

The OFL Action Plan: For A New Activism And A People's Charter As Amended December 5, 2001

Introduction

In June 1999, the Conservative Government was re-elected for a second mandate with 45% of the vote. Far from slowing its frenzy of destructive activity, it has continued throughout its second mandate. Supported financially and politically by a narrow group of right-wing elites from the business world, this government seeks to turn back the clock and destroy the impressive social, economic and political gains that working people in Ontario have won over the past fifty years of struggle.

Since 1999, the so-called Common Sense Revolution, actually a counter-revolution, has continued its headlong rush to provide the wealthy with tax cuts, dismantle Ontario's public services, reduce the role of government itself, and foster privatization and its companion deregulation. Central to this attack are highly regressive changes to labour legislation making it harder for trade unions to function and organize the unorganized. The government's further intention, should it prove politically possible, is to remove the financial basis of trade unions through the elimination of the Rand Formula (dues check-off).

But their legislative agenda extends beyond employment legislation. It has driven our health care system into chaos, severely disrupted public education, gutted health and safety protections, and removed rent controls, negatively affecting thousands of working people. On the streets of our major

cities, there is more homelessness and poverty than ever before. Beginning with its first term in office, the Conservative Government attacked equity - the confrontation was immediate, the changes and cuts were deep. In its second term, the government has continued its erosion of equity, not so much through legislation as by stealth. As seen throughout this document, the government has introduced changes in policy, regressive regulations and further cuts to funding. What remains of equity legislation is rarely enforced.

The government's further aim is to privatize everything from home care to universities to reduce the role of government itself. The unfettered, unregulated market with its extremes of wealth and poverty, of power and powerlessness, continues to be seen by the Tories as the be-all and end-all of economic activity no matter the human costs. This is what provides the coherence to their anti-worker policies.

Now it's time for an alternative!

It's time for our agenda!

It's time to organize and involve more members!

It's time to mobilize Health and Safety activists!

The action plan in this paper has two major components.

First, it calls for the launching of a new activism in Ontario's labour movement.

- We intend to put in place a province-wide Solidarity Network of union activists who can be mobilized quickly to come to the aid of workers who are under attack.
- We will strengthen our labour councils by increasing local union affiliation and increase participation in this essential work in communities across Ontario.
- We will make a renewed commitment to build an equitable and just society ensuring that we strengthen and support the mobilizations of equity activists across the province.
- We will mobilize our province-wide network of health and safety activists to do whatever it takes to regain effective enforcement of the right to refuse unsafe work and the right to be informed about new toxic substances in the workplace.
- We will make a renewed commitment to organize the unorganized and to bring the benefits of free collective bargaining to the two-thirds of Ontarians who lack the protection of a union.

Second, this policy paper calls for the development of a People's Charter. The core principles of this People's Charter are set out in the Action Plan at the end of this document. These principles concern the expansion of democracy, of justice and equality, of people's individual and social rights and the extension of public services. This Charter will be developed through an intensive process of dialogue over the next 12 months. It needs to occur all across the province in our workplaces, in our schools and in our communities. The intention is to

build a consensus that would speak to the needs of Ontarians and inspire them to come together and support its principles.

The material between this Introduction and the Action Plan provides the rationale, the evidence, as to why we need to re-energize our movement. We need to engage our membership and expand our work with a wide range of community coalition groups to develop an alternative platform and vision to that of the government and their business sponsors. These pages document the government's record on labour legislation, education, poverty and homelessness, health care and more. They are examples only. As examples they are not meant to be comprehensive. Volumes could be written about the unfair and regressive legislative agenda of the Conservative Government and its harsh impact on working people.

This next section is, therefore, limited to showing only some of the key legislative changes of the Conservative Government since its re-election in 1999. The People's Charter will put in place an alternative to all the years of harmful policies and legislation that the Conservatives imposed on the citizens of Ontario.

Labour Legislation

Prior to the last OFL convention in 1999 and the re-election of the Conservatives, we found that one of the first moves by the Tories was to repeal all the progressive reforms made by the previous government (Bill 40). By October 4, 1995, the Conservative Government introduced the *Labour Relations and Employment Statute Law Amendment Act, 1995* (Bill 7) which not only repealed all of the over 60 amendments contained in the NDP government's labour law reforms but, in addition, made the provisions governing

certifications more restrictive, thereby making organizing the unorganized workers more difficult and the rules concerning decertifications easier in the hope that more people would abandon their union.

Prior to 1999, we also saw the passage of a whole range of legislation such as the *Savings and Restructuring Act* (Bill 26) followed in 1996 with restrictions on the powers of boards of arbitrators' ability to make awards. Bill 136, the *Public Sector Transition Stability Act*, called for the direct government appointment of Commissions to rule on the contents of collective bargaining agreements and took away the right to strike.

Ontario's labour movement mobilized against this Bill as never before and following a special OFL convention and strike votes in local after local across Ontario, Bill 136 was gutted. The two proposed Commissions were eliminated entirely and the restrictions on the right to strike were removed. As an added bonus, the Ontario Government in Bill 136 tried to let itself and broader public sector employers off the hook for payments under the *Pay Equity Act* by eliminating the proxy method, but this was later re-instituted by the successful SEIU Charter challenge. The government's response, upon being forced to reinstitute proxy, was to refuse ongoing funding for the necessary adjustments.

A coalition of unions are bringing forward a second Charter challenge to force adequate funding. Bill 31, known as the Wal-Mart Bill, stripped the Ontario Labour Relations Board (OLRB) of the authority to order a certification where employer interference during an organizing drive grossly violated the law.

Since 1999, the government has continued its assault by attacking the building trades unions with Bill 69. This Bill represents an

unprecedented attack on the union rights of Ontario construction workers. It allows a group of big, powerful general contractors to decertify collective agreements of certain trades outside of Toronto. The amendments went so far as to allow employer groups to apply for arbitration, not for purposes of contract settlement, but rather to open up legally signed collective agreements and lower the rates and working conditions should such prove to be a "competitive disadvantage" with non-union contractors.

Bill 69 further intervenes in ICI (Industrial, Commercial, Institutional) agreements to undermine the independence of the union hiring hall. In residential construction, strikes are outlawed outside a narrow 45-day window every three years.

Bill 139, the Orwellian title of the *Workplace Democracy Act*, was rammed through the Legislature without public hearings in December 2000. It imposes further restrictions on the certification process. Where a certification application is withdrawn or a representation vote is lost, there cannot be another certification application for twelve months. In contrast, no such restrictions were placed on decertification votes.

This Bill also requires every unionized company to provide all their employees, individually, with information on how to get rid of their union. Information on how to decertify a union also must be posted in the workplace. The unfairness of this requirement is blatantly obvious as there is no requirement to inform unorganized workers how to go about gaining union protection.

In the hopes that newly organized workers will vote against striking even if they don't like the first contract offer from the

employer, the Bill requires separate votes on ratification of a proposed settlement and a strike on the first contract. Hence, the real possibility now exists that newly unionized workers will vote against a contract offer they believe to be inadequate, but yet feel too intimidated to go on strike and, therefore, vote against such action leaving collective bargaining in limbo and more time for employers to campaign against the union.

At the same December 2000 sitting of the Legislature that the government rammed through Bill 139, the *Workplace Democracy Act*, it also forced the passage of the *Employment Standards Act, 2000*. This Bill turns the worker protection clock back over 50 years by effectively replacing the 48-hour work week with a 60-hour work week. Overtime, which was paid after 44 hours in one week, is now averaged over four weeks, meaning an employee would have to work over 176 hours to receive any pay at time and one-half. While worker agreement is supposed to be obtained, the reality is that vulnerable non-union workers are powerless to say no.

While minor improvements were made in maternity leave and emergency leave provisions, (10 days of unpaid leave in workplaces of 50 employees or more), further take-a-ways such as vacations one day-at-a-time or making retail employee agreements to work on Sunday no longer revocable, makes the whole package of standards decidedly worse than ever before - particularly for women workers and workers of colour who are the majority of those covered by the *Employment Standards Act*.

The Mega-Tribunal

In concluding our brief overview of the major legislative assaults on workers and their unions, one further issue is worth

mentioning - namely the government's proposal for a mega-tribunal. Without any consultation or forewarning, the government announced that it intended to shoehorn all administrative and labour tribunals including the OLRB, Workplace Safety and Insurance Appeals Tribunal (WSIAT) and Pay Equity Commission into one mega-tribunal. In so doing, the current positions of both management and labour sidespeople would come to an end enabling the government to hire whom it pleased for the new mega-tribunal.

The opposition to this proposal was such that by mid-June, the government abandoned it. While the threat to the independence of quasi-judicial tribunals remains, the government was knocked off its course of trying "to seize control of the collective bargaining process."

Organizing

These harsh legislative changes have had negative repercussions, both in terms of our ability as trade unionists to successfully represent our members and in terms of our ability to organize non-union workers who want to unionize. Nowhere is this clearer than in the annual organizing or certification figures produced by the Ontario Labour Relations Board.

In 1993-94 and 1994-95 during the NDP labour law reforms, together with renewed commitment and increased union resources, the number of newly organized workers increased to 25,789 (1993-94) and then to 32,116 (1994-95). This surpassed the minimum number of newly organized workers needed - 30,000 - to maintain the percentage of unionized workers in Ontario (see OFL, Document 1, *Organizing in a Cold Climate*, November, 1997). Following the repeal of the NDP labour law reforms

the number of certifications fell back to their previous lower levels.

Last year's certification figures (1999-2000) show only 19,763 unorganized workers certified. This continues the significant decline in certifications since the Conservatives took office. This number is far below what is necessary to even maintain unionization rates which have now slipped significantly. Indeed, the union membership density rate in Ontario has now fallen to 26% (January to June, 2001). Virtually all of this decline has been in the private sector where the percentage of the unionized workforce is now down to 18%.

Further, the success rate for certifications has fallen. If we look at the percentage of newly certified bargaining units that secured a first collective agreement between 1992 to 1995, the success rate was 78.6%. If we examine the success rate between 1996 to 2000, we find that the success rate has dropped to 53.4% (Office of Collective Bargaining Information, Ministry of Labour). This is a very significant decline in the success rate.

At the same time, recent polling shows that virtually 40% of non-unionized workers desire union protection. The majority of these workers are women, youth and people of colour.

There is no doubt that we face the challenge of restoring and enhancing the legislation which governs collective bargaining and employment standards in a way that allows union protection for all that desire it. But while we must continue to fight against regressive labour laws and for progressive legislation, we cannot just wait for some future government to enact new progressive labour laws that would make organizing easier. That could take far too long. With

increased solidarity and resources, we need to escalate our organizing efforts immediately. As with the erosion of our numbers comes the erosion of our influence for progressive social change.

Education

In July 1995, Tory Minister of Education John Snobelen publicly stated his intention to "invent a crisis" in Ontario's education system. The Ontario Conservative Government has spent the past six years creating just that crisis by systematically dismantling the publicly funded education system piece by piece. It has undermined and under funded education at every level and set the conditions in place for the system to fail.

Using figures tabled by the Ministry of Education, an Ontario Alternative Budget study has documented that funding for public and separate schools, on a real per student basis, (that is, adjusted for population growth and inflation), has been cut by nearly \$2.3 billion since 1995. Overall, Ontario's spending on elementary and secondary education has been cut by \$1200 per child. The study also put the lie to the government's claim that it has equalized funding across the Province. Since 1997, "winner" boards gained \$87 million. "Loser" boards have lost just over \$1 billion under the new Tory funding formula. The 1997 Harris funding formula has served as the smokescreen for a massive cut in funding for Ontario's schools, again to pay for their tax cuts. The formula has also had an impact on school-based child care centres with a number of them being forced to close.

Both during this period and since 1999, the government has gradually starved school boards into contracting out and various forms of corporate involvement. It has

caused chaos in the system through its funding formula and school board restructuring, not to mention the hasty and under-resourced new curriculum, standardized tests and new report cards. It has wrecked havoc with the post-secondary system through chronic under-funding, the deregulation of tuition fees, and the introduction of private universities. It has consistently hammered education workers throughout the system, causing an all-time low in staff morale and an all-time high in labour unrest.

The agenda of this government is now obvious. It is to increasingly privatize the education system of Ontario and open it up to profit-making opportunities for their corporate friends. The privatization agenda became blatantly clear when the Tories passed legislation last spring giving tax breaks to parents who send their children to private schools. Although at this time the full impact of the General Agreement on Trade in Services (or GATS) and other international trade agreements on education is unclear, these agreements will most certainly serve to further entrench that privatization.

Bill 74, the *Education Accountability Act*, introduced in May 2000, attempted to further define instructional time for secondary teachers by defining eligible courses and requiring secondary teachers to teach 6.67 eligible courses per week. Before 1997, the *Education Act* set the instructional time for students. The allocation of instructional time for teachers open to negotiations - indeed, instructional time and preparation time were often central issues at the bargaining table. Bill 160, introduced in the Fall of 1997, defined the minimum instructional time for teachers - 1300 minutes per week for elementary teachers

and 1250 minutes per week for secondary teachers.

Bill 74 also set class size for the primary grades (1-3) at an average of 24 on a school board wide basis. The average for all elementary (k-8) is not to exceed 24.5. The average for secondary schools on a board wide basis is not to exceed 21. This was later modified to allow boards to increase the average for secondary schools to 22. Again, this was a further refinement of provisions introduced in 1997 in Bill 160 wherein class size for elementary schools had been set at 25 and for secondary schools at 22.

Finally, school boards were stripped of their autonomy. The Minister is given absolute powers to enforce provincial laws on curriculum, class size, extracurricular activities, teaching time and budgets. The curriculum needs major change, given the government's dictates. For example in the history curriculum the internment of Japanese Canadians during World War II has been omitted. Further, the government has held back distribution of an anti-hate guidebook for teachers and principals written by the B'Nai Brith League for Human Rights. School board trustees who don't knuckle under can now be fined \$5,000 and thrown out of office.

In Bill 80, the *Stability and Excellence in Education Act*, June 2001, the government further interfered with free collective bargaining for teachers by specifying the term of all future collective agreements. All agreements are to expire on August 31, 2004. All subsequent agreements will have a term of three years. School boards and education workers are further constrained in their ability to bargain; school boards are no longer able to raise revenue and key

working conditions are now set by legislation.

Further, Bill 80 forces teachers to recertify every 5 years. If they don't, the Minister says they will be fired. The government-appointed Education Relations Commission can now rule on whether they believe a strike of school support workers has put the student school year in jeopardy and, if so, unilaterally halt the work stoppage by ordering the strikers back to work. Despite the ferocity of the government's assault, teachers, secretaries, custodians and other educational workers have continued to resist by conducting public campaigns and going on strike for their working conditions and to keep services in schools. Their resistance has paid off. The government backed down on mandatory extra-curricular activities by repealing sections of Bill 74. The government also backed down on the definition of instructional time and maximum class size, once again, modifying the provisions of Bill 74 and showing that determined protest is worth it.

Colleges and Universities

Even before 1999 Ontario funding to post-secondary education, on a real per student basis, was cut by 17%. This represents a real dollar reduction of \$1,307 per student. Tuition fees have escalated by over 60%. Student fees now account for 35% of university operating costs and the average student debt load is now a crushing \$25,000.

As we move deeper into the 'knowledge economy', the barriers to post-secondary learning are getting higher and higher. In April 2000, the government passed Bill 132, the *Post-Secondary Education Choice and Excellence Act*, which legalized private universities and allowed private colleges to offer degrees.

In January 2001, the final *Report of the Investing in Students Task Force*, established by the Harris Tories, recommended the decentralizing of community college collective bargaining over the objections of college employees and their union, as well as measures to promote more corporate influence in public universities.

Tax Support for Private Schools

In the 2001 Ontario budget, buried as a minor tax change, came the biggest change in Ontario education policy in 150 years. The government announced that it intended to give tax support to private schools. This policy reverses a tradition that pre-dates Canadian Confederation (1867). From then until now, public dollars went only to public schools.

The new tax grant for private schools goes directly to parents as an annual subsidy of up to \$3500 per child. It will cost all taxpayers \$300 million a year to finance the private privilege of private schools. And worse, every time a child switches from a public school to a private school, the public school budget will be cut by \$7000 as the public school loses the provincial grant for that child.

The Ontario Secondary School Teachers' Federation (OSSTF) has estimated that if only 15% of parents switch to the new tax-financed private schools, it would take 300,000 children out of the public system. They calculated the cost: \$7000 per pupil grant X 300,000 students equals \$2.1 billion. Add to this the \$3500 tax grant for these same students in private schools, for another hit of \$1.5 billion. The total cost to the Ontario public school system could be as high as \$3.15 billion a year!

In our view, no public money should subsidize private choices.

Our vision of the education system is markedly different than that of the Conservatives. It needs full discussion with many interested parties to be fully elaborated, but we are confident of our starting points.

We desire an education system that is universally accessible and publicly funded. Private schools should not be supported by public dollars, and charter schools and voucher programs have no place in the publicly funded system.

A quality public system must receive adequate funding at every level. There should be no contracting-out of services and no commercial influence or private control in schools, colleges or universities. User fees for school programs and materials should be eliminated and we should discuss amongst ourselves and with community education groups whether tuition fees at the post secondary level could be significantly lowered, if not eliminated altogether, as in many European jurisdictions.

Every student in an Ontario classroom has a right to qualified, certified teachers with access to adequate professional development and resources and not relegated to constant fund-raising for essentials such as text books and paper. All students should also have the right to quality programs and curricula that reflect the contributions made by all groups in Canadian society and reflect an anti-racist, anti-sexist, anti-homophobic and anti-violence philosophy. Students, teachers and other education workers have a right to study and work in schools that are safe, healthy and free from harassment. They should also have a curriculum that contains

a pluralism that is inclusive of a working class perspective.

Many times, the Ontario Conservatives have been told of legislative needs when disasters have occurred. As an important example, we note with sadness the death of Myles Neuts. Myles died at school after being found hung from a washroom coat hook. The inquest into his death found that other students have died in a similar manner across Canada. The inquest recommended that the Ministry of Education create an information technology system so that mandatory reporting of all serious violent incidents and safety issues can be disseminated to all school boards and schools in Canada. This would be a huge victory in providing a safe, happy, learning environment for children.

This overview is not meant to pre-empt debate, but rather to set a basis for further discussion and the elaboration of a more complete program in the People's Charter. Further evidence and analysis can be obtained in the OFL report, *The Privatization of Ontario's Education System: 1995-2001*.

Health And Safety

Immediately upon their election, the Tories began to dismantle the occupational health and safety system in Ontario. They started by closing the joint labour/management Health and Safety Agency. They continued their attack by eliminating the Joint Steering Committee on Hazardous Substances in the Workplace, the Occupational Disease Standards Panel, the Ministry of Labour Occupational Health Laboratory, the Air Quality Assessment staff and other occupational health specialists. The list goes on. Each of these closings and changes have been the subject of earlier discussions,

protests and policy papers. Despite this, the government has continued with its destructive activity.

In May, 2001, they passed Bill 57, the *Government Efficiency Act* which amends the *Occupational Health And Safety Act* (OHSA). Ever since it was established, the Tory Red Tape Commission has been calling for “reform” to the right to refuse unsafe work under OHSA. By “reform”, they mean the watering down of this provision or, if possible, its virtual elimination.

In Bill 57, it has finally happened. Bill 57 is disguised as a simple ‘housekeeping’ amendment with ‘simple’ administrative changes. Section 43 of OHSA has now been changed. The requirement that a Ministry health and safety inspector investigate work refusals at the workplace has been scrapped and the inspector is now allowed to investigate over the phone without visiting the site.

This goes to the heart of the Internal Responsibility System, the basis of OSHA since it was passed more than 20 years ago. The Inspectors’ on-site inspection was the way that disputes over work hazards got resolved. The Inspector’s ruling prevailed. By turning the inspector’s role into the farce of a phone call, the right to refuse is now close to meaningless.

Bill 57 goes even further by repealing Section 34, the section that requires employers to notify the Ministry whenever a new chemical or biological agent is introduced into an Ontario workplace, and to give details about the ingredients of the new substance. This eliminated the only government obligation specified in the *Act* to ensure that the health of workers was

protected when new chemicals or biological agents are introduced for the first time.

Finally, the use of regulations under the OHSA to enforce compliance will be replaced by “codes of practice.” The huge difference is that codes of practice do not have the force of law. Unlike a regulation, a code is not legally enforceable.

These measures taken together have destroyed the administration of the OHSA. The Internal Responsibility System, weak to begin with, has been dealt a deathblow. Only concerted action in the workplace, backed up by the support of the whole labour movement, can compel the government to change course.

The 1997 OFL convention paper entitled *Labour’s Program for an Effective Enforcement System* documented labour’s position on many of the health and safety problems facing working people in Ontario today. It included the following points that could well form part of a People’s Charter:

1. the development of up-to-date health and safety legislation
2. strong enforcement of the legislation by the Ministry
3. proper training for all committee members
4. negotiating language in collective agreements to address health and safety issues
5. strong enforcement of the collective agreement through the grievance procedure and arbitration.

The Environment

In 1996, the Conservative Government closed all the publicly owned water testing labs, forcing municipalities to use private labs. The old requirement to immediately notify Ministry officials about bad water

went by the boards. By the year 2000, the budget of the Ministry of Environment in real dollars was below 1971-72 levels. Starting in 1996, the Premier and his Ministry were warned, in document after document, that there was a growing risk to Ontario's clean water supply.

Those sounding the alarm included the Ontario Environment Commissioner, the Chief Medical Officer of Health for the Province, and officials inside the Ministry of the Environment. Even the Ministry of Environment business plan was edited for public consumption to eliminate a specific reference to the risk involved in the cutbacks.

Eventually, in May 2000, the warnings about the probability of water contamination, ignored by Harris and his Ministers for five long years, became the reality of the Walkerton tragedy, 2000 townspeople got sick and 7 people died. Millions of Ontarians watched with amazement and disbelief as Premier Mike Harris testified for a full day at the Walkerton Inquiry, without even once expressing sorrow or remorse, not to mention offering an apology for the part he and his government played in the Walkerton tragedy.

This tragedy began before 1999. Indeed, it was at the very outset of the government's mandate back in 1995 when the Conservative Government cut the budget of the Ministry of the Environment (MOE) by 50%. When the dust settled, they had terminated or otherwise reduced the MOE by 900 employees. These staff reductions included water testers, scientists, investigators and enforcement officers whose job it was to protect our clean water.

If the Walkerton water tragedy was the most high profile case in the environment area, it was far from the only one. It was but the tip of the iceberg in terms of cut-backs, downloading, deregulation (often termed industry self regulation) and drastic staff shortages. Ministries such as Natural Resources, felt the impact of such policies, as did local Conservation Authorities and a list of programs, such as the funding for municipal recycling and household hazardous waste. The government's own Red Tape Commission spoke of environmental regulation as a "burden." It has yet to be seen whether even the tragedies at Walkerton have changed their mind.

Over the coming months, labour and community groups need to further develop and elaborate their views on a sustainable environment. The first priority will be to reverse the direction of the Ontario Government which made profit-making the number one priority no matter the ravages on the environment. Ontarians need clean, reliable water. We need an Environment Ministry, and a Natural Resources Ministry that are properly funded and able to enforce the protection of our natural resources.

Housing, The Homeless and Poverty

At the outset of their mandate, the Tory Government terminated Ontario's social housing program, canceling at the same time 17,000 units of co-op and non-profit housing which were under development. That same year social assistance rates including the women's shelter allowance were cut by 21.6%. Soon the \$905 million yearly cost of social housing was downloaded to municipalities. The same year, tenant protection and rent control laws were gutted.

In 2001, the administration of social housing was dumped on to municipalities, similar to the second stage shelters for abused women which had been off-loaded from provincial responsibility. At the same time, private developers were given a package of incentives, which, in addition to an end to rent control and real tenant protection, included government grants of \$2000 per unit, rent supplements, reduced building regulations and lower municipal taxes.

The results: Canada Mortgage and Housing Corporation (CMHC) identified Ontario's need as 80,000 rental units required to be built between 1996 and 2001. During this period, the private sector built about 6000 units of rental housing leaving a shortfall of 74,000 units. Many parts of Ontario experienced a net loss of rental units. And without the old tenant protection laws, apartment rents escalated at twice the rate of inflation. In 2000 alone, 60,000 tenants in Ontario moved mainly due to rent increases they couldn't afford and sooner or later faced an eviction notice or were actually evicted from their homes. Vacancy rates are now plummeting in every Ontario city. The real benchmark for measuring the damage can be found in the catastrophic increase in homelessness everywhere in Ontario.

Thousands of people desperately need decent shelter. It is time for the government to get back into the business of housing. Social housing has a 30-year track record of success in Ontario and needs to be immediately re-established. It is our view, as well, that rent controls should be put back in place so that thousands of tenants can find affordable accommodation. Further consultations with all interested groups would enable us to find solutions to the housing crisis and elaborate them in a People's Charter.

As noted above, the Common Sense Revolution started off with a bang in July 1995 by cutting social assistance rates by 21.6%. In doing so, welfare recipients were driven significantly further into poverty while, at the same time the government boasted about 'saving' a billion dollars. These 'savings' were immediately handed off to wealthy Ontarians in the form of a tax cut. Since 1995, this cut, plus the ravages of inflation, have reduced the value of a welfare cheque by 30%. In addition, the government cut subsidies to pregnant women which enabled them to purchase vitamins and nutritious food to ensure a healthy birth. After paying the cost of food and rent, a single parent with one child has \$2.24 a day left for all other expenses: transportation, clothing, household furnishings and supplies, telephone, school supplies, health and personal care needs, and user fees for public services no longer free.

Conservative cuts to welfare, housing and tenant protection have produced a vicious circle of poverty, eviction and homelessness. One hundred new children a week entered the Toronto shelter system during 1999. Children are the fast growing 'customers' of Ontario's shelters.

Ontario's Workfare Program - Ontario Works - continues to exploit the unemployed. It forces welfare recipients to work for a welfare cheque, not a pay cheque. There is a huge difference!

Ontario Works participants are excluded from the protection of the *Employment Standards Act* and cannot join a union following the passage of Bill 22, the *Act to Prevent Unionization with Respect to Community Participation Under Ontario Works*, 1997. Given the government's ultra conservative policies, workers on a pay cheque now have to compete with the

unemployed, compelled to work for their welfare cheque.

The crisis in housing and the increase in poverty and homelessness has even further negative effects. The growing gap between the rich and the poor has led to what has been termed “Canada’s Creeping Apartheid.” Although racialized groups are set to become one fifth of the national population, workers of colour continue to be disproportionately impacted by high levels of poverty, unemployment, underemployment and under-representation in well-paid jobs. Workers of colour have challenged systemic barriers in their workplaces through individual human rights cases among other legal strategies such as the right to refuse unsafe work. With help from the labour movement and other equity seeking groups, more pressure must be put on the Conservative government to create a more just society.

Between the housing crisis and the cuts to needed social programs and services, it was obvious to most that poverty would dramatically increase and with it racialization. The Ontario Alternative Budget has shown for several years now, using Ontario’s actual revenue and expenditure, how to redistribute the wealth of this province in a manner that would both encourage economic growth and employment and make dramatic inroads into eliminating the housing crisis and poverty. The proposed People’s Charter could, in our view, revisit the proposals of the Ontario Alternative Budget, further develop them and demonstrate that a viable alternative is possible.

Persons With Disabilities

There are over 1.5 million Ontarians with disabilities who face a wide range of

systemic barriers in all aspects of their lives. To address this situation the labour movement was an early supporter of Employment Equity. Employment equity seeks to remedy the effects of, and prevent both intentional and systemic discrimination. Its focus is on employment recruitment, promotion, career advancement. Employment Equity involves a comprehensive approach designed to ensure equal workplace representation of a number of groups including those with disabilities. Yet in 1995, the Ontario Government repealed the *Employment Equity Act*.

The Conservative Government has now (November 5, 2001) introduced an *Ontarians with Disabilities Act (ODA)*. Fully six years after promising such legislation the government finally bowed to public pressure. But what does this new Bill provide in the way of assistance to people with disabilities - essentially guidelines and plans with no time lines or money. With no time lines or money to guarantee accessibility plans the Bill is hardly worth the paper it is written on. The proposed ODA doesn’t break down any existing barriers and has no primacy over the building code or other important legislation. It doesn’t even speak to the retro-fitting of the many old buildings across the province.

The government is asking municipalities, school boards, hospitals, colleges, universities and transit commissions to create accessibility plans. But how the plans are to be implemented without funds remains a mystery, particularly when municipalities are already scrambling to finance programs and, in many cases, having to cut services. There is a real possibility that without provincial funding accessibility plans will be drawn up, reports made of barriers needed to be torn down, but no implementation.

The Bill changes the *Municipalities Act* to allow municipalities to require new businesses to be accessible in order to get their business license, but the emphasis here is on the word “allow” - it is not a mandatory requirement and it doesn’t speak to existing barriers in established businesses. The Bill reforms the *Social Housing Act* to ensure that any future social housing is fully accessible - but as everyone knows the Conservative government is not building any social housing.

In short, the Bill provides no enforcement strategy.

As for the private sector, it is let off the hook entirely. The private sector doesn’t even have to make accessibility plans. Yet, it is in the private sector that people go for most of their daily needs - from groceries, to the movies, to the workplace.

Far from the comprehensive approach to issues of disability and discrimination embodied in the *Employment Equity* legislation, the reality of the government’s proposed *Ontarians with Disabilities Act* is that the average disabled person will see nothing change - enforcement remains complaint-driven and the only body with the power to force change remains the already over-extended Human Rights Commission.

Health Care

“Total spending will be reduced by 20% in three years, without touching a penny of Health Care funding. Other priority areas of law enforcement and classroom funding for education will also be exempt.”

The Common Sense Revolution Book,
1994:3

Promises made, promises broken. The foundation promise of the Tories was not to

cut a penny of health care spending. This promise was violated within weeks of the 1995 election when \$800 million was chopped from the budgets of Ontario hospitals. Shortly afterwards, the Hospital Restructuring Commission ordered the shutdown of 35 hospitals.

The impact has been devastating. Ontario hospitals ran deficits just to survive. Hospital debt across the province now totals \$2.3 billion according to the Ontario Health Association (OHA). Thousands of health care workers were laid off. Many had to move out of the province to find employment.

The result has been undue hardship for workers, and a catastrophic loss of staff to the health care system as a whole. In 2001, Ontario has 25,000 fewer health care workers than it had in 1995. Paramedical workers, nurses, technologists, orderlies, clerical workers and custodians have been driven out of our Medicare system to pay for the tax cuts. The ratio of health care workers has fallen from 26 per 1000 to 21 per 1000 since 1995. The effects are obvious in every hospital.

A CBC study in 1999 showed emergency rooms closed, on “re-direct”, in the Oshawa-Toronto - Hamilton corridor, up to 60% of the time! One important side-effect: out-of-pocket spending has risen on average to \$1,012 a year for every man, woman and child in Ontario for private health care and other health care costs.

In the area of cancer treatment, there has been an over 3-year delay in the construction of needed cancer facilities in Ottawa and Mississauga, a delay in the expansion of other centres, the freezing of the cancer care budget and the cutting of the training program for radiation therapists

when there was a projected 40% increase in patients who would need care. The result of such deliberate and poor decisions on the part of the Conservatives was a crisis in cancer care. Using this crisis, they then awarded a contract for evening cancer treatment services to a private company at Sunnybrook Hospital. In addition, the government is picking up the tab for start-up costs and additional “volume incentives” for the profit-seeking company.

The chaos and turmoil in Ontario’s health care system has become chronic. Even though the Conservatives pumped millions of dollars back into the system in the run-up to the 1999 election, they have not been able to repair the damage they themselves have caused.

If Ontario had maintained its 1995 ratio of 26 health care workers per 1000, we would have 45,000 more health care workers in the system than we have today.

Home and Long Term Care

The 2001 budget also cut funding to Community Care Access Centres. As a result, thousands of frail seniors across Ontario faced the loss of vital homemaking services, which they rely on to stay in their own homes and out of nursing homes.

The competitive bidding process has put downward pressure on wages and working conditions. The competitive bidding process also has negative effects in terms of pay equity as new employers (since 1996) do not have to adhere to the pay equity legislation as it is assumed by the *Act* that there is no wage bias. In practical terms this means employers who have obligations under the *Pay Equity Act* are consistently underbid by new employers. Workers have found themselves moving from company to company without union successor rights.

The result is an escalating staffing shortage across the province, increased waste, duplication and administrative costs. For patients, it means a disruption in the continuity of care. Further data shows that, as of June 2001, there were over 11,000 people on waiting lists for home care. Such shortages have shifted the onus on to family members for basic medical care in the home. In most cases this responsibility is borne by women.

According to the Ministry of Health’s Long Term Care data, as of December 2000 there were 25,000 people on waiting lists for beds in Long Term Care facilities. Plus, there were an additional 9,000 people waiting to move to a more appropriate facility. Patients waiting for a bed in a Long Term Care facility must pay \$40.00 per day for their hospital bed.

Formerly, patients had the right to a minimum of 2.25 hours of care per day. Each facility had to have a nurse 24 hours per day. These two regulations were removed. There are no legislated minimum standards left in place. At the same time, the complexity of care needs has increased.

The re-announced increase in Long Term Care beds of 20,000 by the year 2004 will not even handle the current waiting list. In addition, the majority of these proposed beds and facilities have been handed over to private for-profit businesses for development. Despite the government’s public relations claims, the building of these beds has been fraught with trouble. Almost four years after the first announcement, barely 10% of the beds have actually been built.

In April 2001, the provincial government announced that it would cut the amount of money it will give to Community Care

Access Centres (CCACs) this year. In response, CCACs across the province have been forced to cut homemaking support and services for thousands of elderly patients.

After the Ontario Government's 2001 budget, which actually cut grants to hospitals, the Ontario Hospital Association (OHA) advised Premier Harris that the Ontario hospital system was facing a total deficit of \$750 million this year. The government's response, in May 2001, was Bill 46, the *Public Sector Accountability Act*, which outlaws the use of deficits by public organizations, including hospitals. Hospitals prepared for a second major round of health care staff layoffs. Bill 46 gives the Minister of Finance the powers over more than 2,000 public organizations including hospitals, school boards, municipalities, universities and colleges and many health centres. Failure to comply means provincial funding will be cancelled.

In response to the chaos of hospital emergency rooms closed and on semi-permanent redirect, and the turmoil caused by downloading Ontario's ambulance system to the municipalities, the government passed Bill 58, the *Ambulance Services Collective Bargaining Act* in May 2001. Bill 58 is the typical Conservative solution: demonize the workers.

Under Bill 58, paramedics are effectively stripped of the right to strike for, with the passing of the Bill, they must first negotiate an essential services agreement. This is a de facto push into binding arbitration. Like so many other pieces of legislation, Bill 58 was rammed through the House without public hearings.

In June 2001, a Price Waterhouse Cooper's study of Long Term Care in 10 jurisdictions (3 Canadian provinces, 4 US states and 3

countries in Europe) ranked Ontario last in meeting the needs of residents in nursing homes and homes for the aged. According to the report, Ontario Long Term Care residents receive the least amount of registered nursing care, less than 2 hours of support from program staff, have the highest proportion of both mental health disturbances and problems, yet less than 6 % receive any professional intervention, only 10% of residents actually receive any physical therapy.

In summary, Medicare has been, and remains, a defining feature of Canadian life and identity. But painful cuts, years of restructuring and the dramatic growth of the for-profit health industry have taken a toll on Ontarians' confidence in our Medicare system. More and more Ontarians are finding that health services are not available or accessible when needed. For both health care workers and patients, control over the system - that is control over their health and the health of their loved ones - is to a large extent out of reach.

Yet through all of this, the foundations of the Medicare system are still intact in the province. Public support for Medicare, its principles and goals remains high. Health care workers continue to work hard to care for patients. Agencies and organizations continue to find ways to try and improve accessibility of services. Patients continue to expect, indeed demand, quality care.

In our view, the goal of the Medicare system must be to create the best health and health care for everyone in need. Public policy reforms need to be based on this. The future of Medicare depends on restoring public confidence through building democratic decision-making, improved transparency, accountability and public access to information. The handover of public non-

profit health care services to profit-seeking corporations must end. The future of Medicare depends on rebuilding and extending the principles of universality, comprehensiveness, accessibility and public administration. It depends on modernization through progressive reform and the extension of the principles in the *Canada Health Act* to cover Home Care, Long Term Care and Pharmaceuticals.

These points, and more, have long been documented in past policy papers and resolutions of the OFL and its constituent unions. We seek to discuss and elaborate them further with health care coalitions and other interested parties and present our conclusions in a People's Charter.

Conclusion

Even in this short overview of key legislative changes, certain patterns become apparent. As can be seen in the government's electoral platform, as well as in the results of their legislation, the unregulated market is viewed as the engine of all economic activity. The job of government, according to this view, is not to protect people from the inequalities of the market, far less to intervene so as to positively affect the inherent "booms" and "busts" of a capitalist economy, but rather to privatize any and all public services, cut regulations on business, cut taxes, and assist employers. More and more people are left to their own resources no matter how meagre. The minimum wage has been frozen at \$6.85 since 1995, hours of work extended, overtime costs for the employer have been lowered, which means people's incomes have been lowered. Progressive labour legislation has been substantially rolled back and replaced with highly restrictive legislation making it harder for unions to function and organize.

But it doesn't stop there. Health and Safety legislation and environmental protection, to name but two, have been deregulated seriously compromising our health and our natural resources. At the same time, our health care and public education systems lurch from crisis to crisis.

From the perspective of right-wing governments, all of this is decidedly secondary. What matters, as they see it, is that the major impediment to helping business elites generate more money, apart from lowering taxes and deregulation (they call it red tape), are trade unions themselves. The laws and regulations that have enabled working people to protect themselves through collective bargaining must be changed in their view to get at trade unions themselves. Anything and everything that is an inhibitor to wealth creation is open to attack. This is the reason that, while so many of the government's moves foster privatization and deregulation, unions themselves are the subject of more and more regulations aimed at legally restricting their activities, controlling collective bargaining outcomes and placing as many limits as they can get away with on organizing.

We aim to reverse this direction. This is the last OFL convention before the next provincial election where we will again have an opportunity to change the government. We aim to build a list of items for action, supported by our members and community organizations. The intention is to provide direction for the rebuilding of Ontario. We are calling this a People's Charter. At the same time, we need to build Solidarity Networks, mobilize our health and safety activists and work with affiliated unions to increase the number of workers covered by collective agreements.

The OFL Action Plan: Seizing The Initiative

After six years of relentless destruction of Ontario's social fabric by the Ontario Conservative Government, the people of Ontario are ready to rebuild and create a new and different future for ourselves and our families.

The OFL Action Plan for 2001 calls for a new labour activism to stand up to the ongoing threats to the standard of living and the quality of life of working people. And it proposes to create a new People's Charter, to set out our program for turning Ontario right side up.

Action Plan 2001 has four components: the Solidarity Network; the Fight for Safety on the Job; Organizing the Unorganized; and Creating a People's Charter for Ontario.

1. The People's Charter

This Convention signals the first step to build a People's Charter by labour, faith, community and social action groups, dedicated to building a bright future for Ontario rather than the dark, selfish and narrow legacy of the Conservatives.

Over the next twelve months, we intend to develop a People's Charter which will be a model for the actions needed to put Ontario back together again.

The People's Charter campaign will start by bringing progressive forces together to meet, discuss, debate and decide on a priority agenda for rebuilding Ontario.

Principles

The People's Charter will be based on our long established core principles:

- ◆ that democracy must be extended into every corner of our society, and must become part of the life of the economy and of the workplace
- ◆ that it is possible to organize a society on the basis of justice and equality
- ◆ that people have both individual and social rights
- ◆ that the public sector of the economy is a vital necessity which must be strengthened and extended.

Getting There

The People's Charter will be a priority list of the things that are most important and necessary for Ontario's working people and their families.

It will be an action agenda for Ontario's next government.

The People's Charter will spell out what needs to be done - by a new provincial government - to rebuild our shattered social fabric.

By way of illustration, it will look at the following issues:

Education and child care - to rebuild our public school system and ensure that post-secondary education and training is a reality for all of Ontario's young people

Health care - to make sure that Medicare is there for us when we need it

Pay equity - to restore full funding as a basic economic right

Jobs and the economy - to ensure a full employment society

Affordable housing and tenant rights - to end the scandal of homelessness and restore real protection for tenants

Poverty and social justice - to provide a decent living for those who cannot work and fair work for those who can

Violence against women - to restore and increase social and economic supports

Worker protection laws - to restore and enhance the legislation, which governs collective bargaining, organizing, employment standards, workers' compensation and workplace health and safety

Human rights - to create a society where equality is a reality.

Full inclusion and rights for persons with a disability.

The environment - to create a sustainable society

A new deal for cities - to reverse the serious decline of Ontario's cities, support new infrastructure, especially urban and inter urban transit and empower cities to meet the needs of their people.

The People's Charter will be developed through a process of partnership between Ontario's trade union movement and progressive community, faith and social action groups and organizations.

Phase One

A number of working groups will be established to work on specific agenda

items. From this exercise, a Draft Charter will be produced. The Draft Charter will be used to spark discussion, debate and suggestions from our grass roots members in our workplaces and local communities.

A small representative group, made up of representatives of the coalition partners, will provide overall coordination to the project.

The Draft Charter will be reworked by a communications group to create material that is clear, plain spoken, easily read, lively and interesting.

Phase Two

The next phase will be an intensive, province-wide consultation. The Draft Charter will be taken to local trade unionists and local communities all across Ontario for their full discussion and input.

At the conclusion of the consultation process, the final version of the People's Charter will be completed and submitted to each of the participating groups and organizations for adoption.

Phase Three

Then the work really begins to take the People's Charter into every corner of Ontario to get the endorsement of as many grass roots community and local labour groups as possible.

The OFL and its affiliates will stage a mass demonstration at the Provincial Tory Convention on March 23, 2002.

And last, but by no means least, we will take the People's Charter to the political parties during the run-up to the next Ontario general election and ask for their commitment to

implement this new agenda for Ontario's working people.

2. For A New Labour Activism

i) The Solidarity Network

After so many assaults from the Ontario Conservatives and their right-wing business allies, it is time for us to go on the offensive again in our own workplaces.

Our goal, which builds upon work already begun in many unions and labour councils, is to create a province-wide Solidarity Network of union activists who will come to the aid of workers who are under attack and stand up for our public services and our communities. The Solidarity Network will consist of teams of trained, at-the-ready unionists who will provide picket line assistance and other in-person support for workers who are threatened in their workplace or in their community. Our goal is to establish at least one trained Solidarity Coordinator in each work unit in the province.

This Action Plan calls on each local and each bargaining unit to designate a Solidarity Coordinator in each work unit. The task of the Solidarity Coordinator will be to organize a support team in his or her workplace. In this way, we can all stand together - "An injury to one, is an injury to all."

ii) Labour Councils

As we move to build a more activist labour movement in our workplaces and in our communities, it is critical to build stronger labour councils.

This Action Plan calls on all local unions to affiliate to both their community labour council and the OFL and to take part in the labour council's activities. The increased

resources, both human and financial, and the experience of relating to the broader social issues and working with local community groups can prove invaluable in building a broad coalition against the policies of the Ontario Conservatives.

iii) Safety on the Job

The unprecedented attack on Ontario's *Occupational Health and Safety Act* by the Conservative Government requires a special call to action.

Under Bill 57, the withdrawal of the mandatory on-site inspection of an unsafe workplace has effectively destroyed enforcement of the right to refuse unsafe work. Also destroyed was the right to know about the introduction of new toxins into the workplace.

The Ontario Labour Movement's network of health and safety activists must assume a new sense of urgency to regain the right to refuse unsafe work and to protect ourselves against toxic substances in the workplace. We will do so by using the same tools that won these rights in the past - job action.

Our Action Plan commits the members of the Ontario Federation of Labour to do whatever it takes, including job action, to guarantee the right to refuse unsafe work and to protect ourselves against toxic substances in the workplace.

iv) Organizing the Unorganized

Despite the roadblocks put in our path by the Conservative Government, this Action Plan calls for a renewed effort to bring the benefits and protections of collective bargaining to those who are unorganized. Fully two-thirds of the workforce do not have union protection. Many of them have no job security, low wages and minimal benefits. More than ever, people are either

working longer hours (the 60-hour work week) or find themselves working short hours in what is termed the contingent workforce (part-time, contract, temporary).

Not only could they benefit from a union, unionized workers would find their chances of improving their wages and working conditions greatly improved if all workers in their sector were unionized. The need for further unionization efforts is particularly noticeable in the small workplaces of the private service sector (retail, hospitality). Here employment is growing, but wages and benefits are low and so is the unionization rate, which is only about 10 to 12%.

The time to organize is now. We cannot let the percentage of unionized workers continue to slip just when so many need a union more than ever. The amendments to labour law by the Conservative Government are designed to make it more difficult for workers to join a union and for unions to assist them. The intent of such amendments is to drive down people's standard of living and create a low-wage non-union economy.

We cannot let such amendments deflect us from helping unorganized workers unionize. Our Action Plan commits us to bringing more activists, staff, union resources and cooperation to this goal. The OFL will develop and coordinate, in consultation with affiliated unions and our social partners, an Organize Ontario Strategy.

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