPP

Letter to the Minister of Labour

PETITION

Temporary Replacement Workers

To The Legislative Assembly of Ontario:-

Whereas strikes and lock outs are rare,97% of collective agreements are settled without a strike or lock out;

Whereas Anti Temporary Replacement Workers laws exist in Quebec since 1978; in British Columbia since 1993; and successive governments in those two provinces have never repealed those laws

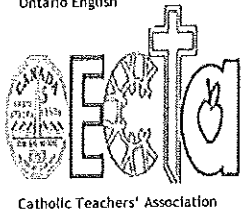
Whereas Anti Temporary Replacement Workers legislation has reduced the length and divisiveness of labour disputes

Whereas the use of Temporary Replacement Workers during a strike or lock-out is damaging to the social fabric of a community in the short and the long term as well as the wellbeing of its residents

Therefore, we the undersigned, petition the Legislative Assembly of Ontario to enact legislation banning the use of Temporary Replacement Workers during a strike or lock out.

| Name (printed) | Address (printed) | Signature |
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Return to local MPP to present in the Legislative Assembly



Sudbury Elementary and Occasional Teachers

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Holly Swain
Jennifer Connelly*

Occasional Teacher Rep.

Kelly Reilly

Monday, March 30, 2015

Mr. Glenn Thibeault
MPP Sudbury Riding
555 Barrydowne Road, Suite 4
Sudbury, ON P3A 3T4

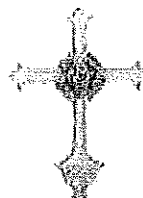
Dear Mr. Thibeault:

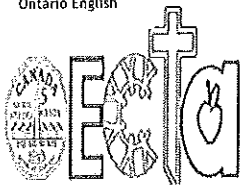
As the President of the Ontario English Catholic Teachers Association, Sudbury Elementary Unit, I wish to draw to your attention the plight of fellow labour colleagues, Members of United Steelworkers (USW) Local 9176. These workers went on strike September 6, 2013. No, that is not a typographical error. That is 2013. They have been on strike for 17 months. How could a strike last so long? The answer is as simple as it is troubling – replacement workers.

The right to strike is guaranteed in the Ontario Labour Relations Act. Most recently, the Supreme Court of Canada ruled that even the RCMP have the right to form a Union if they so choose.

What has consistently undermined the unions' ability to stage a meaningful work stoppage is that in Ontario a strike no longer means work stoppage. Since the legislation to ban replacement workers was repealed by the Mike Harris Government, and the failure of the Liberal Government to reintroduce this important legislation, when union members commence a legal strike, they are replaced by replacement workers and the work continues. This flies in the face of traditional negotiations and collective bargaining and is a threat to meaningful dialogue and the reaching of a compromise settlement. Essentially, it puts the employer in an extremely powerful position – do as we say, or we will replace you while you walk off the job. This is not the Ontario that I was raised up in as a child and young adult.

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Catholic Teachers' Association

Sudbury Elementary and Occasional Teachers

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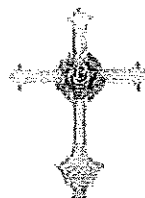
Currently, your party is the Government of the land and they are sitting with the various school board trustees associations to negotiate a three year collective agreement with all teachers in the province. As you are keenly aware, the talks are not going well and two of the four teacher affiliates have already voted overwhelmingly for strike action. That is worrisome to say the least. However, even more troubling is the position that your party seems to take with respect to unions and the right to strike. If United Steelworkers (USW) Local 9176 workers can be replaced and the work continues for over 18 months, what will happen to the teachers should they determine that labour action is required? Will your party, the Liberal Government, replace striking teachers? Will your party, the Liberal Government end negotiations and legislate teachers back to work in a totalitarian manner?

Mr. Thibeault, I urge you to do what is right and what should have been done in the start of the new millennium when your Liberal party first formed government. Re-enact legislation that will protect the right to strike and ban replacement workers once and for all. Will you, as the newly elected MPP for Sudbury, commit to making this very important piece of legislation a reality?

Sincerely,

G. Kent MacNeill
President

CC: Unit Executive
Vic Hunt, OECA Government Relations Department
France Gelin, MPP Nickel Belt





France Gélinas

La députée de Nickel Belt | MPP for Nickel Belt

April 9, 2013

Hon. Yasir Naqvi, MPP
Ministry of Labour
14th Floor
400 University Avenue
Toronto, Ontario M7A 1T7

Minister Naqvi,

Congratulations on being chosen to lead the Ministry of Labour. I'm writing you today with a question that is on the minds of many of my constituents in Nickel Belt and workers across Ontario. Will you support anti-replacement worker legislation in your capacity as Minister of Labour?

As you may be aware British Columbia and Quebec have legislation banning the use of replacement workers. Ontario also had similar legislation between 1993 and 1996. Re-introducing anti-replacement worker legislation in this province will help workers all over this province by strengthening the collective bargaining system.

I write this letter hoping that our new premier and her ministers will focus more on protecting Ontario's workers and making Ontario the best place in the world to work. I look forward to reading your response.

Sincerely,

A handwritten signature in black ink, appearing to read "France Gélinas".

France Gélinas
MPP for Nickel Belt