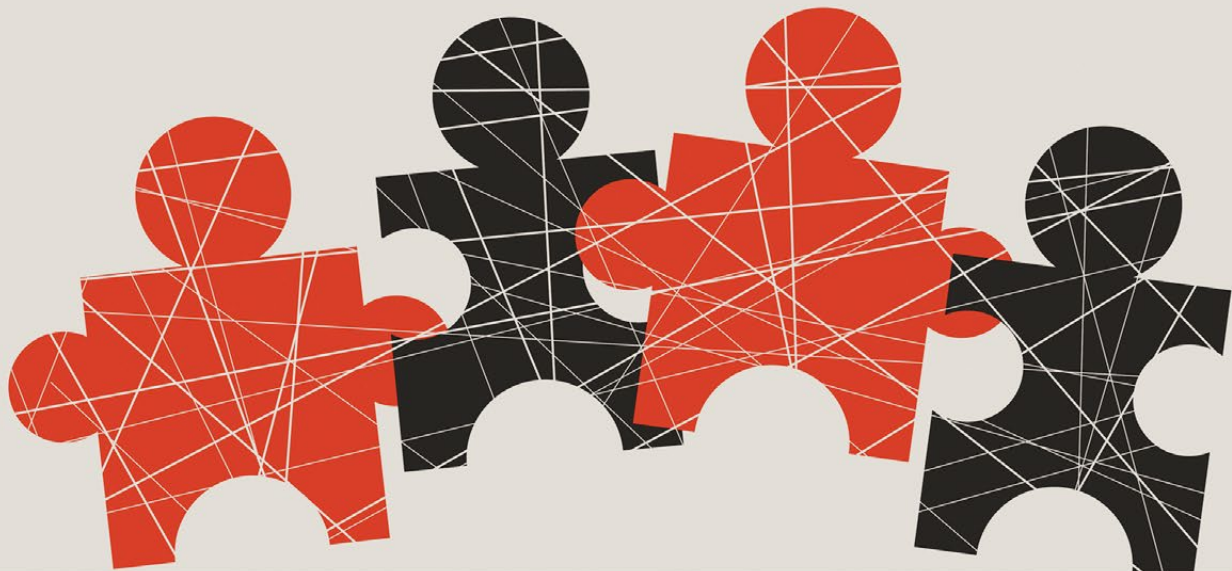




# FIGHTING FOR FAIRNESS/ DEFENDING OUR RIGHTS

GETTING REAL ABOUT ATTACKS ON LABOUR



## ORGANIZED LABOUR'S RECORD OF SUCCESS

**F**or over a century organized labour has been a powerful force for good in our country - fighting injustice, defending the disadvantaged, battling for safe working conditions, and demanding good jobs and a better quality of life for Canadians.

In the 19th century unions fought to outlaw child labour and the slave labour conditions found in many factories, mines and mills. Later on, in the 20th century, our fight expanded to include the struggle to win paid vacations, a 40-hour work week, a minimum wage, recognition of the right to organize and bargain collectively, and an end to discrimination in all its forms - including racial, age, sexual orientation and gender discrimination. All of which are now accepted as normal facts of life in Canadian workplaces.

Whenever the need has been greatest, Canadian unions have been in the thick of the fight.

Sometimes this has involved tough bargaining by union negotiating teams or shop stewards fighting injustice or breaches of collective agreements at the shop floor level.

At other times, it has taken the form of working at the community level with fellow citizens to make sure the towns and cities in which we live are all they can be - in terms of good public services, a clean environment and an excellent quality of life.

And at yet other times it has meant political action - working with like-minded groups and individuals to encourage governments at all levels to look out for the interests of all citizens, not just rich corporations with the money and connections needed to tip the scales in their favour.

For we realize that this is not just a matter of fighting for our members and their families - as important as that is. The reality is that we are all in this together. And we all move forward together or not at all. So we need to work with other groups and individuals who share our values if we are to build a country that treats all of its citizens fairly and with respect.

Our lobbying efforts have proved particularly valuable since time and again they have resulted in new and expanded government initiatives aimed at:

- » Improving workplace health and safety.
- » Providing unemployed workers with the temporary income support they need to support their families and the skills upgrading they require to get back to work quickly and stay employed.
- » Opening up educational opportunities for everyone - not just the children of the wealthy.



- » Making high-quality health care available to all Canadians.
- » Making sure seniors have the pension income and services they need to enjoy a happy and healthy retirement.

This record of achievement is proof positive of our commitment to our members, their families, the communities in which we live, and the country we love.

## THE PRICE WE PAID

Of course, none of this has been easy. And the price we have had to pay has been enormous. For over our history, many union activists have been jailed, beaten, fired and slandered - just for standing up for what is right. But while the price has been high, the struggle has been worth it. For many of the things that make Canada such a great country today are the direct result of the sacrifices made by the union brothers and sisters who went before us. And it is because of their blood, sweat and tears that we now enjoy good wages and benefits, a safe workplace, and job security as well as the tremendous progress we have seen in recent years toward the creation of a truly just society.

## TROUBLE AHEAD

With such a long list of accomplishments to our credit, you would think that we in Canada's trade union movement would be able to rest on our laurels and bask a little in the glow of what we have achieved so far.

Sadly, this is not the case.

Around the world we see the growth of movements that seek to cripple unions and roll back hard-won gains made by workers — all in the name of greater transparency, expanding the right to work, and the supposed need for fiscal restraint in a time of financial crisis. These stated goals, while they may sound good, are actually little more than a thinly disguised attack on unions, whose real intent is to reduce workers' salaries and benefits and make citizens little more than helpless pawns in the drive by big money interests for even greater power and profits.

Nor is Canada immune to this phenomenon — as seen by recent attempts by hard-right, neo-conservative politicians at all levels of governments to promote a corporate agenda which would return us to bad old days when workers were at the mercy of employers' whims.



## FEDERAL GOVERNMENT ATTACKS

A good example is the repeated attempts by the former Harper Government to turn back the clock on labour relations by reducing the ability of unions to represent their workers and lobby for a fairer and more just Canada.

Take for instance, the Harper Government's frequent use of back-to-work legislation to end labour disputes — which took place five times in less than two years. This included:

- » Air Canada - in June 2011, September 2011 and March 2012.
- » Canada Post - in June 2011.
- » And Canadian Pacific - in May 2012.

Prime Minister Trudeau's current Liberal government promised to restore fair and balanced labour laws after Stephen Harper rolled back many fundamental labour rights.<sup>1</sup> In turn, the Trudeau Government repealed Bills C-377 and C-525 which were passed under the Harper Government's anti-union agenda. These bills sought to weaken unions by forcing unreasonable financial reporting and making it harder for federal workers to join unions. The Trudeau government also plans to implement sweeping reforms to the Canada Labour Code, including the implementation of rules to help ensure equal pay, a new pay equity framework, and increasing personal leave and vacation entitlements.

However, despite Trudeau's pro-union promises, the current Liberal government turned its back on organized labour when it passed back to work legislation in November 2018 to end the Canada Post strike. CUPW has expressed its intentions to launch a constitutional challenge against Trudeau's government's use of the legislation.<sup>2</sup> CUPW successfully challenged Harper's back-to-work legislation in 2011. It was found that the Harper government violated the rights of freedom of association and expression under the Canadian Charter of Rights and Freedoms. Further, the Supreme Court of Canada declared in 2015 that the right to strike was fundamental to, and protected by, Canada's Constitution. Despite its pro-union claims, the Trudeau Government chose to pass similar legislation which violated Postal Workers' Charter-protected freedoms.

A signal of the Trudeau Government's apathy toward workers is also shown by its rejection of setting a federal \$15.00 minimum wage and delays in rectifying the Phoenix pay system.

## ONTARIO GOVERNMENT ATTACKS

It is not just the Harper and Trudeau Federal Governments that have caught the anti-union virus. Similar moves have been seen at the provincial level—most notably in the Province of Ontario with the election of current Ontario Premier Doug Ford.

1 <https://www.liberal.ca/realchange/labour-unions/>

2 <https://www.cupw.ca/en/cupw-challenges-back-work-legislation-court>

Ford was elected as leader of the Conservative Party in June 2018. In his short tenure thus far in office, Ford has proven himself no stranger to back-to-work legislation. One of the Ford government's first acts and self-proclaimed "top priorities" was passing back-to-work legislation which ended an almost 5-month strike at York University. Notably, the Conservative government did not make any efforts to get the parties back to the bargaining table before implementing back-to-work legislation. This flagrant use of back-to-work legislation flies in the face of workers' constitutional rights. The Ford government continued to trample these rights when it legislated Ontario Power Generation (OPG) workers back to work just 6 months later. The Ford government, while refusing to deem OPG an "essential service", threatened to use back-to-work legislation before the strike even began.

The Ford government has also implemented a hiring freeze across the broader public sector, excluding "essential frontline workers." It has also recently recommended that Ontario's school boards implement a hiring freeze as part of a much broader attack on education and worker's rights. The government has announced its "Student Choice Initiative" allowing post-secondary students to opt out of student fees, including union fees, outside of "essential campus health and safety initiatives." Mr. Ford is quoted in the *Globe and Mail* as saying, "I think we all know what kind of crazy Marxist nonsense student unions get up to... So, we fixed that. Student union fees are now opt-in." Student Unions—at the forefront of many labour movements including the \$15 & Fairness movement—are citing this act as a way to stifle political opposition rather than reduce the costs of higher education.

The Ford Government has also rolled back pro-worker legislation. For example, the Ford Government passed Bill 47 which repealed the majority of the Fair Workplaces, Better Jobs Act (Bill 148) which protected precarious and vulnerable workers in Ontario. As a result, instead of minimum wage rising to \$15.00 an hour, Ontario's minimum wage will be frozen at \$14 for adult workers, \$13.35 for students, and \$12.20 for liquor servers until October 1, 2025. Bill 47 also makes it harder for workers to unionize in certain sectors, such as home care and community services. Bill 47 replaced 10 personal emergency leave days—two of which were paid which could be used for a variety of purposes—with unpaid leave: 3 days for personal illness, 3 days for family responsibilities, and 2 days for bereavement leave. Further, Bill 47 reversed the Liberal government's decision to ensure that casual and part-time workers would be paid equal pay to full-time workers when performing the same work.

The Ford Government has continued to implement anti-union legislation under the guise of bolstering Ontario's "competitiveness." Bill 57 delayed the Pay Transparency Act, 2018, which was an important act of the former Liberal government to improve pay and gender equity in the workplace. Currently under debate is Bill 66 which, if passed, would, among other issues, revoke the rule mandating employers to display workers' rights posters and would remove overtime protections for workers. Unsurprisingly, this Bill has incurred much criticism for allowing the abuse of workers.

Finally, the Ford Government has also introduced *The People's Health Care Act, 2019* which will create a new super agency, Ontario Health, to oversee the health care system across the province and create new integrated care delivery systems. In order to accomplish this goal,



the Minister of Health and Long Term Care will have the authority to dissolve a number of existing agencies including the 14 Local Health Integration Networks (LHIN's) which employ hundreds of unionized workers. It remains to be seen how these changes will be implemented and what rights those employees will have when the services they currently provide are transferred under the umbrella of the new agency. The new legislation does not clearly protect the current working conditions and rates of pay of those employees.

Taken together, these moves by the Ontario Government - both contemplated and in process - appear to be part of a master plan to:

- » Reduce the power of unions to advocate for workers.
- » Roll back free collective bargaining.
- » Violate key protections for citizens including the Charter of Rights and international labour law.
- » Freeze and cut wages and reduce benefits.
- » And undermine achievements in working conditions.

As such, they represent an all-out assault on democratic rights and protections for Ontario's workers and the families that rely on them.

## THE ATTACK ON PENSIONS

Of course, it's not just existing benefits that are in trouble. It's also workers' pensions that are at risk.

Some groups are clearly more vulnerable than others — a good example being those workers on the front end or back end of their careers, such as:

- » Young workers just starting out in life — who need to earn an adequate income so they can support themselves, support a family; and
- » Older workers, approaching retirement age — many of whom need their last 5 years' income to be as high as possible to maximize their pension benefits.

While both may be strongly impacted and an attack on one group is an attack on all workers, those workers approaching retirement are often the hardest hit since they have very little time remaining in their careers to re-jig their financial plans in order to prepare for their golden years.

Which is why attacks on pensions by federal and provincial governments and employers in general are particularly troubling.

Take, for example, the former Harper Government, which pulled out all the stops to:

- » Force Canadians to stay in the workforce as long as possible through changes to the CPP relating to early and delayed retirement; and



- » Raise the cost of retirement by ratcheting up CPP contribution rates and moving back the age at which future retirees can apply for Old Age Security and the Guaranteed Income Supplement.

Thankfully, the Trudeau Government has denied a recommendation to raise the retirement age, promising to stick to its election promise to set the age at which workers can collect old age security and CPP benefits at 65. This is a reversal of the previous Harper government's plan to raise the age to 67. Raising the retirement age would hurt those workers who have suffered injuries on the job or who are burnt out by stress or the health problems which all too often result from having to cope with a toxic workplace — and so are simply unable to put off retirement. To demand that such people work longer before they retire would amount to cruel and unusual punishment.

In addition, as of January 2019, the Canada Pension Plan (CPP) is being gradually enhanced. The Government of Canada explains that workers will “receive higher benefits in exchange for making higher contributions.” The increase is being phased in over a 45-year period. The enhancements will increase maximum CPP retirement pension by up to 50% for those able to make enhanced contributions for 40 years. Therefore, these enhancements will impact the younger generations the most.

Notwithstanding these positive developments, the current Trudeau Government announced Bill C-27 which would amend the Pension Benefits Standards Act to allow Crown corporations and federal private-sector employers to opt out of defined-benefit pension plans in favor of target benefit pension plans. While a defined-benefit plan protects workers by making employers legally obligated to fund workers' earned benefits, a target benefit plan places all the risks on workers and retirees. Similar legislation was even rejected by Harper's Conservatives due to the negative feedback it received from various stakeholders, including Unions, in a public consultation. Although there was no public consultation or press before the announcement of Bill C-27, all major unions have organized against the Bill and have called on the finance minister to withdraw it. The Bill has been languishing at second reading since its introduction in 2016 due to public consultations and ethical issues surrounding Bill Morneau's involvement. It remains to be seen whether these controversial pension changes will be passed into legislation before the next election.

After events such as the Sears Canada bankruptcy, unions have also been calling upon the Liberal government to impose enhanced pension protections when companies declare bankruptcy. The Sears Canada bankruptcy caused pensioners a cut in pension payment and benefits. To date, however, the Federal Government has declined to take steps to ensure workers who have contributed to pensions are not penalized for the employer's insolvency.

Many public sector plans are also endangered by the on-going efforts of federal, provincial and municipal governments to shed workers and reduce the wages and benefits paid out to those left on the books.

The problem here is that the solvency of pension plans is based on the idea that the benefits paid out to retirees will be financed in large part by the contributions made to plans by those still working. This means that, if there are fewer workers employed or if workers are paying lower contributions due to lower wage rates, less money will go into the pension plan. And if that happens for an extended period of time, the pension plan is in trouble. Which is the situation we may well face in the very near future if the various levels of government continue to lay off workers and shed positions.

## WHY THE ATTACKS?

So why are we seeing such concentrated attacks on organized labour - and why now?

The short answer is 'money' - and lots of it. Money saved off the backs of staff by financially strapped public sector employers. And even more money in the form of bigger profits earned by large corporations. All they have to do is get rid of unions - or cripple their ability to do their job - and wages and benefits will go down, pension plans will be pared or scrapped, and workers will do pretty much whatever they are told. Or so they think!

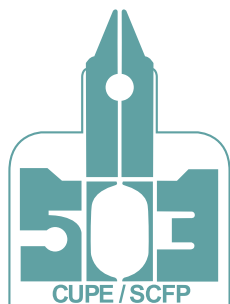
But that's not what the proponents of the "race to the bottom" are telling the public. To hear them talk it's all about restoring our international competitiveness - which is somehow being hurt by those evil unions constantly demanding higher wages and better working conditions. And it's about the jobs that will be created - as soon as Canada is union-free.

The problem is that none of this is true. For there is no clear link between the rate of unionization and job creation. True, some very low wage jobs may move to countries with little or no regulation or protection for workers. But, by and large, the fact that Canadian unionized workers have good wages, benefits and working conditions is not the deal breaker in terms of whether companies decide to set up shop here or not. Rather labour costs are just one of many factors that influence their decision.

Nor does it make sense to trash workers' wages and benefits in hopes of staying competitive in an increasingly global economy. For here again, a number of factors go into making a country competitive - including education and skills levels, easy access to affordable raw materials, a stable political system free of corruption and proximity to major markets, such as the United States. All of which work to Canada's advantage - as seen by our strong showing in World Economic Forum's Global Competitiveness Report. It declared us to be one of the most competitive countries in the world - placing us 12th out of 140 nations.<sup>3</sup> The Global Competitiveness Index Country Profile Highlights for 2017-2018 notes that both labour market flexibility and worker protection are necessary for competitiveness and shared prosperity.

All of which is more than reason to renew our efforts to speak out and fight back against these unjustified attacks on unions and workers' rights!

3 World Economic Forum. The Global Competitiveness Index 2018.  
<http://www3.weforum.org/docs/GCR2018/05FullReport/TheGlobalCompetitivenessReport2018.pdf>



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