

After Bill 47: What we won and why we keep fighting

On January 1, 2019, Ontario's minimum wage was scheduled to increase to \$15. But just six weeks before this much needed raise came into effect, the Ford government cancelled it.

By delaying the \$15 minimum wage until 2025, Premier Ford put corporate interests ahead of our need for decent work.

Minimum wage and beyond

It's important to remember that Ontario's minimum wage had been frozen for 12 of the 20 years between 1995 and 2015. When the Workers' Action Centre first launched the \$14 Now! Campaign in 2013, the adult general minimum wage had been frozen for four years at \$10.25 an hour. From that first phase of the campaign for a higher minimum wage, not only did we win a modest bump in the general adult minimum wage, from \$10.25 to \$11.00, we also won our demand for indexation. That legislation also included better protections for temp agency workers and those facing wage theft.

From the minimum wage to the Changing Workplaces Review

But since it is impossible to talk about raising wages without talking about all the other components of decent work, our movement convinced the government to review all of Ontario's labour laws with an eye to modernizing them for today's labour market.

This province-wide review gave us the opportunity to have a much bigger public conversation about decent work, and launch the next phase of the minimum wage campaign that is now known as: **the Fight for \$15 and Fairness.**

What we won: From Bill 148 to Bill 47

Thanks to the tireless organizing that took place across Ontario, we won major labour law reforms in 2017 when the previous provincial government passed Bill 148. But Big Business lobby groups were furious and launched an attack campaign that called for an immediate repeal of these hard-fought rights.

When the Ford government was elected in June 2018, corporate lobby groups found a close ally at Queen's Park. But because our decent work movement doubled down on organizing, the new government faced resistance every step of the way.

Bill 47 was passed by the Ford government on November 21, 2018. While it rolls back many of the improvements we won in Bill 148, we were able to protect some important gains that will make a real difference in workers' lives:

1. \$14 minimum wage

Through grassroots organizing we raised Ontario's adult general minimum wage to \$14 (from \$11.60). This accomplishment transfers \$3.4 billion from corporate profit to workers' pockets – each and every year.

2. Indexation

Even though the minimum wage will be frozen again until October 1, 2020, we preserved future annual cost of living adjustments that will help prevent the minimum wage from falling further below the poverty line. This is an important win, considering the fact that each year that prices rise and wages don't, workers experience a cut in their earning power.

3. Job-protected emergency leave for all

Before the \$15 & Fairness campaign, 1.7 million workers did not have job security if they had to leave a shift due to illness, family emergency or other unplanned urgent situation. At the time, existing job-protected emergency leave only applied to workplaces with 50 or more workers. As a result, workers in smaller workplaces found themselves facing job loss or discipline if they had to deal with an emergency.

Although the Ford government has reduced the overall number of job-protected days and restricted their use with Bill 47, we have been able to defend access to these emergency days by all workers – regardless of the size of their employer. This provides protection for nearly 2 million workers in smaller (and often more precarious) workplaces.

4. Misclassification is still illegal under the law

Misclassification is the term used to describe employers who wrongly classify their workers as independent contractors instead of employees. When this happens, workers lose their employment rights under the law and they also lose access to Employment Insurance, Canada Pension Plan, and more.

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Under Bill 148, misclassification became explicitly prohibited in Ontario. While Bill 47 puts the onus on the worker to prove misclassification, it still retains the prohibition under the Act.

5. Better protections for temporary agency workers

- **In 2013 we won better protection for temp agency workers when wages go unpaid.**

Both the temp agency **and** the client company are held responsible for any unpaid wages, overtime or public holiday pay. This important protection remains.

- **Temp agency workers continue to be entitled to notice or pay in lieu of notice if a contract that was supposed to last at least three months is terminated early.**

We have retained this modest, but important penalty for employers who disregard the rights of temp agency workers.

- **Joint responsibility for workplace health and safety.**

Prior to our campaign, corporations used temp agencies as a way to avoid their obligations under the workers' compensation and health and safety acts.

In other words, because the temp agency is considered to be the official employer of temp agency workers, the client company was not legally or financially responsible for workplace accidents.

In 2018, due to public pressure, the government finally moved to hold the client companies (where temp agency employees actually work) legally and financially responsible for injury and accident costs, and liability under workers' compensation.

This protects temp agency workers and removes an important financial incentive for employers to use agency workers in the first place. We've retained this change.

6. Limited protections against contract flipping

We've kept the Bill 148 provision that protects workers when a building services contract expires and a new contract is awarded to a different service provider.

This protection against contract flipping applies to cleaning, security, and food service contracts so that, if an existing contract expires, the wage, working conditions and union protections previously in place are extended to the workers employed by the new service provider.

7. Three weeks paid vacation after 5 years

We protected the right to an extra week of paid vacation, after five years with the same employer, which we had won with Bill 148.

8. Domestic violence leave

Domestic or sexual violence leave is a job-protected leave of absence that we won with Bill 148 and maintained. It provides up to 10 days and 15 weeks in a calendar year of time off to be taken for specific purposes when an employee or an employee's child has experienced or been threatened with domestic or sexual violence. The first five days of leave taken in a calendar year are paid, and the rest are unpaid.

9. A stronger, more united movement

Our movement has fundamentally changed the conversation about workplace rights.

77% of Ontarians support paid sick leave and a majority support equal pay for equal work, fairer scheduling rules and greater access to union protections. In fact, two-thirds of Ontarians (including over 60% of small business owners and 42% of Conservative voters) support a \$15 minimum wage. When workers fight for these rights in the workplace now, they are going to have more public support.

This lays the foundation for strong collective bargaining campaigns for unionized workers. It will also help non-unionized workers fight wrongful dismissal when employers try to roll back wage increases and paid sick days that are in place. But perhaps our most important achievement is the existence of much stronger solidarity networks in very corner of the province. As a result of our collective work, we now have roots in communities, campuses, workplaces, and neighbourhoods.

If we continue to build on this momentum, there is no doubt we will be much better situated in the future to win our fight for \$15 and Fairness for every worker in Ontario.