

Oct 12<sup>th</sup>, 2016

Mr. Mitchell and Honourable Murray  
Special Advisors  
Changing Workplaces Review  
ELCPB 400 University Ave., 12<sup>th</sup> Floor  
Toronto, Ontario M7A 1T7

Dear Mr. Mitchell and Hon. Murray

**Re: Submission to the Changing Workplaces Review on the Interim Report**

The Interfaith Social Assistance Reform Coalition (ISARC) welcomes this opportunity to have a voice in the reform of Ontario's Employment Standards Act and the Labour Relations Act through the Changing Workplaces Review. Our coalition represents Ontario's major faith communities (listed below), all of whom are particularly interested in this issue for three key reasons. First, because as people of faith, we believe that every human being has value and dignity, and thus our public policies and employment/labour relations standards must reflect this belief in the value of every human being. Secondly, for nearly 30 years we have advocated for measures to reduce poverty in Ontario, and we are deeply concerned about current employment practices that are deepening poverty, uncertainty and stress for hundreds of thousands of Ontario workers and their families. Thirdly, the government has committed itself to poverty reduction, and action to improve the lot of precarious workers must form an important element of this poverty reduction strategy.

The saying that it is better to teach a person to fish instead of just giving a person a fish also inspires our call for stronger measures to protect and empower vulnerable workers. Maimonides, the medieval Jewish philosopher, in his hierarchy of charitable giving, placed self-sufficiency at the very top, so that aid (and dependency) would no longer be necessary. We know that a significant segment of the poor are working poor. These are people who already have jobs but are still incapable of supporting themselves and their families. Our goal in this consultation effort is to identify measures that the government

can take to strengthen employment standards and to provide meaningful access to collective bargaining so that workers will have the tools to secure adequate compensation for the work they perform and thus no longer require social assistance or food bank services.

Similar mandates can be found in the beliefs of ISARC'S other faith communities. For Muslims, the Qur'an affirms that the socio-economic welfare of the individual and of society depends on the degree of justice and equity in the distribution patterns of income and wealth. The poor also have a right to the wealth of the nation and the community (The Qur'an 51:19). Muslims are obligated to support and advocate for the needy, because failing to uphold that duty would be tantamount to the rejection of faith (The Qur'an 107:1-3). Christians are inspired by the biblical mandate to "lighten the burden of those who work for you. Let the oppressed go free." (Isaiah 58:6). Other biblical texts reinforce this call to justice for all, including a warning to rich oppressors who cheat labourers out of their wages (James 5:4).

The Changing Workplaces Review provides an unprecedented opportunity to tackle the root causes of precarious work. As the appointed Advisors to the Changing Workplaces review, you were asked by the government to address why "far too many workers are experiencing greater precariousness" today in Ontario.

We are calling on you to reject options that will introduce more precarity to Ontario's labour market and instead recommend a bold and comprehensive vision that uproots the structural sources of precarious employment. As you well know, we cannot expect to fix systemic labour market problems with band-aid solutions.

We are heartened that you have correctly identified changing business practices as a source of precarious work. We note that many of these practices stem from the many exemptions and loopholes that make it possible for employers to evade their responsibilities under the law. Accordingly, we need to close the gaps in legislation that contribute to precarious work and that, left unchecked, will continue to exert downward

pressure on the wages and working conditions of all of us.

In addition to raising minimum standards for all workers, we must also reduce the barriers to collective bargaining that exclude most people in precarious work.

The Workers' Action Centre and Parkdale Community Legal Services have provided a full review of the Advisors' Interim Report and made recommendations to improve wages and working conditions. Our organization supports and endorses their submission, "Building Decent Jobs from the Ground Up."

We respectfully submit that each of our original recommendations is consistent with Options identified in your Interim Report. We wish to comment specifically on just a few of those recommendations as they relate to the issues set out in your Interim Report and the Options that you list as potential responses. They relate to the three overarching values that we asserted should guide the amendments to the Employment Standards Act and the Labour Relations Act: **equality between workers, equality between employers and workers' representatives, and democracy.**

In summary, there is no justification for treating workers differently when they are doing the same work merely because they hold a different status in the workplace. There is no justification for providing weaker rights to workers or their selected representatives than are provided to employers under the legislation. Nor should workers lose their civil rights at the door of the workplace. Workers should not have a tougher hurdle to climb to access representation than citizens have in their municipal, provincial or federal spheres.

- 1. 5.2 (WAC Brief pages 8-20) and 4.2 (WAC Brief pages 73-79) - Treating all employees equitably regardless of their classification or the entrepreneurial structure.**

As faith leaders, we believe that all human beings are created equally and of equal worth. This sense of equality affects how we believe people should be treated in all

aspects of life. For this reason we recommend that all workers receive the full range of protections under the Employment Standards Act and the Labour Relations Act and that all Employer entities in hierarchical economic sectors be jointly liable to ensure workers receive these rights. We support changes that treat workers equally in respect of compensation practices. In other words, full-time, part-time, casual and temporary employees performing identical work for the same ultimate employer, whether directly employed or through an employment agency, should receive the same hourly pay and equitable treatment in respect of benefits. As well, employees if they wish, should be able to bargain at one table with all the business entities that impact their working conditions.

Our commitment to equal treatment leads us to recommend that existing successor rights when there is a sale of a business should also apply to contract flipping when an Employer changes the company from whom it purchases goods or services. (Section 4.3.3 of the Interim Report). We recognize that the employer may want to make their operations more efficient and that using and changing subcontractors can bring new administrative or managerial expertise to achieve this objective. This objective, however, should not be achieved through downward pressure on employee compensation.

## **2. 4.3 Removal of barriers in the way of workers being able to choose workplace representatives and securing a collective agreement.**

Your Interim Report recognizes that workers face unjustified barriers should they wish to choose engaging in collective bargaining with their Employer. Our initial submissions last year espoused the view that the rules for election for workplace representation should be no more onerous than the rules for public elections. For this reason we support card based certification as well as dramatic expansion of organizer's access to employee lists.

In terms of the population that ISARC is mandated to represent, they are alienated from most societal institutions. Opening up access to participation in workplace governance will help dissolve that alienation and serve as a means to facilitate their participation in

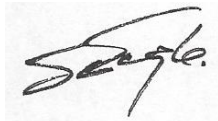
the broader society. As well, this population's members, when they are successful in securing employment, are generally employed in low-wage, insecure positions. Referring back to Maimonides, the best way to help this population is to give them access to the collective bargaining tools to enable them to improve their economic position and security of employment

The requirement for “semi-fault” in securing access to first contract arbitration should be removed as it is detrimental to the effective relationship between the parties by forcing one side to blame the other side for inappropriate conduct. It also prolongs the labour dispute and thus interferes in the efficient operation of the workplace. Generally failures by employees to secure a first collective agreement involve workers who are easily replaceable, possess few special skills and represent the vulnerable workers included in the population served by our advocacy.

### **3. 4.6 Broader Based Bargaining**

In our initial submissions we recognized that the existing model of certification and bargaining for discrete worksites is another barrier in the way of precarious workers securing economic justice in the workplace. Your Interim Report accepts this assessment and set out a number of Options which could create meaningful and effective collective bargaining for such workers. We support a range of options composed of the ones that can be triggered by the employees by means of notice to the Labour Board.

Yours truly,

A handwritten signature in black ink, appearing to read "S. Eagle", is placed over a light grey rectangular background.

Rev. Dr Susan Eagle  
Chair, ISARC

## **List of coalition members**

Anglican Diocese of Niagara,

Anglican Diocese of Toronto

Anglican Provincial Synod of Ontario

Ansaar Foundation

Assembly of Catholic Bishops of Ontario

Canadian Multifaith Federation (formerly Ontario Multifaith Council)

Canadian Unitarian Council

Catholic Charities of the Archdiocese of Toronto

Congregation Darchei Noam

Council of Canadian Hindus

Canadian Council of Imams,

Dicle Islamic Society

Eastern Synod of the Evangelical Lutheran Church in Canada

Islamic Humanitarian Service

Mennonite Central Committee Ontario

North American Muslim Foundation

Presbyterian Church in Canada

Redemptorists in Canada

Society of St. Vincent de Paul

Toronto Board of Rabbis,

United Church of Canada

Western Ontario District of the Pentecostal Assemblies of Canada