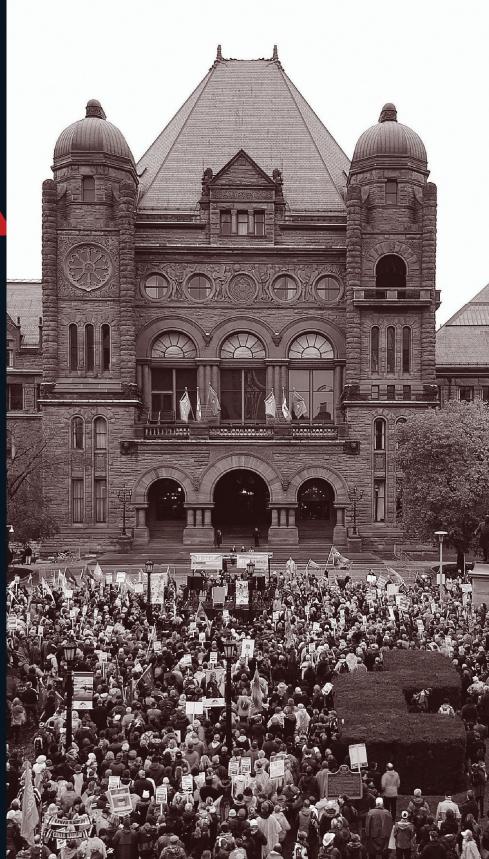
ONTARIO FEDERATION OF LABOUR 2019 PRE-BUDGET SUBMISSION

PEOPLE FIRST.





THE ONTARIO FEDERATION OF LABOUR'S 2019 PRE-BUDGET SUBMISSION to the Standing Committee on Finance and Economic Affairs, Government of Ontario

JANUARY 2019

January 15, 2019



Standing Committee on Finance and Economic Affairs Ontario Legislature 111 Wellesley St W Toronto ON M7A 1A2

Dear Committee Members,

Nothing is inevitable or unchangeable – not the retraction of decent working conditions; not the loss of middle-class jobs; not the prevalence of hate, violence, and discrimination; not the rise in income inequality; and not the underfunding and privatization of our public services.

Change – for the better – is always possible.

It is time that the Ford government prioritize the people of this province.

The 2019 budget provides a pivotal opportunity for the government to change course – to effectually address current economic and social inequalities as well as shape future pathways to shared prosperity.

The Ontario Federation of Labour (OFL), which represents 54 affiliated unions and one million workers across the province, has put forth several recommendations on decent work, worker justice, a stronger social security net, and better public services for the 2019 budget.

Ontarians need a government that will make it easier to join and keep a union as well as uphold constitutional rights; lift employment standards higher; cultivate the growth of decent jobs; protect injured workers; and advance workplace health and safety.

Ontarians need a government that will fight for the rights of women, people of colour, Indigenous peoples, LGBTQ+ persons, and people requiring accommodation; and against racism and the rise of hate.

Ontarians need a government that will implement fair taxation measures, establish a framework for universal and affordable child care, pharma care, dental care, post-secondary education, and housing; protect and expand pensions; and implement anti-poverty measures.

Ontarians need a government that will address climate change; protect, strengthen, and increase funding to our public services, including health care, long-term care, education, infrastructure.

The 2019 budget must deliver measurable progress forward for workers and their families – not continued steps backwards.

Sincerely,

BUCKLEY CHRIS President

PATTY COATES Secretary-Treasurer



AHMAD GAIED Executive Vice-President



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Working Conditions

The recent passage of the Making Ontario Open for Business Act in November 2018 has effectively silenced the collective voice of millions who have demanded immediate action to modernize Ontario's labour and employment laws. It repealed virtually all protections contained in the Fair Workplaces, Better Jobs Act, pushing workers and their families further behind by reinstating laws that create conditions for and entrench – precarious employment.

Under the guise of "making Ontario open for business", the Ford government has prioritized businesses over workers.

The Ford government has an obligation to the workers of Ontario to act now and reinstate a legislative framework for decent working conditions.¹

Employment Standards

The standard of work in Ontario fails to reflect the transformative change occurring in the labour market. The dramatic restructuring of workplaces has shifted the distribution of risks, costs, benefits, and power between employers and employees, leaving many workers in precarious situations. The Employment Standards Act (ESA), which is meant to establish the minimum terms and conditions of employment for all workplaces across Ontario, must go further to adequately protect workers in the workplace.

Minimum wage

The Ford government recently repealed the \$15 minimum wage – a \$1 per hour raise – for workers and instead, they have chosen to freeze their pay for 33 months and tie it to inflation thereafter. This government has taken away a legislated raise for workers that was slated to begin this January and pushed it back for *years*.

No one should work full-time and still live in poverty. One job should be enough.

Recommendation 1:

Reintroduce the \$15 general minimum wage and eliminate its corresponding exemptions, including for liquor servers and students.

Personal emergency leave

The Ford government recently reduced ten days of personal emergency leave to eight days. The eightday allotment restricts the number of days that can be used for family responsibility, illness, and bereavement. The right to two paid days has been eliminated, making the entire eight-day leave unpaid. Employers can now also require a medical note for illness. Medical professionals are on record in their opposition to the removal of paid sick days. Many cite the public health concerns of, in effect, forcing people to work when they are ill, as many workers simply cannot afford to take unpaid time off. In addition to public health concerns, such a requirement also takes time away from others who require

¹ For more information and recommendations, please refer to the OFL's 2018 submission on the Making Ontario Open for Business Act.



medical attention and exposes those in the waiting room, potentially vulnerable patients, to germs – placing undue burden on the health care system.

No one is immune from a personal emergency, from getting sick, or from the death of a loved one.

Recommendation 2:

Reintroduce ten days of job-protected leave for all workers – with seven of them paid and without a requirement for workers who are sick to provide a medical note.

Equal pay for equal work

The Ford government recently revoked a fundamental principle of equality from the law, significantly affecting more than one in five workers in Ontarioⁱ, including female, Indigenous, racialized, immigrant, and younger workers as well as workers with disabilities – all of whom are disproportionately represented in insecure work.

Workers who are doing similar work should be paid the same.

Recommendation 3:

Reintroduce equal pay for equal work standards, provide greater enforcement, and remove loopholes.

Scheduling

The Ford government recently repealed several fair scheduling laws. Many low-wage workers in Ontario will now continue to receive their schedules with very little notice, have very little – if any – control over when they are scheduled to work, and work fluctuating hours week after week.

Recommendation 4:

Reintroduce the scheduling rules that were slated to begin in 2019.

Misclassification

The Ford government recently made it easier for employers to misclassify workers as independent contractors, leaving workers outside the protections of the ESA. In this way, employers can avoid the direct financial costs of compliance with the ESA (e.g., vacation, public holiday, overtime, termination, and severance pay) and contributions to basic government programs like the Canada Pension Plan and Employment Insurance.

Every worker should be protected under the ESA.

Recommendation 5:

Reintroduce the onus on employers to prove that a worker is not considered a worker, for the purposes of the ESA.



Labour Relations

Under the Canadian Charter of Rights and Freedoms, every Canadian is afforded the right to associate and pursue collective workplace goals. In other words, everyone has the right to access unionization, the right to organize, the right to engage in meaningful collective bargaining, and the right to strike. The *Labour Relations Act* (LRA), however, falls short of upholding these fundamental rights and freedoms. The government must increase access to unionization for all Ontario workers and strengthen protections for unionized workers, including for those exercising the right to withdraw their labour.

Workplace information

The changing nature of work and recent government policies that place barriers to unionization have contributed to a growing power imbalance between management and workers. It has also left millions of workers without the power of a union to represent them. Workers seeking to bargain collectively now face an increasingly difficult task of identifying and communicating with members of a potential bargaining unit. Unions are only able to obtain a list of employees, which often has inadequate content, once the certification application is filed. Because unions cannot campaign, nor do they have direct access to workers inside a workplace, they are forced to work based on the limited information they can ascertain from workers. Employers, on the other hand, know how many employees there are, where they work, and their contact information.

It must be recognized that genuine democracy can only be predicated on a real dialogue with those affected by, and participating in, the determination of that outcome. Open discussion and debate – unaffected by employer misconduct – contribute to an environment in which employees are free to make an independent choice on whether they want to engage in collective bargaining and, if so, who they wish to represent them.

Recommendation 6:

Provide access to workplace information when a union demonstrates that it is engaged in a bona fide organizing drive.

Card-based certification

A fundamental element in the collective bargaining process is how workers can express their interest to freely associate with others for the meaningful pursuit of collective workplace goals – in other words, the manner in which a union is certified. The current two-step mandatory vote system fails to recognize that from the first show of support to when the ballots are cast, the situation can drastically change. With this certification process, employers have a sizeable opportunity to interfere with workers' choices – to engage in threats and intimidation. Although employer opposition and misconduct can be overt (e.g., illegal terminations), in many cases it is subtle but no less effective.

Conversely, card-based certification recognizes that when a worker signs a union card, they are expressing their desire to join a union. Given that the Supreme Court of Canada has recognized that "the function of collective bargaining is not served by a process which undermines employees' rights to choose what is in their interest and how they should pursue those interests",ⁱⁱ all Ontario workers – with no exceptions – deserve the same protection of their constitutional right to unionize.

Recommendation 7:

Extend card-based certification to all sectors, including to recently repealed areas: the building services; home care and community services; and temporary help agencies industry.



Remedial certification

Some employers commit unfair labour practices, coercing or intimidating workers into rejecting the union, during an organizing drive. Currently, the labour board can certify a union without a vote when the employer's actions have contravened the LRA in such a manner that it becomes difficult to ascertain whether employees want to join a union or not. This measure, however, can only be adopted if no other recourse can counter the effects of the infringement and if the union has "adequate membership support". The board can also consider the results of the previous representation vote.

The law strongly favours a second vote over remedial certification without a vote. The reality is, however, that it is virtually impossible to redress the employer's actions and make a second vote meaningful. As a result, the law must make it easier for the labour board to invoke remedial certification, disincentivizing employers from engaging in unlawful conduct. Workers should not be subject to - or bear the consequences of - their employer's unlawful actions.

Recommendation 8:

Streamline the process for remedial certification, making it easier to certify a union when the employer has contravened the LRA.

First contract arbitration

In principle, all workers are guaranteed the right to associate for the purposes of meaningful collective bargaining. In reality, this right remains limited as a result of the barriers to establishing a first collective agreement. Employers often delay reaching a first collective agreement in an effort to weaken the resolve of newly organized workers. Inevitably, workers grow frustrated with lengthy delays while their working conditions worsen. This undermines their right to access meaningful collective bargaining.

Recommendation 9:

Provide automatic access to first contract arbitration in all cases, including remedial certification.

Successorship rights

Ontario employers in the private and public sector are bound by successorship rights legislation when a business or a portion thereof is sold. This, however, is not the case for employers who sub-contract services – with the exception of building services. This means most unionized contract workers often lose both their collective agreement and their bargaining rights if the service contract covering their worksite changes hands. This is the case even if the new contract provider hires the *same* employees to perform the *same* work in the *same* location. It should not matter whether workers are employed in a publicly or privately funded contracted service – all workers deserve protections against contract flipping.

Recommendation 10:

Extend successor rights to all contracted services.

Return to work

The LRA outlines its intent to protect a worker's right to return to work following a legal strike or lockout. This right, however, is arbitrarily restricted to the first six months – after which employers are able to make the case that workers no longer have the right to reinstatement. Combined with the fact that



employers can use replacement workers during a legal strike or lockout, this time limit further amplifies the power imbalance inherent within the employer-employee relationship during the collective bargaining process. Although every labour dispute is different, workers exercising their constitutional right to strike should be able to do so without fear of job loss once a legal strike or lockout concludes.

Recommendation 11:

Remove the six-month restriction on the right of employees to return to work following a lawful strike or lockout.

Strikes

It is important to understand that it is not often that workers exercise their right to strike. They do so, however, when they feel that they are not being heard by their employers and that the conditions under which they are working are unfair.

The Ford government cannot – and should not – undermine workers who are fighting for decent work and exercising their constitutional right to withdraw their labour.

Taking a stand at the bargaining table and going out on strike is one of the most important ways that workers can make gains for themselves, their co-workers, and future generations of workers.

The fight for decent work is everyone's fight.

Under the guise of being "for the people", the Ford government has prioritized convenience over workers' constitutional rights.

In the six months since taking power, the government has been quick to legislate workers back-to-work on two separate occasions.² Both workers at York University and Ontario Power Generation have seen their constitutionally protected right to strike undermined. The Supreme Court of Canada has established that the right to exercise economic sanctions is an important part of the collective bargaining process. A union's primary economic sanction (i.e., the right to strike) is effectively negated by forcing workers backto-work. By using back-to-work legislation, the government is effectively siding with the employer in a situation where the employer should be required to bargain.

Collective bargaining is a constitutional right, and it should not be removed with the stroke of a legislative pen.

² In addition to these two Charter violations, it is also important to note that the Ford government attempted to invoke the Charter's notwithstanding clause in a blatant abuse of power in September 2018. Unfortunately, the sizeable reduction in democratic representation for the people of Toronto was ultimately successful.



Recommendation 12:

Stop meddling in the collective bargaining process, namely by introducing back-to-work legislation and allowing the use of replacement workers during strikes and lockouts.

Young Workers

The hope that the next generation will be better off than the last is no longer a given. Young people in Ontario, and around the world, are facing unprecedented economic and social conditions.

More young workers today find themselves in precarious and insecure work than a generation ago. They are underemployed, trying to make ends meet in a 'survival job'. These jobs are often part-time and temporary – paying lower wages, offering fewer workplace benefits, and lacking on-the-job training. The reality is starker for equity-seeking youth.

For many workers, precarious work does not mean moving from job to job.

It means getting paid less because of their age. Ontario is currently the only province in the country with a lower minimum wage for students.

It means not knowing how many hours they are going to be working next week. In 2018, 462,500 Ontario youth were working part-time. Nearly one in five of them were doing so because they had no other choice.ⁱⁱⁱ

It means unpaid internships are the only kind of internship they can find. There are about 100,000 unpaid and unregulated internships in Ontario each year.^{iv}

It means balancing multiple jobs to make ends meet. In 2018, nearly 63,000 youth in Ontario held multiple jobs.^v

It means not having any protections from a union. Youth who are unionized enjoy better benefits, workplace conditions, and pay – about 27 per cent more – than non-unionized youth under the age of $25.^{vi}$

Instead of addressing these issues, the government continues to leave the next generation influx.

Under the guise of "cost savings", the Ford government has prioritized money over young people's futures.

Young people are facing higher housing and tuition costs than previous generations and taking on larger debt levels to pay for their education. In fact, undergraduate and graduate students in Ontario pay the highest university tuition fees in the country.^{vii}

Together these factors dampen their incomes and their prospects, blunting their ability to start businesses, purchase big ticket items such as homes and cars, and embark upon traditional milestones such as beginning a family.

Ontario's best future lies with a generation of young people that can create a prosperous and equitable society. It is incumbent upon the government to ensure that it instills policies that leave this province better for the next generation.



Recommendation 13:

Eliminate tuition fees for all post-secondary students and remove interest on existing student loans.

Recommendation 14:

Allocate funding to ensure that all students can access meaningful and paid work-integrated learning opportunities.

Women Workers

Women in Ontario continue to be denied one of the most fundamental human rights: the right to nondiscriminatory pay and employment practices.

Female workers in this province earn slightly less than 71 cents for every dollar that men earn – a reality that is much starker for Indigenous, racialized, and immigrant women as well as women with disabilities.viii

Female workers are more likely than men to have insecure jobs. In fact, women denote two-thirds of part-time workers in Ontario and are overrepresented in the 20 lowest-paid occupations, including cashiers, restaurant servers, food counter attendants, and child care providers.^{ix}

Unions promote economic empowerment for women. Barriers to unionization therefore place female workers at a strong disadvantage. The evidence shows that Ontario women who are unionized enjoy better benefits, workplace conditions, and pay – nearly \$8 more per hour – than non-unionized women.* When the laws make it easier for women to join and keep a union, the result is a real and measurable benefit for women and for society overall.

For female workers, the lack of access to affordable, high quality child care remains a significant barrier to entering the workforce and is key to closing the gender wage gap. With its availability, women are more likely to work, stay employed, and hold better jobs - all of which contribute to narrowing the gender wage gap. With every public dollar invested in child care, the Ontario economy gains nearly \$2.50 due to increases in working hours and wages of women.xi

The government, however, continues to fail to address – and in fact, push further behind – the systemic issues women workers face.

Under the guise of "protecting businesses", the Ford government has prioritized corporate interests over women's rights.

In December 2018, the government delayed the implementation of the Pay Transparency Act, which was slated to become law in January 2019. This Act was purported to ensure that gender wage gaps are publicly disclosed, thereby providing women with the information required to enforce their rights.³ The government must hold employers accountable and require their compliance with the delivery of nondiscriminatory pay – particularly for non-unionized women workers, who are disproportionately affected.

³ For more information and recommendations, please refer to the OFL's 2018 submission on the Pay Transparency Act.



It is time that the government recognize that when women succeed, we all succeed. It is unacceptable that public policies and laws continue to entrench women's pay and employment inequality.

Recommendation 15:

Introduce an economic justice strategy that promotes women's meaningful participation in the workforce, particularly in non-traditional fields of employment; recognizes the care penalty imposed on women in female-dominated employment for its labour market value rather than its traditional value; and improves access to education and training, child care, and other services so women can better balance work and family responsibilities.

Recommendation 16:

Provide funding to support the national inquiry into missing and murdered Indigenous women and girls as well as ensure that the process reflects and supports the needs of Indigenous women, girls, and their communities.

Recommendation 17:

Implement the Pay Transparency Act with greater enforcement and prescriptive provisions.

Violence against Women

Women continue to be the target of violence in homes, workplaces, educational institutions, and elsewhere. It is also important to recognize that racialized, Indigenous, LGBTQ+, and immigrant women, as well as women with disabilities, experience higher rates of all forms of violence in society.

Every year, far too many women are killed by men – many of whom are current or former partners.

Every year, tens of thousands of women and their children must flee their homes fearing for their lives.

Although violence against women is sometimes thought of as a private family problem, the effects are inevitably carried to the workplace. Like other struggles for health and safety and for equality, violence affects the lives of workers both on and off the job.

Under the guise of "cost savings", however, the Ford government has prioritized money over women's safety.

In October 2018, the government dismantled an expert panel to end violence against women. The roundtable was established for experts to provide strategic advice on emerging issues related to violence against women. It was made up of representatives from nearly two dozen organizations that not only address issues related to violence against women but also those that have experience with specific populations, including Indigenous women, immigrants, older women, LGBTQ+ people, and sex workers. Shortly thereafter, the government refused to flow funding increases to sexual assault centres promised under the Gender Based Violence plan. A maximum of \$14.8 million was promised over three years to increase the capacity of current centres as well as to open new centres in communities where none currently exist. The government must reinstate the roundtable and funding for sexual assault centres.^{xii}

It is also important that the law make it easier for a survivor of domestic and/or sexual to escape it without losing their financial stability or their job. Currently, survivors, with at least 13 consecutive weeks of service at their workplace, are now entitled to take a leave of absence of up to 17 weeks – the first five days of which are paid. While five paid days of job protected leave is a good start, it does not go far



enough to provide the protection that survivors require, including navigating the complexities of the legal system, finding transitional housing, and accessing medical services and counseling.

No woman should have to choose between her safety and her job.

Recommendation 18:

Develop a comprehensive action framework to end violence against women in all forms with a focus on prevention, supports, and services – including boosting funding for women's shelters.

Recommendation 19:

Extend paid leave to ten days for survivors of domestic and/or sexual violence.

Recommendation 20:

Reassemble Ontario's provincial roundtable on violence against women and flow promised funding increases to Sexual Assault Centres.

Workers of Colour

Despite the vast inroads that have been made on equity issues, equality has not been achieved. Instead, in workplaces and elsewhere, systemic racism continues. It has become an institutionalized feature of society, creating barriers for racialized workers and families in every community.

Racism is a working-class issue, and the government must dedicate resources to eradicate it.

Although workers of colour have high levels of labour market participation, they experience higher levels of unemployment and underemployment, are often bypassed for jobs or promotions, and earn a lower income than non-racialized Ontarians. In fact, labour market discrimination in the province remains gendered and racialized as women of colour earn 58 cents for every dollar that non-racialized men earn. Racialized women are also 25 per cent more likely to be working in jobs situated in the bottom half of the income distribution than white males, and they experience higher unemployment rates than all other equity groups. This reality is starker for female workers of colour that have accessibility issues and/or are recent newcomers.^{xiii} Unsurprisingly, labour market inequities lead to higher poverty rates, greater health risks, lower quality housing, and more frequent contact with the justice system.

Insecure work remains at the core of racial inequality in Ontario.

Legislated decent work in Ontario is needed to ensure that everyone has fair and equitable opportunities in the labour market; to cultivate a culture of equity and inclusion in all Ontario workplaces; and to dismantle the barriers that prevent the full and equal participation of all racialized workers.

Under the guise of "cost savings", the Ford government has prioritized money over people of colour.

In September 2018, the Ford government dismantled four subcommittees under the Anti-Racism Directorate purported to combat Islamophobia, anti-Semitism, anti-Indigenous, and anti-Black racism. This sends the message to racialized people that the barriers they experience in their day-to-day lives do not matter.



Racialized communities, for instance, increasingly believe that the justice system does not work for them. They feel that those enforcing law and order are not protecting them but instead are working against them. It is widely recognized that carding – the stopping, questioning, and documenting of individuals when no particular offence is being investigated – is a systemic violation of Black people's, Indigenous people's, and people of colour's human rights. It disproportionately places these individuals at an increased risk of incarceration, violence, and abuse as well as negatively affects their access to employment and education. In downtown Toronto, for example, Black people are up to 17 times more likely to be carded than white people. As recommended by Justice Tulloch's Independent Street Checks Review, it is time to eliminate carding in its entirety.⁴

Ending racism is a collective obligation. The labour movement is committed to fairness and justice for all workers regardless of race and religion, and we continue to mobilize against racism and the rise of hate.

The government has its part to contribute too.

Recommendation 21:

Assign greater funding to the Anti-Racism Directorate, ensuring that it can carry out its mandate to advance racial justice throughout Ontario, and reassemble the four subcommittees.

Recommendation 22:

Direct the Anti-Racism Directorate to work alongside the Ministry of Labour in applying an equity lens on employment conditions in Ontario and tackle the economic and employment disparities facing racialized workers in Ontario.

Recommendation 23:

Establish the Anti-Racism Secretariat as well as the Equity in Employment Secretariat, ensuring both are adequately resourced to ensure the implementation of mandatory legislation and programs.

Recommendation 24:

Amend legislation, including the Ontario Human Rights Code, to eliminate barriers to open and transparent hiring and promotion practices in all workplaces.

Recommendation 25:

Introduce policies - in consultation with the labour movement and community organizations - that oppose systemic racism and violence targeted towards Indigenous, Black, Islamic, and Semitic communities through policing: eliminate, in its entirety, the practice of carding; and review the practices of the Special Investigations Unit in close consultation with impacted communities and families.

⁴ For more information and recommendations, please refer to the OFL's 2018 submission for the Independent Street Checks Review.



Indigenous Workers

Not too long ago, Canada marked 150 years of Confederation. As we strive towards creating a society that is based on inclusiveness, equity, and shared prosperity over the next 150 years, it is also important to take the time to reflect and learn from our history – one that is rooted in colonialism and the cultural genocide of First Nations, Inuit, and Métis people. This includes the multi-generational trauma of residential schools and the Sixties Scoop; murdered and missing Indigenous women and girls; systemic discrimination in health care, education, and other services; and contamination of drinking waters.

Like governments before them, this government has failed to take adequate action and has even pushed back on years of progress.

Under the guise of "cost savings", the Ford government has prioritized money over Indigenous people.

In July 2018, the Ford government halted curriculum development on Indigenous culture, history, and contributions that was to be taught in elementary and secondary schools across the province (i.e., #62 of the Truth and Reconciliation call to actions).

Decades of negligence and deliberate steps away from reconciliation must not be allowed to continue.

To create just relationships between Indigenous and non-Indigenous peoples that are mutually respectful of Indigenous knowledge and sovereignty, it must be recognized that non-Indigenous people in Canada continue to benefit from exploitative relationships with Indigenous populations.

We all share a collective responsibility to walk the path, and take action, towards reconciliation.

Recommendation 26:

Invest in the prosperity of Indigenous peoples by addressing basic human rights issues related to, but not limited to, access to clean water, shelter, high-guality education, and food security – in collaboration with the Chiefs of Ontario, and the Métis Nation of Ontario.

Recommendation 27:

Adopt the 94 recommendations outlined by the Truth and Reconciliation Commission in its entirety – including resuming the creation of curriculum for students in elementary and secondary school on residential schools, Treaties, and Indigenous peoples' contributions to Canada.

Recommendation 28:

Acknowledge and act on the government's fiduciary responsibility to restore Indigenous peoples and their families to a state of health and wholeness.

LGBTQ+ Workers

Nobody should be made to feel unsafe because of who they are or who they love.

Under the guise of "inclusivity" for social conservative ideology, however, the Ford government has prioritized hate over love.



In November 2018, the Progressive Conservatives passed a transphobic policy resolution at their convention that called on the government to remove gender identity references from the sexual education curriculum. Clearly, this demonstrates the need for greater education on LGBTQ+ issues – not less.

We know, for example, that LGBTQ+ workers and their families continue to experience oppression and discrimination. In fact, transgender, gender-variant, and two-spirit people experience disproportionate unemployment levels, harassment and discrimination at work, and limited access to health and public services.

To realize full social equality for the LGBTQ+ community, the government must work to build workplaces and communities that are safe and inclusive as well as challenge hate, violence, and discrimination.

Recommendation 29:

Introduce a comprehensive strategy to end violence against LGBTQ+ workers, particularly those that identify through an intersectional lens, in their communities and at work.

Recommendation 30:

Reinstate the inclusive and modernized 2015 health and physical education curriculum, which empowers students to understand consent and healthy relationships; recognizes same-sex marriage, gender identity, and gender expression; and addresses sexism, homophobia, and transphobia.

Workers with Disabilities

Around the world, over a billion people are living with some form of disability.^{xiv} Far too many of them face economic, political, and social exclusion. The reality of living with a disability is that these individuals are more likely to be excluded from entering the workforce and are further at risk of living below the poverty line.

Opportunities must be created for people with disabilities to develop their own capacities, and they must be supported in setting their own priorities. Real empowerment will require the government to invest in people – in jobs, health care, transportation, education, and social protections.

Promoting an understanding of disability issues and mobilizing support for the dignity, rights, and wellbeing of persons of all abilities is a worker's issue, an economic issue, and a social justice issue.

Recommendation 31:

Introduce public programs – in consultation with the labour movement and community organizations – that break down barriers for workers requiting accommodations and integrate persons with disabilities into every aspect of society, including every workplace in Ontario.

Recommendation 32:

Establish the Disability Rights Secretariat, as outlined in legislation that passed over a decade ago.

Injured Workers

It only takes a split second for a worker to become injured, permanently disabled, and/or ill from work.



When workers are injured on the job, they have a right to full compensation; a right to be treated with dignity and respect; and a right to be provided with needed support.

In Ontario, these rights are being violated.

Not every worker in this province is covered by the workers' compensation system. For those who do have coverage, the Workplace Safety and Insurance Board (WSIB) is focused on reducing its own costs on the backs of injured workers. They appear to be unconcerned by the thousands of workers who are driven into poverty and desperation when their benefits are slashed or when access to their entitlements are denied.

This government appears to be no different.

Under the guise of "cost savings", the Ford government has prioritized employers over injured workers.

In September 2018, the WSIB announced an across-the-board average premium reduction to employers of nearly 30 per cent – in addition to the 10 per cent rate reduction gifted to employers over the last few years. This means that the WSIB has eliminated its unfunded liability largely at the expense of providing benefits to injured workers and ensuring workplace health and safety.

Ontario's austerity agenda is increasingly making workers more disposable and eroding fairness in the workplace.

Precarious work means unsafe work.

Recommendation 33:

Ensure that every worker in Ontario has universal access to workers' compensation.

Recommendation 34:

Expand funding for the prevention of occupational injury, illness, and disease in order to build safer workplaces.

Recommendation 35:

Abolish the WSIB's unfair practice of deeming: return to a system where benefits are based on a preexisting impairment (i.e., prior to a workplace injury) and craft a clear policy that prioritizes and respects the evidence put forward by medical professionals.

Recommendation 36:

Eliminate experience ratings in all its forms and ensure that health and safety is included in setting employer premiums.

Safe and Healthy Workplaces

No worker should leave for work in the morning and never come back.

No family should receive the call that their loved one is not coming home.



No workplace should live with the loss of a co-worker – particularly in the case where an employer could have prevented it.

Thousands of loved ones die or are seriously injured on the job every year – whether it is from an industrial incident or from exposure to chemicals or other toxins in the workplace.

Under the guise of "cost savings", the Ford government has prioritized businesses over workers' safety.

In December 2018, the Ford government introduced Bill 66, *Restoring Ontario's Competitiveness Act*. It proposes several regulatory changes that compromise the health and safety of Ontario workers. It is important to understand that many of these regulations serve a useful purpose, from ensuring workers know their rights to safeguarding their health at work. For instance, the Bill deems public entities, like municipalities, hospitals, universities, and schools as 'non-construction employers', opening the door for non-union shops in the construction trades to bid on and build public infrastructure projects. We know that unionized construction trades are leaders in health and safety. By opening public construction projects to non-union shops, the government is putting worker safety at greater risk and trampling collective bargaining agreements.

It is also important to understand that deaths or injuries in the workplace will not stop unless employers realize that there will be serious personal consequences if they put workers' lives in the line of danger. Employers must not be able to treat workers – particularly temporary and migrant workers – as a disposable commodity and relegate them to the most precarious and dangerous work. Temp agency workers face greater risk of injury and are more likely to be exposed to dangerous working conditions than permanent employees. The reality is even starker for migrant workers.

No prison term or financial penalty can bring back the workers who died or undo the serious injury incurred, but the threat of jail time for supervisors and employers who are in neglect of health and safety laws will hopefully force all employers to see accident prevention as an occupational priority.

Recommendation 37:

Legislate, in the event of a workplace death, that criminal negligence by the employer become a routine part of the investigation and negligent employers are jailed for killing workers.

Recommendation 38:

Implement a zero-tolerance policy for asbestos-related violations in building regulations as well as mandate that information related to the type of asbestos-containing material and its location in public buildings be posted online and made publicly accessible.

Recommendation 39:

Introduce a mandatory accreditation program – through the Workers Health and Safety Centre – that collaborates with workers and exceeds the minimum standards required to make meaningful improvements for workers' health and safety.

Recommendation 40:

Strengthen protections for temp agency workers through stronger equal pay for equal work legislation; the conversion of temp agency workers to permanent workers of the client company after a total of three months; and the determination of client companies as the employer for legal purposes.



Recommendation 41:

Toughen protections for migrant workers through the introduction of an Ontario Migrant Workers' Bill of Rights – which includes legislative changes that will establish a registration and licensing system for employers and recruiters; provide the financial and human resources needed for proactive enforcement; ensure that human and labour rights are protected; and close loopholes on return-to-work policies.

Recommendation 42:

Withdraw Bill 66, *Restoring Ontario's Competitiveness Act*, and reverse changes proposed to reclassify employers, so they can avoid hiring well-trained unionized workers for public infrastructure projects.

Peace and Inclusion

Around the world, including in Ontario, the working class is struggling to make ends meet. This has resulted in growing resentment towards the one per cent with some of this sentiment channelled into racist, misogynist, xenophobic, and right-wing populism.

Despite our self-image as a tolerant people, prejudice and discrimination are a real feature of Canadian history – beginning with the treatment of Indigenous peoples and continuing throughout. At different times, hatred has been aimed at different communities including Irish Catholic, Eastern European, Japanese, Jewish, Italian, South Asian, African, and Muslim peoples.

Most recently, in December 2018, the yellow vest movement migrated to Canada. It began in France as a working-class movement protesting income inequality and a high cost of living. In Canada, however, it has expanded beyond economic concerns; instead, it has morphed into a movement predicated on antiglobalism, nationalism, anti-government, and xenophobia.

It is also important to note that in 2017, hate crimes across Canada surged to an all-time high with attacks in Ontario leading the charge. Overall, Ontario saw a 207 per cent increase in hate crimes against Muslims, an 84 per cent increase in hate crimes against Black people, and 41 per cent increase in hate crimes against Jewish people.^{xv} These are only the reported crimes; many go unreported.

These kinds of acts are unacceptable and despicable. They cannot be normalized, and unless they are challenged, hatred will continue to grow.

Recommendation 43:

Act with urgency to develop comprehensive approaches – in collaboration with the labour movement and community groups – that address hate and neutralize the impacts of xenophobia, white supremacy, Islamophobia, anti-Semitism, anti-Black and anti-Indigenous racism, and racism in all its forms.

Recommendation 44:

Declare Ontario as a sanctuary for those workers and families deported and treated negatively by policies of exclusion.

Income Inequality

Decades of a neoliberal economic program in Ontario – characterized by deregulating Bay Street, expanding unfair trade and investment deals, undermining workers' rights, and retrenching welfare state



programs and public services – has led to pronounced inequality and has dampened the ability of government to effectively respond to current societal challenges.

According to a 2017 Conference Board of Canada report, Ontario has the highest income inequality among the provinces. We have also fallen behind other Canadian jurisdictions on other factors, including poverty as well as gender and racial wage gaps. These are key social indicators that signify a disturbing level of inequality in a province with one of the strongest growing economies in the country.^{xvi}

Taxation

Canada's 100 highest-paid CEOs make on average \$10 million – 197 times the average income. In fact, before lunch of the first working day of 2019, Canada's average top-100 CEO already took home what the average Canadian worker will make *all* year.^{xvii}

Under the guise of "cost savings", the Ford government has prioritized big corporations and the wealthy over Ontario families.

In November 2018, the Ford government repealed a planned surtax on some of the highest earning Ontarians. Not only would this measure have generated at least \$275 million per annum for the government,^{xviii} it also would have contributed to narrowing the income inequality gap.

The rich should be paying their fair share of taxes.

Instead, the Ford government chose to take monies away from vulnerable Ontarians through the Low-Income Individuals and Families Tax Credit.⁵ This tax measure replaces the \$15 minimum wage that was slated to begin in January 2019. The reality is that eliminating income taxes for minimum wage workers, in lieu of a \$1 per hour raise, will leave these individuals significantly worse off. It puts less money in their pocket because low-wage workers already pay relatively low taxes. It must also be noted that because the amounts received under social programs such as the Canada Pension Plan and Employment Insurance are tied to earnings, these workers will see a further loss in their future income.

This government's regressive tax policies places Ontario families further and further behind – in more ways than one. Such policies undermine the value of what taxes fund for minimum wage workers and everyone else: public services. We know that everyone is better off with strong and well-funded public services.

Recommendation 45:

Ensure that big corporations and the wealthy pay their fair share of taxes.

Public Services

Public services are the great equalizer of society, ensuring equal access to essential programs, such as education and health care, for everyone.

Investing in universal affordable high-quality public services – such as pharma care, dental care, child care, housing, primary and secondary education, post-secondary education, social and community services, and public pensions – ensures that the most vulnerable in society are not left behind, while

⁵ For more information and recommendations, please refer to the OFL's 2018 <u>submission</u> on the *Restoring Trust, Transparency, and Accountability Act.*



helping everyone. Such investments contribute to long-term economic stability. Generally, universal social welfare programs do not preserve the status quo – unlike targeted programs, which tend to keep people in poverty and therefore maintain inequality over the long run. Instead, universal programs assist low-income people without perpetuating their low incomes. Most importantly, "the establishment of universal social welfare programs signal to society that what these programs are providing is a right – a service that is not defined by one's ability to pay and not provided by markets but provided by all of us to all of us''.^{xix}

Under the guise of "cost savings", the Ford government has prioritized money over access to public services.

In August 2018, the government released a line-by-line review of the previous 15 years of government spending – an ideological exercise that seeks to further starve public services. The reality is that Ontario has the lowest program spending per capita of all provinces.^{xx} If the government continues to prioritize balancing the budget – without increasing taxes – this means reducing program spending growth to 1.2 per cent. It is important to note that this is below inflation and population growth and will be the slowest average growth in program spending since the mid-1990s. Real spending per person will drop by \$850 by 2022–23.^{xxi}

Without strong and universal public services, income inequality will only become further entrenched.

Recommendation 46:

Establish and strengthen access to various universal public services and social programs, including pharma care, dental care, child care, housing, primary and secondary education, post-secondary education, social and community services, and public pensions.

Recommendation 47:

Allocate monies to adequately fund the public services Ontarians depend on, including health care, pharma care, dental care, child care, housing, primary and secondary education, post-secondary education, social and community services, and public pensions.

Health care⁶

Ontario's health care system continues to bear the brunt of chronic underfunding, leaving it unable to adequately address the population's demand for care. For over a decade, public hospitals in the province have seen real-dollar cuts and budget freezes.

Under the guise of "cost savings", the Ford government has prioritized money over access to – and the quality of – Ontario's health care.

Ontario continues to place last within the country in the number of hospital beds per person and nursing care per patient. Unsurprisingly, Ontario funds its hospitals at the lowest rate in Canada.^{xxii} It is time to protect service levels, stop the cuts, and rebuild capacity in local public hospitals. To do this, the government must increase hospital funding per year for the next four years by 5.3 per cent (i.e., approximately 2.3 per cent inflation; one per cent population growth; one per cent aging; one per cent increased utilization). Health care policy in Ontario can no longer be the endless downsizing of local public hospitals without regard for population need and for health care workers.

⁶ Please note that the OFL endorses the recommendations of the Ontario Health Coalition.



It is also imperative that Medicare laws be protected, strengthened, and upheld. Medically needed hospital and physician care are covered under public health care and paid through taxes to protect against financial hardship when patients are in need. A two-tier system of health care in Ontario, with specialized private clinics and the ability of some doctors to charge higher rates for medical procedures performed outside of a public hospital, cannot be the future. Such a step will significantly impact every patient and resident in Ontario, further exacerbating out-of-pocket payments as well as wait times for specialized operations and diagnostic services.^{xxiii} The government must roll services back into public hospitals, which have better quality regimes and operate in the public interest.

Additionally, the consolidation of Ontario hospitals has been more extreme than anywhere else in Canada – with the province undergoing the largest-scale hospital amalgamation and closures in Canada's history in the 1990s. Although it was meant to achieve savings, the reality is that smaller sites of amalgamated hospitals have seen their services gutted – at a huge cost. The Auditor General found that billions of dollars were spent cutting beds, forcing mergers, closing hospitals, and laying off staff – after which hundreds of millions were spent re-opening needed beds and recruiting staff to restore stability.^{xxiv} The high costs of restructuring and merging were never recouped. Such actions are extremely expensive, take vital resources away from care, and lead to the centralization of services that many residents cannot access. Mergers and amalgamations are not in the public interest.

It should also be recognized that as mental health and addiction issues become increasingly prevalent across the province, frontline workers and first responders must be adequately resourced. In July 2018, the Ford government cut mental health care funding by \$335 million per year, which will mean longer waits, less supports, and more Ontarians in crisis. Currently, there are over 12,000 children waiting up to 18 months for mental health supports, and there are 13,000 people in Toronto alone waiting up to five years for supportive housing. Addictions and Mental Health Ontario estimates that \$2.4 billion in new funding is needed over the next four years.^{xxv} Instead, the Ford government has promised \$1.9 billion over 10 years – a reduction from the planned \$2.1 billion over four years.

Compassion and equity should be the guiding principles governing our health care system. Meaningful measures must therefore be taken to improve access to care, to direct funding to care, and to prioritize the public interest in improving health care.

Recommendation 48:

Increase hospital funding by 5.3 per cent each year – a rate that will protect service levels, stop the cuts, and rebuild capacity in our local public hospitals.

Recommendation 49:

Protect, strengthen, and uphold Ontario's – and Canada's – Medicare laws by stopping the privatization of the health care system.



Recommendation 50:

Declare a moratorium to stop the closures of local hospitals, consolidation of local services, and the mega-mergers of local public hospitals.

Recommendation 51:

Reinstate the \$335 million per year cut from mental health services.

Pharma and dental care

When *OHIP+: Children and Youth Pharmacare* was initially introduced in 2017, it only provided prescription drug coverage for those Ontarians age 24 and under, who were also covered by Ontario Health Insurance Plan (OHIP).

This government has taken another step backwards.

Under the guise of "cost savings", the Ford government has prioritized money over Ontarian's access to basic care.

In June 2018, the government took a significant step back from an attempt to get to universal pharma care. OHIP+ will now only provide free prescription drugs to Ontarians 24 and under who do not have access to such benefits. As mentioned, the program was previously open to all people in that age range. For those who are no longer eligible for OHIP+, they will likely face deductibles and co-payments, which can – for some – add up to hundreds of dollars per month. These families also face a double layer of bureaucracy to try to get these costs covered. This policy change ensures that families with the sickest kids are now hit the hardest.

Everyone should have access to essential medications – regardless of their age, where they work, and how much they earn. This principle should also extend to dental care.

With the decline in full-time and permanent work, and the corresponding increase in insecure work, fewer Ontarians have access to workplace benefits, including prescription drug coverage and dental care. One in three workers in Ontario do not receive employer-provided medical or dental benefits, and workers with low earnings are far less likely to receive benefits than those with higher earnings. In fact, more than 80 per cent of insecure jobs in Ontario do not receive any benefits including vision, dental, and prescription drug coverage.^{xxvi} As a result, workers and families are forced to delay – or bypass – essential health care. Pharma care and dental care in Ontario must therefore be universal – extending to all Ontarians.

Recommendation 52:

Allocate greater funds to provide pharma care and dental care to all Ontarians, regardless of their age, where they work, and how much they earn.

Long-term care

In Ontario, more than 78,000 people live in long-term care homes – the majority of whom are over 85, have some form of Alzheimer's disease or dementia, and mobility issues. The law dictates that for seniors in long-term care homes, only one on-site nurse is required throughout the day and two baths are mandated per week. This standard of care places Ontario last among the rest of the country. Canada fares equally poorly among countries with equivalent economies with the lowest care levels – signalling the extent to which Ontario's level of care needs to be remedied.^{xxvii}



In November 2017, the government unveiled its *Aging with Confidence* plan, which committed to four hours of hands-on nursing or personal support for seniors in long-term care homes – a commitment that the Ford government has not yet carried through.

Under the guise of "cost savings", the Ford government has prioritized money over long-term residents' care.

In November 2018, the government re-announced its intent to create 6,000 new long-term care beds – more than 80 per cent of which were established under the previous government. No additional funding was provided, and thousands of more beds are needed.

It is critical that the government invest in the public long-term care sector – not the for-profit sector. Unsurprisingly, private profit-geared interests run counter to the interests and needs of long-term care residents, families, and staff. The private sector seeks to maximize profit with as few regulations as possible, which are needed to provide accountable levels of care. The safety of long-term residents is at stake.

Recommendation 53:

Legislate at least 4 hours of hands-on care per resident per day in long-term care facilities and other standards of care for seniors.

Recommendation 54:

Allocate monies to ensure the creation of much-needed long-term beds in the public sector and ensure funding meets the corresponding demand on quality of care and staffing levels.

Child care

In Ontario, the demand for child care exceeds supply. Although nearly half of Ontario children under four require licensed care in the province, only 20 per cent have access to these programs. Among several factors, cost remains a significant barrier to access. According to a 2017 Canadian Centre for Policy Alternatives report, Toronto continues to be the most expensive city in the country for child care across all age groups with some parents paying more than \$1200 per month. Moreover, over the past three years, fees for preschoolers in Toronto have climbed faster than anywhere else in Canada – almost six times faster than inflation.^{xxviii} Comparatively, the lowest fees continue to be in cities, like in Quebec, where governments set low fees and provide consistent operational funding.

The government must work towards creating a similar model that grants greater access to child care delivered by public and non-profit child care centres with a prohibition on new for-profit centres.

Under the guise of "cost savings", however, the Ford government has prioritized money over children's safety.

In August 2018, the government lifted the for-profit maximum percentage threshold, which was intended to limit the amount of public funding that could be allocated towards for-profit child care. This policy change signals that the government does not prioritize the expansion of child care funds to the public and non-profit sectors, which have proven to provide superior quality of care compared to for-profit operations.^{xxix} Simultaneously, the government cut subsidy funding – monies allocated to municipalities to support the second year of the child care space expansion plan – from \$48 million to \$25.3 million. Subsidies support low-income families, helping them access the spaces created under the expansion.^{xxx}



Most recently, in December 2018, it was announced that the Ford government will be compromising the safety of children by relaxing restrictions that were introduced years ago after several infant deaths. The number of children allowed in home-based day care facilities will now increase:

two child care providers, for example, will be able to look after six infants or toddlers at a time, up from the current maximum of four, with the rules applying to both licensed and unlicensed caregivers.^{xxxi} These changes will make regulated child care less safe. The safety of children cannot – and should not – be conceded by any government.

The government must understand that all aspects of a child care system are interconnected. There is no access without affordability. There is no good quality child care without supporting the workforce.

Universal child care needs a vision and long-term goals, and a government that can deliver.

Recommendation 55:

Deliver a universal, publicly funded, non-profit, high-quality, fully inclusive, and affordable child care system that is rooted in professional-level wages for all child care workers.

Recommendation 56:

Allocate public dollars to expand child care in the public and non-profit sectors; place a moratorium on licensing new for-profit child care centres, and reinstate the for-profit maximum percentage threshold.

Recommendation 57:

Invest at least \$200 million for operating costs and \$500 million to build the committed 100,000 licensed spots as well as reverse cuts to subsidy funding for municipalities.

Recommendation 58:

Maintain the \$2 per hour wage enhancement grant for child care staff, which helps support staff recruitment and retention in licensed child care.

Recommendation 59:

Withdraw Bill 66, *Restoring Ontario's Competitiveness Act*, and reverse changes proposed to home-based day care facilities that will see the ratio of children to service providers increase.

Education

Education has the power to define and change a person's life.

Public education must be built on the principles of equity and inclusion and be truly accessible to all regardless of race, sex, and ability. In order to realize this vision, the public education system must be adequately resourced. In December 2018, however, the Ford government cut \$25 million in funding for school boards. As a result, nearly 100 students will be laid off from their part-time jobs at the Toronto Catholic school board. Those job losses are only the beginning. All 72 school boards across the province are being impacted by funding cuts or reductions to specialized grants.^{xxxii} In July, the Ford government canceled a \$100-million fund earmarked for school repairs, placing Ontario school boards further away from clearing its \$15.9-billion repair backlog.^{xxxiii}

The quality of post-secondary education in Ontario is also at stake. Currently, Ontario universities educate more students for less than universities in other provinces. In other words, provincial grants to Ontario universities, on a per-student basis, are the lowest in the country. To receive funding at the average



national level, universities in Ontario require upwards of an additional \$1 billion from provincial grants.^{xxxiv} Going forward, it is imperative that funding is acquired and allocated with greater public oversight. Given the far-reaching value of education in society and the economy at large, funding for universities must increase and stabilize thereafter.

Instead of properly funding schools, the Ford government is threatening to further starve universities.

Under the guise of "free speech", the Ford government has prioritized right-wing ideology over quality education.

In August 2018, the government announced that universities may face funding cuts if they do not comply with newly introduced requirements for campus free speech policies. This government has manufactured a crisis to justify interference in university governance and academic freedom for their own political purposes. In actuality, threatening to discipline students, staff, and faculty will limit their freedom of expression rights. It will create a more polarized and litigious campus environment, where community members may be discouraged from speaking up for fear of being disciplined. Furthermore, threatening budget cuts for already underfunded universities and colleges undermines academic integrity and jeopardizes student education and research quality.^{XXXV}

The government should be supporting high-quality education and research by investing in Ontario's universities instead of threatening cuts to funding.

Recommendation 60:

Clear the \$15.9 billion in backlog that Ontario's schools are facing and allocate monies to ensure that the public education system is properly funded.

Recommendation 61:

Ensure that the use of public funds or tax rebates are not used for the support of charter schools.

Recommendation 62:

Increase and stabilize university funding, ensuring transparency and accountability of funding allocation.

Recommendation 63:

Support the speech rights of students, staff, and faculty by withdrawing prescribed disciplinary measures dictated through the government's free-speech directive.

Housing

Ontarians are being crushed under soaring housing prices. According to a 2018 RBC report, Canadian housing affordability has reached its worst level in 28 years. Toronto is identified as one of the cities with the most severe challenges, and the situation is expected to further deteriorate as interest and mortgage rates rise.^{xxxvi}

Under the guise of "increasing housing supply", the Ford government has prioritized big developers over Ontario families.

In November 2018, the Ford government removed rent controls on new housing units, which will eventually force people out of their homes. Tenants will be increasingly subject to economic evictions. Landlords, for example, will likely raise rents in retaliation when tenants request maintenance or try to enforce their rights. Further, landlords will be incentivized to illegally evict tenants because they stand to



significantly profit when they force out long-term tenants – in effort to bring in new tenants at a higher price.^{xxxvii}

It is also important to note that because of unaffordable rental prices, some of these individuals will be forced to turn to social housing. The reality, however, is that Ontario has one of the largest social housing wait lists in the country: wait times are long and growing even longer. In fact, there are more people on wait lists for social housing than are currently receiving social housing benefits. Each year, only five per cent of people on the wait lists get a spot. ^{xxxviii} The lack of social housing in Ontario means that many low-income people are trapped in a housing cycle, where they will ultimately be compelled to accept unsafe accommodation, forego paying for other necessities, or become homeless.

The government must immediately introduce a comprehensive provincial social housing program that treats housing as a public utility.

Recommendation 64:

Introduce a comprehensive provincial social housing program that treats housing as a public utility and delivers it according to need.

Recommendation 65:

Develop and implement an emergency plan to build new, publicly owned social housing and to retrofit existing units as well as reinstate real rent controls on all housing units.

Recommendation 66:

Require regular, frequent, and thorough building inspections for rental housing as well as enforce firm penalties for landlords who fail to comply.

Recommendation 67:

Legislate a ban on evictions and cutting off utilities due to involuntary unemployment (e.g., strikes, lockouts, and layoffs).

Social and community services

We must eradicate poverty in our lifetime.

The lives of far too many people are on the line. 960,000 Ontarians – adults and children – are recipients of Ontario Works and the Ontario Disability Support Program (ODSP).^{xxxix}

The reality is that people receiving benefits from Ontario's social assistance programs are living in a greater depth of poverty now than a generation ago.^{xl} For women, racialized people, new immigrants, Indigenous persons, LGBTQ+ people, and people requiring accommodations, their reality is much starker.

While there is no singular measure that will eliminate poverty in Ontario, there is much to be done and quickly. This government's approach, however, will not eradicate poverty.

Under the guise of "cost savings", the Ford government has prioritized money over vulnerable Ontarians.

In July 2018, the government cut in half a scheduled 3 per cent increase to social assistance rates and made 18 other rule changes that were expected to improve the lives of people on social assistance. In November 2018, the government announced several regressive social assistance reforms. The



government has refashioned the system to limit access and force recipients into low-paying and exploitative jobs.

The government will, for example, align the definition of 'disability' under ODSP with federal guidelines. A significant portion of those currently eligible for the program – including injured workers, those with episodic disabilities, and people with certain mental health issues – will now be deemed ineligible. Furthermore, the government will increase earning exemptions while simultaneously increasing the clawback rate for both programs. This means people who work will become financially ineligible for social assistance sooner, losing critical supports like prescription drug coverage – which is increasingly unavailable from low-wage work.

The reality is that forcing Ontarians off social assistance while depressing working conditions, during a housing crisis, will not move people out of poverty – instead, it entrenches their poverty.

It is also important to recognize that the financial circumstances of social assistance recipients can often be complicated and ever-changing due to several factors, including significantly low social assistance rates. Every system that supports these recipients should be responsive to these changes and have the agility to meet existing needs. This requires the support of frontline caseworkers with manageable case load sizes.

Recommendation 68:

Support social assistance recipients by increasing social assistance rates to above the poverty line; expanding access to social assistance for all persons regardless of immigration status; stopping cuts to benefits and supports; reinstating the community start-up and maintenance benefit; providing accessible supports with dignity; and raising the minimum wage to \$15 per hour for all workers.

Pensions

Every working Ontarian deserves to retire with dignity.

Ontario continues to fall short of this goal.

Fewer and fewer Ontarians enjoy full-time, secure work with good wages and benefits. Instead, parttime, temporary, and casual forms of work have become increasingly common. The reality is that a significant portion of Ontarians find themselves with very few – if any – benefits, such as a workplace pension plan. In fact, nearly 55 per cent of those in standard employment had a pension plan in 2011 – compared to slightly more than 15 per cent of those in non-standard employment.^{xii} As a result, the enhancement to the Canada Pension Plan is necessary and long awaited for workers.

For those workers with defined benefit pension plans, they have seen unprecedented attacks on their pensions. Employers are increasingly proposing massive benefit cuts or an outright conversion to target benefit or defined contribution plans – under the guise of austerity. These other plans do not offer the traditional secure defined benefits and shift the bulk of risk from employers to workers.

It is imperative that the government protect today's workers and tomorrow's retirees. The government has a duty to create greater retirement security for all Ontarians. People should be able to enjoy an equivalent standard of living and the same quality of life during retirement. That means decent pensions, proper funding, and a strong Pension Benefits Guarantee Fund (PBGF).



Recommendation 69:

Increase PBGF coverage to \$3000 per month to reflect the inflation pressures experienced over the last three decades and ensure that it continues to be tied to inflation moving forward.

Recommendation 70:

Incorporate a consent mechanism for any reforms to solvency funding to provide plan beneficiaries with a voice in the decisions that affect them.

Privatization of public services

Current conditions, including the rise of income inequality, have been used to justify austerity and the chronic underfunding of public services as well as to set the stage for – or even accelerate – privatization.

Private ownership leads to a reduced role for government and diminishes its ability to uphold the public good (e.g., making essential services affordable, accessible, available to everyone). Government has the responsibility to prioritize the interests of the collective and the vulnerable. Once that responsibility has been renounced, it becomes increasingly difficult to ensure that those values are reflected in decisionmaking.

The privatization of Hydro One and the Liguor Control Board of Ontario (LCBO) are prime examples.

According to a 2015 report by the Financial Accountability Officer, the sale of Hydro One will lead to up to \$500 million per year in lost income for the province – an amount that is expected to increase over time.^{xiii} This means that half a billion dollars will not be invested in our schools, hospitals, roads, and other infrastructure projects each year. More importantly, under full public ownership, Hydro One was mandated to act in the best interest of the public, including undertaking important environmental conservation and climate change initiatives. Now, a privatized Hydro One has a fiduciary obligation to seek the highest profits for its shareholders, prioritizing the interests of a select few over that of the collective.

Over the last few years, governments have begun taking greater steps towards selling wine and beer in Ontario grocery stores. With a significant amount of alcohol now being sold outside of the LCBO, upcoming sales – and the government's profits – are expected to be negatively impacted. This means that there will be less money for the government to pay for public services; reduced social responsibility in terms of the sale of alcohol; and higher health and social costs with the increased availability of alcohol.

Under the guise of "increased competitiveness", the Ford government has prioritized money over public safety and health.

In October 2018, the government passed the *Cannabis Statute Law Amendment Act*, which dramatically shifts the manner in which Ontarians have access to recreational cannabis.⁷ Research shows that jurisdictions with a public monopoly on alcohol sales are less likely to experience alcohol-related harm than those with private retail systems."xliii It is undeniable that this logic should also extend to the sale of recreational cannabis – which like alcohol, is not a benign substance.^{xliv} For instance, the controlled sale of alcohol in Ontario has been rather successful in upholding ideals of public health and public safety - namely in preventing sales to minors, intoxicated adults, and those purchasing for either party. In fact, social responsibility is an integral part of the LCBO's mandate and is reflected in the training and

⁷ For more information and recommendations, please refer to the OFL's 2018 submission on the Cannabis Statute Law Amendment Act.



experience of LCBO staff. These frontline workers provide an effective means of regulating consumption and minimizing harm.

It is also important to acknowledge that the ongoing push for privatization has a disproportionate impact on equity-seeking workers and families across our communities. The role of public investment and the delivery of public services is fundamental to building an equitable and prosperous society. The disturbing trend towards privatization must stop.

Recommendation 71:

Halt the privatization of public assets in the provincial sector, including Hydro One, Ontario Lottery and Gaming, the Liquor Control Board of Ontario as well as Ontario's health care, education, and infrastructure systems.

Recommendation 72:

Deliver the sale of recreational cannabis through a publicly owned operation – one that is guided by policy objectives of public health and public safety as well as predicated on decent jobs.

Recommendation 73:

Make specific and targeted infrastructure investments in Northern Ontario, where residents continue to face significant barriers to accessing high-quality public services.

Climate Change

Time is running out to take steps to keep the planet inhabitable.

Today's children, and their children, will live with the consequences of climate change – with the consequences of our actions. It is a reality that they have inherited.

To sustain the planet for future generations, it is important to examine how Ontarians live their daily lives and the impact they have on the environment. What they consume and produce, where they live, how they move from place to place, and how they spend their time – these factors contribute to their personal and the collective carbon footprint.

Under the guise of "cost savings", however, the Ford government has prioritized money over a healthy planet.

Since June 2018, the Ford government has canceled all programs that were funded by the \$2.9 billion in revenues amassed through the cap-and-trade program – including school and social housing repairs as well as rebates for green energy retrofits. They have also exited the cap-and-trade program and canceled 752 renewable green energy contracts. In November 2018, the government eliminated the position of Environmental Commissioner of Ontario⁸, which informs and empowers Ontarians to effectively exercise their legal rights under the Environmental Bill of Rights, safeguarding the environment, public health, and public safety. In that same month, they also announced their climate change plan, which lowers greenhouse gas emission targets and provides less funding to help families and businesses reduce their

⁸ The position of Environmental Commissioner of Ontario was eliminated through the *Restoring Trust, Transparency, and Accountability Act* – along with other independent officers of the Legislative Assembly (i.e., the French Language Services Commissioner and the Provincial Advocate for Children and Youth.



carbon footprint. This is not to mention that rather than imposing a price on carbon pollution as a cost of doing business, the government is shifting the burden to taxpayers by forcing them to subsidize big business.

Climate change is not simply an environmental issue. It is linked to people, their communities as well as local and broader economies.

It is important to understand that climate change must be tackled with fairness and equity. Not all communities and peoples are impacted equally. Those who suffer the most from climate change have the least control over their surroundings. Environmental racism is real: racialized people live in closer proximity to environmental burdens, such as polluting industries and waste disposal sites, than non-racial people.

A just transition towards a low carbon economy is possible, but the government must ensure that such a shift sustains decent jobs and livelihoods for all. Workers in carbon-intensive industries must be supported when their jobs are being changed or eliminated. Workers need a voice in decision-making and in retraining. They also need income bridging and unemployment benefits as well as community investment in the creation of good green jobs. Climate action can be a driver for sustainable economic growth and social progress.

Recommendation 74:

Address climate change and deliver carbon reduction programs in a manner that also produces additional social and economic community benefits (e.g., supporting decent jobs, poverty reduction, public health as well as addressing issues of climate justice and environmental inequities).

Recommendation 75:

Ensure effective just transition policies are in place for workers and communities by mandating the implementation of joint environment committees in the workplace with meaningful roles and by launching a green economic development strategy that leverages the potential ensuing job growth in the future.

Conclusion

The Ontario Federation of Labour is hopeful that the preceding recommendations help inform the development of the 2019 budget and shape the government's upcoming legislative agenda.

The 2019 budget provides a pivotal opportunity for the government to change course and do right by Ontarians – now and for generations to come.

It is time that the Ford government prioritize the people of this province.

People first.



Summary of Recommendations

Working Conditions

Employment Standards

Recommendation 1:

Reintroduce the \$15 general minimum wage and eliminate its corresponding exemptions, including for liquor servers and students.

Recommendation 2:

Reintroduce ten days of job-protected leave for all workers – with seven of them paid and without a requirement for workers who are sick to provide a medical note.

Recommendation 3:

Reintroduce equal pay for equal work standards, provide greater enforcement, and remove loopholes.

Recommendation 4:

Reintroduce the scheduling rules that were slated to begin in 2019.

Recommendation 5:

Reintroduce the onus on employers to prove that a worker is not considered a worker, for the purposes of the ESA.

Labour Relations

Recommendation 6:

Provide access to workplace information when a union demonstrates that it is engaged in a bona fide organizing drive.

Recommendation 7:

Extend card-based certification to all sectors, including to recently repealed areas: the building services; home care and community services; and temporary help agencies industry.

Recommendation 8:

Streamline the process for remedial certification, making it easier to certify a union when the employer has contravened the LRA.

Recommendation 9:

Provide automatic access to first contract arbitration in all cases, including remedial certification.

Recommendation 10:

Extend successor rights to all contracted services.



Recommendation 11:

Remove the six-month restriction on the right of employees to return to work following a lawful strike or lockout.

Strikes

Recommendation 12:

Stop meddling in the collective bargaining process, namely by introducing back-to-work legislation and allowing the use of replacement workers during strikes and lockouts.

Young Workers

Recommendation 13:

Eliminate tuition fees for all post-secondary students and remove interest on existing student loans.

Recommendation 14:

Allocate funding to ensure that all students can access meaningful and paid work-integrated learning opportunities.

Women Workers

Recommendation 15:

Introduce an economic justice strategy that promotes women's meaningful participation in the workforce, particularly in non-traditional fields of employment; recognizes the care penalty imposed on women in female-dominated employment for its labour market value rather than its traditional value; and improves access to education and training, child care, and other services so women can better balance work and family responsibilities.

Recommendation 16:

Provide funding to support the national inquiry into missing and murdered Indigenous women and girls as well as ensure that the process reflects and supports the needs of Indigenous women, girls, and their communities.

Recommendation 17:

Implement the Pay Transparency Act with greater enforcement and prescriptive provisions.

Violence against Women

Recommendation 18:

Develop a comprehensive action framework to end violence against women in all forms with a focus on prevention, supports, and services – including boosting funding for women's shelters.

Recommendation 19:

Extend paid leave to ten days for survivors of domestic and/or sexual violence.

Recommendation 20:

Reassemble Ontario's provincial roundtable on violence against women and flow promised funding increases to Sexual Assault Centres.



Workers of Colour

Recommendation 21:

Assign greater funding to the Anti-Racism Directorate, ensuring that it can carry out its mandate to advance racial justice throughout Ontario, and reassemble the four subcommittees.

Recommendation 22:

Direct the Anti-Racism Directorate to work alongside the Ministry of Labour in applying an equity lens on employment conditions in Ontario and tackle the economic and employment disparities facing racialized workers in Ontario.

Recommendation 23:

Establish the Anti-Racism Secretariat as well as the Equity in Employment Secretariat, ensuring both are adequately resourced to ensure the implementation of mandatory legislation and programs.

Recommendation 24:

Amend legislation, including the Ontario Human Rights Code, to eliminate barriers to open and transparent hiring and promotion practices in all workplaces.

Recommendation 25:

Introduce policies – in consultation with the labour movement and community organizations – that oppose systemic racism and violence targeted towards Indigenous, Black, Islamic, and Semitic communities through policing: eliminate, in its entirety, the practice of carding; and review the practices of the Special Investigations Unit in close consultation with impacted communities and families.

Indigenous Workers

Recommendation 26:

Invest in the prosperity of Indigenous peoples by addressing basic human rights issues related to, but not limited to, access to clean water, shelter, high-quality education, and food security – in collaboration with the Chiefs of Ontario, and the Métis Nation of Ontario.

Recommendation 27:

Adopt the 94 recommendations outlined by the Truth and Reconciliation Commission in its entirety – including resuming the creation of curriculum for students in elementary and secondary school on residential schools, Treaties, and Indigenous peoples' contributions to Canada.

Recommendation 28:

Acknowledge and act on the government's fiduciary responsibility to restore Indigenous peoples and their families to a state of health and wholeness.

LGBTQ+ Workers

Recommendation 29:

Introduce a comprehensive strategy to end violence against LGBTQ+ workers, particularly those that identify through an intersectional lens, in their communities and at work.



Recommendation 30:

Reinstate the inclusive and modernized 2015 health and physical education curriculum, which empowers students to understand consent and healthy relationships; recognizes same-sex marriage, gender identity, and gender expression; and addresses sexism, homophobia, and transphobia.

Workers with Disabilities

Recommendation 31:

Introduce public programs – in consultation with the labour movement and community organizations – that break down barriers for workers requiting accommodations and integrate persons with disabilities into every aspect of society, including every workplace in Ontario.

Recommendation 32:

Establish the Disability Rights Secretariat, as outlined in legislation that passed over a decade ago.

Injured Workers

Recommendation 33:

Ensure that every worker in Ontario has universal access to workers' compensation.

Recommendation 34:

Expand funding for the prevention of occupational injury, illness, and disease in order to build safer workplaces.

Recommendation 35:

Abolish the WSIB's unfair practice of deeming: return to a system where benefits are based on a pre-existing impairment (i.e., prior to a workplace injury) and craft a clear policy that prioritizes and respects the evidence put forward by medical professionals.

Recommendation 36:

Eliminate experience ratings in all its forms and ensure that health and safety is included in setting employer premiums.

Safe and Healthy Workplaces

Recommendation 37:

Legislate, in the event of a workplace death, that criminal negligence by the employer become a routine part of the investigation and negligent employers are jailed for killing workers.

Recommendation 38:

Implement a zero-tolerance policy for asbestos-related violations in building regulations as well as mandate that information related to the type of asbestos-containing material and its location in public buildings be posted online and made publicly accessible.

Recommendation 39:

Introduce a mandatory accreditation program – through the Workers Health and Safety Centre – that collaborates with workers and exceeds the minimum standards required to make meaningful improvements for workers' health and safety.



Recommendation 40:

Strengthen protections for temp agency workers through stronger equal pay for equal work legislation; the conversion of temp agency workers to permanent workers of the client company after a total of three months; and the determination of client companies as the employer for legal purposes.

Recommendation 41:

Toughen protections for migrant workers through the introduction of an Ontario Migrant Workers' Bill of Rights – which includes legislative changes that will establish a registration and licensing system for employers and recruiters; provide the financial and human resources needed for proactive enforcement; ensure that human and labour rights are protected; and close loopholes on return-to-work policies.

Recommendation 42:

Withdraw Bill 66, *Restoring Ontario's Competitiveness Act*, and reverse changes proposed to reclassify employers, so they can avoid hiring well-trained unionized workers for public infrastructure projects.

Peace and Inclusion

Recommendation 43:

Act with urgency to develop comprehensive approaches – in collaboration with the labour movement and community groups – that address hate and neutralize the impacts of xenophobia, white supremacy, Islamophobia, anti-Semitism, anti-Black and anti-Indigenous racism, and racism in all its forms.

Recommendation 44:

Declare Ontario as a sanctuary for those workers and families deported and treated negatively by policies of exclusion.

Income Inequality

Taxation

Recommendation 45:

Ensure that big corporations and the wealthy pay their fair share of taxes.

Public Services

Recommendation 46:

Establish and strengthen access to various universal public services and social programs, including pharma care, dental care, child care, housing, primary and secondary education, post-secondary education, social and community services, and public pensions.

Recommendation 47:

Allocate monies to adequately fund the public services Ontarians depend on, including health care, pharma care, dental care, child care, housing, primary and secondary education, post-secondary education, social and community services, and public pensions.

Health care



Recommendation 48:

Increase hospital funding by 5.3 per cent each year – a rate that will protect service levels, stop the cuts, and rebuild capacity in our local public hospitals.

Recommendation 49:

Protect, strengthen, and uphold Ontario's – and Canada's – Medicare laws by stopping the privatization of the health care system.

Recommendation 50:

Declare a moratorium to stop the closures of local hospitals, consolidation of local services, and the mega-mergers of local public hospitals.

Recommendation 51:

Reinstate the \$335 million per year cut from mental health services.

Pharma and dental care

Recommendation 52:

Allocate greater funds to provide pharma care and dental care to all Ontarians, regardless of their age, where they work, and how much they earn.

Long-term care

Recommendation 53:

Legislate at least 4 hours of hands-on care per resident per day in long-term care facilities and other standards of care for seniors.

Recommendation 54:

Allocate monies to ensure the creation of much-needed long-term beds in the public sector and ensure funding meets the corresponding demand on quality of care and staffing levels.

Child care

Recommendation 55:

Deliver a universal, publicly funded, non-profit, high-quality, fully inclusive, and affordable child care system that is rooted in professional-level wages for all child care workers.

Recommendation 56:

Allocate public dollars to expand child care in the public and non-profit sectors; place a moratorium on licensing new for-profit child care centres, and reinstate the for-profit maximum percentage threshold.

Recommendation 57:

Invest at least \$200 million for operating costs and \$500 million to build the committed 100,000 licensed spots as well as reverse cuts to subsidy funding for municipalities.



Recommendation 58:

Maintain the \$2 per hour wage enhancement grant for child care staff, which helps support staff recruitment and retention in licensed child care.

Recommendation 59:

Withdraw Bill 66, *Restoring Ontario's Competitiveness Act*, and reverse changes proposed to homebased day care facilities that will see the ratio of children to service providers increase.

Education

Recommendation 60:

Clear the \$15.9 billion in backlog that Ontario's schools are facing and allocate monies to ensure that the public education system is properly funded.

Recommendation 61:

Ensure that the use of public funds or tax rebates are not used for the support of charter schools.

Recommendation 62:

Increase and stabilize university funding, ensuring transparency and accountability of funding allocation.

Recommendation 63:

Support the speech rights of students, staff, and faculty by withdrawing prescribed disciplinary measures dictated through the government's free-speech directive.

Housing

Recommendation 64:

Introduce a comprehensive provincial social housing program that treats housing as a public utility and delivers it according to need.

Recommendation 65:

Develop and implement an emergency plan to build new, publicly owned social housing and to retrofit existing units as well as reinstate real rent controls on all housing units.

Recommendation 66:

Require regular, frequent, and thorough building inspections for rental housing as well as enforce firm penalties for landlords who fail to comply.

Recommendation 67:

Legislate a ban on evictions and cutting off utilities due to involuntary unemployment (e.g., strikes, lockouts, and layoffs).

Social and community services

Recommendation 68:

Support social assistance recipients by increasing social assistance rates to above the poverty line; expanding access to social assistance for all persons regardless of immigration status; stopping cuts to benefits and supports; reinstating the community start-up and maintenance benefit; providing accessible supports with dignity; and raising the minimum wage to \$15 per hour for all workers.



Pensions

Recommendation 69:

Increase PBGF coverage to \$3000 per month to reflect the inflation pressures experienced over the last three decades and ensure that it continues to be tied to inflation moving forward.

Recommendation 70:

Incorporate a consent mechanism for any reforms to solvency funding to provide plan beneficiaries with a voice in the decisions that affect them.

Privatization of public services

Recommendation 71:

Halt the privatization of public assets in the provincial sector, including Hydro One, Ontario Lottery and Gaming, the Liquor Control Board of Ontario as well as Ontario's health care, education, and infrastructure systems.

Recommendation 72:

Deliver the sale of recreational cannabis through a publicly owned operation – one that is guided by policy objectives of public health and public safety as well as predicated on decent jobs.

Recommendation 73:

Make specific and targeted infrastructure investments in Northern Ontario, where residents continue to face significant barriers to accessing high-quality public services.

Climate Change

Recommendation 74:

Address climate change and deliver carbon reduction programs in a manner that also produces additional social and economic community benefits (e.g., supporting decent jobs, poverty reduction, public health as well as addressing issues of climate justice and environmental inequities).

Recommendation 75:

Ensure effective just transition policies are in place for workers and communities by mandating the implementation of joint environment committees in the workplace with meaningful roles and by launching a green economic development strategy that leverages the potential ensuing job growth in the future.



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2019 Pre-budget Submission to the Standing Committee on Finance and Economic Affairs January 2019 | Ontario Federation of Labour

The Ontario Federation of Labour (OFL) represents 54 unions and one million workers. It is Canada's largest provincial labour federation.

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