

I thank you for the opportunity to present to you today on this matter which is so important to thousands of working people in Ontario. As the very name of this panel suggests the nature of work and our workplaces has changed considerably over the past several decades. The traditional employer-employee relationship is becoming less recognizable by the day. On behalf of the Peterborough and District Labour Council I have come here today to share with you some of our ideas and perspectives surrounding labour law reform that we feel can provide real and effective change and voice to many of Ontario's workers.

### Employment Standards Act

- Temporary Agency Workers

Temporary agency workers have become second class citizens in our ever changing workforce. Although the premise of temporary agency workers is nothing new and has occurred for nearly 60 years, the prevalence of this type of employee/employer relationship has exploded in the past two decades. The concept of temporary workers might have some useful and legitimate business case previously. However in our current economy, the use of temporary workers has become a means of obfuscating what use to be somewhat of a social contract in the employer/employee relationship. Many times these agencies classifies these workers as independent contractors in order to evade even the minimal standard of entitlement under the Employment Standards Act.

Therefore the Peterborough and District Labour Council calls upon the Ontario government to amend the Employment Standards Act to entitle temporary agency workers to the same pay, benefits and working conditions as permanent workers doing the same work.

- Part Time Workers

A relatively new expression in our labour force is precarious employment. One of the key elements to precarious employment are the proliferation of part time jobs when many workers seek full time employment. Many employers as a matter of course seem to rely almost exclusively on part time workers to maintain maximum flexibility while minimizing the costs associated with providing full time workers benefits, etc. Although there needs to be a balance between the employers competitiveness and a workers financial security the prevalence of part time jobs seems to heavily tip the scales in the direction of employers. For large employers (200 or more employees) perhaps a ratio of 3:1 or 2:1 full time to part time workers could mitigate this imbalance in some workplaces. This would allow employers flexibility while providing many of their employees increased security and less precarity.

Therefore the Peterborough and District Labour Council calls upon the Ontario government to amend the Employment Standards Act to provide some mechanism to regulate the ratio of part time to full time workers in large companies.

## Labour Relations Act

- Card Based Certification

Meaningful changes to the Ontario Labour Relations Act have not really occurred in over 20 years despite the nature of workplaces changing significantly in that time. Analysis both anecdotally and objectively has shown that by and far working people who elect to have union representation surrounding their terms and conditions of employment tend to make significantly higher wages, enjoy benefits such as extended health care coverage, workplace pensions, and other privileges that extend beyond the bare minimum standards that are enshrined in labour laws such as the Employment Standards Act.

Since there are many beneficial reasons for a working person to elect union representation and collective bargaining as a means to improving their lives, there should not be any barriers inherent in the process of union certification that inhibit a worker from exercising this recognized charter right. Although the premise that a call for a group of workers to be represented by a union should be through "democratic" means, the procedural obstacles to establishing the democratic threshold should be kept to a minimum. Employers enjoy and exert a disproportionate amount of power in the workplace and vis a vis in the employer/employee relationship. Additional steps and barriers to certifying a union such as a vote after a majority of workers have signed a union card only serve to further tip the scales in favour of the employer in this already unbalanced power relationship.

When a worker signs a union card they make a conscience decision to join collectively with their co-workers as a means to ameliorate their current working relationship with their employer. The act of signing a card itself can be an intimidating process for many workers. Fear of an employers reaction, fear of potential reprisals, and general fear of venturing into uncharted territory can be enough to make many workers apprehensive. However a further hurdle of a certification vote after a majority of workers have signed a union card not only can be another unsettling process for these people to face, but also provides an opportunity for some less than stellar employers to further flex that power imbalance. With a captive audience in their own place of business an unscrupulous employer can attempt to coerce, threaten, intimidate and brow beat enough workers to essentially reverse a majority decision by workers to choose union representation.

Therefore the Peterborough and District Labour Council is calling on the Ontario government, that the Ontario Labour Relations Act be amended to provide for card based certification when a simple majority (50% + 1) of workers sign a union card.

- Ban on Replacement Workers

Any worker that has had to choose job action as a means to achieving a collective agreement knows that the decision is never taken lightly. In fact during the collective bargaining process, despite the employer having usually considerably more resources and power than its employees, there is one leveling factor

that the employee enjoys in this bargaining relationship. Except in those industries deemed essential an employee has the right to withdraw his or her labour as a means to achieving a fair and equitable agreement. On the other side of the coin, the employer too can "lock out" its workers if an impasse has occurred during collective bargaining.

The threat or the perceived threat of a work stoppage by either party can in of itself be a powerful tool to encourage both sides to bargain fairly and in good faith to achieve an agreement. Yet when an employer has the option of bringing in replacement workers once a work stoppage commences there are many detrimental effects to this practice. One must consider how sincere and honest negotiations with an employer actually are if they infer or knowingly have the ability to bring in workers if a work stoppage occurs.

The introduction of replacement workers in a workplace where members of a bargaining unit have chosen to strike or have been locked out can also be perceived as a provocation to many of the members of that bargaining unit. A work stoppage can be an emotional experience for a worker to go through. Yet add in replacement workers, colloquially called "scabs" by many union members and the potential for emotionally fueled volatility increases greatly. Many workers involved in a work stoppage that involves replacement workers see these individuals as opportunists who threaten their economic livelihoods. In many cases replacement workers are recruited to have a certain attitude and temperament towards union members. All too often these caustic encounters result in picket line incidents where striking picketers are put in danger by replacement workers who attempt to breach that picket line in vehicles. Ontario Labour Relations Act

Therefore the Peterborough and District Labour Council is calling on the Ontario government include provisions in the Ontario Labour Relations Act to ban the use of replacement workers in a legal strike or lockout.

- Successor Rights

Of all the changes to the labour force in the past few decades, none is more profound than the advent of a phenomenon known as precarious employment. A contract service worker is the epitome of a precarious employee. Even with collective agreements that tend to provide a modest but liveable wage, and some other modest provisions, these workers have no sense of security in their jobs. Companies that contract out service work through an open bidding process tend to move towards lowest cost. Modest gains these workers achieve can be wiped away with the stroke of a pen in a contract for services awarded to a new contractor. Many times these workers end up hired by the new contractor doing the exact same job, only at a decreased rate of pay, usually at minimum wage or just slightly above. This type of employment precarity not only has an adverse effect on the workers financial security but it also has been shown to have an adverse effect on their physical and mental health.

Therefore the Peterborough and District Labour Council is informing the Ontario government that The Ontario Labour Relations Act needs to be modernized to protect these precarious workers and enshrine the well established jurisprudence of Successor Rights.