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Ontario Workers Demand Anti-Worker Legislation Be Scrapped

Construction Workers Defend Their Right to Organize

Under the hoax of opening Ontario for business and eliminating red tape, the Ontario Ford government tabled Bill 66, the *Restoring Ontario's Competitiveness Act, 2018*, on December 6, 2018. The bill amends 18 existing laws and is a massive attack on the workers and people of Ontario in all aspects of their life.[1]

One of the most salient features of the bill is the attack on construction workers. Schedule 9 of the bill amends the *Labour Relations Act, 1995* to deem municipalities and certain local boards, school boards, hospitals, colleges, universities and public bodies to be non-construction employers. This means the trade unions currently representing employees of those agencies and institutions, who are now or may be employed in the construction industry, no longer represent them. Any collective agreement binding the employer and the trade union members ceases to apply in so far as it applies to the construction industry.

This means the government is preparing to massively de-unionize construction workers and construction work in public institutions and terminate legally binding collective agreements without the consent or permission of the workers involved. This is a frontal attack on the wages and working conditions of construction workers, on their right to organize and be members of a collective, and their right to safe and healthy working conditions that have the general approval of construction workers and their collectives. This comes at a time when the rates of fatalities and injuries in Ontario's construction sector continue to rise.



Workers across Ontario are denouncing this attack as well as Bill 66 as a whole. A number of unions have issued statements highlighting the attack against construction workers.

Who Said What

The Carpenters' District Council of Ontario (CDCO) writes in its statement dated December 11, 2018:

"Bill 66 is supposed to be the government's latest attempt to make Ontario more competitive but, when it comes to construction, Premier Ford has apparently decided to do this by attacking ordinary workers. Parts of this bill will eliminate construction bargaining rights and existing, long standing, collective agreements covering construction workers and various public sector employers, including municipalities, school boards, hospitals, universities and alike. In short, the ability of construction workers working for these types of employers to freely bargain collective agreements for their construction work will be made unlawful."

"Our union has had productive relationships with these types of employers, such as the City of Toronto, which in many cases go back decades, and which are designed to ensure that the employers get real value for money while construction workers can make a fair and honest living. Apparently, those types of relationships are not something that this Premier wants to see continue," said Mike Yorke, President and Director of Public Affairs of the CDCO.

"This government is now attacking all construction workers and their basic rights. Our Union for one intends to fight for our members and their rights in every way we can. The Supreme Court of Canada has made clear that the right to collective bargaining is protected by the Canadian Charter of Rights and Freedoms and if we have to go all the way to the Supreme Court in Ottawa to make Premier Ford's government recognize this, then that is exactly what we are going to do," said Tony Iannuzzi, the leader of the Carpenters' Union in Ontario.

The Toronto and York Region Labour Council, which has many construction unions in Toronto as affiliates, writes in an open letter to the Ontario Premier from its President John Cartwright sent January 8:

"As one of the final acts of 2018, your Conservative government introduced legislation that would rip up all construction union agreements with cities, school boards, universities and hospitals. This is nothing short of a full-scale attack on workers' rights in this province -- and something none of you talked about during the election campaign.

"In Toronto that will decimate bargaining rights of nearly all of the union trades, most of which have been in existence for a century or more. To decide that you have the authority to simply take away those agreements with a stroke of a pen is breath-taking. The Supreme Court has overturned similar anti-union legislation in recent years because, unlike your government, it recognizes that the Charter protects basic labour rights. Labour rights are fundamental to a just society.

"Toronto has the most productive construction workforce in North America -- the product of many generations of immigration combined with a deep commitment to apprenticeship and skills training. Union training centres have an enviable record of success in apprenticeship graduation and skills upgrading through life-long learning. Union members and unionized contractors contribute financially to ensure that these crucial skills are passed on to the next generation. And the safety record in union construction is dramatically superior to the non-union sector.

"There are many other aspects of the bill that are deeply flawed and should also be withdrawn. I urge you to abandon Bill 66 in its entirety."

The Provincial Building and Construction Trades Council of Ontario (PBCTCO) writes in its December 12 statement:

"The bill's changes will reduce protection for workers and consumers, put our environment at risk and weaken labour standards," said Patrick Dillon, the Business Manager of the Council. "Premier Ford claims he's 'for the people' but these proposed changes will benefit corporate Ontario instead of hard working Ontarians.

"Among the most egregious aspect of the bill is the government's massive intrusion in free collective bargaining," Dillon pointed out. "The intrusion in free collective bargaining is a sign of a government with a clear autocratic streak. This bill was introduced without consultation with the workers and unions affected by its draconian effect. Needless to say, this government did not advise the people of its union-bashing policies during the election campaign."

The Ontario Federation of Labour writes in a December 6 statement:

"The bill deems public entities, like municipalities, hospitals, universities and schools as 'non-construction employers,' opening the door for non-union shops in the construction trades to bid on and build public infrastructure projects.

"Unionized construction trades are leaders in health and safety. By opening public construction projects to non-union shops, Ford is putting worker safety at greater risk and trampling collective bargaining agreements," said OFL President Chris Buckley. "By reducing safety standards to satisfy big business, the government is playing with the lives of Ontarians. When there are too many children at a private daycare, children are unnecessarily put in harm's way. When guardrails are not required, workplace accidents kill workers. With this bill the government that claims to be 'for the people' is once again putting the almighty dollar ahead of the lives of Ontarians."

Note

1. For more information about Bill 66, read "The Human Toll of the Ford Government's 'Job-Killing Red Tape' Campaign," Pierre Chénier, *TML Weekly*, January 26, 2019.



Renewed Disgraceful Attack Against Workers in Precarious Jobs



A significant aspect of Ontario Bill 66 is the renewed attack by the Ford government on workers employed in precarious work. Bill 66 follows the *Making Ontario Open for Business Act, 2018*, known as Bill 47, which received royal assent on November 21 of last year. Amongst other things, Bill 47 eliminated the increase in the minimum wage from \$14 to \$15 per hour that was set to come into force on January 1, freezing the current rate until October 1, 2020. Bill 47 also cancelled the minimum legal requirement of two paid sick days a year, as well as a measure prohibiting employers from forcing employees to obtain medical notes to prove they were sick.

The proposed Bill 66 makes changes to the *Employment Standards Act, 2000* (ESA). It removes the legal requirement that employers must apply to the Director of Employment Standards before entering into an agreement whereby their employees can exceed 48 working hours per week, with a limit of 60 hours per week.

A significant change contemplated in Bill 66 is this repeal of the 60-hours-per-week cap under the hoax that this will only happen if there is an "agreement" in place between the employer and the employee. This is a fraud because the worker employed in a precarious job is very often not organized in a union, thus lacks the backing of an organized collective. Precarious worker are

often hired through temp agencies, which means they have no direct formal employer with whom they can reach an "agreement." This means workers are often just ordered to work longer than the 60-hours-per-week cap and are released if they refuse to "agree." The government is now making the situation even more precarious and a blatant dictate by removing the necessity of any intervention by the Director of Employment Standards.

Bill 66 also removes the requirement that employers must receive approval from the Director of Employment Standards before entering into "agreements" that allow them to average out their employees' hours of work for the purpose of determining their entitlement to overtime pay.

Workers, particularly those who are not unionized, already find it very difficult to avail themselves of the current provisions in the ESA. In cynical fashion, the Ford government avoids this situation by simply eliminating many parts of the ESA and any legal mention of it at the workplace such as posters informing workers of their ESA rights.

Ontario workers say *No!* to this shameful attack against workers in precarious jobs and demand Bill 66 be scrapped!



Opposition to Abrogation of Environmental Protection



Demonstration outside Environment Minister Lisa Thompson's office December 14, 2018.

Stop Ontario Bill 66!
Join the Stop Bill 66 campaign -- www.stopbill66.ca

Some of the most retrogressive and dangerous measures introduced in the Ontario Ford government's Bill 66 are changes to the *Planning Act*. These proposed changes faced swift and broad opposition as soon as the bill was made public. People from all walks of life put up lawn signs, signed petitions, made calls to their MPPs and rallied outside of their offices. Farmers, small business owners and many municipal leaders publicly opposed Bill 66, putting their concern for

environmental protection first.

The Ontario Municipal Affairs Minister Steve Clark tweeted on social media on January 23, "[The PC government] has listened to the concerns raised by MPPs, municipalities and stakeholders with regards to Schedule 10 of Bill 66 and when the legislature returns in February, we will not proceed with Schedule 10 of the Bill."

Environmental groups are spearheading a campaign called "Stop Bill 66." They want to make sure that not only the changes to the *Planning Act* are indeed cancelled when the Legislature returns but that the entire bill is scrapped.

The *Planning Act* sets out the ground rules for land use planning in Ontario. Schedule 10 of the bill, which Minister Clark facing almost universal opposition has said will be dropped, would have amended the Planning Act by adding a new provision that enables a municipality to pass an "open-for-business planning bylaw." According to the Ford government, the change would have created a new "economic development tool" that would allow municipalities "to ensure that they can act quickly to attract businesses seeking development sites."

The proposal for an open-for-business planning bylaw gives some insight into the profoundly anti-social and anti-democratic outlook of the Ford government. The bylaw would be part of a municipality's zoning powers. Before passing such a bylaw, the municipality must first seek the approval of the Minister of Municipal Affairs and Housing. The demand would require a council resolution and any "prescribed information." This would include "open-for-business information, including details about the proposed employment opportunity, [and demonstrate that the bylaw is] for a new major employment use." The minimum threshold would be 50 new jobs in municipalities of less than 250,000 people and 100 jobs for municipalities with over 250,000. Within the process, no public notice or hearing would be required prior to passing an open-for-business planning bylaw.

Once an "open-for-business planning bylaw" had provincial government approval and was passed, a number of provisions from the existing *Planning Act* and the following laws would not apply to whatever "development project" has been proposed:

- *Clean Water Act, 2006*;
- *Great Lakes Protection Act, 2015*;
- *Greenbelt Act, 2005*;
- *Lake Simcoe Protection Act, 2008*;
- *Metrolinx Act, 2006*;
- *Oak Ridges Moraine Conservation Act, 2001*;
- *Ontario Planning and Development Act, 1994*;
- *Places to Grow Act, 2005*; and
- *Resource Recovery and Circular Economy Act, 2016* .

Environmental groups forcefully pointed out that in many cases these laws came into being with significant history, including environmental damage and death and illness suffered by Ontarians. An example is the *Clean Water Act* (CWA) that was passed after the Walkerton, Ontario tragedy in 2000. Contamination of Walkerton's drinking water, as a result of inadequate purification and water testing, following the system's privatization, claimed seven lives and made thousands of people very ill. After Walkerton, the CWA drew up source water protection plans to protect drinking water facilities across Ontario. If that part of the bill was passed, these measures would be threatened and this would open the door to other water contamination tragedies.

It should be noted that another measure in Bill 66 entails the repeal of the *Toxics Reduction Act, 2009*, scheduled for December 31, 2021, and the repeal of all existing regulations within the Planning Act. Wide opposition to the repeal of this Act has quickly grown in Ontario. The Act deals with the use of toxic substances at the workplace with the stated aim of reducing them. The government is proposing the repeal of the Act without any input from the workers and people of Ontario who are exposed or have been exposed to toxic substances, and without a word of explanation or scientific argument as to why this should be done.

Stop Bill 66!



British Columbia

Ramada Hotel Workers in Prince George Rally for a Better Contract



On January 23, Ramada Hotel workers -- members of UNITE HERE Local 40 -- organized a spirited rally outside the Prince George hotel demanding a better contract that would significantly improve both their wages and working conditions. They were joined by Prince George residents from multiple unions and work places, as well as from the broader community.

The Ramada workers have been without a wage increase for almost three years, yet the hotel is proposing a two-year wage freeze. The workers currently make about \$4/hour less than their counterparts at the Coast Inn in Prince George. In addition, they struggle with heavy workloads and understaffing.

Ramada has invested \$6 million in the hotel building recently and has received a \$345,000 tax break from the City of Prince George. Yet the hotel refuses to invest in its workers without whom the hotel could not operate. The workers point out that they work hard for the guests, but the Ramada Hotel does not show them the respect they deserve.

As the rally progressed, leaflets were handed out to hotel guests providing information about the unacceptable situation faced by the Ramada workers. Many stopped to learn why the rally was taking place and to hear the request of the workers that, if the Ramada does not address their concerns, guests should choose another hotel the next time they visit Prince George. Similarly, the

North Central Labour Council (NCLC) is calling on its member unions to cease business at the Ramada if the workers' demands are not dealt with.

UNITE HERE Local 40 members addressed the rally thanking participants for their support and expressing their determination to get a contract that meets their needs -- similar to the recent successful struggles of other Local 40 workers at the Coast Inn and in food services at the University of Northern BC (UNBC). Among other speakers were Kelly Boudreau, Vice-President of NCLC and President of CUPE Local 1048; along with Dawn Hemingway, a professor with the UNBC Faculty Association and representative of the Stand Up for the North Committee.

With contract negotiations set to resume on February 5, the Ramada workers were clear in their resolve to continue and, if necessary, escalate their fight, until they obtain an acceptable contract. Supporters at the rally were equally clear in their commitment to stand with UNITE HERE Local 40 members.



Northwest Territories

Public Service Workers Persist in Fight for Dignity of Labour



Public service workers protest outside the NWT legislature, March 9, 2018.

Workers' Forum reported last November that 4,000 public employees of the Government of the Northwest Territories (GNWT) are waging a determined fight for significant improvements to their working conditions.[1]

Changes are needed to meet their needs in this northern environment where the cost of living is much higher than in most of southern Canada. The refusal of the GNWT to improve the living and working conditions of public service workers is an attack on their dignity and cannot be tolerated. Public sector workers provide services essential to the functioning of society, in health care, maintenance of roads and highways and all the necessary infrastructure.

The GNWT does not treat public sector workers as the backbone of the infrastructure who create

immense value for the Northwest Territories. Instead, the GNWT as is the case throughout Canada consider workers not as value creators but a "cost" that needs to be reduced and humiliated. This upside down backward outlook is unacceptable in the modern world.

Workers report that after close to three years of attempting to negotiate a collective agreement that meets their demands, no progress has been made, so stubborn is the government in denying their just demands. The government is now addressing individual workers directly to misinform them about its offer, trying to split them from their fellow workers and pit them against the union.

In recent developments, the Union of Northern Workers (UNW), which represents the workers, reports that all workers received a document from the GNWT that was sent to them without the union even being informed. The document says the wage offer will be part of a five-year agreement, a term the union has refused to consider since the very beginning of the negotiations.

The document also makes reference to both wage increases and step increases, increases that workers receive when they gain experience in a position. The union reports that the document includes step increases in the calculations and then presents a false average wage increase. According to UNW, for two thousand of the Territories most experienced government employees, no step increases remain. This renders the actual overall wage offer below what is needed to cover cost of living increases, which unlike many collective agreements are not included in the GNWT contract.

UNW reports that after close to three years of negotiations, the government still refuses to provide measures of job security to its workers. A large number of them are still treated as relief, casuals or terms. Term and casual workers are often extended over and over in that position rather than allowing them to become fulltime workers. Creation of fulltime jobs would improve the overall staffing while providing workers with benefits and pensions, none of which they have at the moment in their precarious position. Some workers who have been working steady for the government for decades are still classified as casuals. Under the anti-worker mantra of reducing the "cost" of the human, which in fact is the source of new value, the government states that it wants to expand the use of relief workers to the entire GNWT workforce, which the workers firmly oppose.

The union has been in a legal strike position since November of last year. It demands that the government sit with the negotiating committee and address their two main demands: a wage increase that allows government workers to face the increased cost of living in this northern territory, and measures of job security that allow more workers to become fulltime employees so as to put an end to their most precarious conditions which include, for many of them, being deprived of pensions and benefits. To push for a settlement, the UNW proposed in January that the government agree to binding arbitration, which was flatly refused. A factor in this outright refusal to negotiate is found in the *Public Service Act* governing the Northwest Territories. Under the Act, the government cannot lock the workers out but it can unilaterally change any terms and conditions of employment for employees in the bargaining unit.

The workers are determined to defend their dignity and improve their living and working conditions. This is the first time in almost 50 years that the employees of the government have been in a legal strike position.

Note

1. ["Public Service Workers Wage Determined Fight for Their Rights and Dignity," *Workers' Forum*, November 8, 2018](#)

Britain

Jaguar Land Rover Eliminates 5,000 Jobs

Jaguar Land Rover (JLR) has announced it will cut up to 5,000 jobs in Britain, particularly in sales and administrative roles, amounting to one in eight of its current British workforce of 40,000.

The job cuts are part of a \$4.3-billion "cost-cutting plan" in the wake of publishing a \$155-million loss in September 2018. They come on top of previous cuts since 2017, when 1,000 agency staff were laid off in Solihull. One hundred and eighty agency workers also lost their jobs at Halewood in Merseyside. In the last three months of 2018, Birmingham's Castle Bromwich plant saw a three-day week affect 1,000 workers.



The last Land Rover Defender coming off the production line at Solihull

The company, owned by monopoly Tata, produced nearly 440,000 Land Rovers and over 170,000 Jaguar cars in the previous financial year, realizing a revenue of \$44.5 billion. In no sense can such a productive force as the JLR workforce be said to be a "cost." Only the narrow view of capital-centred accounting, which fails to view the business as part of the interconnected socialised economy and sees only the particular firm's shareholders' bottom line, can present such a colossal amount of value as a loss.

Rather, the continuing all-sided economic and political crisis is affecting car production and hitting JLR, in what has been described as a "perfect storm." The economic crisis is general, at heart of which is increased productivity from ever-more advanced techniques leading to a falling rate of profit, along with factors such as disparities between production and consumption. JLR has been hit by a nearly 50 per cent drop in sales as the company's biggest and most profitable market, China, has shrunk sharply recently, due in part to China's trade war with the U.S.

It reflects the crisis that large monopolies are carrying out restructuring programmes, moving capital to where labour and resources are cheapest, carrying out productivity measures and pulling political levers in order to compete in shrinking markets.

JLR has also been particularly affected by a collapse in demand for diesel cars in Britain and across Europe. This is a specific problem for the firm, as 90 per cent of its vehicles are diesel-powered, although it has been investing in new electric and hybrid vehicles such as the all-electric Jaguar "I-PACE." The industry has put its weight into lobbying the government over environmental legislation, insisting that cleaner diesel is part of the solution. The Land Rover EU6 diesel exempted from the proposed charges in Ultra Low Emission Zones.

Uncertainly over Brexit and other potential problems in Europe are also cited. Tata has been manoeuvring extensively with its steel and automotive investments and has sought to lobby against a "Hard Brexit," warning a "no-deal" would cost the company over \$2 billion per year. Regardless, it is clear that free movement of capital exists in Britain, the EU and the rest of the world where there is unrestricted power of the monopolies and multinationals to operate at will. JLR has tried to bypass Brexit for access to the EU Single Market by transferring production of the Land Rover Discovery to Slovakia, with plans to hire up to 3,000 workers there, while investing heavily in



One of the production lines at the Jaguar Land Rover plant.

China, where it has hired 4,000 workers since 2014. Unions are demanding to know whether JLR is permanently scaling back production in Britain.

Workers see through the company's propaganda and excuses for capitalist market failures. As always, large plants like Castle Bromwich will defend their right to a livelihood and resist such measures that jeopardize jobs as they have had to do in the face of such threats in the past. They refuse to accept the brunt, or the entirety, of Tata's global cost-cutting and restructuring.

Workers and unions will be seeking talks with

the company over the deteriorating situation caused by the company in the context of the ongoing and deepening global capitalist crisis.

(Workers' Weekly, on line paper of the Revolutionary Communist Party of Britain (Marxist-Leninist)



Glasgow Women Win Important Battle

Women workers of Glasgow City Council have won a historic battle over pay inequality. Thousands of women will now receive pay-outs that could total more than \$863 million.

The council and the claimant group, represented by Action4Equality Scotland, Unison, GMB and Unite, announced that they have reached an agreement in principle to settle the thousands of pay claims.



Glasgow Women's Strike.

A strike held in October last year was the culmination of a twelve-year fight of these women in defence of their rights. Over 8,000 women struck work and 12,000 demonstrated in the streets in what was the biggest such strike over equal pay in British history. It therefore

stands amongst the historic democratic successes of the workers' and women's movements, from the era of Red Clydeside a century ago to the Ford workers' strike in the 1960s.

The long drawn-out battle has taken many complicated turns, in the course of which some 14,000 separate claims have been brought to the courts. It began in 2006 with the introduction of a new evaluation-based pay scheme, a result of the council's own workforce "pay and benefit review." The scheme had been introduced with the stated intention of dealing with the issue of pay inequality between women and men. However, in practice the scheme was set up such that those on split shifts and irregular hours were paid less. This particularly affected those employed in homecare, cleaning, catering, schools and nurseries, which are female-dominated sectors, as opposed to those in predominantly male sectors such as waste collection. These arrangements entrenched inequality and in May 2017 the Court of Session ruled that the pay review discriminated against women.



Promises to settle claims lay unfulfilled while the council workers fought to defend their interests. Leading up to the October strike, Unison regional organizer Mandy McDowall said: "It is a modern-day scandal that nearly 50 years on from the *Equal Pay Act* being introduced, we find ourselves standing alongside thousands of women who are being discriminated against by one of the UK's largest councils."

"These women are the lifeblood of Glasgow. They carry out vital roles across the city -- cleaning, caring, educating and looking after some of the

most vulnerable people in our society. They are the cogs that keep our city turning, yet their roles remain chronically undervalued," McDowall added. "Strike action isn't a decision these women have taken lightly, but after months of empty promises they have been left with no choice," she said.

The action and broad mobilization proved crucial in this success. Action4Equality's Stefan Cross said that it is since the strike that "there have been real and constructive negotiations," and GMB organizer Rhea Wolfson said: "This has been hard won and wouldn't have happened if the claimants hadn't taken decisive action last October. The strike succeeded in its aim of making the council take these claims seriously. It was also a spectacular event that put equal pay for low-paid women on the national agenda."



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