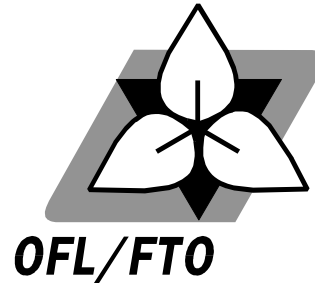


Ontario Federation of Labour Guide



to the
Ontario Ministry of Labour's
proposed changes
to the *Labour Relations Act*
October, 2000

"ENHANCING WORKER DEMOCRACY"

Your Boss' Wish List Could Become Law - SOON

Introduction

This past summer, employers across Ontario were asked what they would like changed in Ontario's labour laws. Not one employee was consulted. After all, the Harris Conservatives have never shown the slightest interest in the lives of the men and women whose labour drives the Ontario economy. Business in this province has the government's ear.

The latest example of the government's disregard for working people is a policy paper, called *Enhancing Worker Democracy*, produced by its Red Tape Commission. It is the final product of the Harris government's consultations with Ontario's employers - your bosses. It is in essence a 'wish list' of everything Ontario's bosses would like changed in workplaces and work conditions across the province.

The Red Tape Commission is a group of hand-picked Conservative politicians, appointed by Premier Mike Harris, to "build the right climate for jobs and investment in Ontario". In May 2000, the Commission was made permanent. It is chaired by Bob Wood, MPP, and former MPP Frank Sheehan, and all the members are back-bench Tory MPPs.

Two months after their reappointment, the draft report of the Red Tape Commission was leaked to the labour movement. Its 'wish list' of recommendations involve a systematic and sustained attack on the rights of Ontario workers. They may well result in changes to the *Ontario Labour Relations Act* this Fall.

At present, it's unclear which changes the provincial Conservatives will implement. Yet we must be vigilant because what they have in store for working people is not likely to be to their advantage. And it will definitely be imposed on workers without the benefit of democracy.

The Tories' record in labour relations is a series of spiteful and unnecessary actions that have fostered distrust against them. In the past, working people and their representatives used to fight for rights against exploitative employers. Now they must fight to protect themselves from the government itself, including the Ministry of Labour.

Some of the lowlights in labour law during the Tory regime have been: the elimination of anti-scab legislation, the outlawing of unionization for people forced into Workfare programs, the abolition of the right of agricultural workers to belong to unions and the enactment of laws that make it harder for Ontario's workers to form and certify a union.

The handpicked Tory Red Tape Commission has more of the same in store for us. Read on.

The Commission wants to change the present landscape of labour legislation into a desert. It wants fewer laws and little or no enforcement of them. And it wants more. Drastic cuts in public services. Private business raking in profits from hospitals, schools, rest homes, highways, sewer, water treatment and garbage collection. A free market free-for-all with workers' wages lowered and increased profits. No unions, no worker representatives, no regard for a living wage and a decline in the standard of living. The Commission's proposals are an insult to working people and their unions.

Its document portrays union leaders as bullies and liars. According to it, they lie to keep their union's financial activities a secret from their members, they lie about the results of certification votes and they fail to educate members about their rights. The document ignores the fact that Ontario's unions regularly hold democratic elections, are governed by constitutions created by their members and exist only to represent the interests of workers.

Compare this with a typical corporation. When have workers been able to vote for who becomes boss or Chief Executive Officer? When have they been able to vote on how a corporation spends its money?

The document, falsely called *Enhancing Worker Democracy*, has nothing to do with empowering workers and everything to do with taking away hard-won labour rights. It proposes eliminating the Rand Formula (dues check-off). This would make it difficult for unions to represent workers, make it harder for workers to organize and sustain their unions and would encourage decertification drives.

The document's objective is to eliminate unions, to guarantee employers "flexible" workers who will be forced to work for less money and to dramatically reduce or eliminate workers' benefits and pensions.

Once this is accomplished, profits would rise. And that's the bottom line.

Union Advantage

The following Exhibits, based on Statistics Canada information, shows the true concern of the Red Tape Commission. It reveals that union members are dramatically better off than their non-union counterparts. The difference in earnings between the average union and non-union member is known as the union premium or union advantage.

Note also that non-union wages would be even lower if unions in Canada were as weak as they are in America's "right-to-work" states.

EXHIBIT 1

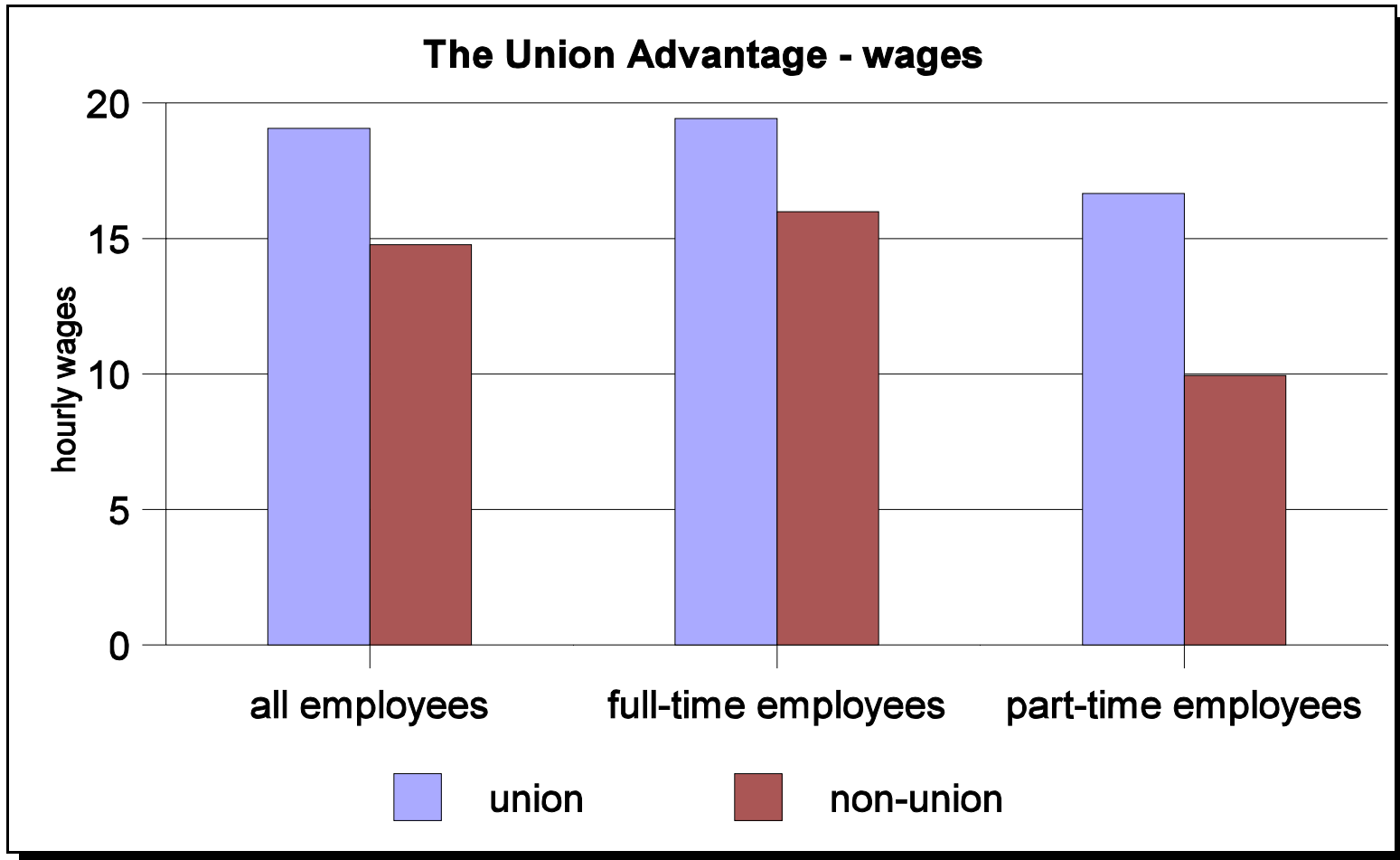
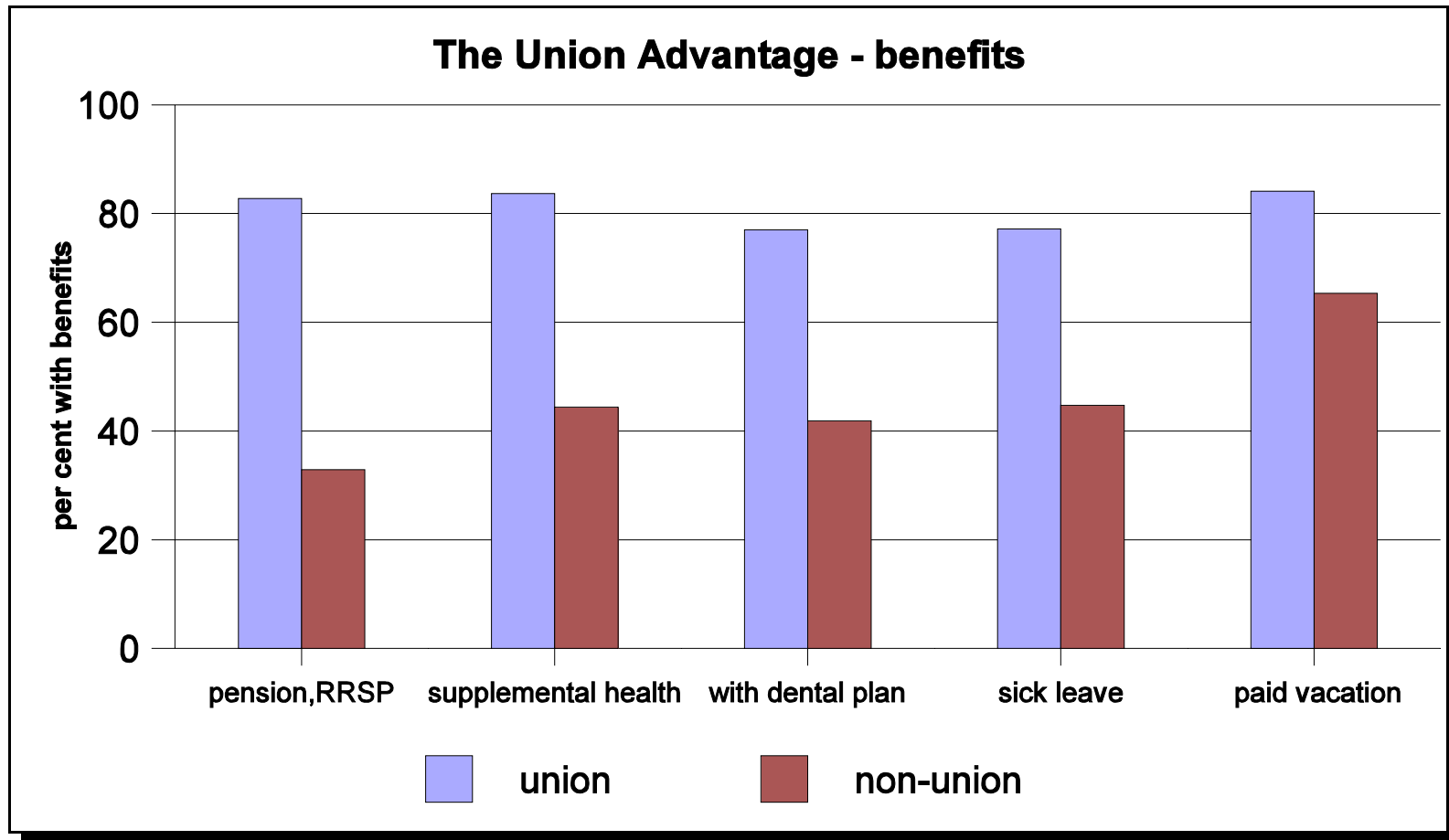


EXHIBIT 2



Women and Unions

Evidence from the Statistics Canada 1995 Survey of Work Arrangements (SWA) confirms the existence of a union wage premium. The difference shows up most markedly for women workers. Women's wages in unionized jobs were \$5.00 or 31% higher than wages in non-union jobs. Unions have been especially beneficial to women in the lowest paid jobs -- sales and service. The Statistics Canada survey found that women in sales earned 24.5% more if they were covered by a collective agreement and that women in service industries earned 39.2% more.

Women workers covered by a collective agreement also make wages much closer to the average men's wage. On average, full-time unionized women earned 90% of their male counterparts' hourly wages. Part-time unionized women fared even better earning 9% more than their male counterparts (source: Statistics Canada, *Perspectives on Labour & Income*, Autumn 2000).

The Conservative Government of Ontario wants to change labour laws to weaken unions and make it harder for unions to organize. The government believes that these changes will allow business owners and shareholders to gain total control over the workplace and pocket bigger profits.

That's what this is all about.

RED ALERT - Workers Beware

The proposals contained in *Enhancing Worker Democracy* should be taken seriously. While the current Minister of Labour, Chris Stockwell, has denied that the government intends to introduce these ruinous proposals, he may only be buying time to delay the creation of an effective opposition to them.

Businesses, right-wing organizations and the Tory government's cheerleaders have clamoured for the changes outlined in this document ever since the Conservatives were elected. Union leaders are aware of who, and which interests, lurk behind this document. Accordingly, they have declared that any attempt to eliminate the Rand Formula will meet with fierce labour resistance.

Here is a brief overview of the *Enhancing Worker Democracy* proposals. For convenience, the document's numbering of items has been followed:

1. **The Posting of a Worker Bill of Rights:** Sounds good, but isn't. The Bill of Rights, posted in all workplaces, would list a worker's right to work without union representation, to certify a union, to change union affiliation and to de-unionize (decertify).

- 2(a) **Restrictions on Union Social/Political Participation:** The proposed change would restrict a union's ability to donate money to political parties, social justice groups, etc., without the prior authorization of each and every member. What's not mentioned is that the change would violate the existing democracy in unions. Presently decisions about a union's financial donations are made by a majority vote at conventions or by the democratically elected officers of a union.

No such restrictions are planned for the political donations made by businesses. But that's business - that's different.

The government has conveniently overlooked the fact that this battle has already been fought and won by unions. In 1985, the National Citizens Coalition funded a Charter challenge by anti-union activist Merv Lavigne against the Ontario Public Service Employees Union (OPSEU). Lavigne wanted to severely restrict union spending on social and political causes. He lost the challenge.

Society will suffer if unions are prevented from participating in political movements. Unions, not employers, have led the fight for social progress. Currently, it is the labour movement, allied with other progressive groups in communities, that are fighting to end the cutbacks and chaos in health care and education. Unions have fought long, hard battles for workers' compensation, pensions and health and safety laws -- to name just a few.

- 2(b) **Employee Authorization of Union Dues:** This proposal would do away with the Rand Formula, which obliges employers to deduct and remit union dues for all workers represented by a union. Without the Rand Formula workers can refuse to pay dues but still enjoy the wages and benefits negotiated by the union in their workplace. This proposal would promote 'free-riders' in the workplace who take but don't give.
3. **Abandonment of Bargaining Rights:** This proposal would declare workplaces union-free when no unionized employees have worked there for a space of time. Currently, unions retain bargaining rights in these circumstances for the obvious reason that otherwise employers would close down unionized sites and re-open them as non-union workplaces.
4. **Voluntary Recognition:** The paper suggests abolishing voluntary recognition, in which an employee vote is unnecessary after the signing of union cards because the employer and the union have agreed that a workplace will be unionized. Voluntary recognition does not happen very often, but it does occur.
5. **Protection for Religious/Moral Objectors:** The document wants to expand the time frame for workers who want to opt out of a union for religious or moral reasons. Just as you cannot refuse to pay your taxes, mortgage or other bills because of a 'moral' or 'religious' objection, you cannot claim the benefits of unionization and refuse to pay dues on these grounds. Every worker benefits from a union and every worker should pay his or her dues.

6. **Union Certification Rules:** The proposal alleges without proof that unions are guilty of misrepresenting numbers during organizing drives. What's advocated is an extension of time before a representation vote and for the Ontario Labour Relations Board (OLRB) to determine the composition of the bargaining unit before a vote. Both proposals will enable employers to delay organizing drives and increase their legal costs. Employees would have to endure longer periods without union protection. And high litigation costs could easily discourage a union from pursuing an organizing drive.
7. **Union Financial Disclosure:** This is a further example of anti-union propaganda. The proposal implies that workers don't have the right to see their union's financial records. This is utter rubbish. Unions' financial statements are available in annual reports and are discussed at local union meetings and conventions. Full disclosure already exists.
8. **"Choice" for Construction Workers:** Most of us like the idea of choice, but a closer look at the Tory version of it may well cause one to choose something different. The Tory version of "choice" would open up collective agreements and allow unionized contractors to shift work to CLAC (the Christian Labour Association of Canada) and other company unions. The sub-contracting clauses of legitimate unions would be void.
9. **Terminating Bargaining Rights:** This proposal would allow employers to decertify from voluntary recognition agreements. In the construction sector, many bargaining rights come from voluntary recognition agreements, therefore the effect of this change would be to allow large-scale de-unionization.
10. **Enabling Competition With Non-union Contractors:** If enacted this proposal would allow contractors to set up non-union companies – commonly known as "double-breasting" – and thus circumvent unionized construction workers. The loss of the current "related employer" provision in the OLRA for construction unions would have a similar effect to the loss of dues check-off for industrial and public sector unions. Construction unions would very quickly shrink

to a fraction of their current size and construction workers would see a consequent dramatic decrease in their compensation package.

11. **Construction Definition:** The proposal here is to challenge the long-held definition of what constitutes construction. This would have the effect of weakening the bargaining position of construction unions.
12. **Duty to Accommodate:** The proposed changes to the Ontario Human Rights Code would weaken the rules for accommodating disabled workers and would make it even more difficult for them to return to gainful employment.

CONCLUSION

If this overview of the Tories' Red Tape Commission, its document *Enhancing Worker Democracy*, and the proposed labour law changes it contains has shocked and alarmed you we are, regrettably, pleased. That was our intention.

There was no way to make the proposed changes appear less horrific than they are. To oppose them you need to be shocked and alarmed. Only such a reaction in each of us will compel all of us towards building a strong, unified campaign of opposition. This too is our intention.