

# Working for Dignity:

## The Employment Standards Act

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**M**OST OF US WORK FOR A LIVING — FOR MOST OF OUR LIVES. Yet, how many of us know what the law says about our rights as working people? Often, it's only when employers treat us unfairly that we learn about our rights and how to uphold them.

Over the decades, trade unions, women's groups and community organizations have fought for and won laws that protect the dignity of workers. Then they've struggled to have those laws enforced. These struggles go on today.

In this issue of *The Moment* we take a look at the Employment Standards Act (ESA or Labour Standards Act), which spells out the most basic rights of the majority of workers in Canada. The ESA is often the only instrument non-unionized workers have to protect themselves from unjust situations. Certainly unionized workers have better protection, but even they have to depend on some of the provisions of the ESA.

The Workers' Information and Action Centre of the City of Toronto and *The Moment* Project co-produced this issue. We hope it will be used by workers, legal clinics, unions, community agencies and all those who, even today, carry on the struggle for better working conditions.

# What's my right?

**T**HE JOB OF THE WORKERS' INFORMATION AND ACTION CENTRE OF TORONTO (WIACT) IS TO LET workers know what their legal rights are and what to do if employers don't do as the law says. Here are some of the questions that workers ask most frequently when they call WIACT.

**Q** José had a 15 minute coffee break in the morning and another one in the afternoon for the past year. Recently, his employer reduced the break to 10 minutes. He wonders if his employer can do that.

**A** Yes, when it comes to coffee breaks, the employer can do as he likes. There is nothing in the law about coffee breaks. We all know that workers need a break during long working hours. Unfortunately, the law only requires employers to give workers at least a half-hour break after they work continuously for 5 hours. Workers do not have to be paid for this half-hour which is usually their meal or lunch break.

**Q** Van-Phat will start working for a variety store next week. He wants to know if he will be entitled to a raise after 3 months.

**A** The law only guarantees workers the minimum wage. Anything more is up to the employer. There is no such thing as a probation period required by law. In other words, you can work for your employer for 20 years without getting a raise as long as your employer pays you the minimum wage.

**Q** Armanda was sick for 2 days last week. She wonders if she will get paid for those 2 days.

**A** The law does not require employers to pay workers who fall sick. Unless you work for a company whose benefit package includes a certain number of sick days with pay, you are out of luck.

**Q** Mohammed worked for a drug store in Vancouver for 6 months. Suddenly last week, his job was terminated. He got a week's termination pay. Since his employer did not explain to him why he was let go, he wonders if he can sue his employer for "wrongful dismissal".

**A** There is no such thing as "wrongful dismissal" under BC's Employment Standards Act. As long as sufficient notice is given to the employee, the employer does not even have to have a reason for the dismissal. Of course, Mohammed has the option of suing his employer for "wrongful dismissal" in civil court. However, there may be costs involved. Only if you live in Quebec, Nova Scotia or are employed in a federally-regulated industry (that is, one that falls under the Canada Labour Code, see p. 4), does employment standards law cover "unjust dismissal".

**Q** Subramaniam works as a dish washer in a restaurant. Yesterday, he slipped and broke a whole tray of plates. "My employer told me that I had to pay for the damage and that he would deduct \$150 from my next pay cheque. Is it legal?" he asks.

**A** No, it is not. The law says very clearly that a worker is not responsible for any accidental damage that occurs during the course of employment. Only if you sign an agreement with your employer and you are the only person who has access to the cash register till (in the case of a cashier), can you be held responsible for shortage of money. By the way, if Subramaniam was injured when he slipped, he should file a workers' compensation claim.

**Q** Jaroslawa worked for a furniture manufacturing company in Kingston for 6 years. She called and said: "There were about 120 workers and their average weekly pay was \$500. Our company went bankrupt. We were paid our wages and 4% vacation pay. But we did not receive our termination pay and severance pay. What should we do?"

**A** In Ontario, the Ministry of Labour has a "Wage Protection Fund" to protect workers whose employers owe them money.

However, there is a maximum the fund can pay out. It seems that the company owed Jaroslawa 6 weeks termination pay and 6 weeks severance pay (for a total of 12 weeks pay). If her weekly pay is \$500, she is owed \$6,000 but she is only allowed to claim the maximum of \$5,000. She should contact the Ministry of Labour and file a claim as soon as possible. It might take 8 to 10 months before she receives any money.

In Manitoba, under the "Payment of Wages Act", an employee can be paid an amount not exceeding \$1,200 in any calendar year. In provinces other than Ontario and Manitoba, workers can still approach the Ministry of Labour for help, but if the Ministry isn't able to collect the money from the employer, workers are out of luck.

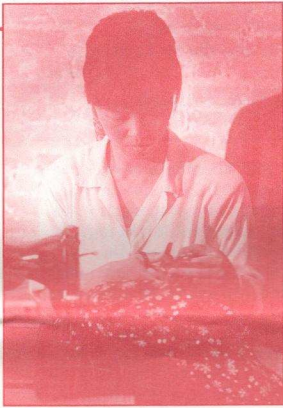
**Q** Sai-Hung worked for A.B.C. Company in Winnipeg for the past 3 years as a machine operator and she got paid \$15 an hour. Her employer laid her off yesterday morning, hired another worker in the afternoon and paid the new worker \$12 an hour. Is this legal? Does seniority count?

**A** In Manitoba, an employer can lay off, dismiss or terminate a worker at any time without having to give a reason as long as the worker is given enough notice. In Sai-Hung's case, she is eligible for either 3 weeks notice of termination or pay in lieu of notice. Seniority only counts if you work at a unionized work place and are a member of the union. Quebec and Nova Scotia have provisions for "unjust dismissal". Employers in those 2 provinces cannot dismiss workers arbitrarily unless they have "just cause".

**Q** Betty worked for a long distance trucking company in St. John for 17 years. She was laid off last Friday. She wonders if she is eligible for any severance pay.

**A** New Brunswick's provincial law does not provide for severance pay. But inter-provincial trucking is a federally-regulated industry. So Betty is eligible for severance pay under the Canada Labour Code: 2 days' pay per year of employment, but not less than 5 days' pay, if employed for a year or more.

In Ontario, employees are eligible for severance pay (1 week's pay for each year's service up to a maximum of 26 weeks' pay) if they work for a company for 5 years and the company has an annual payroll of at least \$2.5 million or if the company has laid off 50 workers or more within 6 months. Other provinces have no provisions for severance pay.



Here and after each testimony, you will find questions to stimulate discussion and action within your group, organization, union or agency.

- ▶ In your community, which workers, industries and sectors are particularly vulnerable to employment violations?
- ▶ Are there clerical, data-entry, garment-makers or others who work at home? What do their situations have in common that may have made them choose to do homework?
- ▶ What kinds of problems does the 'self-employed' classification create for many homeworkers?
- ▶ How much do you know about piece-work incentive systems? Are they legal?
- ▶ What unions are actively organizing in your community? in what kinds of jobs? What problems would unions have in organizing homeworkers?

## In search of standards

In the testimonies that follow, people employed in different sectors speak about their working conditions. Their stories remind us, again and again, of the gulf between employment law and employment practices, of the gap between the law and its enforcement. They make us aware of the need for effective and enforceable employment standards.

As you listen to what each of these people has to say, we encourage you to think critically about your own work situation and that of people around you, to look for local patterns, to consider responses that address not only individual cases but aim as well to improve the common lot of workers whose rights are denied.

All the men and women who shared their stories asked us not to mention their names or take their photos because they were afraid of how their employers might retaliate. The people in the pictures are models only.

### .....in search of standards.....

**I** WORKED FOR 10 YEARS AS A GARMENT WORKER IN A FACTORY AND I'VE WORKED for one year as a homeworker. I decided to work at home because I have other responsibilities at home and the work is more flexible. The workload goes up and down. Just before Christmas is the slow season and then it begins to pick up in February. When it's busy you're working 9 hours per day. Sometimes I have to work till late at night. When it's slow sometimes there's no work for the entire week or only 2 days of work.

*There's lots of ads for homeworkers in the Chinese press but it's difficult to get work. The contractors screen new homeworkers very carefully at their factories. They ask you to work there first to see how you work out. You always have to figure out how to do the styles on your own. No one tells you. What they want to see is how fast you can figure how to do the job on your own before they hire you as a homeworker. If you can do the job they'll want you to do more and more but it doesn't mean that they'll pay you more. And if they find out you can't do that job, they won't give you any other work.*

*My biggest worry is whether the company will pay me at all. As I said, lots of companies advertise for homeworkers. But who is reliable? You have to keep your own records. The first company that I worked for gave me a record of what I did when they paid me but the company that I work for now doesn't. So I need to keep records of what I do so that I can double check if they've paid me enough. The companies see you as being self-employed. They never make any deductions from your cheque for C.P.P. or U.I.C. You have to work that out on your own. I had to purchase my own sewing machine but they supply the materials that I work with. They also deliver the materials to me and then pick them up when I'm finished.*

*What they pay you depends on the company, the style of the work and the finished price of the garment in the store. The more detailed the job the more they pay you. I sew the whole garment. I make ladies' blouses, pants and skirts. I like big orders. You have to learn by yourself each time with a new order and if the order is a big one then you have a chance to make some money out of it. Small orders may pay you at a higher rate but you have to count on losing money at the beginning as you learn to do the job and so in the end it's not worth it.*

*So the money you make varies. For the most difficult jobs I make only \$3 per hour (less than half the minimum wage) and for the easier styles I make between \$7 and \$9. During the busy weeks when I work long hours I never receive any overtime payment.*

*The main disadvantage of this work is the workload is not consistent. It goes up and down. Sometimes there's not enough work. What I worry about most is that the company won't pay me for the work I do.*

.....in home work.....

# What is the Employment Standards Act?

**T**HE EMPLOYMENT STANDARDS Act (ESA or Labour Standards Act) is the name given to the body of law which regulates relations between employers and employees. It is meant to ensure fair employment practices. Employment law is, and always has been, most important to those working people who have little or no bargaining power. Most often these workers are women, children, visible minority, 'immigrant', aboriginal and disabled workers. Employment law sets out minimum standards for such things as minimum wage, hours of work, statutory holidays, vacation, notice of termination, severance pay, overtime, equal pay for equal work, and pregnancy and parental leave. Unionized workers use their collective bargaining power to negotiate 'collective agreements' which give them better standards than the minimum required by the law.

While Canada has several pieces of federal and/or provincial legislation, such as the Health & Safety Act, Workers' Compensation Act, Pay Equity Act, etc. which regulate working conditions, we have chosen to focus on the ESA because it is the broadest in scope.

## A different law in every province

There isn't just one set of employment standards laws across Canada. Some jobs are regulated provincially and some federally. The law differs from province to province, because the laws of each province relate to local types and conditions of work and the availability of workers. The Canada Labour Code covers workers in federally regulated sectors where jobs are spread over or connect several provinces (see box).

## Tracing employment law

The employment laws that we see today have been in the making for several decades. First came the fight for a minimum wage and limits on hours of work for women and children in specific industries. The struggle to secure a minimum wage can be traced back to 1893 when the National

### The Canada Labour Code applies to:

- Works that connect a province with another province or country, such as railways, bus operations, trucking, pipelines, bus operations, ferries, tunnels, bridges, canals and telegraph, telephone and cable systems.
- Shipping to places outside a province and related services such as longshoring.
- Air transport, aircraft and airports.
- Radio and television broadcasting.
- Banks.
- Works that benefit more than one province, or Canada as a whole, eg. flour, feed and seed cleaning mills, feed ware houses, grain elevators and uranium mining and processing.
- Crown Corporations and their agencies, such as the Canadian Broadcasting Corporation and the St. Lawrence Seaway Authority.

- from *Employment Legislation in Canada*, 1990, Government of Canada.

Council of Women of Canada spoke out against inhumane labour practices which resulted in women, girls and boys being made to work 60 hours or more a week. This national women's group raised concerns about inadequate wages and demanded regulation of hours of work, and the provision of holidays and wages for women and children employed in industrial establishments. As a result, between 1910 and 1920, six provinces had established a minimum wage for women workers and children. However, the wage level was based on the subsistence of a single woman and not a family.

Between 1925 and 1937, the **Minimum Wage Act** was amended to include male workers. However, the only workers who were paid a family wage were members of guilds or trade unions; and they were all male. Minimum wage, to this day, remains woefully short of a living wage for a single person let alone a family. In Canada today, over a million people, 67% of whom are women, work for minimum wage. In Ontario, the 1993 rate of \$6.35/hour for 40 hours of work a week, amounts to an annual income of \$13,200 before deductions. That is even lower than \$15,175, the Government of Canada's 1992 Low Income Cut Off for a single person. Statutory minimum wage is not available to all workers. As recently as 1987, employers could legally pay work-

ers with disabilities at rates below the established minimum wage. A number of provinces still maintain a lower minimum rate for employees under age 18.

Over the years, employment standards law has developed in many ways thanks to pressure from groups concerned about workers' rights. The law now covers more aspects of working life, offers protection to more types of workers (eg. domestic workers), provides better pregnancy leaves and has introduced parental leave. However, as the chart on page 8 shows, employment law varies in significant ways from province to province, resulting in differential treatment of workers across the country. Severance pay, for instance, is not available in every province. In provinces where it is available, qualification requirements and the maximum amount allowed vary greatly. The unsavoury practice of different minimum wage rates for students and liquor servers continues to this day.

## Many exclusions and inadequate enforcement

As a result of the number of exemptions in employment law, many workers still remain outside of some or all of its provisions. For instance, in almost all provinces and the Yukon Territory, farm

labour, fruit and vegetable pickers are excluded from most of the provisions of the ESA. An estimated 24.8% of paid workers in Ontario are exempt from hours of work provision, and 20.8% from overtime provision.

Employer violations continue to be widespread and pervasive. Why is this so, when employment laws do exist? One cause, already mentioned, is that large numbers of workers are excluded from the protection of these laws. However, even those workers who are covered are often denied their legal rights because of what is arguably the most serious drawback of employment law: the lack of enforcement. The next article takes up this issue.



## .....in search of standards.....

**I**'M A TAMIL OUTREACH WORKER AT A COMMUNITY AGENCY. I do outreach within the Tamil community to let people know what services are available, and counselling and referrals when necessary. I also translate and interpret between clients and the social workers.

I'm new to this kind of work. It's often confusing as to who is the boss. I am supervised in my day-to-day duties by my immediate supervisor but if there are perceived problems with my work then the director of the agency questions me. There are confusing supervisory guidelines. I have never been given any direction at all as to my job responsibilities by my supervisor. The general mandate of the agency is there as a guideline and you are supposed to work on your own but if any problem arises then the Director intervenes and tells me that I wasn't supposed to be doing the things that I had been doing.

We're only supposed to deal with certain issues. For example, we do advocacy around landlord and tenant problems, immigration and social assistance issues. But other areas, such as domestic violence, we have to refer to other places. The agency wants you to do your work within the established guidelines but the community wants you to do your work based on their needs. The agency has geographical boundaries and we are not supposed to serve anyone outside those boundaries. The agency's work-plan was based on priorities that were established before we started working with the Tamil community.

I'm not supposed to travel with clients to the services that I refer them to. If you refer people to other places, more often than not they do not provide Tamil translation services so I need to go with the clients to the other agency to assist them. My supervisor then complains that he doesn't know where I am all of the time.

The expectations on my time come differently from my agency and the community. I live in the community that we serve. People know me and when they find out about my work they phone me all the time. When I go to the bus stop in the mornings on my way to work 4 people from the community are also waiting there. They want to talk about their problems and issues. Invariably I arrive at work 20 minutes after the agency opens and my supervisor reprimands me for being late and won't consider that I was already on the job while at the bus stop. They make jokes about "Sri Lankan time".

Sometimes as an interpreter you're more aware of the issues than the social workers. Often clients confuse me with the social worker and will continually contact me to enquire about their cases. Many times I have to function as the social worker's secretary as well. A client will phone to discuss the case with the social worker who doesn't want to discuss it at that time and I have to act as the go-between and make up some excuse to explain why the social worker is busy. Otherwise the client will only understand it as rude behaviour.

- ▶ What parts of your work are not recognized as a necessary part of the job?
- ▶ Are you expected to work more hours than you were hired or are paid for?
- ▶ Are you compensated for overtime hours as covered under the Employment Standards Act?
- ▶ Does your work place have a personnel policy?
- ▶ Does it have clear procedures for dealing with personnel issues?

# Enforcement of employment standards

**T**HOUSANDS OF WORKERS ARE denied basic employment rights, not because protective laws don't exist, but because they aren't enforced. While each Ministry of Labour does indeed have an employment law enforcement branch, employers are expected to comply voluntarily with the law. In the mid 1980's, the Employment Practices Branch of the Ontario Ministry of Labour estimated that fully 35% of Ontario employers broke the Employment Standards Act. There is no reason to think this situation has improved since or is significantly better anywhere else in Canada.

## It's up to the employee to complain

Enforcement of employment law is almost exclusively complaint-based. That is, employers are not investigated unless an individual employee complains to the Ministry of Labour. Most non-unionized workers are afraid to make a formal complaint for fear of losing their jobs. With unemployment over 10% (much higher in some areas) and the length of time between jobs averaging 6 months or more, that fear is magnified.

Visible minority workers of both genders, aboriginal workers, women of all colours, as well as immigrants for whom English is a second language are, as usual, the most vulnerable. These groups are over-represented in sectors of the economy where wages are low and working conditions are dismal. The likelihood of violations of employment law is high in these sectors, which include garment and textile industries, food processing and food service industries, cleaning and maintenance services. Workers new to Canada are less likely to know their rights and may be more fearful about complaining to the "authorities".

Only a very small percentage of employees feels safe enough to make a labour or employment standards complaint while still employed. In Ontario, of the 9,000 claims processed in 1991, only 10% were made by employees who still worked for the employer they were complaining about. The remaining 90% were made by employees who had

either left their jobs voluntarily or been let go.

Employment law in Quebec and Nova Scotia and in the federal jurisdiction (under the Canada Labour Code) has a provision against unjust dismissal. In others, although the law prohibits reprisal against those making complaints, most workers keep quiet rather than facing possible coercion, harassment, demotion or firing by employers who, knowingly or unknowingly, engage in unfair employment practices. Most workers would rather not find out if their fears are justified.

## Employer compliance with the law is voluntary

Some employers treat employment standards claims as cheap insurance to be paid off if, and when, a former employee makes a complaint against the company. Those employers who deliberately break the law know they may be called upon at some time to pay a few dollars in back wages and/or termination pay if found out. In theory, employers who break the law may be fined or jailed by the employment law enforcement branches. Community lawyers and activists, however, say that this rarely, if ever, occurs. Instead, the employer is simply made to pay the worker what should have been paid in the first place (and sometimes less).

Although employers are prohibited from penalizing any employee who attempts to exercise her/his rights, such retaliation is difficult to prove and still more difficult to remedy. Ministries of Labour generally do not require employers to reinstate non-unionized workers to their old jobs even when investigations show that those workers were fired for pursuing an employment rights claim.

In firing one "whistle-blowing" employee, management easily intimidates the rest of the workforce from advancing similar claims. When labour standards investigators receive one complaint, they usually do not treat it as a signal that they should investigate the situation of other people working for the same employer. A claim by one employee does not usually lead to changes in the employer's practices, or to benefits for other employees.

## Employers are more powerful than employees

Part of the problem with enforcement lies in the underlying notion, held by the enforcement branches, that they are neutral bodies resolving disputes between two equal parties, employers and employees. They ignore the disparity of power and financial resources between them.

Employers have the power to give and take away a person's livelihood; employees have no ultimate control over the employment contracts which sustain their lives. What employees do have is the freedom to sell or withhold their work. Employers have lawyers and accountants working for them. Employees are fortunate if they find a community centre or legal clinic that will assist them with a contentious claim.

One clear indicator that employees are more powerful than employers is the fact that, overwhelmingly, workers are afraid to voice their complaints. If the employment relationship were equal, employees would be able to say without hesitation "Excuse me, boss. You haven't paid my overtime." And, without hesitation, the error would be corrected and the overtime pay handed over. This isn't the case.

In a recent phone call to the Workers' Information and Action Centre in Toronto, a security guard recounted the experience of co-workers who asked their employer for outstanding overtime pay. "Sure", said the boss, "you can get it on your next cheque ... if it's your last cheque!" Not surprisingly, no one else in the company will complain to the Ministry of Labour about unpaid overtime. The caller also pointed out that his employer takes advantage of the fact that many of the employees are new to Canada and don't know their employment rights.

Employment law states the rights of workers. When it is broken, workers need enforcers who recognize that their rights have been denied and will advocate on their behalf. Only by recognizing the unequal power between employers and employees can employment law enforcement branches become effective agents of justice in the workplace. For actions we can all take to strengthen employment rights, turn to page 10.

.....in search  
of standards ..



I WORKED IN OFFICES FOR A NUMBER OF YEARS. IN ONE company I worked as a 'Girl Friday' doing order-taking, inventory, telemarketing sales and reception relief and in another as a secretary-receptionist.

I left the first job after they shut down the office for a week-long religious holiday. I quit because we weren't going to be paid for that period. At the first place in order to make a little more than the minimum wage they gave me more hours of work. Instead of getting an hour lunch I worked for half of it and for another half hour at the end of the day.

At times the manager at that place would abuse me. I was the main butt of her shouting along with another woman, a French-Canadian. One of the reasons this happened is the filler-in type of job I had where I didn't have full responsibility for an area. Nobody else fills you in on what you're supposed to be doing. In one case, the regular receptionist was given a directive by the manager that I was not given. When I was filling in, I didn't do the job as the manager had requested. The manager came and yelled at me instead of at the person she had given the request to.

This was also due to the pecking order of treatment that management followed. They'd pick on some people and not on others. In that place it was based on your religion. If you were of the same religion as management you didn't get singled out for ill-treatment. To add to it, I was the newest employee there.

The hardest thing for most of my friends who have clerical jobs is the office politics. Another problem at that place was that if I worked extra hours on a week-end I didn't get paid for the time, I was given time off instead.

I also worked as a secretary-receptionist for a furrier for 7 months. I would take calls from stores and buyers and I did office work for the company. I answered the phone, typed up invoices and got the orders ready. I was also responsible for stock taking and keeping

records of the sales. At this place, I would often work late and I'd never get paid for the time. We'd work many Saturdays before Christmas and I'd get paid for that. But regularly if the company had a meeting at the end of the day they'd ask me to stay behind and help with the meeting and I'd never be paid for this work.

I was sexual harassed there — either in the front office or in the manufacturing plant. They'd ask me to model the coats for a customer and then they'd make comments about me. When I had to walk through the production area it would be the same. A production supervisor pressured me to go out with him and there was a salesman who was particularly sleazy with his comments in the office.

That place didn't pay a lot either and when they laid me off they didn't give me any notice at all. The owner of the company came to me just as I was getting ready to leave on a Friday and told me not to come back on the Monday. It was a bad feeling. I didn't even go in to get my cheque. I got one of my co-workers to bring it to me and they didn't pay me any termination pay.

- ▶ Can you and your co-workers identify common parts of your jobs that you are expected to do and not get paid for?
- ▶ What does the term 'office politics' mean to you? Are you aware of instances of favouritism where some workers are treated better than others?
- ▶ When you look at the work situations of people in your community, what issues pop up most?
- ▶ How do these issues correspond to gender / race / ethnicity / immigration status / age?
- ▶ If someone brings a case of sexual harassment to your attention, how do you deal with it? to whom do you refer her/him?

# Employment Standards in Canada

[as at June 1993]

STANDARD	CANADA LABOUR CODE	ALBERTA	BRITISH COLUMBIA	MANITOBA	NEW BRUNSWICK	NEWFOUNDLAND	NORTH WEST TERRITORIES	NOVA SCOTIA	ONTARIO
Max. hrs (after which worker can refuse work)	48 hrs/wk	12 hrs/day		8 hrs/day 40 hrs/wk		16 hrs/day	10 hrs/day 60 hrs/wk		8 hrs/day 48 hrs/wk
Overtime Pay (Increase to regular pay when hours worked exceed maximum hrs/week)	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk 2 times after 11 hrs/day 48 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 44 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 48 hrs/wk	1 1/2 times after 44 hrs/wk
Minimum wage (as of April '93)	\$4.00/hr	\$5.00/hr Student under 18 yrs: \$4.50/hr	\$6.00/hr Student under 17 yrs: \$5.50/hr	\$5.00/hr	\$5.00/hr	\$4.75/hr	\$6.50/hr Rate for distance from highway: \$7.00	\$5.15/hr Rate for unskilled for 3 months only: \$4.70	\$6.00/hr Student 18 yrs: \$5.50/hr Liquor stores: \$5.00/hr
Paid vacation time (% of gross pay after 1 year employed) (after 1 year employed)	2 wks with 4% of earnings. 3 hrs after 6 yrs employed with 6% of earnings	2 wks with 4% of earnings. 3 wks after 5 yrs employed with 6% of earnings	2 wks with 4% of earnings. 3 wks after 5 yrs employed with 6% of earnings	2 wks with regular pay. 3 wks after 4 yrs employed with regular pay	2 wks with 4% of earnings	2 wks with 4% of earnings	2 wks with 4% of earnings. 3 wks after 5 yrs employed with 6% of earnings	2 wks with 4% of earnings	2 wks with 4% of earnings
Individual termination notice (after period of time worked)	2 wks notice after 3 months	1 wks notice after 3 months, 2 wks: 2 yrs, 4 wks: 4 yrs, 6 wks: 6 yrs, 8 wks: 8 yrs	2 wks notice after 6 months, 3 wks: 3 yrs, After that add 1 wk per yr up to a max of 8 yrs	1 pay period's notice after 30 days	2 wks notice after 6 months, 4 wks: > 5 yrs	1 wks notice after 1 month, 2 wks: > 2 yrs	2 wks notice after 90 days. After that 1 wk per yr up to a max of 8 yrs	1 wks notice when employed less than 2 yrs 2 wks: 2-5 yrs 4 wks: 5-10 yrs 8 wks: >10 yrs	1 wks notice when employed less than 2 yrs 2 wks: After per yr max
Group termination notice (per number of workers laid off)	16 wks notice if over 50 workers	Individual notice applies	8 wks notice for 50-100 workers, 12 wks: 101-300 16 wks: >300	10 wks notice for 50-100 workers, 14 wks: 101-300 18 wks: >300	6 wks notice if over 10 workers, who also make up at least 25% of workforce	8 wks notice for 50-199 workers, 12 wks: 200-499 16 wks: >500	4 wks notice if 25-49 workers 8 wks: 50-99 12 wks: 100-299 16 wks: >300	8 wks notice if 10-99 workers 12 wks: 100-299 16 wks: >300	8 wks notice if 10-99 workers 12 wks: 100-299 16 wks: >300
Severance pay	2 days pay per yr worked, not less than 5 days pay after 1 yr worked								1 wk per yr employed, off, or has >5 employees
Pregnancy / Maternity leave*	17 wks	18 wks	18 wks	17 wks	17 wks	17 wks	17 wks	17 wks	17 wks
Parental leave	24 wks for either parent, birth or adoptive	8 wks adoption leave	12 wks for either parent, birth or adoptive	17 wks for either parent, birth or adoptive	12 wks for either parent, birth or adoptive	12 wks for either parent, birth or adoptive. 17 wks adoption leave	12 wks for either parent, birth or adoptive	17 wks for either parent, birth or adoptive	18 wks for either parent, birth or adoptive
Equal pay** (covered under Employment Standards Law)	Equal pay for work of equal value			Equal wages for same job duties	Equal rate of pay for same job skills				Equal pay

\* Note that federal U.I. regulations for maternity and parental benefits are different from leaves under provincial legislation.

\*\* Generally equal pay legislation refers only to workers of different gender with the same employer.

\*\*\* In some cases in Ontario 'The Social Contract Act' allows public sector employers to override statutory rights related to holidays, hours



# Parent Standards in Canada

[as at June 1993]

	NEWFOUNDLAND	NORTH WEST TERRITORIES	NOVA SCOTIA	ONTARIO***	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
W/WK	16 hrs/day	10 hrs/day 60 hrs/wk		8 hrs/day 48 hrs/wk			44 hrs/wk	
es after /wk	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 48 hrs/wk	1 1/2 times after 44 hrs/wk	1 1/2 times after 48 hrs/wk	1 1/2 times after 44 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk	1 1/2 times after 8 hrs/day 40 hrs/wk
0/hr	\$4.75/hr	\$6.50/hr Rate for distance from highway: \$7.00	\$5.15/hr Rate for unskilled for 3 months only: \$4.70	\$6.35/hr Students under 18 yrs: \$5.90 Liquor servers: \$5.50	\$4.75/hr	\$5.70/hr	\$5.35/hr	\$6.24/hr
with 4% earnings	2 wks with 4% of earnings	2 wks with 4% of earnings. 3 wks after 5 yrs employed with 6% of earnings	2 wks with 4% of earnings	2 wks with 4% of earnings	2 wks with 4% of earnings	2 wks with 4% of earnings. 3 wks after 10 yrs employed with 6% of earnings	3 wks with 6% of earnings. 4 wks after 10 yrs employed with 8% of earnings	2 wks with 4% of earnings
notice months, > 5 yrs	1 wks notice after 1 month, 2 wks : > 2 yrs	2 wks notice after 90 days. After that 1 wk per yr up to a max of 8 yrs	1 wks notice when employed less than 2 yrs 2 wks: 2-5 yrs 4 wks: 5-10 yrs 8 wks: >10 yrs	1 wks notice when employed less than 1 yr 2 wks: 1-3 yrs After that 1 wk per yr up to a max of 8 yrs	2 wks notice when employed 6 months-5 yrs. 4 wks: >5 yrs	1 wks notice after 3 months 2 wks: 1-5 yrs 4 wks: 5-10 yrs 8 wks: >10 yrs	1 wks notice after 3 months 2 wks: 1-5 yrs 4 wks: 5-10 yrs 8 wks: >10 yrs	1 wks notice after 6 months
notice for 10 wks, who take up at 5% of force	8 wks notice for 50-199 workers, 12 wks: 200-499 16 wks: >500	4 wks notice if 25-49 workers 8 wks: 50-99 12 wks: 100-299 16 wks: >300	8 wks notice if 10-99 workers 12 wks: 100-299 16 wks: >300	8 wks notice if 50-199 workers 12 wks: 200-499 16 wks: >500	Individual notice applies	2 months notice if 10-99 workers. 3 months: 100-299 4 months: >300	Individual notice applies	4 wks notice if 25-99 workers. 8 wks: 50-99 12 wks: 100-299 16 wks: >300
				1 wks pay per yr of employment, if 50 workers laid off, or if worker has worked >5 yrs and employer has payroll >\$2.5 million				
17 wks	17 wks	17 wks	17 wks	17 wks	17 wks	18 wks	18 wks	17 wks
or either birth or tive	12 wks for either parent, birth or adoptive. 17 wks adoption leave	12 wks for either parent, birth or adoptive	17 wks for either parent, birth or adoptive	18 wks for either parent, birth or adoptive	17 wks for either parent, birth or adoptive	34 wks for either parent, birth or adoptive	6 wks paternity or adoption leave	17 wks for either parent, birth or adoptive
rate of pay the job ls				Equal rate of pay for same work			Equal rate of pay for work of same skill	Equal rate of pay for work of same skill

Provisions for maternity and parental benefits are different from leaves under provincial regulations.

Equal pay legislation refers only to workers of different gender with the same employer.

Quebec allows public sector employers to override statutory rights related to holidays, hours of work, vacation and overtime.

# Organizing for better working conditions

**W**ORKERS OF COLOUR, aboriginal, immigrant, disabled and women workers are those whose employment rights are most likely to be violated.

Not only do these workers face inadequate laws and ineffective enforcement, they are also often pitted against employer groups who lobby against any move to introduce better protection for workers. For example, in Ontario, the restaurant owners' association, has been very effective in its lobby to have the government maintain a lower minimum wage level for liquor servers.

Given the inequality between the resources which workers and employers have in the labour market, what can be done?

The answer is to get organized to work for better wages and working conditions.

Below we present examples of groups across the country who have organized in various ways to strengthen and defend the employment rights of unorganized and vulnerable workers.

## Supporting laid off workers

Community groups have often taken leadership in organizing around workers' issues and generating enough pressure on Ministries of Labour to make them take action. One such example in recent history is that of the workers at a company called Lark Manufacturing in Ontario. 148 workers were laid off with half an hour's notice on September 28, 1988. Most of the workers were Chinese Canadians. They were owed over a half million dollars in wages, vacation pay and termination pay.

With the support of Woodgreen Community Centre, they brought their situation to the attention of the Employment Standards Branch of the Ministry of Labour. The Branch was persuaded, after much pressure from various community agencies and legal clinics, to lay charges and prosecute the directors of the company.

Almost 4 years later, in January 1992, the judge ruled in favour of the workers. The directors of the

company were held responsible and were told to pay all the monies owed to the workers. However, the workers haven't actually been paid because the directors appealed the court's decision and their appeal was granted. But community groups continue to pressure the Ministry of Labour to pursue the case and there is still hope that justice will be done.

## Lobbying for better laws and effective enforcement

Community legal clinics and community-based agencies, who are usually the first contact for non-union workers, have made strong and persistent collective efforts to lobby the government to bring in better legislation and better enforcement. Year after year, the organized labour movement, anti-poverty groups such as the Ontario Coalition Against Poverty and Daily Bread Foodbank, have submitted briefs to the government, organized protests and rallies on the issue of minimum wage. The combined pressure of these groups and the organized labour movement, have led to revisions to the Ontario Labour Relations Act.

## Representing workers who file complaints

The latest in the series of community initiatives in Toronto, is the formation of the Employment Standards Work Group (ESWG), consisting of community-based agencies and community legal clinics. The member agencies represent individual workers in employment standards cases. As a group, they lobby the government for better and speedier resolutions to complaints, and to improve and expand the provisions of the law to include more workers.

## Informing workers about their rights

Community groups, women's organizations, and trade unions combined their efforts to lobby the City of Toronto to establish an office to assist workers who

have no unions. That office came into being in 1991 and is called the Workers' Information and Action Centre of Toronto. This centre provides information about employment legislation, conducts research, and works with other community-based organizations to reach out to workers who are isolated and unrepresented.

In Montreal, Au Bas de l'Échelle has made such service available to non-unionized workers since 1975. Their lobbying efforts have included changes to the minimum wage, maternity leave provisions, as well as improvements to the Charter of Human Rights and Freedoms.

In July 1990, the Labour Council of Victoria, B.C., launched a campaign to assist non-union workers whose employers were disregarding B.C.'s ESA. The Council provides workers with information about their legislated employment rights and files complaints with the employment law enforcement branch on behalf of the workers. The Council keeps the complainant's name confidential to minimize the chances of reprisal by the employer. A complaint could lead to a company-wide audit which would rectify the situation for all the employees who may not have filed individual complaints themselves. Already this program has had results. It was able to recover monies owed for vacation pay and overtime for 17 employees of a janitorial service in Victoria.

Inspired by the Victoria Labour Council's example, 5 community groups in Toronto and the local Employment Standards Office are setting up a pilot project — The Toronto Enforcement and Advocacy Model for Employment Standards (TEAMES) Project. It will enable workers whose employers routinely violate the ESA to direct complaints through one of the community groups. The employee(s) who make(s) the initial complaint will remain anonymous. After receiving the complaint the local office of the Employment Standards Branch will conduct an investigation into the employment practices that

affect all of the people working for that employer. It is expected that this project will enable the Branch to conduct more company-wide audits while protecting employee-complainants from reprisal.

### Linking workers of colour

In Winnipeg, a Black woman was wrongfully fired over 10 years ago. She mobilized the community to picket the factory. This incident led to the formation of **The Workers of Colour Support Network** to serve both organized and non-unionized workers of colour. With members from South Asian, Filipino, and Black communities, the group offers information to support and mobilize action against racism in the workplace.

### Organizing unions

In the fall of 1992, a union in Toronto met a Chinese-speaking woman who worked in a small contracting shop. Everyone in her shop was working up to 70 hours per week with no compensation for overtime. There was favouritism in the assignment of jobs. Health and safety conditions were substandard. The employer threatened and intimidated anyone who complained.

Upon hearing about this situation, the union made a complaint to the Ministry of Labour about the employment standards violations. At the same time, it began a drive to organize the shop. Now, 8 months later, the ESA complaint hasn't been settled, but the workers have a union and a collective agreement. They are paid time-and-a-half for all hours over 35 worked in a week. Special provisions cover weekend work. The contract also protects them against losing their jobs if they make a complaint.

One of the most effective ways of improving wages and working conditions in a workplace is to organize into a union and win a collective agreement.

### The challenge ahead

The struggle to improve employment laws is never really finished. As the economy changes, the nature of jobs changes in drastic ways. The next article 'The Changing Labour Market,' shows why the need to organize for better employment standards is becoming more urgent by the day.

## .....in search of standards.....

**I**'VE WORKED FOR THE LAST 12 years in small restaurants and hotels. I started off as a dishwasher and later moved to prepping food, cutting vegetables and things like that. I did a 2 year stint as an apprentice chef but mostly I've worked as a short order cook.

I've generally not had pay problems but I've seen others who have. One place I worked in recently had a dishwasher who regularly worked way over the minimal number of hours per week and he wasn't paid for his overtime. This guy was a recent immigrant from Iran. I guess he felt he had to take anything he could get and keep quiet.

Generally dishwashers get paid minimum wage and never receive any of the tips that the waiters and waitresses get. Some places the cooks treat the dishwashers really poorly. One place it got close to physical abuse. The cook would kick me and whack me with a broom stick. I had to threaten him back to get him to stop.

The most stressful work that I've done is as a line cook where there's 3 cooks on a line. I've been in places where they literally clock you. The manager stands right there beside you and shouts in your ear, "Where's the order? Where's the order?"

They time everything like how long it takes to warm up a hamburger bun. It can be quite stressful. I've developed an ulcer over a period of 4 years and a nervous twitch. They expect the work to be done above human standard.

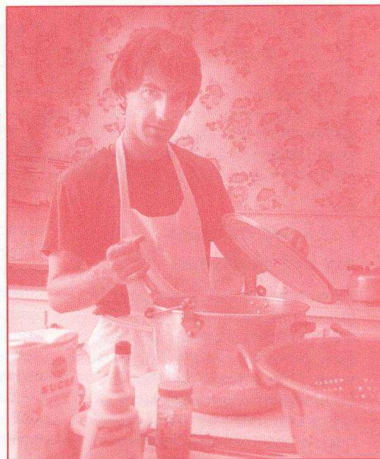
They usually give you no notice when they want you to work overtime. You've got plans for the evening and they come to you at 8 o'clock when you're supposed to go home and they ask you to stay until 10:30. At one of the last places I worked I came in on a number of Friday nights with 2 hours notice because other staff were sick. But that didn't help me when they later canned me and brought in another guy who worked for less money. They made some excuse like that I hadn't worn my jacket in the dining room but I know why they let me go.

Often what happens in a lot of places is that if business is slow, they'll send you home early. They try to pretend that they're being nice to you, letting you go home early. But it shows up on your cheque, you won't get a full day's pay.

Rarely are you able to take your vacation when you want to. They'll tell you to wait another month or so when the season's not so busy. I've never worked at a place yet where I got my vacation pay at vacation time. You don't get your vacation pay until the end of the year. I've worked statutory holidays and I've not been paid what I'm entitled to. They generally assume that you don't know what the employment standards are and if you don't know and you don't bring it up, then they don't have to.

The manager where I work now feels like she owns the staff. She recently said to a friend of hers about a waitress who had requested time off, "While she's here, she's mine and if she doesn't want it then there are 500 other people who want the job."

- ▶ What problems do workers in the service sector have in common?
- ▶ In your experience, do certain ethnic groups tend to be located in the same type of job?
- ▶ Are there certain employers who have a reputation for violating employment standards?
- ▶ What forms of education and community response would be most appropriate in your context? What unions might you collaborate with in developing a response?



# The Changing Labour Market

**M**AJOR CHANGES ARE TAKING PLACE IN THE WAY THE ECONOMY IS ORGANIZED, RESHAPING THE VERY NATURE OF JOBS. THE age of full-time permanent jobs is dwindling fast. The era of the just-in-time workforce is upon us. Wages and working conditions are under attack. In this article we show how these trends are making it critical that we, as working people in every part of Canada, get together now to push for better employment laws — for ourselves, for generations after us, for the dignity of the person.

## Growing numbers are not in unions

All workers, except those who are union members, have to rely on employment standards law for basic protection of their rights at work. This is not to say that the Employment Standards Act (ESA) is not important to union members. When they bargain they have the ESA as a minimum on certain issues. They can bargain up from that base, rather than having to start from zero. Union members' wages and working conditions are set out in collective agreements which provide them with more than minimum standards. Many other people work for companies which offer wages and working conditions higher than the minimum standards. However, without a collective agreement, there is no way of ensuring that those standards are maintained.

In Canada, just over 1/3 of workers are union members. Only 18% of employees in the private sector have the protection of union-negotiated collective agreements. The proportion of the labour force that is unionized declined in the 1980's because most of the new jobs created were in small private-sector firms (less than 10 employees) which are rarely unionized. At the same time, jobs in traditionally unionized sectors, such as manufacturing, disappeared.

*"Involuntary part-time workers are those who want to work full-time, but cannot find full-time work. In Canada, between the middle of 1990 and the middle of 1992, the number of women involuntary part-time workers increased by 2/3 and the number of male involuntary part-time workers almost doubled."*

- Stats Canada, Perspectives on Labour and Income, Autumn 1992

Other changes in business practices in the 1980s and '90s have

made unionizing workers difficult. Large businesses and governments contracted out parts of their work. Growing retail or hospitality firms spun off franchises rather than branch operations. Electronic homework became possible and industrial homework increased. Technological developments allowed more work to be done by fewer workers.

As a result of these changes and the related shift to smaller workplaces, an increasing proportion of the labour force will have to rely solely on employment law to offer and protect any rights they may have as workers.

*"The Canadian worker can either work harder for less money, or not work at all. That's what competitiveness means."*

-Don Blenkarn, MP (Cons.), Mississauga South

## McJobs on the rise

There has been steady growth in 'precarious' or 'non-standard' employment in the last 20 years. More than 1/3 of Canada's work force now works in jobs that are part-time, temporary, casual, contract or seasonal or are 'own-account self-employed' (people who have their own business but don't employ anyone else). Non-standard jobs were almost half of all new jobs created in the 1980's. In fact, some would argue that it's time to stop describing these jobs as being 'non-standard' since they are more the rule than the exception now.

The proportion of workers with full-time, steady jobs and benefits is declining, while the proportion with 'precarious' jobs is increasing. Workers in 'non-standard' jobs have few benefits and, on average, earn less than half the income of people with permanent, full-time work.

This change is the cumulative effect of thousands of employers deciding that in order to be more globally competitive they need a more 'flexible' work force and

need to lower their wage costs. A flexible work force can mean several things. Most often, it refers to flexibility in the size of the workforce.

## More short-term contracts

Firms are reducing, as much as possible, the number of full-time, permanent, salaried or waged workers entitled to full benefits ('core' labour force) that they employ. They are switching to part-time, temporary and casual workers as well as contracting-out work in order to lower labour costs. Workers in this 'peripheral' labour force are paid less than someone in a full-time, permanent job and are usually not entitled to benefits. They are the 'just-in-time' labour force — people who can be employed solely for the exact length of time or task for which they are required.

*"Economists see two contrasting sides of non-standard work. For every [successful business consultant] there are many others working for low wages at part-time or short term jobs in restaurants or stores. [For many], non-standard work reflects a lack of choice."*

- Williamson, R., "Tradition giving way to work of freelancers", Globe & Mail, Jan. 15, 1993.

Contracting work out — to freelancers, consultants, contractors or homeworkers — allows firms to reduce their operating costs as well as wage costs. Businesses can shift some of the costs of production to the peripheral workforce by requiring them to provide their own furniture and equipment and pay for such things as electricity and insurance.

## Working without the law's protection

Workers in non-standard jobs are likely to enjoy fewer employment

standards rights than workers in long-term, full-time jobs. This situation is of particular concern to women and youth who are the majority of workers in non-standard jobs. Women are more than 70% of part-time workers.

Between 1/3 and 1/2 of people working part-time want to work full-time but can't find full-time jobs. The biggest share of short-term work is in the traditional service sectors (retail, food, recreation, hospitality) — sectors dominated by women.

'Peripheral' workers are less likely to be unionized. Employers rarely allow casual and temporary employees to be included in collective bargaining units. So such workers are often not entitled to paid sick leave, insurance plans, seniority or other benefits. Part-time workers generally do not enjoy all of the same benefits as those won by their full-time counterparts through a collective agreement.

People who are considered to be self-employed are not protected by minimum employment standards because they are not considered to be employees. Employers may even set up contracting arrangements, treating workers as self-employed, precisely in order to avoid having to meet minimum employment standards such as overtime and vacation pay, and even minimum wage. In such cases, employers do not contribute to Canada pension, unemployment insurance benefits or workers' compensation coverage.

Some rights granted by employment law are only available to long-term employees. In five provinces workers are entitled to longer paid vacations after 4 to 10 years with the same employer. Women must have some period of continuous employment with one employer to be eligible for pregnancy or maternity leave. Unemployment insurance benefits depend on a certain number of weeks in a standard employee-employer relationship.

### The time for action is now

As we saw in the earlier article 'Enforcement of employment standards,' employees without secure employment are also in the worst position to try to have the law enforced when it is violated by their employer.

Global competition, free trade, deregulation and technological change are major forces reshaping

## .....in search of standards .....

**I**'VE WORKED IN FACTORIES FOR ALMOST 30 years. I worked in one furniture company for 27 years. At that company there were 65 other workers and the majority of them had worked there for over 15 years.

Just before lunch one day, the boss announced that the factory would close at noon. The company was bankrupt. People were in shock and didn't believe what was going on. Some started to cry.

We asked the boss about our money — our back wages and our vacation pay that he owed us. "Not one penny," was what he told us we would get. After all those years that we worked for him and he had nothing for us. Some of us started with the company when it was in a garage and we had worked like animals to build the company up. We made the boss rich. We didn't deserve to be treated like this. All he could say was, "I'm sorry, but not one penny." We all left.

After one week, the bank that was the receiver of the bankruptcy, asked us to come back to finish the furniture that we had started before we were sent home so that the receiver could sell those goods. They paid us for the work that we did and the wages that the company owed us.

We phoned many government offices to find out what we were entitled to. Finally we got in touch with a community agency who offered to help us. They told us that we were entitled to termination and severance pay and they helped us make a claim with the Employment Standards' Branch. We're still waiting. It's been 3 years now. The courts have taken a long time and each time that we've got a favourable decision, the boss makes an appeal or stalls for time which is what he's doing now.

Since the furniture factory closed I've worked in a number of other factories. I started in a garment factory as a sewing machine operator. After a week they said they were going to lower my pay from \$7.50 to \$6.50 an hour. I refused and left.

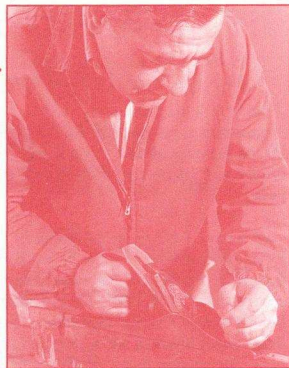
I also went to another furniture factory where I worked for 6 or 7 months. They owed me 2 weeks' pay when they laid me off and they kept refusing to pay me.

Recently I started another job. After I had worked for them for 2 months the company decided to change the rate of pay. They asked us to work for less than minimum wage and to pay our own contributions to C.P.P. and U.I.C. They wanted us to sign a paper to accept the new conditions. I decided to leave the company with half of the other workers rather than accept those conditions. They owed me 3 weeks of wages and vacation pay. After telephoning several times the boss told me to meet him at his bank to collect my money. I waited at the bank for an entire day for him to show up but he never came. Each time I phoned him he told me that he was on his way. I finally got my money the next day.

I don't trust employers any more. It's not just about me. There's some poor people that I know who are still working for some of the bosses I left.

- ▶ Do you or your agency or union come into contact with people who have lost jobs due to plant closings? How could you find out?
- ▶ Have some of these workers experienced multiple closings? If so, how could your agency or union assist them?
- ▶ Can an employee sign away his/her rights?
- ▶ How does the new UI bill affect a worker's ability to quit a job to get away from unfair conditions?

the labour market. These same forces erode employment standards. International investors can relocate to another part of the globe in an instant. Any law or regulation that protects employees or their wage levels is



.....in manufacturing work.....

denounced for driving away investment and jobs. This climate makes it more urgent than ever that we join in wide-spread and concerted organizing to maintain and improve employment standards law.

## .....in search of standards .....

**I** WORK AS A PART-TIME SALES ASSOCIATE IN A LARGE department store where I sell fragrances. I've worked for the store for almost 5 years. We receive a base rate of pay and 3% on top of that for each sale that we make.

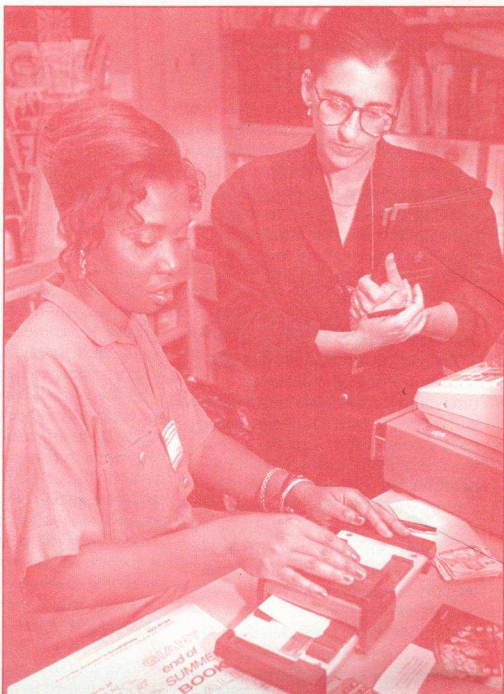
I work only 3 1/2 hours per week as I attend school but all of the part-timers' hours have been cut back. In the fragrance department, we have 4 part-timers who are scheduled to fill the time slots available and most people get 3 days a week. With the recession it's more difficult to get hours of work, even during the Christmas rush. The section heads make up the schedules and grab the busy times so that they can get the best sales.

There's favouritism. If you get along with your section head you get good hours. If you do something that bothers her, she penalizes you with the scheduling. I've known people who had a confrontation with her and she's knocked their hours down to just about nothing.

The recording of the amount of hours that you work is on an honour system. Other co-workers have complained to me that they've been on occasion short-changed for their hours worked. I think that sometimes this happens because the company has under-budgeted for the part-timers' hours and they hold back a portion of someone's pay until the next pay period. But it causes problems for people who have to pay their rent on a certain date and they have to wait for their money as the company has made a mistake.

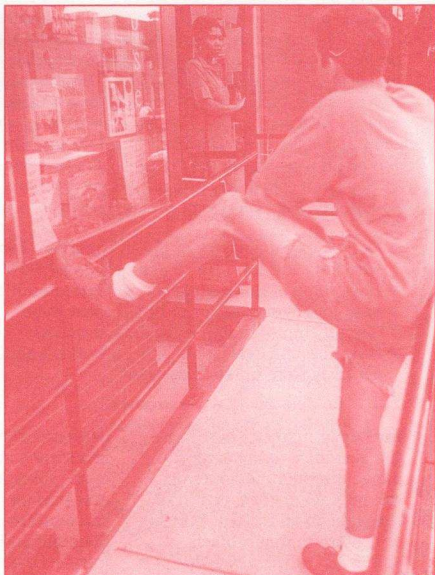
If your till count is low by a certain amount at the end of the shift then Loss Prevention inspectors are called. They may question you and investigate the situation and you have to stay until they finish searching and you're not paid for that extra time. As a part-timer you inherit the till from the day staff but the inspectors always imply that it's your fault. I don't like that practice at all. Why should you be penalized at the end of your shift when the mistake could be someone else's?

There are 4 counters in the department, 2 counters with high selling items and 2 counters with low selling items. It's not fair. I got into a lot of trouble around this issue. I figured that I was hired by the store to sell the products and yet this system works against that and provides privileges to some and not to others. They preach customer service and yet they tell me to stay put at one counter when often there may be 10 people waiting to be served at



one of the counters with the big sellers. This system divides the staff and pits us against each other.

They also expect you to wear a name badge to identify you to a customer as a store employee. I used to wear a name badge when I first started with the store and up until a year and a half ago. I found that some men approached me after work and on the street and addressed me by name as if they knew me. One man had been keeping track of me as he even commented on my personal appearance. Maybe they're being friendly but it's harassment to me. So I took my name off the badge and I'm still identified as a store employee but it doesn't have my name on it.



- ▶ Who can you call in your community to find out more about the law or to refer people whose rights have been violated?
- ▶ What protection does the law offer to workers when their hours are arbitrarily reduced?
- ▶ Do part-timers have the same employment rights as full-timers under the law?
- ▶ What steps can a worker take to protect herself/himself against workplace harassment?

.....in retail sales work .....

# Resources

## In Print

**Employment Standards Legislation in Canada**  
Labour Canada, Canadian Government Publishing Centre, 1990.  
Order from: Canada Communications Group Publishing, Ottawa, ON K1A 0S9.  
Phone (819) 956-4802

**Labour Law's Little Sister: the Feminization of Labour and the Employment Standards Act**  
by Judy Fudge, 1991.  
Order from: Canadian Centre for Policy Alternatives, 251 Laurier Ave. West, #804, Ottawa, ON K1P 5J6.  
Phone (613) 563-1341

**Who's setting Employment Standards?**  
by Alison Pitcairn, *Our Times*, January 1989.  
Order from: Our Times Publishing, 390 Dufferin St, Toronto, ON M6K 2A3.  
Phone (416) 531-5762

**Organizing Together** (working title)  
by Mary Cornish and Lynn Spink, Second Story Press (Forthcoming in 1994).  
Order from: Second Story Feminist Press, 760 Bathurst St, Toronto, ON M5S 2R6

## In Video

All these videos are available from the National Film Board of Canada. For the branch nearest you, call toll free:  
Atlantic Canada 1-800-561-7104  
Québec 1-800-363-0328  
Ontario 1-800-267-7710  
Western and Northern Canada 1-800-661-9867

**A Time to Rise**, 1981, 39 min.  
Documentary that looks at the formation of the Canadian Farmworkers Union and the response of growers and contractors to the threat of unionization.

**No Time to Stop**, 1990, 30 min.  
Three working-class immigrant women talk about the personal and employment barriers they face in Canada.

**The Treadmill**, 1984, 45 min.  
Documentary that examines the invisible labour force of women known as "piece workers". Profiled are a group of women who overcame the industry's highly exploitive conditions by forming a cooperative-style workshop.

**Why Unions?**, 1984, 10 min.  
Through the experience of bank employees and employees of the Michelin Tire Co. in Nova Scotia shows how both blue-collar and white-collar workers can benefit from unionization.

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# For more information

**T**HE EMPLOYMENT STANDARDS BRANCH OF THE MINISTRY OF LABOUR IN EACH PROVINCE IS RESPONSIBLE for enforcing the Employment Standards Act (ESA). That's where you make your complaint when your employer denies you your rights under the ESA.

For support and advice you may also want to get in touch with one of the many community-based groups in your area that advocate for workers' rights. Below we list just a handful. They can assist you or refer you to the best place for your issue.

Of course, there are many, many more groups who are doing wonderful work in the area of workers' rights. But we just don't have space to list them all. We give only one community group in each province. When you see a province with no community-group listed it doesn't mean that nothing is going on, just that we couldn't find them.

## British Columbia

Employment Standards Branch  
Ministry of Labour & Consumer  
Services  
4946 Canada Way, Room 210  
Burnaby, BC V5G 4J6  
(604) 660-4000

Workers' Advocacy Program  
Victoria Labour Council  
1 - 2750 Quadra Street  
Victoria, BC V8T 4E8  
Contact: Steve Orcheron  
(604) 384-8331

## Alberta

Employment Standards Branch  
Ministry of Labour  
10339 - 124th St. Room 403  
Edmonton, AB T5N 3W1  
(403) 427-8541

Edmonton Working Women  
30 - 9930 106th St.  
Edmonton, AB T5K 1C7  
(403) 429-3370

## Saskatchewan

Employment Standards Branch  
Ministry of Labour  
1870 Albert St.  
Regina, SK S4P 4B7  
(306) 787-2438

Equal Justice for All  
325 Avenue E, South  
Saskatoon, SK S7M 1S2  
(306) 653-6260

## Manitoba

Employment Standards Branch  
Ministry of Labour  
401 York Ave, Room 604  
Winnipeg, MB R3C 0P8  
(204) 945-3352

Community Unemployed  
Help Centre  
206 - 275 Broadway  
Winnipeg, MB R3C 4M6  
(204) 942-6556

## Ontario

Employment Standards Branch  
Ministry of Labour  
400 University Ave.  
Toronto, ON M7A 1T7  
(416) 326-7160

Workers' Information &  
Action Centre  
277 Victoria St., Ste. 102  
Toronto, ON M5B 1W2  
(416) 392-1203

## Québec

Commission des Normes du Travail  
2 Complex Desjardins  
Tour de l'est, Étage 24  
CP 730, Succ. Desjardins  
Montréal, QC H5B 1B8  
(514) 873-7061 (à Montréal)  
(800) 265-1414 (extérieur de  
Montréal, sans frais)

Au Bas de l'Échelle  
6839-A Drolet (au coin de Bélanger)  
Suite B.305  
Montréal, QC H2S 2T1  
(514) 270-7878

## New Brunswick

Employment Standards Branch  
NB Dept of Advanced Education  
and Labour  
P.O. Box 6000  
Fredericton, NB E3B 5H1  
(506) 453-3902

## Nova Scotia

Labour Standards Division  
Department of Labour  
5151 Terminal Rd., 7th Floor  
Halifax, NS B3J 2T8  
(902) 424-4311

## Prince Edward Island

Provincial Affairs & Attorney  
General  
Labour & Industrial Relations  
Division  
Mail: P.O. Box 2000  
Charlottetown, PEI C1A 7N8  
Street: 31 Gordon Dr.  
Sherwood, PEI C1A 6B8  
(902) 368-5550

Social Action Commission  
Box 1689, 350 North River Road  
Charlottetown, PEI C1A 7N4  
(902) 892-1251

## Newfoundland

Labour Standards Division  
Ministry of Employment & Labour  
Relations  
P. O. Box 8700  
Confederation Building  
St. John's, NF A1B 4JC  
(709) 729-2743