

Preface

On June 2, 2009, members of local, provincial and national unions, labour councils, the Ontario Federation of Labour and the Canadian Labour Congress Ontario Region met to discuss strategies to respond to layoffs, assist laid-off workers and build the capacity of the labour movement to respond to job loss. Participants agreed to recommend the following statement:

June 2, 2009

AT THE CROSSROADS: Supporting Workers in Transition

LEGISLATIVE STEPS TOWARD SOCIAL, ECONOMIC & ENVIRONMENTAL JUSTICE

Preamble

ECONOMIC CRISIS & THE FIGHT FOR GOOD JOBS FOR ALL

We are in the midst of an economic crisis brought about by corporate globalization and neo-liberal policies like free trade, privatization and de-regulation. Corporations have been allowed to make millions of dollars in profit and then leave with no social, environmental or economic accountability. Hundreds of thousands of jobs have been lost. Workers experience grief, anger and fear as a result of losing their livelihood and their workplace friends and family. Lay-offs can have long-term chronic effects on the overall health and well being of workers, creating social, financial and economic consequences for families, communities and the province as a whole.

Today's crisis is significantly more severe than mainstream analysts forecast. In light of extraordinary circumstances, extraordinary leadership is required from government at all levels.

We reject the blatant attempt to scapegoat workers by labelling decent wages and benefits as the source of the economic problem. Job loss, declining pay as a result of decreased working hours, reductions in wages and benefits, shifts to precarious and temporary employment, cuts to public services and privatization will only worsen and prolong the economic crisis.

We need to increase wages and benefits for all workers, and create strong, healthy, sustainable communities. Public services must be strengthened and public, democratically controlled ownership should be considered as a possibility to create and maintain jobs and to produce the goods and services that we need.

In this time of economic crisis, comprehensive legislative reform is urgently required to promote fairness for workers on the job and in transition. Such reform must include measures that curb the spread of temporary, precarious, part-time employment and that make it easier for workers to join unions.

The creation and maintenance of good, sustainable jobs and principles of equity must be the foundation of all economic development and training strategies. Training and education are meaningless if future employment is part-time, low-wage, precarious, and permanently in flux.

AT THE CROSSROADS: Supporting Workers in Transition

LEGISLATIVE STEPS TOWARD SOCIAL, ECONOMIC & ENVIRONMENTAL JUSTICE

All Ontarians need good jobs, decent wages and benefits, secure pensions and much wider access to training, with adequate support. Unions are a crucial part of the solution.

A good-jobs-for-all strategy must include:

- a. Buy-Ontario and local procurement policies at every level of decision-making, from municipalities and school boards to the province;
- b. A green jobs strategy that includes just transition and necessary training;
- c. Strategies to diversify and create value-added jobs, especially in the resource sectors;
- d. Implementation of regional pricing structures for power and energy that facilitate economic growth;
- e. Strong publicly funded and delivered services that are universally accessible regardless of where one lives, including health care, child care, elder care and home care;
- f. Universal access to training and education, including workplace-based literacy, language, basic skills and authentic apprenticeship training, funded by an employer-paid training levy;
- g. Particular action for economic development and training to meet the regional needs of Northeastern and Northwestern Ontario, and to provide universal access to social programs and supports;
- h. Measures to make it easier to join unions, including card-based certification; and
- i. Action to address all forms of discrimination and ensure successful outcomes for all workers on the job or in transition.

Legislative Change

1. Government and Employers must be Responsible and Accountable

a. Jobs Commissioner

The Ontario government must establish a Jobs Commissioner whose job is to advocate for the creation and maintenance of good, sustainable, well-paying jobs for all. Such a position must have a sound framework, based on the principles outlined below, and be supported with the necessary staff, legislative and financial tools.

b. Labour Market Partners Forum

The Ontario government must work together with provincial stakeholders to develop sound social and economic strategies based on current and reliable labour market research. The Ontario government should create a permanent Labour Market Partners Forum at the provincial level, comprised of equal numbers of labour, employers and government representatives, to develop effective strategies for economic development, training and labour adjustment.

c. The appropriate levels of government must:

AT THE CROSSROADS: Supporting Workers in Transition

LEGISLATIVE STEPS TOWARD SOCIAL, ECONOMIC & ENVIRONMENTAL JUSTICE

- 1) Adequately fund social programs and public services to restore universal access. This must include all necessary staffing and infrastructure costs, so that access is timely and equitable, regardless of where one lives. The not-for-profit sector must be funded adequately with guaranteed, long-term funding.
- 2) Implement and enforce equity principles in the workplace;
- 3) Actively enforce regulations that protect workers, communities and the environment;
- 4) Ensure that past and future Employment Insurance premiums are only used to fund benefits and supports for workers whose premiums fund EI;
- 5) Increase the benefit levels of the Canada Pension Plan and Old Age Security or create a universal Ontario Pension Plan to provide adequate income and dignity for retired workers;
- 6) Ensure that the Pension Guarantee Fund is adequately funded and that the cap is increased from \$1,000 to at least \$2,500;
- 7) Recognize and implement the right of all workers to a minimum training leave;
- 8) Implement a Life-long Learning strategy for all workers;
- 9) Implement a buy-local / buy-Ontario / buy-Canadian procurement policy;
- 10) Restore labour's right to select representatives to sit on public college governing boards; and
- 11) Create a universally accessible, high quality, public child care system and effective elder care program.

d. Triple bottom line: social, environmental, financial accountability

Employers benefit from Ontario's natural and human resources and social programs yet rarely are they obligated to contribute toward the social and environmental costs of their enterprise. Nor are employers held adequately accountable for any negative consequences of their actions.

As such, the *Ontario and Canada Corporations Acts* should be amended to ensure that in their day-to-day affairs, all corporations adhere to a triple bottom line of accountability: social, environmental and financial. All levels of government must implement procurement policies that adhere to that triple bottom line.

Governments should advocate for non-eviction and non-foreclosure arrangements with landlords and banks in communities where job loss and unemployment threaten workers' ability to pay their rent or mortgages.

e. Employer responsibilities and putting the brakes on job loss

More must be done to ensure that employers honour their obligations to their workers and the communities in which they operate. Too many employers have closed

AT THE CROSSROADS: Supporting Workers in Transition

LEGISLATIVE STEPS TOWARD SOCIAL, ECONOMIC & ENVIRONMENTAL JUSTICE

operations unnecessarily or moved aspects of their enterprise to other countries where wages, benefits and employment standards are low.

Increasing the cost to employers of layoffs will not eliminate job loss. However, making layoffs expensive can act as a brake and force employers to consider alternatives. This is especially true where employers are making profits, but choosing to phase-out enterprises that “aren’t profitable enough”.

Employers must be obligated by law and adequate enforcement to:

- 1) Adhere to a triple bottom line of accountability: social, environmental and financial;
- 2) Restore and enforce employment equity legislation and human rights laws in the workplace and in hiring practices;
- 3) Provide full-time jobs; turn part-time jobs into full-time jobs wherever the total number of hours worked by multiple part-time employees exceeds 35 hours per week; restore out-sourced labour and justify any use of temporary, part-time and otherwise precarious labour;
- 4) Adequately fund pension plans;
- 5) Contribute a training levy (modelled on the one existing in Québec) to fund workplace-based training, including authentic apprenticeship training; literacy, language and basic skills training; and skills upgrading;
- 6) Pay workers first in the event of insolvency or bankruptcy and ensure that workers are included first in the definition of “secured creditors” under the *Companies’ Creditors Arrangement Act*. This must also include payment of pension obligations;
- 7) Contribute to a fund used to guarantee and pay out all outstanding workers’ wages, benefits and pension obligations in the event of bankruptcy or insolvency;
- 8) Pay severance and termination monies to all laid-off workers, without affecting workers’ Employment Insurance;
- 9) Justify and disclose all layoffs, regardless of the numbers involved;
- 10) Bargain adjustment and fund adjustment committees and action centres staffed with peer helpers;
- 11) Return resource rights to public control in the event of closure; and
- 12) Restore the environment to health as part of a standard closure obligation.

2. Strengthen the Social Safety Net for Laid-off Workers

The social safety net refers to a variety of programs that are the backbone of Canadian citizenship in which all people—regardless of where they live or where they were born—have the right to food, clothing, education, health care and income support; not as hand-outs but as fundamental entitlements. These entitlements spring from the dignity of all

AT THE CROSSROADS: Supporting Workers in Transition

LEGISLATIVE STEPS TOWARD SOCIAL, ECONOMIC & ENVIRONMENTAL JUSTICE

human beings. In this context, the support for laid-off workers is woefully inadequate, especially for those facing barriers to the labour market and for older workers.

The appropriate levels of government must:

- a. Increase the levels of—and access to—social assistance;**
- b. Fund adjustment committees and action centres staffed by properly-trained peer helpers;**
- c. Restore the publicly funded and delivered system of not-for-profit employment services;**
- d. Restore and reform the Employment Insurance (EI) program and provide the necessary staffing and infrastructure to:**
 - 1) Restore benefits to at least 66 and two-thirds of normal earnings using workers' 12 best weeks and raise the maximum rate;
 - 2) Significantly reduce the qualifying hours to one uniform standard;
 - 3) Eliminate the two-week "waiting period" during which workers receive no benefits;
 - 4) End allocation of pension income, vacation pay, severance and other termination monies received by workers at the time of lay-off, as income against EI benefits;
 - 5) Extend EI benefits to at least two years whenever unemployment reaches 6.5 percent;
 - 6) Prevent maternity, parental, compassionate and sick leave benefits from being counted against EI claims resulting from lay-off; and
 - 7) Ensure the timely processing of all Employment Insurance applications, appeals and information requests.
- e. Provide adequate income support for all workers and address the particular needs of older workers, workers who have exhausted EI claims, and others facing barriers to the labour market.**
- f. Provide adequate income support for all workers in retraining. Such income support must:**
 - 1) Extend EI income support for the duration of training programs;
 - 2) Eliminate the cap on income support while retraining;
 - 3) End means testing for income support programs while retraining; and
 - 4) Provide income support during periods in which the training is not offered.
- g. Provide bridging to retirement income support and post-retirement benefits for workers and their families;**
- h. Restore and expand the publicly funded and delivered education and training system. Such measures must:**

AT THE CROSSROADS: Supporting Workers in Transition

LEGISLATIVE STEPS TOWARD SOCIAL, ECONOMIC & ENVIRONMENTAL JUSTICE

- 1) Be supported by adequate staffing and infrastructure so that public institutions can offer the appropriate services and support for workers, along with program flexibility and more frequent in-take dates, to meet the needs of workers on the job and in transition.
- i. **Provide meaningful retraining programs to laid-off workers ranging from literacy and basic skills to programs like Second Career and Skills Development. Meaningful retraining must:**
 - 1) Recognize prior learning and internationally acquired credentials;
 - 2) Provide bridging programs that include literacy, computer, math, language, grade-12 completion or equivalency, preparation for training or post-secondary education, and other skills training;
 - 3) Meet the retraining needs of workers facing barriers to the labour market, including older workers, workers for whom English is a second language, and those who may not have had secondary or post-secondary education;
 - 4) Allow for group purchases from public colleges that are provided with adequate public funding;
 - 5) Support and strengthen authentic apprenticeship training with bridging programs for workers and support for union and not-for-profit training centres;
 - 6) Include appropriate and mandatory assessment services that eliminate conflict of interest between those recommending training programs and those providing it; and
 - 7) Be supported with adequate staffing and infrastructure supports to ensure timely assessments and processing of all training applications;
- j. **Create a publicly-funded health and drug benefit program (“Pharmacare”) for all laid-off workers and their families.**

3. Provide Training and Support for Vulnerable Workers on the Job

Too many workers in general are employed in low-skilled, precarious employment, with little access to skills training. Others are employed in sectors that are economically at-risk. Such vulnerable workers are in urgent need of workplace-based training that includes literacy, computer, math, language, grade 12 completion or equivalency and other skills training. Such workers also need protection from temporary employment agencies that profit from workers’ displacement and entrench temporary and precarious employment. Low wage workers need an increase in the minimum wage, better benefits and working conditions.

Government must:

- a. **Provide new and adequate infrastructure funding for workplace-based or union-based literacy, language and basic skills training and upgrading. Such training must:**

AT THE CROSSROADS: Supporting Workers in Transition

LEGISLATIVE STEPS TOWARD SOCIAL, ECONOMIC & ENVIRONMENTAL JUSTICE

- 1) Include literacy, computer, math, language, grade 12 completion or equivalency and other basic skills;
 - 2) Recognize prior learning and internationally acquired credentials;
 - 3) Meet the retraining needs of workers facing barriers to the labour market, including older workers, workers for whom English is a second language, and those who may not have had secondary or post-secondary education;
- b. Provide new and adequate infrastructure funding for workplace- or union-based skills training or upgrading, including those required for skilled green jobs;**
 - c. Where the workplace parties agree, expand the “Workshare while Learning” model through Employment Insurance;**
 - d. Restore and expand the publicly funded and delivered education and training system. Such measures must:**
 - 1) Be supported by adequate staffing and infrastructure so that public institutions can offer the appropriate services and support for workers, along with program flexibility and more frequent in-take dates, to meet the needs of workers on the job and in transition.
 - e. Further regulate for-profit temporary employment agencies, and properly enforce such regulations;**
 - f. Declare companies with multiple work sites to be common employers and therefore subject to all obligations for each site as if all sites were one;**
 - g. Amend the *Employment Standards Act* to apply to more workplaces and extend ESA protection to greater numbers of workers;**
 - h. Further increase the minimum wage; and**
 - i. Implement measures to make it easier for workers to join unions, including the restoration of card-based certification.**