



“Changing Workplaces Review”

London Consultation

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Good Morning. Unifor welcomes the opportunity to participate in this historic consultation regarding the changing work practices in Ontario. Since the last review of employment laws in Ontario, workers have endured and continue to face many challenges. We thank you for this opportunity to do something about it.

Unifor Local 88 represents workers in Ingersoll and Southwestern Ontario at GM CAMI Assembly, Auto Warehousing Canada, SGS Inc and Doug Coleman Trucking. We have over 3,200 members.

I am Dan Borthwick, president of Unifor Local 88. I am joined today by members Colleen Wake and Barry Smith.

It is our sincere hope that the importance of this review and undertaking is recognized by all. It is time for progressive changes in both employment standards issues and collective bargaining.

The issues that could be improved by strengthening the Employment Standards Act and the Labour Relations Act require far more than 10 minutes to address; however, we recognize the need for brevity. We are confident that throughout your consultations, many of these points will be covered by us and others and you will work toward making the improvements that all Ontarians deserve to allow them to thrive and to be productive members of their communities. We will focus on only a few points: precarious work, a living wage, enshrining protection for temporary workers into legislation, the obstacles that are currently in place for workers trying to organize and achieve collective representation, and a fair and equitable dispute resolution process.

Thank you for your time. Currently in Ontario, the minimum wage is NOT a living wage! So what exactly is a “living wage”? Simply put, it is a reasonable compensation that allows a worker to earn enough to support their family, confidently spend on the necessities without fear of having to choose between food or utilities, have dignity in the work they do and relieve their reliance on the social safety net. At the same time it allows employers to retain a trained workforce and improved moral in the workplace which in turn affords them the greatest potential for vitality. We noticed that minimum wage and equal pay issues have been clearly excluded from this review, however rest assured we will continue to demand gender pay equity and a \$15 an hour minimum wage, so that no worker is forced to toil for sub-poverty wages.

Between 2002 and 2013, the proportion of workers earning minimum wage in Ontario increased from 3.9 percent to 8.9 percent. It remains the case that nearly one in ten workers still subsists on a wage that is well below the Low Income Cut Off.

That companies are consistently profiting, (and not in any small way,) while treating their employees in such a disrespectful manner is shameful. What happened to the days when loyalty meant something, both from an employer and an employee? Now it seems that instead of respecting the worker and building loyalty on both sides, we are now seeing profit being put above all else. It's clear to see that workers need the protection of the Employment Standards Act for non-unionized employees and the Labour Relations Act for those strong enough to have organized to be strengthened and enforced.

For the nearly one million Ontarians earning at or around the minimum wage, who do precarious work, and lack union representation, an improved and enforced Employment Standards Act could raise the standards for every worker, improve job security and provide dignity in their work. Meanwhile, overhauling Ontario's Labour Relations Act has the potential to extend union protection to more workers and provide a clear pathway out of poverty

There is currently a growing power imbalance between management and organized workers. This has been created in part by the changing economy and unfair government policies.

This has the direct result of leaving millions more workers labouring without the power of a union to represent them. For non-unionized workers, they must rely on inadequate and poorly enforced employment standards to protect their interests. I am calling on you today to strengthen not only the act, but the enforcement of it.

Barry Smith personal story and tie into Colleen's points

Good Morning Ladies and Gentlemen,

My name is Barry Smith. I currently work for General Motors of Canada at CAMI Assembly in Ingersoll and I am a member of Unifor Local 88.

In September 2007, I lost my very good paying job in my home town of Stratford after being there for 13 years. I took a job in the security field for a major company that had me working 12 hour days, 5 or 6 days a week. On August 28, 2010 after 5 months of testing, I accepted a job at CAMI Assembly as a S.W.E. (which means Supplement Workforce Employee). I will be the first to admit that being a S.W.E. wasn't my dream job. As a S.W.E., we had only the basic protection

currently provided by The Acts on the job because we were fundamentally contract workers. We didn't know how long we would be there for, if we would be dismissed without any real justification or if we would be able to provide for our family. We were precarious workers, as Colleen mentioned. Unifor Local 88 stepped up and stood together as a united front to help protect us.

I believe that if those hard won protections were afforded to all, through improvements in the language of both these Acts, employers would have a stronger, more dedicated workforce that would improve the situation for all parties. It wasn't until September 17/2013 after completing contract negotiations that the S.W.E.s got the advantages we needed. Thanks to strong contract language, we got vacation, better benefits, a pension plan and almost equal treatment as any long term employee at CAMI and gained Full Time status.

I truly believe that if it wasn't for Unifor and General Motors coming to a fair agreement at the Bargaining Table, I would still be a S.W.E. and having to worry on a daily basis about how I will be supporting my family next week.

Thank you for allowing me an opportunity to speak on these very important issues.

Dan Borthwick-Labour Relations Act Issues and Reform

Although Canada's Charter of Rights and Freedom states that workers have the right to join unions...this easier said than done. In Ontario there are many barriers to forming a union, most of which are in the hands of the employers. History demonstrates that without card based certification, the current means of certification in Ontario simply cannot avoid undue intensification of employer intimidation.

We need to modernize labour law to ensure that workers can freely discuss, deliberate and decide on union membership free from employer intimidation.

Card-based union certification is needed in Ontario. Workers should only have to vote once and then with the majority of the workers signing cards, Certification must be automatically granted.

Currently, legislation provides successor rights when a business is sold or transferred. But businesses that use contractors for the provision of services have little obligation to the employers of those contractors. Presently in Ontario when businesses put services contracts up for bid and they are generally awarded to the lowest bidder which usually results in the

worker's current collective agreement being gutted and seeing a reduction in wages and security for workers.

The Labour Relations Act must be modernized to extend the same successor rights that exist for private and public sector employees, to those in the contract services sector.

No Replacement Workers

In our province 97% of collective agreements are negotiated without work disruptions; only 3% involve strikes or lock-outs; and few of them involve the use of temporary replacement workers. However, research has shown that when replacement workers are used in labour disputes, the impact in the short and long term on people and their communities can be devastating. In contrast laws banning the use of temporary replacement workers reduce the length and divisiveness of labour disputes.

In Ontario from 1993 to 1996 there was a law banning the use of temporary replacement workers. During this period of time investments in Ontario increased. We need to bring this law back. Two other provinces still have this law.

The use of replacement workers undermines the collective bargaining process and unfairly weakens union's ability to bring about a negotiated resolution.

Under existing legislation lists are provided only two days before the vote once an application for certification is submitted. During municipal, provincial and federal elections voters lists are published in advance and are provided to candidates as soon as they have been properly vetted. This allows candidates to have knowledge and dialogue with voters that are affected by the election. This should be no different for workers seeking to organize their workplace.

We are calling on you to make the legislative changes necessary for workers to discuss and debate with others workers in their workplace the decisions that will affect their livelihood and lives, and to enshrine in the Labour Relations Act a minimum threshold where workers have expressed interest in joining a union, that employers must disclose an employee list.

Many times, First Agreements can be difficult to achieve because the employer is still bitter about the certification. Current thresholds for the process of settling a first agreement through arbitration are far too high.

Once certification has been achieved there should be a clear and definite timeline for a first contract to be agreed upon. Too often we see employers stalling the process in misguided hopes of it just going away if they ignore it long enough.

Bargaining in good faith is the goal. The process we are asking you to develop, enact and enforce should protect both worker and employer from bargaining tactics that do not advance the process and ensure that conflicts are resolved fairly and efficiently.

Conclusion

This process of consultation cannot be wasted. There must be change. Workers of Ontario deserve better. It is a heavy burden that lies on your shoulders to make this happen.

Once again we thank you for your interest in our comments and idea's and welcome continued communication on the subject as you work your way through the amendments.