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**ONTARIO  
FEDERATION OF  
LABOUR**

May 16, 2017

Honourable Kathleen O. Wynne  
Premier of Ontario  
Room 281, Main Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Wynne:

With the awaited release of the Changing Workplaces Review's final recommendations, workers in Ontario are expecting the government to stand up and fight for their rights – to pass meaningful legislation that will create a framework for decent work in Ontario.

**Insecure work is spreading rapidly throughout the economy.**

The economic impact of insecure work has been the lived experience of far too many Ontarians. Sectors that were once characterized by well-paying stable jobs – like manufacturing, journalism, computer programming, engineering, the civil service, nursing, and teaching – are seeing elements of insecure work. This is in addition to sectors, such as restaurants (notably, fast-food), hotels, retail, homecare, and other service industries, where vulnerable workers are traditionally employed.

That is, Ontario workers are increasingly finding themselves in a constant state of insecurity – holding not one, but multiple jobs, often characterized by low income, few workplace benefits, little job security, and no protection through unions.

**It is important to note that Ontarians experience different realities in the working world, depending on their demographic:**

Women represent two-thirds of part-time workers, and over 60 per cent of the 1.7 million Ontarians who earn at or near the minimum wage.

In 2016, one in five young adults, who had a part-time job, were in that job because they had no other choice. Full-time work was not available.

Workers of colour experience higher levels of unemployment and underemployment, are often bypassed for jobs or promotions, and earn a lower income than non-racialized Canadians.

If the desire is to make Ontario more equitable and more prosperous, then the next steps are fundamental changes to Ontario's employment and labour laws.

**Sweeping reforms to Ontario's labour market are undoubtedly necessary.**

Unions play a paramount role in helping workers make changes to their conditions at work and their lives outside of work too. It's important to understand that every time a union secures better pay, better benefits, and/or better working conditions for its members, it helps raise the standard of work

across the board. It makes it that much easier for other unionized and non-unionized workers to obtain similar rights.

It is strongly anticipated that the government will make positive changes in the lives of Ontario workers and their families by dismantling barriers to unionization in low-wage, insecure sectors; extending successorship rights in the contract services industry; providing union organizers with access to workplace information; and granting access to binding first contract arbitration.

Not all Ontarians, however, have access to joining and keeping a union – a constitutional right enshrined under the Canadian Charter of Rights and Freedoms. This means that not everyone has the right to organize, the right to join a union, the right to engage in meaningful collective bargaining, and the right to strike.

**The Ontario Labour Relations Act (LRA), however, makes it difficult for workers to exercise their guaranteed rights.**

The LRA governs the relationship between unions and employers in Ontario. Currently, the balance of power rests unequally with employers. There are several workers, including agricultural and horticultural as well as domestic workers, that are exempt from the protections outlined in the LRA. Measured against the freedom of association principle in the Charter, exclusions cannot be justified. *It is imperative that the greatest number of workers possible are covered under the LRA.*

The current bargaining model was designed for large, single site workplaces with traditional hours of work. Even in this situation, workers who want to organize face significant obstacles, such as employer interference and harassment. It is, however, significantly more difficult in industries where the actual employer is unclear and where there are several small workplaces with the same owner or franchisor. These are sectors where workers tend to be female and/or racialized and in part-time or temporary jobs. *To provide these workers with an option to join a union – which is their constitutional right – different types of bargaining models that allow for stronger standards and protections are required.*

Workers who are identified in an organizing drive are required to vote twice to demonstrate that they want to join a union. From the first show of support to when the ballots are cast, the situation can drastically change. Employers, who hold the balance of power, can coerce and harass their employees and partake in unfair labour practices. The vote no longer represents what workers truly want. *Card-based certification, where workers vote once, must be reinstated.*

Currently, if employers engage in unfair labour practices, the Ontario Labour Relations Board (OLRB) typically orders another vote. The outcome of this vote is effectively meaningless, given that it has been determined that the employer has engaged in serious intimidation and coercion. The OLRB, however, can certify a union without a vote if they believe it is difficult to ascertain workers' true wishes. *It should be easier for the OLRB to invoke remedial certification.*

It is not often that workers exercise their right to strike, but when they do, it is because they have no other way of being heard by their employers. The right to exercise economic sanctions is an important part of the collective bargaining process – as reflected by the Supreme Court of Canada's decision. The law should not undercut workers who are fighting for decent work. *The use of replacement workers during a legal strike or lockout should be banned.*

For a comprehensive list of the Ontario Federation of Labour's demands under the Changing Workplaces Review, including changes to the Employment Standards Act (ESA), please refer to our October 2016 [submission](#).

**Extensive changes to Ontario’s outdated Employment Standards Act and Labour Relations Act will uplift Ontario’s economy.**

Investing in workers is investing in the economy and the future prosperity of this province.

When workers in the province are subject to insecure employment – which is becoming the norm rather than the exception – the economy overall suffers. The lack of income security associated with insecure work reduces consumer confidence, leading people to spend less. In turn, this reduces business profits and investments, which reduces government revenue. This vicious cycle can become a virtuous cycle. We can create a framework for decent work that allows every worker to succeed and contribute in our economy.

There is no evidence to suggest that major changes to Ontario’s employment and labour laws will have an adverse impact on the economy. In fact, the evidence strongly suggests that such changes will improve the economic circumstances of workers, leading to an improvement in the overall economy.

**Demands for further study now should be seen for what they truly are: an attempt to delay long-anticipated and long-justified reforms.**

The Ontario Federation of Labour is very pleased to see the government taking action to improve the lives of working people. We have been active participants in this process – at every step along the way. We have been practical and forthright in our suggestions for improvement. We strongly expect that important and meaningful changes are on the way. Workers in the province of Ontario have languished under outdated employment and labour laws for far too long.

Ontario workers and their families are looking for bold action from their government. They need a government that will create an economy that is decent, fair, and equitable – where no one is left behind.

**Real, meaningful, and progressive change is required, and it is required urgently.**

It’s time to build Ontarians up.

Sincerely,

  
**CHRIS BUCKLEY**  
President  
Ontario Federation of Labour

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cc: Ontario Cabinet Ministers  
Steve Orsini, Secretary of Cabinet  
Heads of Unions  
OFL Executive Board