



THE RISING OF US ALL

Responding to the
Attack on Ontario's Unions



ONTARIO FEDERATION OF LABOUR
February 2013

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

15 Gervais Drive, Suite 202, Toronto, Ontario M3C 1Y8
416-441-2731 • 1-800-668-9138 • info@ofl.ca
TDD: 416-443-6305 • FAX: 416-441-1893

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EXECUTIVE SUMMARY

Across North America, workers' rights are under threat by corporations and right-wing politicians who see labour unions and collective action as the most significant obstacles to the creation of a low-wage economy. The campaign against unions has been unrelenting and has received significant media support. In the U.S., many states have introduced laws designed to dismantle union funding and silence the collective voice of workers. Here in Canada, American-style, anti-union laws are now being championed by the Stephen Harper government and his Conservative counterparts in Saskatchewan, Ontario and scores of municipalities. This campaign exploits the "politics of envy" and is designed to instill in non-unionized workers a resentment of the higher wages and improved benefits that union membership typically affords by obscuring the gains that unions have secured for *all* workers and their families.

Unfortunately, the history of union achievements in establishing basic and fundamental rights for all workers are not generally well known and are not often taught in schools. As a result, many people have been led to believe that the major fights for human rights and social justice have already been won and that unions are a relic from a bygone era – a time of long-hours, hazardous work and child labour. However, the proponents of neoliberalism and austerity are currently exploiting public concerns about financial security to roll back social and economic gains. Unions continue to have an important role to play in pushing back against this agenda.

This paper is part of a suite of materials being produced by the Ontario Federation of Labour to educate union members and the public on the achievements of labour unions in the past and their continued relevance as defenders of the rights of all.

This report is intended to be a resource for union and community organizers in educating friends, neighbours, co-workers, and the media about the vital and on-going importance of labour unions.

The first half of this report outlines the broad attack on unions and workers' rights in Ontario. It aims to explain how these changes are part of an austerity agenda that hurts all working people and exacerbates inequality.

The second half of this report looks back at the past achievements of labour unions in Canada and identifies the present threats to those social and economic gains.

The OFL will be producing companion documents to this report, including factsheets, related reports, and workshop materials, that will comprise a toolkit for popular education on the role and value of labour unions and collective worker action.

To access these materials, visit: www.OFL.ca/Index.php/Campaigns/WorkersRights

For additional printed materials, or to arrange a workshop presentation for your union or in your community, contact the Ontario Federation of Labour at: info@ofl.ca

THE RISING OF US ALL

**Responding
to the Attack
on Ontario's Unions**

INTRODUCTION

Ontarians enjoy a living standard that is among the highest in the world. Our largest cities – Ottawa and Toronto – are consistently ranked among the top of the world’s most livable. The majority of Canada’s new immigrants choose to settle in this province, and we are all richer for our diversity which rivals that of anywhere on the globe. Our public education system has produced a citizenry and workforce that boast the highest educational attainment rates in the country, placing our province among the leading group of nations in the Organisation for Economic Co-operation and Development (OECD). Our public health care system not only removes financial barriers between patients and the health care they need, but also saves much of the high cost of private health care for our businesses. We are the stewards of bountiful natural resources. We have a richly varied environment and vibrant cultural and arts communities.

It took a century-and-a-half to win the rights and protections that Ontario workers now rely upon to improve and uphold our standard of living. Throughout that time, unions have been at the forefront of the struggles to better the lot of working Ontarians, from our efforts in the late 19th century to stop child labour and establish minimum wages; to 20th century campaigns to protect workers against death and disability on the job, win public health care, and establish public pensions; and, more recently, in the struggle for equal pay for women.

In fact, there are few social programs and benefits in our society that unions did not have a hand in creating. We have worked, both at the bargaining table with individual companies and also through public and political advocacy, to improve the lives of the middle and working classes and the poor, and for equity for marginalized groups across our society.

Over our history, Ontario’s union leaders and members have been jailed, beaten, fired and slandered for fighting for these rights. But in the

end, we have made tremendous progress toward the development of a just society.

Our sacrifices and our successes have earned us a place in Ontario’s history, and they warrant consideration and respect as we move forward through difficult fiscal circumstances.

The history of our achievements, though proud and extensive, is not well known. Ontarians are generally not taught union history and often take for granted protections that it took generations to attain. Sometimes Ontarians who have gained a higher standard of living think that the work is done and the need for workers to organize into unions is outdated. Sometimes unions are blamed for economic troubles that we have had no hand in creating.

Despite our gains, our work is not relegated to some storied past of dim factories and Dickensian characters. Unions remain deeply concerned about – and are fully engaged in – addressing current-day inequality in our society and in our workplaces. Ontario’s women still earn only 71 cents for every dollar earned by a man in the same job. Racialized women earn 36 percent less than men; Aboriginal women earn 54 percent less; and women with disabilities earn much less than women and men

For more than a century, unions have been at the forefront of the struggles to better the lot of working Ontarians, from our efforts in the late 19th century to stop child labour and establish minimum wages; to 20th century campaigns to protect workers against death and disability on the job, win public health care, and establish public pensions; and, more recently, in the struggle for equal pay for women.

without disabilities. Fourteen percent of Ontario's children – that is one in seven – live in poverty because their families live in poverty. Income inequality is widening and our social programs are being cut. Systemic barriers and injustices faced by aboriginal and First Nations people in our province have not been removed. We are still far from our ideal of a society in which everyone is protected from unnecessary hardship and harm, and where all people are supported to live to their potential.

Where we have made progress, our advances are under attack. Long standing victories – such as the 40-hour work week, paid vacations, sick time, injured workers' compensation, public health care, access to education, unemployment insurance and pensions are all under threat. Real wages are stagnant for 40 percent of Ontario's families with children. Too many new jobs are precarious, dangerous, or underpaid, and existing jobs are being restructured to follow suit. A growing workforce of migrant workers without basic employment standards too often suffers from oppressive and dangerous working conditions. While workers are being asked to tighten their belts, tax cuts that benefit the wealthy and corporate tax breaks are continuous and the accumulation of wealth at the top has assumed grotesque proportions.

A particularly aggressive assault on public services and public service workers is sweeping the western world under the auspices of "austerity." The middle and working class are being forced to pay – in cuts

to services and out of their wages and working conditions – for the recession and its after-effects caused by the financial collapse of 2008. The gains that unions have made are falsely blamed for the financial crisis that was, in fact, a result of unfettered greed and recklessness in the financial industry and other speculative sectors. The ensuing debt crisis is being used to roll back decades of gains in wages and working conditions.

Though unionization rates and the terms of collective agreements have little to do with the relative success or failure of states' economies in this fiscal crisis – except insofar as greater income equality protects against deep downturns in times of recession – politicians like Ontario's Tim

Hudak are manipulating the economic crisis to blame unions for hard times. Unions – not because we are a drag on the economy but because we are the most organized and vocal opposition to the redirection of income up to the top wealth owners – are in the cross-hairs of the austerity crusaders.

In North America, the crusade to cut wages and working conditions for workers is moving north from its bastion in the southern United States. In early December, Republican Governor Rick Snyder launched a full-scale attack on unionized workers' wages and conditions with the introduction of anti-union (euphemistically termed "right-to-work") legislation in the state of Michigan. In Ontario, Conservative leader Tim Hudak has ratcheted up anti-union rhetoric and proposed similar measures to gut protections for unionized workers. Ontario's Liberal government has pursued legislation to roll back collective bargaining rights and working conditions in education and across the public sector.

In Ontario, 1.6 million workers belong to a union.¹ Attempts to lower their living standards have impacted all of these workers and the families who

It took a century-and-a-half to win the rights and protections that Ontario workers now rely upon to improve and uphold our standard of living.

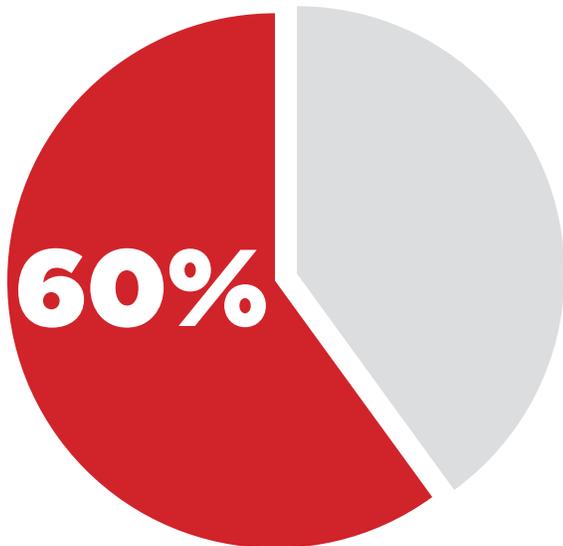
**1.6 million
Ontario workers
belong to a union**

rely on their incomes. The attack on the political advocacy of unions is an assault on unions' efforts to raise the living standards of all Ontarians through better social programs, alleviation of poverty and gains in equality.

If successful, these policies will harm women in particular. Women make up more than 60 percent of public sector workers and are bearing the brunt of the assault on wages. Their gains in income in the public sector have lifted women's income equality and stabilized family incomes in the middle class.

The concerted attempt to undermine unions is not simply an attack on a few visible union leaders. It is part of an economic restructuring plan that would, if successful, lower the standard of living for millions of Ontarians. It is part of what has been a 40 year effort to shift income, wealth and power from middle and working class people to the wealthiest.

Women make up the majority of public sector workers . . .



and will be among the hardest hit by austerity cuts

Some Union Achievements in Ontario

- Regulations that outlaw child labour
- The 40-hour work week
- Paid vacation time
- Employment standards
- Unemployment insurance
- Health and safety legislation
- The minimum wage
- Public pensions
- Workplace pension plans and benefits
- Public health care
- Pay equity for women
- The campaign for a living wage



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The Rising of Us All

THE ASSAULT ON WORKERS' RIGHTS AND PROTECTIONS IN ONTARIO

Conservative Party leader Tim Hudak has cast himself as the standard-bearer for the assault on workers' protections in Ontario. The first foray came in the spring of 2012 when Conservative MPP Randy Hillier introduced a private member's bill that, if passed, would usurp collective bargaining powers for public service workers and give cabinet uncontested authority to unilaterally reduce wages and working conditions. In June 2012, Tim Hudak released a new report ironically titled "Paths to Prosperity." In early December, he re-released the same schemes in daily press conferences at the Ontario Legislature. Among the Conservatives' plans are the following:

- Overturning Justice Ivan Rand's decision of 1946, upheld by the Supreme Court of Canada in 1991, to enable unions to collect dues from workers who benefit from union representation and collective bargaining agreements .
- Forcing unions to hand-collect dues every pay period in an attempt to tie up union volunteers with the job of collecting dues and reduce their time available to bargain and advocate for workers.
- Throwing open the door to for-profit privatization of public services and reducing the ability of municipalities, school boards and government to set procurement policies which protect local contractors and decent wages and working conditions for construction and service workers, euphemistically called "ending closed tendering."
- Reducing the number of tradespeople required to provide training for each apprentice.
- For-profit privatization of the Workplace Safety and Insurance System. (This, after the Harris-Eves Conservative government reduced Workplace Safety and Insurance Board (WSIB)

premiums for corporations and created a massive unfunded liability.)

In April 2012, Conservative MPP Randy Hillier introduced Bill 70, another private member's bill that would give cabinet new powers to override the existing collective bargaining process and appoint a commission to make orders to change wages and workers' rights. The Bill contains express provisions that the commission has no requirement to even hear submissions from the union or worker's representatives and there is no right to appeal.

Collective bargaining is an essential element in the fabric of a free and democratic society because it enhances human dignity, equality and democratic participation in the workplace. We understand that budget concerns need to be addressed by government, but budget concerns are no justification to undercut the democratic process. The Canadian Civil Liberties Association is concerned that Bill 115 seriously impairs fundamental rights in a manner that cannot be justified in a free and democratic society.

Engaging unions, and, through them, workers, to negotiate terms for their labour is fundamentally democratic. Why? Because it is rooted in the idea of human dignity - that human beings have the right to sell their labour only on such terms that they accept. Collective bargaining is a constitutional right for this reason.

Sukanya Pillay, lawyer
Canadian Civil Liberties Association
August 2012

In September 2012, Conservative MP Jim Wilson introduced Bill 121, a private member's bill that would replace independent arbitrators with government appointees and bias the arbitration system to favour wage cuts and rollbacks in working conditions and benefit plans for public servants.

While Tim Hudak's Conservatives have pushed out with the most radical rollbacks and privatization schemes, the McGuinty Liberal government has followed with its own retrenchment of workers' rights and achievements.

In September 2012, the McGuinty government passed Bill 115, an *Act* that usurps the powers of the Ontario Legislature and gives unilateral powers to cabinet to extend the legislation without going back to the Legislature for approval. Cabinet is given unprecedented powers to unilaterally outlaw strikes even before they happen. The Bill also takes away the right to free collective bargaining. The Bill was repealed in January 2013, but the Minister of Education has already used the unilateral powers it granted to her to impose collective agreements on tens of thousands of education workers. The Canadian Civil Liberties Association has called the *Act* "undemocratic" and "unconstitutional."²

In September, the Minister of Finance revealed draft legislation that could freeze wages — and potentially reduce them — for almost half a million public service workers.³ This draft bill would also grant new powers to the government to impose working conditions that fail to comply with the *Employment Standards Act* and override collective agreements bargained between workers and employers. The legislation violates international labour law.⁴

In March, news of plans to increase contribution rates or alternatively decrease public sector pension plans was made public, though no legislation has been introduced.

Combined, these schemes reduce power for unions to advocate for workers; roll back free collective bargaining by more than 50 years; violate key

protections for citizens including the *Charter of Rights*, the *Employment Standards Act* and international labour law; undercut the democratic powers of the Ontario Legislature; freeze and cut wages; reduce benefits; and undermine achievements in working conditions. It is no overstatement to call this an all-out assault on democratic rights and protections for Ontario's workers and the families that rely on them.

“No clauses in any provincial legislation, regulation or collective agreement should require a worker to become a member of a union or pay union dues as a condition of employment.”

Ontario PC Leader Tim Hudak

Anti-Union Laws in Ontario

Anti-union legislation proposed, introduced and enacted in Ontario since spring 2012 seeks to:

- *reduce power for unions to advocate for workers;*
- *roll back free collective bargaining by more than 50 years;*
- *violate key protections for citizens including the Charter of Rights, the Employment Standards Act and International Labour Law;*
- *undercut the democratic powers of the Ontario Legislature;*
- *freeze and cut wages;*
- *reduce benefits; and*
- *undermine achievements in working conditions.*



AUSTERITY'S IMPACT ON MIDDLE AND WORKING CLASS FAMILIES

In 2011 the extraordinary efforts of the Occupy movement, at first ignored by the media, had finally garnered world-wide attention. Time Magazine's 2011 Person of the Year cover was "the protester", and the magazine cited popular movements from the Arab spring to Occupy as the news makers of that year. But while the leaderless protester may have achieved celebrity status, the retrenchment of living standards for all but the wealthiest has carried on unabated in North America and a growing number of European nations .

In Canada, and particularly in Ontario, the last 30 years have seen real gains in income and working conditions for the middle and lower income brackets grind to a halt. At the same time, social programs and income transfers that redistribute income and

increase social equality have come under repeated cutbacks. In fact, attacks on the gains in income and living standards for the working and middle classes over the 20th century – far from receding in the face of mass protest movements – have intensified and expanded under the pretext of austerity.

By 2012, Occupy's headlines were superseded by Europe and America's debt crisis. To the drum beat of fiscal crisis, austerity has marched across Europe and traversed the Atlantic. Despite widespread popular opposition, the politics and economics of austerity have not yet compromised. They involve the cutting of public investment and services such as education, health care, social security and pensions. They also include the privatization of publicly owned assets and services. Public employees are subjected

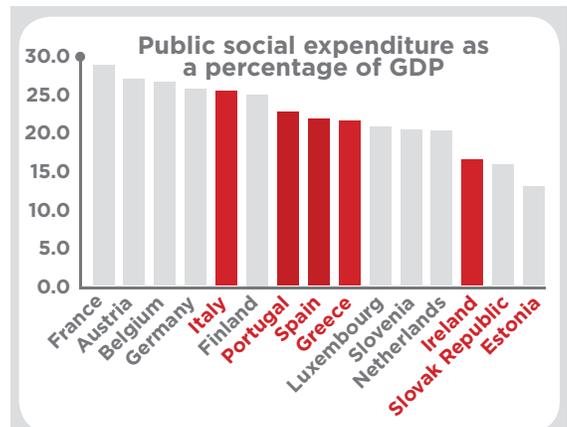
to wage freezes or rollbacks and mass layoffs. Labour laws are revised to empower corporations at the expense of employees' wages, benefits, job security, and workplace democracy.

Austerity is sold as the only available means of reducing debt. However, austerity is, at its core, a fiscal policy aimed at making middle and working classes pay for the greed and recklessness of the financial industry and relentless tax cuts for the wealthy and corporations stretching back to the 1990s.⁵ While there is more financial wealth in the world than ever, it is increasingly held in the pockets of elites.⁷

Unions and public sector workers did not cause Europe's debt crisis. Of the European nations in crisis, only Greece had a sizeable deficit before the financial collapse of 2008.⁶ But the crisis is being used to restructure economies and rollback union gains that took decades to achieve. Austerity is the latest in a relentless parade of public policies that facilitate the accumulation of wealth by the wealthiest at the expense of the middle and working classes.

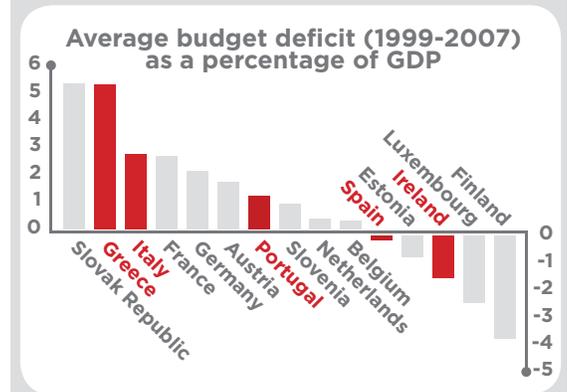
In Canada, austerity budgets have been passed in Ontario and British Columbia. Here, the massive popular movements against austerity in Europe are largely unknown. While general strikes shut down Spain, Portugal and Greece, and many millions of people took to the streets on November 14 all across the European continent and the U.K., Canadian news coverage of this pivotal clash of interests was minimal. But while the media may be downplaying the opposition to austerity, the Conservatives at the federal and provincial levels have been working to tilt the field against the foes of economic restructuring. Women's groups, labour organizations and social

* More than 80 percent of the world's population live in countries where income differentials are widening – see United Nations, Department of Economic and Social Affairs Rethinking Poverty: Report on the World Social Situation 2010: 1. For world wealth increase Spain, Don, CNBC World's Wealth Growing, But Not Evenly: Credit Suisse 19 October 2011.



FACT CHECK Social Spending Did Not Create the Financial Crisis

Public expenditures in the countries on the brink of financial collapse in Europe – Italy, Greece, Spain, Portugal and Ireland – are blamed for the crisis. But, in the year before the financial collapse, of the countries now suffering the most extreme austerity measures, only Italy is in the top five, and states like Germany (which is promoting austerity for its southern neighbours) show significantly higher rates of spending. Of the target countries, only Greece showed a large budget deficit prior to the crisis.



From Paul Krugman, "European Crisis Realities" New York Times February 25, 2012. (Figures from 2007 OECD Fact Book)

justice movements have been targeted for funding cuts, harassment by officials, and legislative restrictions on their powers.

As the Canadian Centre for Policy Alternatives reports:

‘Anyone who has been tracking the attacks on working people’s organizations in the U.S., Britain, Ireland, and much of continental Europe, knew that it would eventually come to Canada. Business media, including The Economist and Time Magazine, were pointing to, and even encouraging, a coming confrontation between the state and public sector unions in the U.S. and elsewhere. Their solution to increasing debt is to strip public sector workers of their organizational and collective bargaining rights.

We have since seen a succession of state governments launch legislative agendas to achieve this outcome. Wisconsin led the way. Similar initiatives are now underway in Colorado, Indiana, Iowa, Michigan, New Mexico, Ohio, Oklahoma and Tennessee. Amnesty International reports, in Human Rights Now, March 17, 2011, that: “As well as restricting collective bargaining rights, union activists say that legislators in 37 states have introduced hundreds of anti-union bills. Some affect negotiation of health care benefits, restrict freedom of association, place caps on the minimum wage and deprive workers of the right to strike.”⁷

The ideology behind this attempt to restructure our society is unknown by most Canadians and is antithetical to our commonly-held values. In the U.S., Vice-Presidential Candidate Paul Ryan, credited the “intellectual leader” of the Republican’s shift to a more extremist politic, advocates for a harsh line on income supports and public services — particularly health care — which he calls “the entitlement problem.” Ryan, until recently, counted himself as a disciple of Ayn Rand, an extremist libertarian who derided the poor as “refuse” and “parasites.” Ryan required all his congressional interns to read her novel, *Atlas Shrugged*, a celebration of selfishness often considered the apex of her philosophy. In the climax of the novel, Rand’s small cadre of elite humans leave the unwashed masses behind as they move to found their own utopia, uncluttered by the muddiness of human compassion and generosity. Dramatically — though inexplicably (one has to suspend one’s disbelief to assume no one but Rand’s small cadre of elites knows how to keep the grid going) — the lights of New York go out as the small vanguard fly away leaving the masses behind.

In Canada, the Harper government has used its seat at international tables to push for a harder tack on austerity throughout Europe and in North America. In Toronto, Mayor Rob Ford ran on an openly anti-union, anti-immigrant platform. In Ontario, the Conservative Party led by Harris-protégé Tim Hudak, has sounded the call for the attack on unions. The Liberal McGuinty government has veered into territory more extreme than that of previous Conservative governments in its attacks on collective bargaining rights and worker’s rights.



PROSPERITY FOR WHOM?

The Attack on Unions and the Plan to Cut Family Incomes

The Ontario Conservative Party's plan, called "Paths to Prosperity" contains little explanation of how decreasing the power of unions to negotiate collective agreements and advocate for workers' rights would create prosperity. The laws proposed by Tim Hudak are taken from Southern U.S. states like Alabama, Arkansas and Louisiana. These laws create the conditions for downward pressure on family incomes and benefits and reduce working conditions for workers.

In fact, the Conservative plan includes no positive proposals to build Ontario's economy and protect our living standards. There is no support for research and development in Ontario. The scheme contains

wage and low-rights states to go to if that is what they are looking for), Tim Hudak does not explain how cutting family incomes and creating a context in which attacks on unions are not only tolerated but encouraged, would lead to prosperity for Ontarians. How, in joining the competition to meet the lowest wages on the continent, would we stop the vicious cycle of wages and workers' protections being driven even lower as we all compete in a negative race to underbid each other? How many cuts and erosions of rights are too many in this plan to create a parasitic economy where families gain access to jobs only if they take them away from others? More to the point, who really benefits from such a plan?

\$1,500

Annual loss of earnings for all workers in "Right-to-Work" states.

Losses for Ontario workers would likely be even greater.

not one single idea for education to improve our ability to foster economic growth. Support for family agriculture and plans for the development and renewal of our infrastructure are missing. There is no proposition to redress the growing gap in incomes and runaway salaries of corporate executives and consultants. There are no proposals to support fuller employment with decent wages and working conditions. According to this scheme, the path to prosperity is to be found solely in lower pay, fewer protections and the muzzling of unions' advocacy for the rights of workers and the underprivileged.

While companies with low-wage policies might move into Ontario (though they have plenty of low-

In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as 'right to work.' It provides no 'rights' and no 'work.'

Its purpose is to destroy labor unions and the freedom of collective bargaining...

We demand this fraud be stopped.

Martin Luther King Jr., 1961

Wage Comparison Between Anti-Union States and Others

A 2011 study by the Economic Policy Institute provides the most rigorous and comprehensive analysis of wages and benefits in U.S. states that have passed anti-union “right-to-work” (RTW) legislation compared to those that have not.

Their key findings:

- Wages in right-to-work states are 3.2 percent lower than those in non-RTW states.
- The rate of employer-sponsored health insurance is 2.6 percent lower in RTW states compared with non-RTW states. If workers in non-RTW states were to receive health insurance at this lower rate, 2 million fewer workers nationally would be covered.
- The rate of employer-sponsored pensions is 4.8 percent lower in RTW states. If workers in non-RTW states were to receive pensions at this lower rate, 3.8 million fewer workers nationally would have pensions.
- The wage penalty for non-unionized workers is similar at 3.0 percent.
- The benefit penalty for non-union workers is 2.8 percent and 5.3 percent for health and pension benefits, respectively.

The study’s authors conclude: “Our results suggest that proposals to advance RTW laws likely come at the expense of workers’ wages and benefits, both within and outside of unions.”

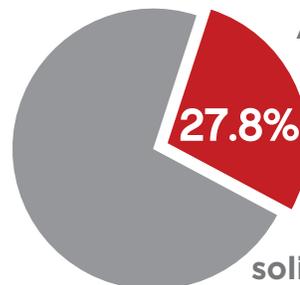
The evidence is that U.S. states that have embraced anti-union laws have lower wages and employees are less likely to have health insurance coverage and pensions. These conditions affect not only unionized workers, but non-union workers as well. As the authors of a rigorous study comparing incomes in anti-union (so-called “right-to-work”) states versus non “right-to-work” states note:

“Where unions are strong, compensation increases even for workers not covered by any union contract, as non-union employers face competitive pressure to match union standards. Likewise, when unions are weakened by “right-to-work” laws, the impact is felt by all of a state’s workers.”⁸

In effect, Tim Hudak’s economic plan contains four major planks:

- Cut family incomes in a competition with low-wage states.
- Cut taxes, which benefit the richest and corporations while resulting in more user fees and cuts to needed services for the middle and lower income earners.
- Privatize public services and programs.
- Use legislative powers to muzzle his opposition and reduce the power of free collective bargaining to protect and improve the living standards of working families.

Ontario’s Union Density



Already as low as 15% in the private sector, union density would decline further if unions were forced to solicit optional dues

THE UNION ADVANTAGE

Working Together Improves Wages and Raises the Bar for Every Worker

Unions improve the everyday lives of all working people. They deliver better wages and benefits for unionized workers and secure pensions, paid leave and vacations. However, unions also elevate the wages and working conditions of all workers by creating upward pressure in the workforce.

In Ontario, the average union member typically earns \$6.19 more an hour than non-union workers. The difference for women is even higher. Nationally, a union card earns a woman worker \$7.94 an hour more than her non-union counterparts. That translates into almost \$15,000 more a year for women working full-time in a unionized workplace!

However, unions mean more than higher wages. Benefits such as pension plans or drug and dental plans have a big impact on our quality of life. Workers in unions are far more likely to have better benefits across the board.

Unionized workers are 20 percent more likely to receive non-wage benefits like drug, vision and dental plans and more than two times as likely to have a workplace pension plan. In larger workplaces the contrast is even greater.

Through collective bargaining, unions tend to equalize wages among

workers and ensure fewer people are left with low-paying jobs. In fact, 53 percent of non-union women earn less than \$13.33 an hour compared to just 6.4 percent of women who belong to unions.

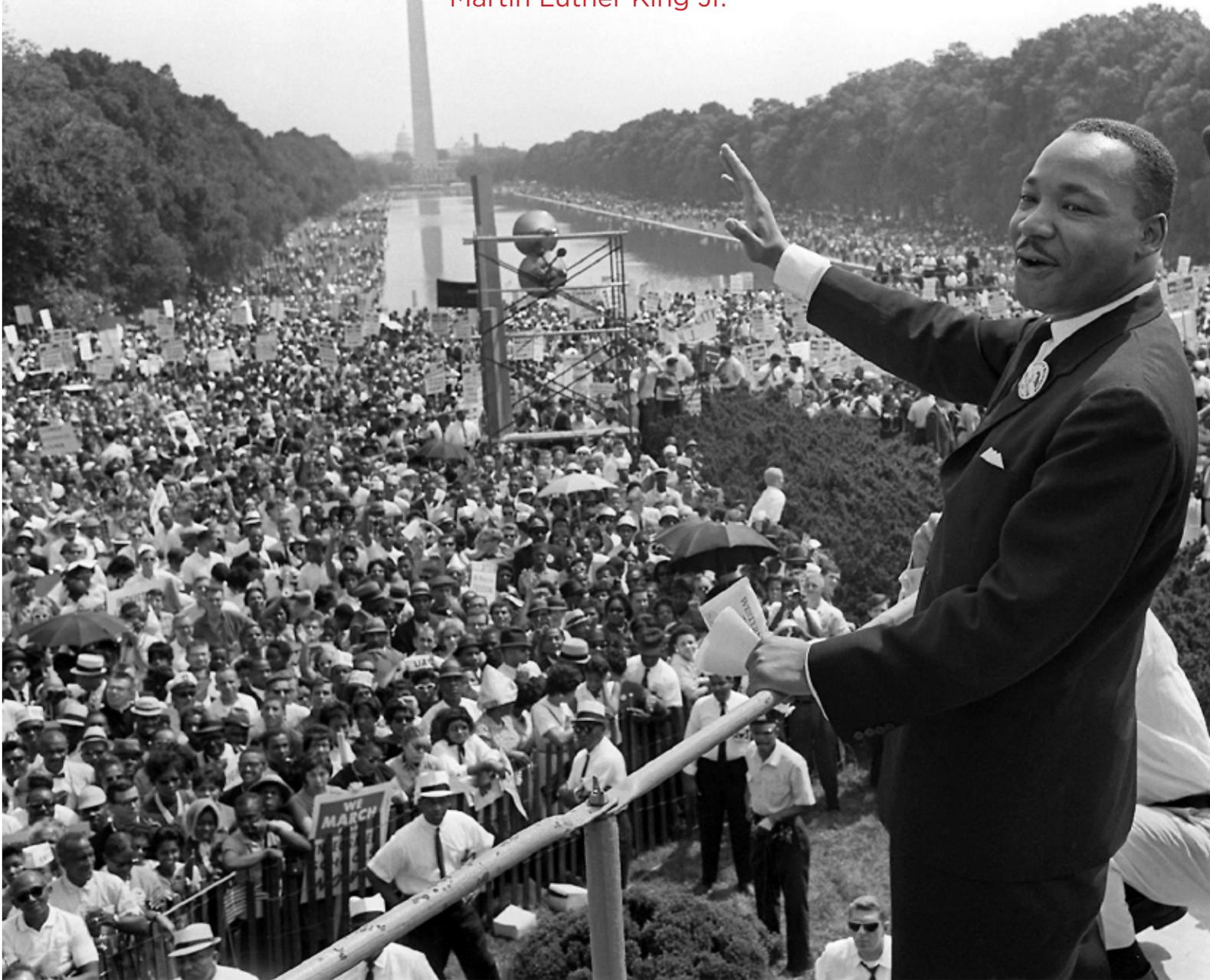
By increasing the wages of women and other marginalized workers, unions play a vital role in curbing social inequality and securing pay equity.

ONTARIO'S UNION ADVANTAGE: \$6.19 PER HOUR



“History is a great teacher. Now everyone knows that the labor movement did not diminish the strength of the nation but enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed of levels of production. Those who attack labor forget these simple truths, but history remembers them.”

— Martin Luther King Jr. —



THE RISING OF WORKERS IS THE RISING OF US ALL

Throughout our history, unions have negotiated to improve wages and working conditions and extend benefits. Our successes in bargaining have not only improved incomes and working conditions for union members, they have raised the standard of living for middle and working class Ontarians and paved the way for legislative changes based on the innovations that we have pioneered in collective agreements. Women workers have gained significantly through our concerted efforts to effect pay equity and minimum wages, and our successful bargaining of benefits and improvements for public sector workers who are primarily women.

But, importantly, in addition to negotiating with corporations and other employers, every day in every part of this province union leaders and activists work to promote social and economic justice in our society. We are key contributors to charity – actively raising millions of dollars in our workplaces for the United Way every year and working to support causes from leukemia to support for survivors of domestic violence. While donating to charities, we have at the same time dedicated ourselves to efforts to address the structural issues that create poverty and inequality. In fact, unions have been leaders and instrumental partners in all of the major struggles of the 20th century to build our social safety net and establish the public services that Ontarians rely upon.

These programs amount to a significant “social wage”: a benefit that is poorly understood and increasingly under threat. Despite the fact that our current politicians rarely talk of public services in terms of anything but costs, public programs and income supports provide a sizeable windfall to every average income household in our province. Economists Richard Shillington and Hugh Mackenzie have calculated the monetary value of the public services that we all enjoy, including schools and universities, parks, hospitals, garbage collection,

subsidies for nursing homes, social security, pensions, unemployment insurance, public transit systems, and the list goes on and on. They have found that every individual Canadian benefits on average by \$17,000 per year from public services. For an average household, this means an annual \$41,000 benefit through public services.

\$250 million
in 2011,
working people
contributed more
than 50% to the
budget of the
United Way

Canadian Labour Congress

In advocating for these benefits and services for our communities, we have worked collaboratively with faith organizations; womens’ groups; racialized communities; students; disabled persons; seniors; lesbian, gay, bisexual, transgendered and transsexual advocates; anti-poverty groups; health care advocates; civil rights groups; immigrant and refugee groups; and many others.

We are proud of our record in promoting and achieving key public programs and benefits, not only for our members, but for all residents in our province. We are dedicated to our work for international justice, human rights, and ending poverty and exploitation around the world.

Every individual
Canadian derives an
annual benefit of
\$17,000
from public services

For the average
household, this
means an annual
benefit of
\$41,000
through public
services.

Among the key social programs that Ontario's unions led or played a key role in securing are:

- Public medicare for all, and protection against privatization;
- Public pensions;
- Poverty relief programs, income supports for the elderly, and social assistance;
- Income support for persons with disabilities, accommodation in workplaces for injured and disabled workers, and accessibility in workplaces and public services;
- Health and safety legislation and redress for workers killed on the job through negligence;
- Support for education and training programs in colleges;
- Lower tuition fees and the re-establishment of grants for post-secondary education;
- Regulations to restrict user fees in schools; and
- Improved funding for public child care.

And there are many more. In this section of the report, we look at some of the key struggles over the last two centuries that unions have engaged in to achieve better living standards and a just society. In every case, the gains we have made are now under attack, and we have outlined the current situation in the case studies.



ENDING CHILD LABOUR

Even before social reformers from the churches and the women's movement became active on this issue, the labour movement in Canada worked to stop the use of child labour. The struggle lasted into the 20th century and still exists today.

From its founding convention in 1873, the Canadian Labour Union opposed the industrial employment of children under 10 years old. The Canadian Labour Union only lasted for three years, but unions' opposition to child labour did not end with it. In 1881, the first Canadian local of the Knights of Labor was founded in Hamilton. Among the first of its resolutions was the abolition of industrial child labour under the age of 14 years. A new national labour organization formed in 1883 continued the call. The new Trades and Labour Congress advocated for the abolition of child factory labour under the age of 14 years. They later extended their position to include children working outside of factories. In 1895, the Trades and Labour Congress petitioned the Ontario government to amend the *Shops Act* to protect women and children employed in business and commerce. By 1898, the Trades and Labour Congress expanded their opposition to child labour to include the abolition of all child labour by children under 14 years.

From the Report of the Royal Commission on Labour and Capital, Ontario Evidence, 1887:

- Q. You have a number of boys in your employ, have you not?
- A. Yes, we have some.
- Q. Is it true that these boys work from half-past six in the morning until six o'clock at night?
- A. Yes.
- Q. Have you boys in your employ who also work from seven o'clock at night until half-past five or six the next morning?
- A. Yes, I think so.
- Q. Do you know sir, if any of these boys in your employ are under the age of twelve years?
- A. Not that I am aware of.
- Q. Are you aware, Mr. Booth that the *Factory Act of Ontario* says that boys under a certain age are not to work more than 60 hours a week?
- A. No; I cannot say that I do; I never paid any attention to it.

The labour movement led the opposition to child labour, first out of concern for the impact of child labour on the wages and conditions of the adult workforce and concern for the oppression of children and, later, with a desire to free children for education to improve the future lives of their families.⁹

For decades, unions lobbied for legislative changes both at the national and provincial levels to regulate child labour, while the Canadian Manufacturing Association opposed restrictions on this cheap workforce. Throughout the 1870s and 80s, several private members' bills seeking to regulate child labour were introduced but failed to win support in the House of Commons. Sir John A. Macdonald called for a fuller study of the issue, resulting in the 1882 Royal Commission on Mills and Factories. It noted that, "The employment of children and young persons in mills and factories is extensive, and largely on the increase." Their hours and nature of work constituted "too heavy a strain on children of tender years, and [are] utterly condemned by all except those who are being directly benefited by such labour."

But progress at the national level was slow and powerful forces continued to support the exploitation of children as economic necessity. Heeding the findings of the Commission, the Macdonald government introduced three bills to regulate the ages of women and child workers, only to withdraw them under pressure of the Canadian Manufacturing Association who engaged in a concerted lobbying effort.¹⁰

In an antecedent to Tim Hudak's arguments in favour of poor working conditions today, the *Hamilton Times* claimed protective legislation for children should not be enacted as it would give "an advantage to manufacturers in other provinces." The rival Labour Union condemned the Times article, calling it "a piece with the cold-blooded heartlessness of modern commercial morality throughout."

In 1884, the Mowat Liberal government in Ontario, hoping to attract support from labour, introduced

"The testimony about children working in cigar and tobacco factories was of a very painful nature. Boys and girls, not more than ten years of age, were found in these places in large numbers. Some witnesses not older than fourteen had finished their apprenticeship at cigar-making and were working as journeymen. The evil in these instances was made evident by the fact that the tobacco had stunted the growth of the witnesses and poisoned their blood. They were pale, sallow and tired, without the lively and rosy hue of health which should adorn children."

From Kenneth W. Osborne, *Canadians at Work: Labour, Unions and Industry*
1984

legislation regulating the use of children in factories. The *Ontario Factories Act* established a minimum age of 12 years for boys and 14 years for girls, and restricted hours of work to 10 per day or 60 per week in factories employing 20 or more workers. Further, provisions for ventilation, sanitation and safety were required.

The *Act* was passed in the spring of 1884, but it was not proclaimed until December of 1886. The delay seems to have been, in part, the result of a stalling tactic due to the opposition of corporations.¹¹

While the *Act* placed some restrictions upon the use of child labour, it contained major loop-holes.

The government extended the *Act* in 1889 to cover workplaces employing five or more workers, but there were only three inspectors for the entire province. Enforcement remained lax for decades following the passage of the *Act*.

The Current Situation

Many Canadians think of child labour as a feature of a distant past that we picture as characterized by “dark satanic mills” of William Blake and other writers in the industrial age. Some consider child labour to be a problem that affects children and families in the global south. But, even today, Canada is one of less than 30 countries that have failed to sign on to the International Labour Organization’s convention on child labour.

In British Columbia, changes to the *Employment Standards Act* removed protections against child labour in 2003. Children not only do paper routes and babysitting, but also work in factories, mills, restaurants, shops and warehouses. The B.C. Worker’s Compensation Board saw a 10-fold increase in injuries among children aged 12 – 14 from 2004 – 2008.¹² Unions, such as Canadian Union of Public Employees (CUPE), Canadian Auto Workers (CAW) and the B.C. Federation of Labour have inspired and supported the efforts of the B.C. Coalition Against Child Labour, First Call and the Employee Action and Rights Network to restore and improve prohibitions on child labour.¹³

In addition, Canada’s and Ontario’s unions have continued the fight against child labour and exploitation, working around the world to support indigenous unions and civil society organizations. In 2008, the United Steelworkers affirmed at their convention, a motion to support the use of their Humanity Fund as follows:

“Whereas, now backed by over 60,000 Steelworkers from almost 300 Canadian employers, the Fund has forged alliances with unions in the developing world. Among its recent

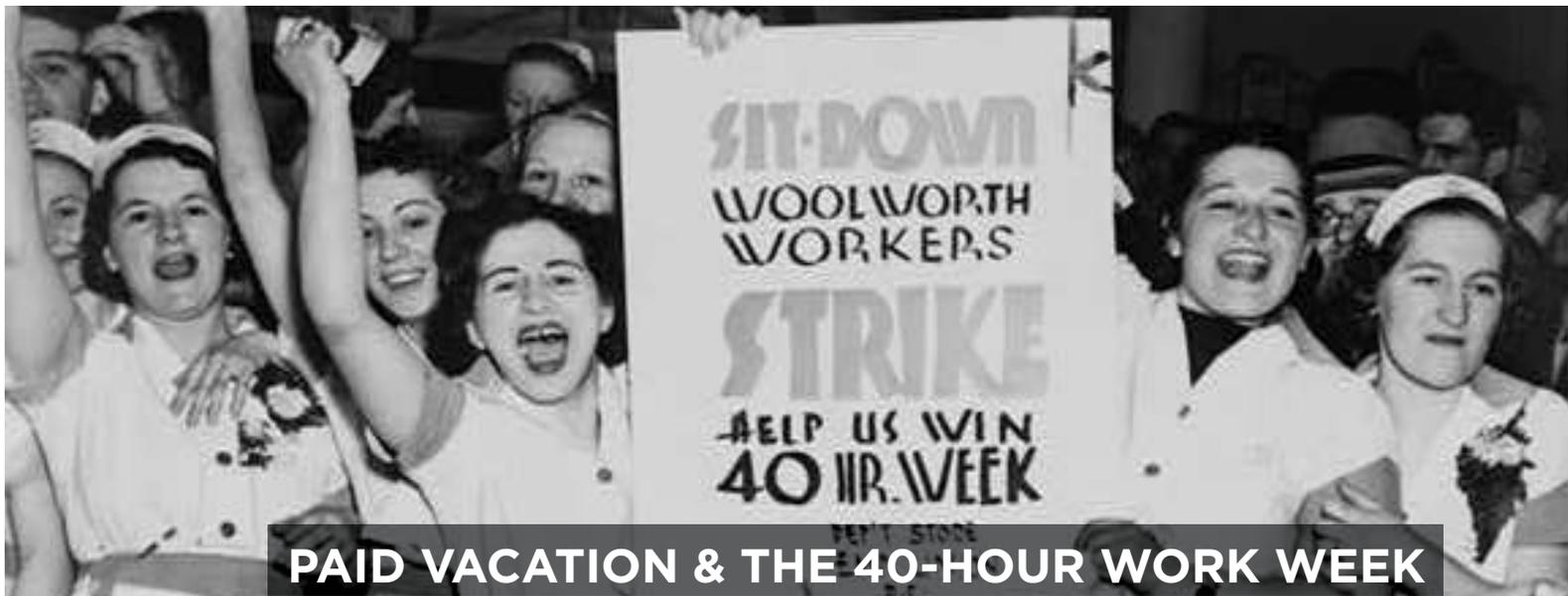
“If a boy, getting 50 cents per day stays away from his work for a day, he not only loses his day’s wages but is also fined 50 cents.”

Palladium of Labor November 24, 1883

projects are... support for community economic development in Mexico and Guatemala and women’s health and participation in Bolivia and Mexico; support for HIV/AIDS education in Southern Africa; and support for groups of workers in free trade zones and maquiladoras throughout the world where workers are the victims of extreme exploitation; and support for groups fighting against bonded child labor and sweat shops throughout the world ...”

Other unions such as the Public Service Alliance of Canada (PSAC), have used their social justice funds to support women’s empowerment and help end child labour in countries such as India.¹⁴ The Canadian Labour Congress has worked with the Builders and Woodworkers International Union to establish twelve “child labour free” villages and 293 worksite committees in India. Their work has transferred 796 children from labour to schools.¹⁵

The Ontario Factories Act 1884 established a minimum age of 12 years for boys and 14 years for girls, and restricted hours of work to 10 per day or 60 per week in factories employing 20 or more workers.



PAID VACATION & THE 40-HOUR WORK WEEK

The movement to win a shorter work week was led in Canada by Hamilton unions who formed the Nine-Hour Movement. In the mid-nineteenth century, industrial workers laboured 10 to 12 hours a day, six days a week. In reaction to the oppressive working conditions, the campaign for a shorter work week was launched in January 1872. In response, one hundred and forty-four employers signed a resolution opposing the nine-hour day. Branches of the Nine-Hour Movement began to spring up across Canada. In Ontario, workers formed groups in towns from Sarnia to Perth. In March, the printers of the Toronto Typographical Union went out on strike. In April, a rally of 10,000 people joined the strikers in their call for a shorter work day. Twenty-four strike leaders were arrested and jailed. In May, Hamilton unions led a walk-out by thousands of workers. Cheered on by huge crowds, the unions staged a parade through the city. Nearly 1,000 workers lost their jobs. In this period, workers in Brantford, Stratford, London, Oshawa, St. Catharines, Sarnia, Guelph and Kingston joined strikes as part of the Nine-Hour Movement. The arrests were roundly protested and the government of Sir John A. Macdonald, seeking labour support, promised to repeal the anti-union laws. In June, the national government passed the *Trade Unions Act*, legalizing unions. Annual parades were held in subsequent years, marking the Toronto protests. In 1894, the federal government made Labour Day a national holiday.

The struggle for a shorter work week continued throughout this period and into the 20th century. In

1883, Canadian telegraphers joined a continent-wide strike for equal pay for women, a shorter work week and improved wages. On May 1, 1886, 300,000 workers across Canada and the United States joined a one-day strike for the 8-hour work day. In 1890, the Carpenters' Union staged another strike for the 8-hour work day. European workers joined their North American counterparts in demanding the 8-hour day. Through these years and annual May Day strikes in subsequent years, hundreds of thousands of workers won the 40-hour work week. A 1916 strike by 2,000 munitions workers centred in Hamilton demanded a 9-hour work day. In 1918 Albert (Ginger) Goodwin, who led a 1917 strike in Trail, B.C. for an 8-hour work day, was assassinated. A general strike across B.C. was called in reaction to his shooting. Though the 1917 strike was lost, in the next spring, the B.C. government legislated an 8-hour work day for all smelter workers. In 1919, one of the demands in the Winnipeg General Strike and sympathy strikes across the country was shorter work time.

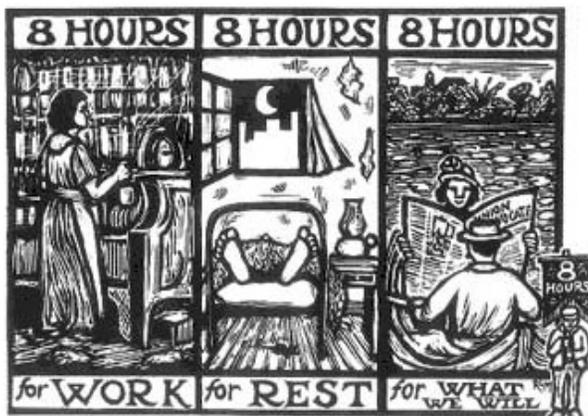
By the early 20th century, the widespread demand for a 40-hour work week was established. It was passed by the International Labour Organization at its first convention in 1919. In 1930, the federal government passed the *Fair Wages and Eight-Hour Day Act* for federal employees. It was followed by the 1934 *Fair Wages and Eight-Hour Day Act* for Ontario's provincial employees. But the majority of workers were still not covered by the legislation. The post-World War II reconstruction vision laid out by the the Ontario

federations of both the newly formed Canadian Congress of Labour and the Trades and Labour Congress included demands for a 40-hour work week with time-and-a-half pay for overtime and two weeks of paid vacation per year, in order to increase employment opportunities and workers' leisure time.

The shorter work week was not the general law until 1944 when Ontario passed the *Hours of Work and Vacations with Pay Act* – the precursor to the *Employment Standards Act* – which reduced maximum hours to 8 per day and 48 per week for women and men. The *Act* meant most employers in Ontario were required to provide their employees with one paid week of vacation per year. However, certain groups of employees were exempted and “special permits” and “exceptional circumstances” provisions enabled employers to circumvent the maximums.¹⁶ It wasn't long until a number of other provinces such as Saskatchewan, British Columbia, Québec and Alberta passed their own legislation regarding paid vacations in 1946, and Manitoba followed suit in 1947. By 1970, all the other provinces had legislated some form of paid vacation.

In 1950, 120,000 Canadian National Railway workers went on strike for a reduction from a 48-hour to a 40-hour work week. This strike – the largest in Canadian history – shut down the railway system and vital shipping of goods across the country. The government responded by legislating the workers back to work. Nonetheless, the workers succeeded in winning the 40-hour work week.

By the mid-1960s the government was feeling the pressure by unions to improve working standards for non-union workers and to protect employees from technological changes that were leading to unemployment.¹⁷ In 1968, the *Employment Standards Act* was passed, introducing time-and-a-half pay for work over 48 hours per week and public holidays. The *Act* also set standards for vacation time. In 1974, the overtime requirement was lowered to 44 hours per week. Exemptions for special circumstances continued.



The Current Situation

In 2001, the Mike Harris Ontario government rolled back the clock to the pre-1944 period. This Conservative government changed the *Employment Standards Act* to enable corporations to require employees to work up to 60 hours without a government permit and without overtime pay. Other changes enabled employers to require employees to take their vacation one day at a time, rather than having the full vacation period off. The changes reduced worker's rights to give only 48 hours off once every two weeks. In response, unions organized mass protests and tens of thousands joined marches and parades across Ontario. Students joined unions in occupations of Conservative MPPs' offices.

In 2005, the McGuinty government amended the *Employment Standards Act* again to re-establish the 48-hour threshold, but attempts to roll back the progress in limiting work hours that took unions and Ontarians more than 75 years to achieve have not stopped. In 2009, Conservative Party leadership candidate Christine Elliott promised to repeal the McGuinty changes and re-introduce the 60-hour work week, calling the current limits “government interference” and “red-tape.”¹⁸



THE STRUGGLE TO ESTABLISH A MINIMUM WAGE

Minimum wages were first set to protect women and children from exploitation. Still today, women and young people comprise the majority of minimum wage earners in Canada.¹⁹ In fact, the struggle to win fair wages and decent conditions for all workers has been a long one, and it is far from over. Statistics Canada reports the minimum wage as one of Canada's oldest social policies.²⁰ Indeed, Ontario's unions have worked for a century both to improve wages and working conditions for union members and to improve wages and extend protections for those who do not belong to unions.

The first minimum wage legislation in Canada was passed in 1918 by both British Columbia and Manitoba. Two years later, Ontario's Labour-United Farmers of Ontario coalition government passed legislation in this province. Québec, Nova Scotia, and Saskatchewan followed suit. But these early wage laws only protected women and were not universal. Unions had pushed for a statutory minimum wage

but were opposed by the Canadian Manufacturing Association.²¹ Instead, boards were established to set minimum wages on an industry by industry basis. While factory workers were covered, domestic workers – often racialized women – were not, and

there were many types of employment excluded. The Ontario board had the power to set minimum wages for teachers but did not do so despite public concern over teachers' subsistence wages.

Union pressure, however, was working. The Canadian Manufacturing Association reversed its opposition to

minimum wages, not from beneficence but rather out of fear of industrial unrest:

"The Employer who deliberately lends himself to the creation of a situation where men will be forced to work for less than it costs them to live is unwittingly opening the gates to revolutionary doctrine and inviting anarchy to run wild."

G.M. Murray, General Secretary of the Canadian Manufacturing Association, 1918.

The living wage is defined as the minimum hourly wage necessary for each of two workers in a family of four to meet basic needs and to participate in the civic/social life of their community.

But in September 1919, when the federal government hosted a National Industrial Conference, bringing together union representatives and business, agreement broke down over business' opposition to labour's key demands: recognition of the right to collective bargaining; the eight-hour day and a minimum wage. Ultimately, business representatives compromised and accepted women's minimum wage boards to keep the conference from being a failure.²²

In the 1920s, the labour movement articulated its call to establish minimum wages for men, and the drive to improve conditions beyond mere subsistence:

“such minimum to be not less than that set out in the Labour Gazette as necessary to maintain a family in a decent standard of living, the wage to be based on an eight-hour day.”²³

The first minimum wage for men was established in British Columbia in 1925. Ontario passed the *Fair Wages and Eight-Hour Day Act* in 1934 covering provincial employees, including men. But this legislation did not cover the private sector. It was followed by a new *Minimum Wage Act* in 1937, enabling the creation of minimum wages to protect men in low wage jobs. Most other provinces and territories brought in minimum wage legislation covering both women and men by the 1930s, with Prince Edward Island being the last province to do so in 1960. For many years, provinces set higher minimum wages for men than for women. Gender-based minimum wage rates were not abolished in all provinces until 1974. At one point, many provinces also had higher minimums for workers in urban centers than for those in rural areas – a distinction that disappeared by the 1970s.

The struggle continued through the latter half of the 20th century. In 1947, all minimum wage orders in Ontario under the 1937 *Act* were revoked and the province was divided into three zones wherein minimum wages for women were set at different rates. Although boards had the power to set minimum wage rates for men in some industries, they did not do so.

“ . . . because an underpaid man is as much the father of the coming generation as an underpaid woman would be the mother... if the father of a family is earning a wage which is not sufficient to support himself and that family, then it is not only the future generation but the children of the present generation who are being underfed.”

Trade unionist Helena Gutteridge, speaking at the National Industrial Conference, 1919

Through the 1960s, growing labour unrest and a push to eliminate poverty contributed to the successful achievement of a legislated minimum wage, more than half a century after the labour movement began to advocate for it. A general minimum wage rate of \$1 per hour was set for men and women across Ontario.

The Current Situation

Currently, minimum wage rates in Canada vary from \$9.40 in Alberta to \$11 per hour in Nunavut.²⁴ The minimums generally do not automatically increase according to the inflation rate, but are adjusted on an *ad hoc* basis by provincial and territorial governments. On April 1, 2007, Yukon became the first jurisdiction to peg annual increases in its minimum wage to the Consumer Price Index. A few provinces are bound by legislation to review the minimum wage standard every year or two, but none is required to change it. Legislated minimums in Ontario have often not kept pace with inflation.

Women account for 60 percent of workers earning a minimum wage. About 35 percent of teenagers (15 – 19 years old) earn minimum wage. Self-employed workers, independent contractors, students in training programs, and salespeople paid exclusively by commission are not covered. Farm labourers and homeworkers are also not covered. Ontario is the only province that still allows young workers to be paid less than adults.

In 1995, the Mike Harris Conservative government froze Ontario's minimum wage for nine years – lasting the duration of their term in power. In 2004, the Liberal government of Dalton McGuinty raised the minimum wage in stages until 2011 when it reached \$10.25 per hour.

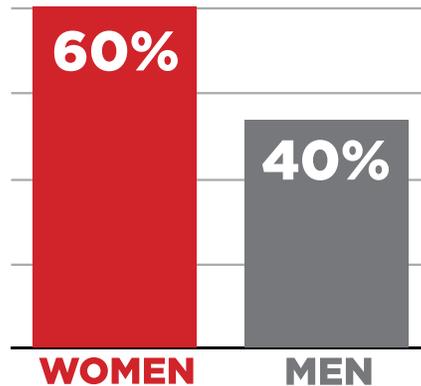
The Labour movement in Ontario was deeply involved in the campaign over the last decade to increase the minimum wage to redress the fact that it had fallen behind inflation, which subjected working minimum wage earners to poverty. The Toronto and York Region Labour Council made this issue one of its key campaigns and union members across Ontario rallied, lobbied and petitioned for the changes.

But labour has not only supported raising the minimum wage to protect a subsistence living standard. Unions and the Ontario Federation of Labour are committed to securing a living wage for

all Ontarians. Bob White articulates the difference in his paper, *Corporate Social Responsibility and a Living Wage*:

“The living wage is defined as the minimum hourly wage necessary for each of two workers in a family of four to meet basic needs and to participate in the civic/social life of their community.”

Women are 20% more likely to earn minimum wage



While we promote a living wage for all, we cannot rest assured of our successes in establishing a wage floor protected by legislated minimum wages. The current anti-union legislation proposed by Tim Hudak's Conservatives is only part of a package of reforms aimed at rolling back longstanding gains in the fight to eradicate poverty. The austerity agenda that is sweeping Europe has targeted minimum wages and it is only a matter of time before such measures begin to be proposed by the more extremist of the business-funded lobby groups and

political parties in Canada.

In recent months in Greece, an all-out retrenchment of minimum standards is underway. A general strike was called in February after cabinet announced deep and retroactive cuts to the minimum wage rates – amounting to a 22 percent cut for the general minimum wage and a 32 percent cut for workers under 25 years old.²⁵



UNEMPLOYMENT INSURANCE FOR ALL WORKERS

The struggle to establish an insurance system to protect workers in the event that they lost their jobs started in earnest in the early 20th century. In 1919, the International Labour Organization was founded as part of the Treaty of Versailles on the principle that universal and lasting peace can only be accomplished if it is based on social justice. Canada signed on to the first convention of the International Labour Conference of 1919, which recommended public unemployment insurance. Also that year, the federal government appointed a Royal Commission on Industrial Relations (called the Mathers Commission after its chair T.G. Mathers). In its final report, and at the urging of Canada's unions, the Mathers Commission recommended the introduction of a broad range of labour reforms, including the implementation of a national scheme of social insurance for workers who lost their jobs through no fault of their own. The federal government began to provide aid to municipalities to provide for unemployed workers during the post-war recession. But as the recession abated, the federal government cut its programs.

The issue of public unemployment insurance again resurfaced in the 1930s with the onset of the Great Depression. Unions campaigned for unemployment insurance in the Great Depression as a form of social insurance: if society could not provide a job,

it had the obligation to at least provide income security. In 1935 the Conservative government of R.B. Bennett, elected on the promise to take action on unemployment, passed the *Employment and Social Insurance Act* which established a national unemployment program modeled on the British system. Eligibility was limited and seasonal and low-skilled workers were not covered. The program was to be administered by a commission constituted by both employees and employers.

Implementation of the program was delayed while the question over federal and provincial constitutional powers over unemployment insurance were referred to the Supreme Court. By 1940, Prime Minister Mackenzie King was successful in gaining unanimous provincial consent on this issue. In July 1940, the British Parliament passed an amendment to the *British North American Act*, recognizing unemployment insurance among the list of explicit federal powers. In August 1940, the federal government passed the *Unemployment Insurance Act*, creating a national public system of unemployment insurance. The insurance plan was financed through contributions by employees, employers, and the Canadian government.

Though it was a significant step forward, the new *Act* excluded about 50 percent of the workforce, including

International Principles for Workers' Rights

Founded in 1919, as part of the Treaty of Versailles that ended World War I, the Constitution of the International Labour Organization (ILO) reflects many of the beliefs and struggles of unions still today:

Whereas universal and lasting peace can be established only if it is based upon social justice; and

Whereas conditions of labour exist involving such injustice hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.

The ILO called for:

- *Regulation of the hours of work including the establishment of a maximum working day and week;*
- *Regulation of labour supply, prevention of unemployment and provision of an adequate living wage;*
- *Protection of the worker against sickness, disease and injury arising out of this employment;*
- *Protection of children, young persons and women;*
- *Provision for old age and injury, protection of the interests of workers when employed in countries other than their own;*
- *Recognition of the principle of equal remuneration for work of equal value;*
- *Recognition of the principle of freedom of association.*

those employed in agriculture, forestry, fishing, logging, hospital care, education, and municipal and provincial public sector employees, unless their employers agreed to participate. Unemployment due to illness, injury, pregnancy, or retirement was not covered under the program. The length of time for which a claimant could receive benefits was based on the number of days they had contributed to the program. Significant changes to the *Act* were made in 1955 to allow, among other things, seasonal workers to coverage and to extend the program's protection to a much greater portion of the workforce.

Coinciding with the upsurge in union strength in the 1960s into the early 1970s and a social context in which gains were being made in equality for marginalized groups, a new *Unemployment Insurance Act* was passed in 1971. The new *Act* greatly increased access and benefits under unemployment insurance in Canada. Workers could still be disqualified from receiving benefits if they voluntarily quit their jobs, were fired for misconduct, or refused suitable employment, but the disqualification period was reduced from a maximum of six weeks to three. Benefits were also extended to include illness, maternity leave, and retirement.

The Current Situation

Prior to 1990, the cost of unemployment insurance was shared by employees, employers, and the federal government (through general government revenues). In 1990, however, the federal government eliminated its own customary financial responsibilities, making the program completely financed by employees and employers. In 1996, the name of the program was changed from "Unemployment Insurance" (U.I.) to "Employment Insurance" (E.I.) in an attempt to shift the connotations associated with the program.

While the federal government does not contribute, it is responsible for deficits and surpluses. As benefits continued to shrink through the 1990s and premiums were held high by government regulations, a huge surplus emerged.

In one of the more bizarre and scandalous chapters of our country's recent history, this multi-billion dollar surplus was taken by the federal government even while it continues to impose cuts to the E.I. system for workers.

By 1997, increases in U.I. premiums and cuts to benefits and eligibility had led to a surplus of almost \$10 billion. By 2008, though workers' coverage had been rolled back to less than 1940s levels, the surplus had ballooned to \$54 billion.²⁶ The issue was brought to the Supreme Court by the Confederation des syndicats nationaux (Québec's second-largest trade union with more than 300,000 members) and the Syndicat National des Employés de l'Aluminium. The court did not rule that the surplus should be returned to workers, but did find the government had acted illegally by having cabinet set the premiums instead of bringing the issue before Parliament. Subsequently, a new E.I. Reserve Account was created by the Harper government with a \$2 billion balance, premiums were raised to mitigate against increasing unemployment due to the 2008 recession, and the \$54 billion surplus disappeared into general revenues.

In the meantime, benefits continue to be cut. In 2010, the government cut regular E.I. benefits by 5 weeks and benefits for long-serving employees by up to 20 weeks in what was described as a "crushing blow" to older workers by Ontario's Intergovernmental Affairs Minister. The Ontario Minister also reported that E.I. coverage in Ontario now only extends to 30 percent of workers – less than the coverage provided in 1940.²⁷ The cut reduced unemployed workers' coverage by \$2,000 to \$7,000 each. In 2012, the federal government stripped parental coverage for 30,000 migrant workers who contribute \$3.4 million annually to the program. Now, although the workers pay into the program, they are not eligible to receive any benefits from it.²⁸

Decades of Cuts to Employment Insurance

Since the establishment of the *Unemployment Insurance Act* in 1971, repeated cutbacks and restructuring of the program have diminished coverage and reduced benefits substantially:

- 1976 Maximum benefit rate reduced to 67%.
Benefit duration reduced.
- 1977 Variable eligibility introduced.
10 to 14 weeks work needed to be eligible.
- 1979 Benefit rate reduced to 60%.
- 1980 Clawback of U.I. benefits introduced.
Federal Government pulls out of main U.I. funding, only paying for "extended benefits".
- 1990 Retirement benefits eliminated.
As many as 20 weeks work needed to be eligible.
Duration of benefits reduced.
Government U.I. contributions end.
- 1993 Benefits denied to those who quit "without just cause" or are fired.
Benefit rate cut to 57%.
- 1994 Benefit rate cut to 55%.
two-tier benefits and means-testing introduced.
Minimum 12 weeks work needed to be eligible.
Shorter benefit duration.
Total cuts \$2.4 billion per year.
- 1996 Benefit rate reduced to as low as 50% for "repeat users".
Maximum duration reduced to 45 weeks.
Family income testing introduced.
More severe clawback of benefits (starting at income as low as \$39,000).
Hours instead of weeks used to qualify.
Tougher entrance requirement for new workers and re-entrants.
Coverage cut for irregular and seasonal workers.
Total cuts: \$1.9 billion per year.

From: "Facts and Figures for the Front Lines"
Economic & Social Action Vol 2. Number 1, June 1996.



WOMEN'S WAGES AND RIGHTS

There is no question that union membership has lifted women's wages. Lesser-known is the extent to which unions have also led and supported improved wages for all women whether they are members of a union or not. Canadian unions pushed for many years to obtain a legislated minimum wage, a policy that has had a significant impact for the majority of minimum wage workers who are women. Unions have also advocated for the extension of employment standards and minimum wage laws to cover jobs predominantly held by racialized women. From the middle of the 20th century up until today, the labour movement joined women's organizations in promoting the cause of equal pay for equal work. Women trade unionists have been at the forefront of the successful fights to achieve pay equity laws, paid maternity and parental leave, and to make harassment in the workplace illegal. Unions have also been instrumental in campaigns to win child care coverage.

The 1920 *Minimum Wage Act* established a provincial board to determine weekly minimum wages for some female employees. Domestic workers and farm workers were excluded. In enacting protective legislation for women and children working in industrial workplaces, the government was responding to pressures from both organized labour and social reformers to improve the conditions of work experienced by these workers. The exclusion of domestic workers from the *Act* meant that these often racialized women workers did not receive the same protections.²⁹ Minimum wages for men were not legislated until later, and unequal pay for work continued as the norm throughout the 20th century.

By the end of the First World War, the Trades and Labour Congress passed resolutions calling for equal pay for women and men at a minimum of \$12 per week and the appointment of female union organizers.³⁰ Unions continued their advocacy throughout the post-war years and after. But pay equity legislation would take almost half a century to achieve.

By the mid-1980s unequal pay was still the norm and major pay gaps still existed. The gender wage gap between female and male workers had barely declined in a decade, despite the rise of the women's movement and the ability to make complaints under human rights legislation and the *Employment Standards Act*.³¹

Finally, in 1988, the Ontario government introduced the *Pay Equity Act*. The *Act* required employers to evaluate jobs done mainly by women and men and to pay equal wages and benefits for comparable jobs. Unlike most other pay equity laws that are only complaint-based, the *Pay Equity Act* went a step further: it is proactive and covers all employers in the public sector and those in the private sector with more than ten employees. It helped reduce the pay gap for men and women from 38 percent in 1988 to 29 percent by 2009.³²

The development of case law supporting women's claims to pay equity has been led by unions such as the Ontario Nurses' Association (ONA) and the Service Employees International Union (SEIU). Unions continue to actively monitor compliance with the *Act*, and in 2001 five unions – Canadian Union of Public Employees (CUPE), Ontario Public Service Employees Union (OPSEU), United Steelworkers

(USW), ONA and SEIU – initiated a Charter challenge to the Ontario government’s decision to deny pay equity to women in predominantly female public sector workplaces including nursing homes, child care centres, social service organizations, and home care agencies.

For federal employees at the national level, unions are still fighting for pay equity. In a landmark case, in 1983 the Public Service Alliance of Canada (PSAC) filed a pay equity complaint against Canada Post on behalf of clerical workers who are mainly women. These women were paid far less than their male dominated counterparts in mail sorting and delivery. Since there is no federal proactive pay equity legislation, the union filed the complaint under the *Canadian Human Rights Act*. It took 28 years of legal wrangling and appeals all the way up to the Supreme Court of Canada before PSAC’s complaint on behalf of its women workers was finally won in 2011.

Unions have also been instrumental in bargaining protections and benefits for women. Starting in the 1980s, unions promoted the inclusion of anti-harassment policies in collective agreements. By 2000, the majority of collective agreements contained anti-harassment clauses and anti-discrimination language. Most collective agreements also require employers to support maternity leave, parental leave and time off for family commitments. Over recent decades, unions such as the Canadian Auto Workers (CAW) and the Canadian Union of Postal Workers (CUPW) have successfully bargained for child care coverage.

Unions have fought for these improvements not only for unionized workers, but for all women. Ontario’s Pay Equity Coalition is supported by unions who work with community groups to protect and promote equal pay. Unions such as the National Union of Public and General Employees (NUPGE) have engaged in educational campaigns to promote improved access to maternity leave both at the bargaining table and in legislation. Women in unions have led campaigns, lodged complaints and brought

Bread and Roses

In 1912, twenty thousand textile mill workers – mainly immigrant women – went on strike in Lawrence, Massachusetts, protesting a major pay cut. The workers lived in horrendously overcrowded conditions, food was scarce, and the work – mainly done by women and children – was hard. Thirty-six out of every hundred who worked in the mill died before they reached age 25.

The women and children strikers were beaten by the police and one woman was shot and killed. Women strikers began to carry signs saying “Bread and Roses” and a song was written to commemorate their sacrifice. These words inspired women of the labour movement across North America:

*As we come marching, marching,
un-numbered women dead
Go crying through our singing,
their ancient call for bread,
Small art and love and beauty
their trudging spirits knew
Yes, it is bread we fight for,
but we fight for roses too.*

*As we go marching, marching,
we’re standing proud and tall.
The rising of the women
means the rising of us all.
No more the drudge and idler
ten that toil where one reposes,
But a sharing of life’s glories:
bread and roses, bread and roses.*

legal challenges to stop harassment of women in the workplace. Each year, Ontario's unions organize members to join community anti-violence against women activities such as "Take Back the Night" marches. Labour organizations also raise money for rape crisis centres and interval houses, and support an array of women's social service organizations. In the most recent provincial budget, unions such as CUPE advocated for – and won – improved funding for public child care.

In recent years, Ontario's unions have lobbied and advocated for new legislation on workplace harassment and violence. In 2009 legislation was introduced, requiring employers to develop policies and implement programs to prevent workplace violence and harassment. Amendments to the *Ontario Health and Safety Act* expressly require employers to take reasonable precautions to protect an employee from domestic violence in the workplace, and allow a worker to remove themselves from harm if they have reason to believe that workplace violence is likely to endanger them. Under the new legislation, employers must also engage in assessments to measure the risk of workplace violence.

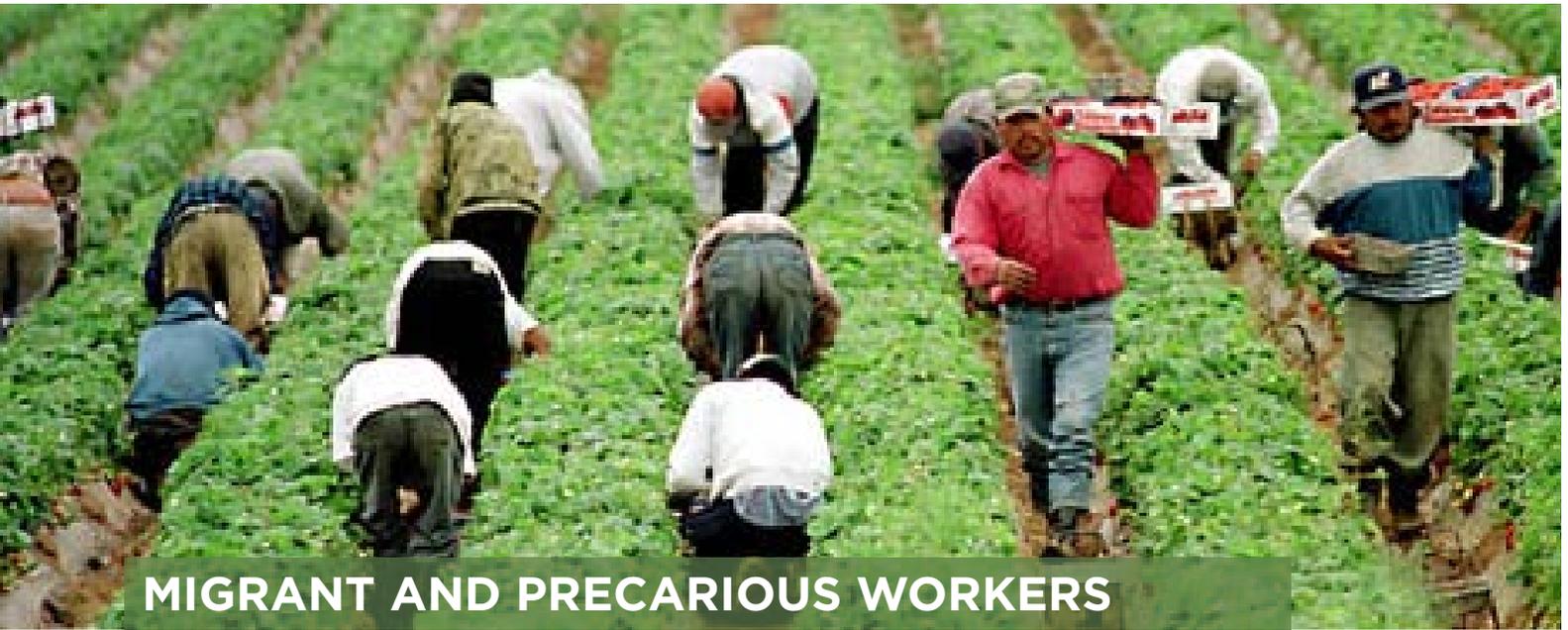
The Current Situation

The fight for pay equity is far from over. In fact, gains that unions have helped to achieve are under new attacks both at the federal and provincial levels. Across Canada, the Harper government's assault on women's advocacy organizations and pay equity is overt and aggressive: the Harper government has de-funded women's organizations that fight for economic and social equality, and has passed legislation to halt human rights complaints and union advocacy for pay equity. Ontario's government has more insidiously undermined pay equity gains by reducing funding for the Pay Equity Commission and Tribunal. Here, underfunding means that public child care is severely rationed and remains woefully inadequate to meet the need for working women with young children.

Years of activism and advocacy by organized labour and community groups have produced key recommendations to implement national pay equity legislation but the government has refused to do so. In May 2004 the Pay Equity Task Force concluded that the pay equity provisions in the *Canadian Human Rights Act* are simply not working. In a groundbreaking report entitled *Pay Equity: A Fundamental Human Right*, the Task Force recommended the adoption of a new national pay equity law that would require that employers proactively examine their compensation practices and develop pay equity plans in collaboration with unions. These recommendations received full support from women's groups and human rights organizations. But in September 2006, the Conservative government announced that it would not implement the Task Force's recommendations.

In fact, since it was elected, the Harper government has attacked federal public service workers' right to pay equity and cut funding to women's advocacy organizations. In 2009, it adopted the *Public Sector Equitable Compensation Act*, completely stripping federal public service workers' right to file a pay equity complaint before the Canadian Human Rights Tribunal. In addition, this new law prohibits unions from helping or encouraging our members to file an "equitable compensation" complaint before the Public Sector Labour Relations Board, subject to a \$50,000 fine. The Public Service Alliance of Canada is challenging this law before the courts, arguing that it infringes on women's constitutional equality rights and violates rights to freedom of association.

In Ontario, employment equity legislation was repealed in the mid-1990s. Despite the continued need to promote gender equity, since the early 1990s, Ontario's Pay Equity Commission and Tribunal have seen their budgets halved. Though public child care funding was improved in the 2012 budget, it remains half of what is needed and wait lists and costs for child care render access impossible for thousands of women and families.



MIGRANT AND PRECARIOUS WORKERS

While austerity measures are being legislated and used as the economic framework to push forward a neoliberal agenda, in which privatization, cuts and labour force restructuring have caused increased casualization of the workforce. This means that more and more jobs are temporary and insecure. This precarious workforce is vulnerable to exploitation and is often subject to outrageous fees and even fraud. The Ontario Ministry of Labour reports that about 735,000 Ontarians work in temporary jobs and most of them are hired by temp agencies.

Ontario's unions have been deeply concerned about the casualization of work. Unions for nurses and university professors have mounted campaigns to raise public attention about the implications of casualization and to push for improved protections for workers' job security. Labour councils and unions have worked in communities to expose and address the issue of increased precarious work and temp agencies. We have garnered some marginal improvements.

In 2012, the Ministry of Labour announced that it was engaging in a blitz of temp agencies to conduct inspections to reduce violations of employment standards regarding work hours, minimum wage, public holiday pay and breaks. The Ministry revealed that it

had recovered more than \$90 million in wages and other monies owed to employees through inspections, claims and collections.³³

Migrant workers are among the most insecure and vulnerable in the country and recent changes by the Harper government reduce their wages and rights

and increase pressure for reduced wages for all people employed in the sectors that use (or could use) migrant workers.³⁴ About 300,000 migrant workers come to Canada each year – more than 100,000 to Ontario – under the Seasonal Agricultural Workers Program to harvest crops, process food and work in mines. In Ontario, the number of migrant workers has doubled in the last decade. As the Canadian Council for Refugees describes the situation:

735,000

Ontarians work in temporary and precarious jobs

100,000

Migrant workers come to Ontario each year, a doubling over the previous decade

In recent years Canada has made a shift to temporary migration.

This is a dramatic change in policy, and there has been little public debate. In 2008 for the first time, the number of temporary foreign workers in Canada exceeded the total number of permanent residents admitted in the same year.

Large-scale temporary migration has social, political and human implications. Using temporary migrant workers to address permanent labour demands creates a two-

tiered society with a “disposable” workforce that is admitted only for its labour, and that has fewer rights and protections than Canadians.

Migrant workers are especially vulnerable to exploitation and abuse because of their lack of status, their isolation and their lack of access to information on their rights, and because the Canadian and most provincial governments don't ensure monitoring of their workplaces.

In fact, Canada's migrant workers are subject to exorbitant recruitment fees, unsafe working conditions and substandard living arrangements. If workers complain about long hours and dangerous conditions, they may be fired and sent home by their employers. Advocacy organizations have catalogued a litany of abuses and exploitation.

Unions, such as the United Food and Commercial Workers (UFCW) have led major campaigns to expose and redress the poor conditions to which migrant workers are subjected. The UFCW has published reports on abuses and operates 10 agriculture worker support centres across Canada.

After allowing employers to drop migrant workers' wages to 15 percent less than other workers last April, new attacks on the paltry benefits accessible to this workforce have been recently enacted by the federal government. Since 1966, migrant workers have paid E.I. premiums, but have received few benefits. Despite paying E.I. premiums, as seasonal workers, migrants are not eligible for regular E.I. benefits, but some have collected special parental, maternal and compassionate benefits amounting to a few hundred dollars. As of December 9, 2012 the federal government cut parental benefits for migrant workers.

The creation of a veritable army of temporary and migrant workers with fewer rights and protections is not a sound and long-term strategy to address the structural need of a stable labour force in Canada and in Ontario. It will only contribute to increased poverty and inequality for the majority while making the top one percent richer.

Driving Down Wages in 4 Simple Steps

Recent changes to the Temporary Foreign Worker Program will drive down wages for all workers.

Here's how it works ... step-by-step:

Step 1

Employers are allowed to pay temporary foreign workers 15% less than the average wage for a given occupation;

Step 2

Employment Insurance (E.I.) claimants can be forced to compete with migrant workers for these lower paying jobs;

Step 3

Employers have an incentive to lay-off workers in decently paid jobs and re-hire or hire new employees at lower wages, either through the temporary foreign worker program or through E.I. claimant harassment.

Step 4

When new E.I. claims are filed, unemployed workers will receive reduced benefits since future entitlement is based on 55 percent of previous earnings.

CONCLUSION

Unions do not stunt productivity. We do not cause unemployment. We are not the cause of the U.S. debt. We did not create the imbalances in European countries' balance of payments. Nor did we have any hand in fomenting the financial meltdown of 2008 and the subsequent recession. If our existence and strength created these problems, then Canada's "Golden Age" during the post-war period when we had higher unionization and growing income equality – and when many of our social programs were created – could not have happened. The northern countries of Europe, who have strong unions and are not in financial crisis also attest to these facts.

Closer to home, we are not the villains that caused the Ontario government's deficit. In fact, \$15 billion annual loss of taxation revenue due to the Harris and McGuinty government tax cuts for the wealthy and corporations combined with the negative impact of the 2008 recession on the tax base are the culprits.

Policies to reduce the wages and conditions for Ontario workers will have a dampening effect on our economy – and they will hurt our families. These policies are not a path to prosperity, but rather an elaborately disguised plan to use the global crisis to ratchet back gains in pay and benefits for workers and social programs that benefit most citizens.

This is the latest in the attempts to roll back the gains that have taken more than a century to win. Since their achievement, we have faced repeated attempts to undo the economic and social progress that we have attained. But the latest attacks are among the most aggressive we have seen in decades. If successful, the consequence will be greater inequality, more precarious work, declining living standards for many, and more wealth for the richest at the expense of the middle and working classes.

There are alternatives. The path laid out by Tim Hudak is one in which Ontario competes with states like Arkansas and Louisiana to lower wages and protections for workers – and muzzle their unions'

opposition to these policies. We see this as a race to the bottom.

Instead of pursuing the creation of a parasitic economy in which prosperity for the few is fed from the sacrifice of the many; instead of falling into the viciousness of negative competition wherein Ontario's working families are forced to compete to take jobs away from working families elsewhere, Ontario could forge a more progressive path.

Our government could work with unions to establish a balanced approach to eliminating the deficit while protecting longstanding rights of workers and the social services that Ontarians rely upon. We could form bi- and multi-lateral trade agreements with other liberal democratic jurisdictions to protect domestic production of goods and improve – rather than diminish — standards and protections for our citizens. We could expose and pressure jurisdictions that deprive workers of internationally-recognized rights. We can spend our money wisely – and ensure that it is used to support employment with decent conditions in our communities. We could develop an economic strategy that addresses the need for local and democratic ownership and development of production, a sound energy policy that includes thoughtful stewardship of our natural resources and agricultural policy that protects family farms.

Unions are proud of our history. We have stopped the exploitation of women and children, protected workers from death and injury on the job, improved social conditions and had a hand in winning virtually every social program and benefit that exist in our province. We are deeply disturbed by the anti-union and anti-worker policies that are being promoted along with a manipulative distortion of our contribution to our country and our society. For many of the gains we have achieved, union leaders and members suffered firings, imprisonment, physical threats and even death. We have earned a respected place in our common history.

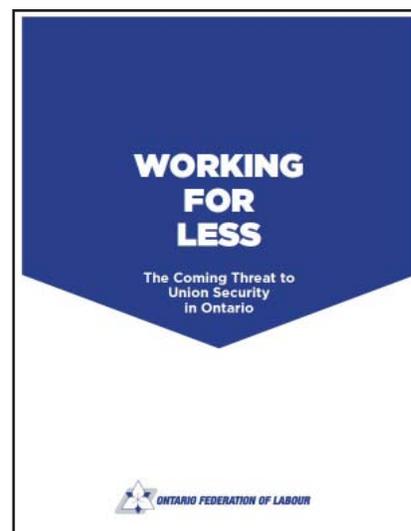
For our sacrifices, we have effectuated an improved standard of living over the last century. We have stabilized family incomes and provided support for the middle class against declining real incomes. We are the working class and the majority of the middle class. Statistics Canada reports that in 2012 the 1.6 million unionized workers in Ontario earn an average of \$28.64 per hour while non-union workers earn an average of \$22.44 per hour.³⁵ The evidence shows that we have lifted our own members' living and working conditions and provided a bulwark against the failing of the middle class that is so vital to our economy.

As we have done for a century-and-a-half, we will continue to work to improve living standards for our

members and society as a whole. Our record – from improved minimum wages to public health care for all – is a testimony to this commitment.

As Ontarians chart our society's path through the difficult fiscal terrain ahead, we must recognize that in today's globalized world, negative competitiveness won't buy prosperity for most of us. It will simply drive down living standards that took centuries to build. Today, strong unions are needed, more than ever, to balance the power of the corporate elite whose hoarding of the world's wealth has reached monstrous proportions. In the words of Martin Luther King Jr., the rising of the unions has indeed been the rising of us all.

Also see the companion document, "*Working for Less*". Download both documents at: www.OFL.ca/Index.php/Campaigns/WorkersRights



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