

## **Making Brock University a “\$15 and Fairness” Campus**

January 9<sup>th</sup>, 2020

Endorsed by Employment Equity Advisory Committee February 6, 2020

Employment Equity Committee

President’s Advisory Council on Human Rights, Equity, and Decolonization

### **Discrimination in the Ontario Labour Market:**

Ontario’s labour market features persistent discrimination and inequality, particularly among equity seeking groups, such as women, racialized people, and immigrants. For example, according to a recent report, in Ontario racialized women earn 58 cents for every dollar earned by non-racialized men.<sup>1</sup> A recent Labour Force Survey shows that temporary and lower-paying work is on the rise in Canada, particularly in Ontario.<sup>2</sup> In educational services, for example, more than one-quarter of employees are temporary (26%), and of these, nearly 7 in 10 are women (68%).

### **Precarious Work in Ontario’s Post-Secondary Sector:**

A number of these trends can also be seen among Ontario’s post-secondary education workers. A recent report shows that in Ontario’s post-secondary sector there have been increases in precarious work, characterized by contracts that are temporary, part-time, low-paid, and with fewer benefits and workplace protections.<sup>3</sup> Based on data from the Labour Force Survey, the report estimates that 53% of Ontario’s post-secondary education workers are precariously employed. These workers include research assistants, teaching assistants, student services workers, plant operations workers, administrative staff, and faculty. The report also demonstrates the intersectional character of increasing precarity, noting that women are disproportionately represented among precarious forms of work. Finally, the report also notes the inadequacy of the existing data collection mechanisms for measuring precarious work.

For a precise and comprehensive definition of precarious work, this is a good model: “a multi-dimensional construct encompassing dimensions of employment insecurity,

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<sup>1</sup><https://www.policyalternatives.ca/sites/default/files/uploads/publications/Ontario%20Office/2018/12/Persistent%20inequality.pdf>. See also:

<https://www.thestar.com/news/canada/2018/12/11/study-highlights-uncomfortable-truth-about-racism-in-the-job-market.html>

<sup>2</sup> <https://www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2019034-eng.htm>

<sup>3</sup> [https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2018/02/No%20Temporary%20Solution\\_CCPA%20report.pdf](https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2018/02/No%20Temporary%20Solution_CCPA%20report.pdf)

individualized bargaining relations between workers and employers, low wages and economic deprivation, limited workplace rights and social protection, and powerlessness to exercise legally granted workplace rights.”<sup>4</sup>

### **Ontario’s Minimum-Wage and Precarious Worker Protections:**

In Ontario in recent years, there has been much activism and public engagement around issues of employment equity, precarious work, and poverty wages. Particularly notable is the campaign, “Fight for \$15 and Fairness,”<sup>5</sup> which focuses on raising the minimum wage and more robust worker protections, particularly for precarious workers. This activism includes the Brock community. Students in the Brock University Labour Studies Students’ Association organized a well-attended event, “Niagara Wants \$15 and Fairness,” on October 26<sup>th</sup>, 2017.<sup>6</sup> It was endorsed, supported, and funded by the Social Justice Research Institute, BUFA, CUPE 4207, and OPIRG Brock.

The “\$15 and Fairness” campaign was the primary contributor to the Ontario Liberal government’s adoption of many of these demands with “Bill 148: Fair Workplaces, Better Jobs Act,” which was passed on November 22<sup>nd</sup>, 2017.<sup>7</sup> This legislation offered many improvements for Ontario’s workers, including at Brock University. Nevertheless, many of these improvements have been reversed by the Ontario Conservative government’s “Bill 47: Making Ontario Open for Business Act,” passed on November 21<sup>st</sup>, 2018.<sup>8</sup>

Although Bill 47 does not remove all of the improvements introduced by Bill 148,<sup>9</sup> many have been substantially reversed or altogether cancelled. The following is a non-

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<sup>4</sup> Benach, J., Vives, A., Tarafa, G., Delclos, C., and Muntaner, C. (2016). “What should we know about precarious employment and health in 2025? Framing the agenda for the next decade of research,” *International Journal of Epidemiology*, Vol. 45, No. 1: 232–238, 234.

<sup>5</sup> <https://www.15andfairness.org>

<sup>6</sup> <https://www.facebook.com/events/2013253395573108>

<sup>7</sup> For a summary of Bill 148, see: <https://www.ontario.ca/page/plan-fair-workplaces-and-better-jobs-bill-148>. For the full Bill, see: [http://www.ontla.on.ca/bills/bills-files/41\\_Parliament/Session2/b148ra\\_e.pdf](http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session2/b148ra_e.pdf)

<sup>8</sup> For a summary of Bill 47, see:

<https://www.thestar.com/news/queenspark/2018/10/26/how-your-rights-on-the-job-will-change-if-bill-47-is-passed.html>. For the full Bill, see:

[https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2018/2018-11/b047ra\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2018/2018-11/b047ra_e.pdf)

<sup>9</sup> Some improvements established by Bill 148, which are retained by Bill 47, include (1) Vacation time: Bill 148 entitled workers to three weeks of paid vacation after five years with the same employer. Bill 47 retains this; (2) Domestic or sexual violence leave: Bill 148 requires that an employee who has been employed for at least 13 consecutive weeks is now entitled to up to 10 individual days of leave and up to 15 weeks of leave if the

exhaustive summary of the improvements established by Bill 148 and the subsequent reversals by Bill 47.

***Minimum wage:***

Bill 148 increased the minimum wage to \$14 per hour on January 1<sup>st</sup>, 2018, and was scheduled to increase it to \$15 on January 1<sup>st</sup>, 2019. Bill 47 cancels the scheduled increase to \$15. The minimum wage is frozen at \$14 until 2020 and then it is tied to inflation.

***Equal pay for equal work:***

Bill 148 established equal pay for equal work, which means that employers cannot pay one employee less than another employee, because their employment status is different, if both people perform equal work. Bill 47 removes equal pay for equal work for temporary, casual, and part-time workers. Bill 47 retains the gender-based equal pay rules, but removes the right of all workers to request that their employer review their rate of pay, which makes these gender-based equal pay rules much less enforceable.

***Union Rights:***

Bill 148 made it easier to unionize for vulnerable workers in building services, home care services, and temporary agencies. Bill 47 eliminates these provisions. Bill 47 also revives legislation, first introduced by Ontario Premier Mike Harris, in which workers on strike or locked out for six months or more no longer have the right to get their job back when the dispute ends.

***Personal emergency leave:***

Bill 148 required all employers to give all employees 10 personal emergency leave days per year, including two paid days if the employee has been employed for 7 days or longer. Bill 47 reverses the two paid sick days and the eight unpaid emergency leave

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employee or their child experiences domestic or sexual violence or the threat of domestic or sexual violence. The first five days of leave, each calendar year, will be paid, the rest will be unpaid. Bill 47 retains this; and (3) Temporary help agencies: Bill 148 ensured that temporary help agencies must give their employees at least one week's written notice or pay in lieu of notice, if an assignment, originally estimated to last three months or longer, ends early. Bill 47 retains this.

days. Bill 47 offers three sick days, three personal days, and two bereavement days, but all of these leave days are unpaid.

### ***Scheduling:***

Bill 148 improved scheduling for workplaces of any size: (1) It allows employees to (a) request a schedule or location change once they've been employed for three months, without fear of being penalized, and (b) refuse shifts if their employer asks them to work with less than 96 hours' notice, without fear of retaliation. (2) Employers are also required to pay wages for three hours of work if the employee (a) regularly works more than three hours a day, shows up for work and works less than three hours or not at all; (b) the shift is cancelled within 48 hours of their scheduled start time; and (c) is scheduled to be on-call but, despite being available to work, is either not called in to work or works less than three hours. Bill 47 eliminates all of these except 2a, which it retains as is.

### ***Employee misclassification:***

Bill 148 prohibits employers from misclassifying employees as independent contractors, who have much fewer labour protections. Bill 47 retains this, but removes the measure that, when a classification dispute arises, puts onus on employers to prove that the worker is an independent contractor. This makes the law much less enforceable.

### ***Enforcement:***

Bill 148 established new enforcement agencies, including charging interest on unpaid wages and expanded collection and sharing of information on wage theft cases. Bill 148 also stipulated that employees do not have to contact their employers before filing an employment standards claim. Bill 47 retains these, but decreases the penalties for employers who break employment laws and drastically reduces the fines for violations of the Labour Relations Act governing relations between employers and unions.

### **Case Studies:**

#### ***Ontario's Colleges: George Brown and Humber:***

Although George Brown College reversed its policies, bringing them back down to the new minimum levels in Bill 47, Humber College has decided to retain Bill 148's policies on sick leave and equal pay for equal work.<sup>10</sup> This proves that retaining these employment policies is possible in Ontario's post-secondary sector. Furthermore, it demonstrates the favourable press coverage that can be achieved when these fair employment policies are retained, as well as the negative coverage that can occur when they are eliminated.

***York University's Food Service Workers:***

In 2017, York University's food service workers, represented by Unite Here Local 75, went on strike against their employer, Aramark, and won \$15/hour starting wages and employer-paid dental coverage for full-time and part-time workers.<sup>11</sup> This also demonstrates that a \$15 minimum wage and greater employment equity is possible in Ontario's post-secondary sector.

***The Toronto Airport Workers' Council at Pearson International Airport:***

Post-secondary education is not the only sector featuring struggles for a \$15 minimum-wage and employment equity. Internationally, the airline industry has also seen a dramatic increase in precarious work.<sup>12</sup> Workers at Pearson International Airport have formed a group open to all airport workers called the Toronto Airport Workers' Council (TAWC). It has successfully pushed the Greater Toronto Airport Authority (GTAA) to establish an airport-wide health and safety council with representation from the unions and employers. Like the central administrations of Ontario's post-secondary institutions, many of Canada's airports feature a central authority that directly employs workers and signs contracts with other companies that employ workers. Currently, the workers in the TAWC are negotiating with the GTAA to make Pearson a "\$15 and Fairness" airport, by setting as a minimum standard in all of the contracts it signs with companies a \$15/hour wage for every employee at the airport.<sup>13</sup>

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<sup>10</sup> <https://www.thestar.com/news/canada/2019/03/18/when-it-comes-to-paid-sick-days-one-college-giveth-another-college-taketh-away.html>

<sup>11</sup> <http://rankandfile.ca/striking-york-food-service-workers-win-15-and-fairness/>

<sup>12</sup> <https://www.itfglobal.org/sites/default/files/resources-files/record-profits-for-airlines-airport-workers-under-pressure.pdf>

<sup>13</sup> For an introduction, see: <http://rankandfile.ca/fighting-for-15-fairness-from-bill-c-86-to-the-workplace/>. For a fuller explanation, see: [https://www.academia.edu/38492006/The\\_Toronto\\_Airport\\_Workers\\_Council\\_Renewing\\_Workplace\\_Organizing\\_and\\_Socialist\\_Labor\\_Education\\_Labor\\_Studies\\_Journal\\_44\\_1\\_2019\\_8-35](https://www.academia.edu/38492006/The_Toronto_Airport_Workers_Council_Renewing_Workplace_Organizing_and_Socialist_Labor_Education_Labor_Studies_Journal_44_1_2019_8-35)

## **Recommendations:**

By becoming a “\$15 and Fairness” campus, Brock University would not only become the industry trendsetter in improving the lives of post-secondary workers. Brock could also increase recruitment and retention of students and employees. It is in this spirit that we make the following recommendations:

1. That Brock University declare itself a “\$15 and Fairness” campus by establishing campus-wide the minimum-wages and worker protections established in Bill 148. These minimum-wages and worker protections would set the minimum standards recognized by Brock University as an employer and in any of the contracts it signs with companies who employ workers on Brock’s campus and its affiliated sites. These include:
  - increasing the minimum wage to \$15/hour and then tying it to inflation every year after that
  - equal pay for equal work for temporary, casual, and part-time workers, as well as the right of all workers to request that their employer review their rate of pay
  - 10 personal emergency leave days per year, including two paid days if the employee has been employed for 7 days or longer
  - allow employees to
    - request a schedule or location change once they’ve been employed for three months, without fear of being penalized
    - refuse shifts if their employer asks them to work with less than 96 hours’ notice, without fear of retaliation
  - require employers to pay wages for three hours of work if
    - the employee’s shift is cancelled within 48 hours of their scheduled start time
    - the employee is scheduled to be on-call but, despite being available to work, is either not called in to work or works less than three hours
2. That Brock University commit meaningful funding to research and collect data on
  - employment discrimination, inequality, barriers to promotion and retention, and precarious employment on its campus and its affiliated sites
  - barriers to employment on its campus and its affiliated sites for community members who are potential employees.