

Bill 47 – Making Ontario Open for Business Act

BACKGROUND

Repealing our New Workplace Laws

In October 2018, the Ontario government tabled the *Making Ontario Open for Business Act* (Bill 47), repealing significant gains made in the *Fair Workplaces, Better Jobs Act* (FWBJA). A summary of the changes to the *Labour Relations Act* (LRA) is provided below. The majority of these changes are in effect as of November 21, 2018.

Workplace Information

The reality is that workers cannot make an informed decision about their right to join a union if they are not able to communicate with each other.

Before Bill 47, Ontario workers seeking to form unions could access workplace information (i.e., employee names, phone numbers, and personal email addresses) if they could demonstrate 20 per cent support from workers in the proposed bargaining unit.

- Bill 47 repealed all provisions related to disclosing workplace information – even affecting applications currently before the labour board and those granted under the *Fair Workplaces, Better Jobs Act*.

Under the Ford government, workers are denied access to information and encounter an exceptionally high threshold to organize collectively.

Remedial Certification

The reality is that some employers commit unfair labour practices, coercing or intimidating workers into rejecting the union during an organizing drive.

Before Bill 47, the law recognized that in cases where the LRA is contravened, it is virtually impossible to redress the employer's actions and make a second vote meaningful.

- Bill 47 reinstated provisions that make it harder for a union to be remedially certified.

Under the Ford government, workers' constitutional right to join a union can be undermined by the unlawful actions of employers.

Card-based Certification

Most workers in Ontario are forced to vote twice to show that they want to join a union. From the first show of support to when the ballots are cast, the situation can drastically change for workers because of potential employer coercion and harassment.

Before Bill 47, only the construction, the temp agency, the building services, and the home care and community services industries allowed workers to unionize through card-based certification, where workers vote once.

- Bill 47 repealed card-based certification in the latter three industries – leaving the construction industry as the sole sector left in Ontario to unionize workers through this process.

Under the Ford government, vulnerable workers will find it increasingly difficult to access a union.

First Collective Agreement

In principle, all workers are guaranteed the right to associate for the purposes of collective bargaining. In reality, however, this right remains limited as a result of the barriers to establishing a first collective agreement.

- Bill 47 removed any right to speedy first contact arbitration.

Under the Ford government, workers will find it harder to reach a first collective agreement, which outlines many of the standards and conditions for employment.

Successorship Rights

Most unionized contract workers are vulnerable to contract flipping, often losing both their collective agreement and their bargaining rights if the service contract covering their worksite changes hands. This is the case even if the new contract provider hires the *same* employees to perform the *same* work in the *same* location.

- Bill 47 repealed the potential to extend successorship rights beyond the building services industry.

Under the Ford government, most unionized workers in contract service industries will have no protections against contract flipping.

Return-to-Work

The LRA outlines its intent to protect a worker's right to return to work following a legal strike or lockout. Before the Bill 47, this right was restricted to the first six months – after which employers were able to make the case that workers no longer had the right to reinstatement.

- Bill 47 reinstated the six-month restriction on the right of employees to return to work.

Under the Ford government, workers standing up for better working conditions only have a limited right to return to work.

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For more information on how Bill 47 will affect you and your family, text “MYRIGHTS” to 647-496-5602 or go to ofl.ca or 15andfairness.org.

If you have questions call 416-441-2731.



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