

**Remarks to the Changing Workplaces Review  
by Ron Elliot, OPSEU Region 1 Vice-President  
London, Ontario, July 8, 2015**

Good morning, my name is Ron Elliot. I'm the regional vice-president of the Ontario Public Service Employees Union for southwestern Ontario. Welcome to OPSEU Region One!

In my day job I'm an Occupational Health and Safety Officer for the Ontario Ministry of Labour. I've been working at it for 29 years. My job exists because we can't depend on employers to protect the health and safety of their workers. Without workplace regulation, and without enforcers like me, more Ontario workers would go home sick or injured. More Ontario workers would be killed on the job.

We regulate health and safety because we have to. The same is true for other aspects of the labour market. We have regulations, and we enforce regulations, to protect workers *from employers*.

The Terms of Reference for the Changing Workplaces Review make reference to "structural economic pressures and changes" in our economy that are leading to an increase in precarious work. So what are those pressures? Well, they include everything from free trade agreements to privatization of public services to tax changes that have drained government revenues.

All of these measures, broadly speaking, have been promoted and supported by employers and employer groups in Ontario, in Canada, and around the world.

In all cases, employers have marketed these policies by saying that they would improve labour markets by creating more jobs, better jobs, and better-paying jobs.

That promise has been, to be blunt, a lie. That is why we are seeing the sharp rise in precarious work in Ontario and elsewhere.

So I appreciate that one of the stated goals of your review is "to improve security and opportunity for those made vulnerable by the structural economic pressures and changes being experienced by Ontarians in 2015." Left to its own devices, the free market is an exploitative and dangerous place when it comes to the treatment of labour.

For decades now, changes in the Ontario labour market have – for the most part – favoured employers at the expense of working people. To be meaningful, the Changing Workplaces Review must make recommendations that will level the playing field for workers.

This is important not only for working people as individuals, but for our economy as a whole.

In Canada, corporate profit rates are at a 27-year high. Corporations are sitting on more than \$630 billion in cash. Yet six years after the last recession, our economy remains too soft to create the good jobs we need. The recent Ontario budget shows that business investment in Ontario was actually *lower* last year than it was before the recession.

More and more research is pointing to income inequality as a source of the problem.

Low wages and short hours for workers mean empty pockets for consumers. Improving labour market rules to improve incomes for workers will be good for workers, but it will be good for business, too.

Historically, improvements to wages and working conditions have come about through trade unionism, government regulation, or a combination of the two. At OPSEU, our view is that we should use all the tools at our disposal to make jobs better.

With respect to unions, the *Labour Relations Act* should be designed not merely to set out the rules under which unions organize and bargain. It should be designed to facilitate their success. We want good jobs that will allow people to live decently, raise their families, and retire with dignity. And unions have done more to turn bad jobs into good jobs than any other institutions in society.

As a first step, it is obvious that Ontario should return to card-check certification to allow workers to join unions without fear of intimidation by their employers. This is not a radical proposal. It is already the law for workers in the construction industry. There is no reason it can't be applied to *all* workers in Ontario.

We would also support early disclosure of employee lists, for example when a union has signed up 20 per cent of a proposed bargaining unit. This would be especially helpful where the workers are very spread out geographically or have only a loose connection to the workplace.

I am thinking in particular of the thousands of part-time college workers at 100 campuses across Ontario who could benefit immediately from union representation.

Where the workers in a potential bargaining unit are known to the employer but unknown to the union, the playing field is clearly tilted against the workers.

We support strong rules to prevent employers from disciplining or firing workers during an organizing drive. We support first contract arbitration for all unionized workers. We support anti-scab legislation. All of these measures would curtail employers' ability to put roadblocks in the way of their employees' efforts to unionize and to succeed in collective bargaining.

Wages and working conditions that are negotiated between two parties are fairer and more in tune with actual economic conditions than those imposed by one of the parties.

As a province, we must do everything in our power to put workers in a position to negotiate.

I will just mention one other change to the OLRA that would support workers' efforts to succeed at collective bargaining.

Some of the most vulnerable workers in Ontario are those that work for businesses or organizations who contract with other companies to provide a service. Right now, workers in contract services do not have the same successor rights as workers in the private and public sectors more generally. They should. The current arrangement, which allows contractors to undercut even modest union wage rates, creates a race to the bottom. By requiring new contractors to take on existing workers with their collective agreement intact, the OLRA would force contractors to compete on the basis of quality and efficiency, not on who can create the worst jobs.

I want to turn now to the *Employment Standards Act*.

There are a lot of things to say about the role of the *Employment Standards Act* in facilitating the creation of precarious work, and I know other people will be saying them. I want to key in on one thing in particular which is causing massive distortions in the labour market generally. And that is employer discrimination in the workplace.

I am not talking here about racial discrimination, or gender discrimination, or any of the other types of discrimination that are prohibited under the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. What I'm talking about is discrimination that is created by employers.

Right now, the ESA has a section called "Equal Pay for Equal Work." But it only bars employers from paying workers less (who are doing the same work) on the basis of gender.

It does not bar discrimination against workers because they are part-time. It does not bar discrimination against workers because they are temporary. It does not bar discrimination against workers because they are temporary agency workers.

Across the province, we are finding more and more cases where workers are working alongside other workers doing *exactly* the same job but getting paid substantially less.

In our OPSEU membership, we are even seeing cases in the developmental services sector where *the same individual* is being paid less based on her status in relation to a particular client. So, for example, the worker might normally make (say) \$16 an hour under her collective agreement but may have another job – also funded by government – where she is working for \$12 an hour, doing the same work for a client but outside of normal working hours.

We would be very interested in a larger discussion about how unions and the province could negotiate minimum standards for all developmental services workers, unionized or not.

In our community colleges, we are seeing part-time faculty and support staff who earn much less than their full-time colleagues doing the same work. In the case of part-time faculty, they can easily be earning as little as one-tenth the income per course of a unionized permanent faculty member.

This is not in any way an isolated phenomenon.

When an employer can create a class of workers and then pay them less than the established rate of pay and benefits for regular staff, there can only be one outcome – the employer will do everything in its power to drive work to the lowest-paid class of workers. This distorts the internal labour market of every organization that uses it. Rather than structuring work based on the requirements of the work, the employer structures it on the basis of cost. And workers pay the price.

At the LCBO, for example, we have seen employers reduce “full-time” shifts for casual workers from eight hours to five in order to be able to transfer more work to other casuals who are lower on the pay grid. This is outrageous.

In the European Union, discrimination on the basis of job status is illegal. Directives issued by the EU in 1997, 1999, and 2008 required all member countries to ban paying workers less because they were part-time, temporary, or temp agency workers.

If Ontario is serious about curtailing precarious work, there is no better way than to bring the principle of non-discrimination into the ESA.

As a final comment, Ontario labour laws and the ESA are peppered with exemptions. A standard is established but some workers are excluded.

This is wrong and discriminatory. I hope that part of your review will put these exemptions under the microscope and eliminate as many as possible. I further hope that you understand that any worker-friendly changes to the OLRA should also be extended, as appropriate, to the *Colleges Collective Bargaining Act*, the *Crown Employees Collective Bargaining Act*, and any other relevant bargaining regimes.

As a final note, I'd like to reiterate what I said earlier: changes that improve the lives and livelihoods of working people make sense for our economy. It's a fact: when working people do well, business does well.

Thank you.