

The Road to Bill 148

The Fight for \$15 and Fairness in Ontario

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GLRC Working Papers Series

The working papers series of the Global Labour Research Centre at York University aims to publish papers that document pressing issues of economic and social justice linked to the changing nature of work (both paid and unpaid), employment, labour markets (local, national, and global), and labour (worker education, mobilization, and organization).

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On November 22, 2017, after years of organizing, protesting, striking, and lobbying, the provincial legislature voted to pass the Fair Workplaces, Better Jobs Act, otherwise known as Bill 148. Sixty-seven Liberal and NDP MPPs voted in favour and 26 Ontario Progressive Conservatives MPPs voted against. Bill 148 reformed employment standards and labour relations in a number of ways, including through the following:

- A raise in the general minimum wage from \$11.60 an hour (as of October 1, 2017) to \$14 on January 1, 2018, \$15 on January 1, 2019.¹ This is the fastest phase-in of the \$15 minimum wage in the North American Fight for \$15 movement.
- Ten days of job-protected personal emergency leave to all workers per year, two of which will be paid—a first in Canada.
- Equal pay for equal work for part-time, temporary, casual, and seasonal employees performing the same job as full-time employees.
- Fairer scheduling and cancellation of “zero hour” contracts, including three hours of pay for on-call employees who are not called in, and for workers whose shifts get cancelled with less than 48 hours of notice.
- Vacation time consistent with the national average by ensuring all workers get at least three weeks’ vacation after five years with the same employer.
- Protecting against misclassifying employees as independent contractors.
- Changes to union certification procedures, including an extension of card-based certification to the temporary help agency industry, building services sector, and home care and community services industry. Bill 148 also strengthens successor rights in building services.

Almost two million workers in Ontario will receive the raise to \$15 an hour. This means a 30 per cent wage increase

for more than 675,500 minimum wage earners.² The passage of Bill 148 is also a huge victory for the many low-income workers of colour, Indigenous workers, immigrants, young workers, students, and women who are overrepresented in low-wage, non-unionized industries. Twenty-seven per cent of Indigenous workers in Ontario will see a raise when the minimum wage hits \$15 an hour, which will largely benefit First Nations women in the workforce, 36 per cent of whom will get a raise (MacDonald 2017).

Bill 148 was not a ‘gift’ given by the ruling Liberal Party in Ontario. Rather, the bill is a testament to years of organizing on the ground—petitioning, rallying, lobbying, parading, phone-banking, and striking—by community organizers and workers. As \$15 and Fairness organizers David Bush and Doug Nesbitt explain: “A persistent, determined movement, built from below by workers themselves, wrenched the \$15 minimum wage and other reforms from employers and the government” (Bush and Nesbitt 2017). Through strategic action, workers gained the confidence to demand more and raise the floor for workplace standards. So, how did we get to Bill 148?

Building labour-community organizing and pushing against big business

The push for a \$15 minimum wage has its roots in both the broader global Fight for \$15 movement emanating from the United States, and a longer history of activists in Ontario pushing to improve the minimum wage and employment standards. Organizers associated with the Workers’ Action Centre have campaigned on the minimum wage and employment standards since early 2000. They pushed for \$10 in 2007 and they launched the Campaign to Raise the Minimum Wage to \$14 in 2013, winning an immediate increase from \$10.25 to \$11/hour and a pegging of the minimum wage inflation in through Bill 18 in 2014. The campaign also won a promise from the Liberal government to do a full-scale review of employment law in the province. The review of the Employment Standards Act, 2000 (ESA) and the Ontario Labour Relations Act, 1995 (OLRA), was announced by the government in January of 2015 as the Changing Workplaces Review (CWR).³

The CWR was most extensive examination of Ontario’s labour and employment laws since the Mike Harris government’s reforms to the Labour Relations Act in 1995 and Employment Standards Act in 1996 and 2000. The Special Advisors in charge of the CWR acknowledged that the review was set in the context of “strong evidence of a broad societal concern over the changes that have taken place in the workplace and the fact that for many there has been a long-standing trend of deteriorating working conditions for a growing number of workers” (Mitchell and Murray 2016: 6). In the run-up to the review, activists and coalition partners in the Campaign to Raise the Minimum Wage spent months developing a list of 26 demands that were realistic to achieve, but bold enough to elevate workers’ expectations. These demands became the basis for the Fight for \$15 and Fairness campaign. Workers were also inspired by the growing and successful Fight for \$15 in the United States, which saw major legislative victories in achieving a \$15 minimum wage, most notably at that time in Sea-Tac and Seattle (Rosenblum 2017). Seeing themselves as part of a growing global movement of low-wage workers gave a powerful impetus for Ontario activists to push for more and to link their struggles with the international movement.

Ontario’s Fight for \$15 and Fairness campaign was launched in April 2015 and it seized on the review process as an opportunity to improve standards for all workers. Marginalized workers found the campaign as a platform to raise their voices, such as a temporary agency worker who explained in a Toronto Star

interview, “It’s like all the responsibility is on the workers. I think the law needs to change that. Employers need to take responsibility. They are making a lot of profit” (Mojtehedzadeh 2016).

The goal of the campaign was to win legislative reforms; but the method was not simply to lobby politicians —it was to build a popular base for workers’ ideas to shift the political terrain. Organizers used the campaign demands to unite workers across sectors and build an active base of support in workplaces, communities, and campuses across the province. From the beginning, campaign activists understood that if they were going to win, they would need to build power from below. The key to this was the call for a \$15 minimum wage, which came to symbolize an alternative to rising inequality and precarious work, and which spoke to millions of low-waged workers in the province. The \$15 minimum wage demand, which was not part of the CWR, armed activists with a demand that had broad class appeal and could readily be understood in a way that other more specific demands could not. The \$15 minimum wage demand helped build a movement big enough to also achieve very important but more niche demands such as an end to the contract flipping occurring in some sectors, whereby workers must continually re-apply for jobs through sub-contracting arrangements (Weins 2017).

The review’s first phase of public consultation involved 12 sessions held across Ontario that heard over 200 presentations and received over 300 written submissions. The minimum wage was not included in the scope of the review, as the Liberals had considered the issue as already settled. However, discussions across Ontario were steadily increasing about the need to improve low-wage part-time, contract, and temporary jobs with erratic schedules and no benefits. At the same time, employer opposition grew. The foremost business lobby group, the Ontario Chamber of Commerce (OCC), launched their Keep Ontario Working coalition in July 2016, calling on the government to conduct a cost-benefit analysis to assess the impact on jobs and the economy for any changes to labour legislation.⁴ The OCC called for sectoral exemptions for agriculture and information technology sectors, ‘flexible’ scheduling, a basic income, and maintenance of the requirement for a secret ballot vote for union-certification (KOW 2016; OCC 2017). Reflecting neoliberal ideology, the OCC demanded that the government accommodate a globalized economy and the “individual needs” of employers and workers (Johnston 2017).

Throughout 2015 and 2016, the Fight for \$15 and Fairness campaign focused on building community via street outreach actions, MPP letter-writing, picnics, protests and parades, while waiting in anticipation for the first report of the CWR. On October 1, 2016, the OFL’s Make it Fair campaign, along with the Fight for \$15 and Fairness organized the Rally for Decent Work at Queen’s Park. The rally saw over 3000 demonstrators calling for improved workplace legislation. Following the launch of the campaign, community groups sprang up across the province, in Kingston, Sudbury, Windsor-Essex, Oshawa, Ottawa, Thunder Bay, North Bay, Guelph, London, and communities in the Greater Toronto Area (Brampton, Scarborough, Regent Park, and East/West Toronto). In Toronto, organizers from the Workers’ Action Centre (WAC) (most of whom are women) led regular community meetings with a broad base of support. Chapters of the campaign also held meetings in post-secondary campuses, healthcare centres, Pearson airport, and with the Chinese Workers’ Network, Ontario Network of Injured Workers, Parkdale Community Legal Clinic, and Centre for Spanish Speaking Peoples.⁵ A faith-based caucus was initiated by the Interfaith Social Assistance Reform Coalition, gathering more than 125 faith leaders from across Ontario to sign a Fight for \$15 and Fairness statement.⁶

Building this base involved organizing non-unionized workers, many of whom were immigrant, low-wage

women of colour: “\$15 and Fairness is about racialized folk, it’s about women, because it’s tackling these issues that predominantly impact them,” argued Ayesha Jabbar, a social worker and member of OPSEU (Karim 2016). WAC’s “Feet on the Ground” program provided a space for 32 participants from seven racialized communities (Latinx, Somali, Bangladeshi, Punjabi, Chinese, and Tamil) to build their organizational skills in the campaign, while earning a small stipend for their participation. WAC provided information and skill-building programs in multiple languages so that they could learn about employment standards and fully understand what it would take to organize for better working conditions. Because of the WAC’s program, and outreach actions in unlikely settings, such as mosques and cultural community festivals, \$15 and Fairness built a diverse base, which held enormous significance at the very practical level of deep movement building. Unlike most union campaigns, the Fight for \$15 and Fairness in Ontario didn’t enjoy massive investment—it received some important union donations and support, but only had one full-time organizer. In comparison, the SEIU funded the Fight for \$15 in the United States to the tune of \$20 million a year (CUF 2016). The limited resources in Ontario meant that the campaign depended entirely on worker energy and capacity.

UNITE-HERE Local 75 strike at York University

The Fight for \$15 and Fairness’ success in 2017 was contingent on building a base of community organizers, but also involved emboldening workers to push for campaign demands in collective bargaining. The summer of 2016 saw two breakthrough victories for precarious workers in Ontario. Unifor Local 414 (Metro Inc. grocery store workers) won an unprecedented contract for retail workers with a guaranteed minimum of 15 hours of work a week after one year of service moving up to 24 hours a week after eight years (previously, part-time workers had no right to minimum hours), and 28 new full-time positions. Soon after, Mississauga library workers in CUPE 1989 won \$15 after going on strike for 17 days in early July (CUPE 1289 2017). Their lowest paid members, 25 per cent of their membership, won an increase from just above the legal minimum wage to \$15/hour and all members won a 1.75 per cent annual wage increase. As one library worker expressed, “The corporations may have millions of dollars, but we have the strength of millions of workers who need, want and deserve fair pay and better work. Our challenge is to organize this sentiment.”⁷

The demand for a \$15 hourly wage through collective bargaining continued into 2017. In February 2017, 160 Aramark food service workers at York University (represented by UNITE-HERE Local 75) struck for \$15 starting wages and fair working conditions. Like many food service workers, in addition to low pay they had been conditioned to accept routine abuse from their managers, suspensions or firings for no good reason, being yelled at and followed on their breaks by supervisors, and favouritism. Yet, through months of organizing and one-on-one conversations, the workers mobilized a 100 per cent strike vote.

Workers and students also organized an extensive solidarity campaign to help the workers achieve victory. Months before the strike, student activists began regular meetings with UNITE-HERE Local 75. These supporters included students in the Ontario Public Interest Research Group (OPIRG) and the Real Food Real Jobs campaign who advocated for healthier food options on campus, along with activists in the Fight for \$15 and Fairness–York U. These groups spent months doing outreach, raising awareness about the food service workers’ struggle, and about the need to improve the minimum standards of work for all workers. They organized a solid routine of tabling, petitioning, class talks, MPP visits, posterage, and creative actions to raise awareness. The campaign’s orientation was not to debate or talk to the already

converted, but rather to win over a majority of students and workers on campus to support a \$15 minimum wage and fairness at work.

The groups operated under the assumption that the best way to build solidarity was not to simply argue that students should support food service workers because Aramark workers had it rough. This was true; but the goal was to get students to see that a victory for the food service workers made it easier for other workers on campus and for those across the province to achieve similar victories. With a large percentage of students working low-wage jobs and many more expecting to, making this link was an important part of the solidarity effort. In the lead up to the strike, students helped organize a series of successful delegations to Aramark management and York administration, and demonstrations on campus that traveled to the main cafeteria and other Aramark food service locations. The rallies were used as an opportunity to show the Aramark workers that they did not stand alone, to build further awareness about the strike with the wider York community, and to demonstrate to Aramark management that the workers had broad support.



**UNITE-HERE
Local 75
workers and
students in
the York
Student
Centre in
February 2017**

Image:
David Bush

On February 2, Aramark workers walked off the job on a one-day strike, and then went on indefinite strike on February 16. They held a picket line at York University's main gate and organized two marches on campus a day. During York's reading week, which was on the second week of the strike, the union organized a week of actions in downtown Toronto targeting the company. They were joined by the striking UNITE-HERE Local 75 workers from University of Toronto-Scarborough. Alongside picket activities, students organized a series of strategic actions to boycott Aramark and to pressure the York administration to negotiate a fair contract. The York Cross Campus Alliance (CCA), a coalition with representatives from unions and student federations on campus, produced thousands of solidarity posters, videos, and a website (York15.ca) that generated a solidarity letter for community members to sign and that was sent to the York University President, the chair of the Board of Governors, and York Vice-Presidents.

When Aramark management opened a select few locations to break the strike, the CCA, Real Food Real Jobs, the Fight for \$15 and Fairness, and the Osgoode Law Union coordinated a series of free coffee stations that were set up right next to a management-run Tim Horton's or Starbucks. Everyone entering the location was handed a leaflet, got an explanation about the strike from a volunteer about why they should support the workers, and was then offered coffee. The solidarity coffee actions were extremely effective and

often resulted in little to no business going to Aramark. To escalate tactics, students planned an “Experience York on Strike” greeting for prospective students, complete with a website that mirrored the branding used on York’s official website. The York administration, feeling the pressure from students and workers and concerned about the potential impacts on enrolment, began to get involved in the negotiations in the week leading up to the settlement.

On March 6, 2017, workers voted to accept their new contract, which included a \$15 starting wage, health and dental coverage for full time and part-timers, and improvements in contract language that will protect unionization rights and work breaks. They saw an immediate bump in their starting wage from \$12.21 per hour to \$13.21, which was applied retroactively to September 2016. The settlement included an additional wage increase in September 2017, and provisions to establish a \$15 starting wage for all workers by the end of the first year of the contract (Bush and Karim 2017). The victory for Aramark workers at York put more pressure on employers to deliver similar UNITE-HERE Local 75 contracts at the University of Toronto Scarborough and Rogers Centre.

The strike also bridged the connection between the demand for respect - in this case taking a strong stance against racial discrimination—and better working conditions. As a visible Muslim who wears a hijab, food service worker Malka Paracha was told by her manager that she would not be promoted to a higher position because she did not look “presentable.” Despite her education from Peshawar University and skilled visa, she was denied a promotion to an assistant management position at Aramark and was regularly harassed for going to pray on her work breaks. At strike rallies, workers explained how they faced racism, which provoked a shared struggle with students who experienced similar forms of racism and Islamophobia. Paracha explained, “With the help of student power we could fight back harder, 100%. We learned how to fight back. It was a learning period for us—to learn how to fight for our rights. Students were the encouragement” (Karim 2017). The UNITE-HERE Local 75 strike win was a major victory for low-wage workers of colour in service industries, and demonstrated the potential to overcome racist divisions through a common shared struggle that brought workers and communities together.

The push for strong labour and employment laws in Bill 148

After subsequent contract wins by UNITE-HERE Local 75 food service workers raised the confidence and expectations of Fight for \$15 and Fairness organizers, they aimed to build an even greater base of support as the government went through the final phases of the Changing Workplaces Review in Spring 2017. On March 31, more than more than 200 organizers from across Ontario, along with guests from the Fight for \$15 campaign in the U.S., met in Toronto for the annual Fight for \$15 and Fairness Provincial Strategy Meeting. By that time, a Forum Poll showed that 70 per cent of voters in Toronto supported a \$15 minimum wage and journalists speculated that the minimum wage would be a key issue in the Ontario budget (Forum Research 2017).

On May 30, 2017, the Fight for \$15 and Fairness won an historic breakthrough with the Ontario government’s announcement that it intended to introduce reforms to the Employment Standards Act that would include a \$15 minimum wage within 18 months, along with fairer scheduling, equal pay for equal work, protection against contract flipping, and more. Organizers were ecstatic and celebrated at the Workers’ Action Centre. But they knew that until the reforms were enacted, the business lobby would use

their vast resources to promote the narrative that any such changes would devastate the province's economy.

Immediately following the May 30 announcement, politicians from the Ontario Progressive Conservative party, along with right-wing lobby groups, flooded mainstream media with claims that raising the minimum wage would result in increased inflation, catastrophic job loss, automation, and growing debt. At Toronto-wide Fight for \$15 and Fairness meetings, organizers discussed how to confront these arguments and to raise the confidence of workers who were being told by their employers that they might lose their jobs. Organizers familiarized themselves with the latest findings from empirical studies showing that an increased minimum wage would not lead to massive job loss. For instance, when cities like Seattle began raising their minimum wage in 2014 (reaching \$15 in 2017 for employees of Seattle's largest businesses), they maintained a low unemployment rate of 2.6 per cent, and restaurants added 33,000 jobs in 2016. Seattle Mayor Ed Murray indicated support for the minimum wage increases, stating "Seattle's economy is the strongest it has ever been, unemployment is at a historically low rate, and employers are competing for employees. Raising the minimum wage was not just the right thing to do, but the smart thing to do" (Seattle 2017).

But fear mongering was widespread in Ontario as the Keep Ontario Working coalition released a study by the Canadian Centre for Economic Analysis, claiming that 185,000 Ontario jobs would be at immediate risk from a \$15 minimum wage, and that businesses would suffer a \$23 billion hit over two years (CANCEA 2017). Likewise, TD Bank released a report claiming that potentially 90,000 jobs could be lost, while the Financial Accountability Office of Ontario report declared 50,000 jobs would likely be lost (Jeffords 2017). Progressive economists consistently debated these claims. Fifty-three Canadian economists signed a letter to indicate their support for a \$15 minimum wage (Rozworski 2017), arguing that studies have found lower turnover, more on-the-job training, greater wage compression (smaller differences between higher- and lower-paid workers), and higher productivity after minimum wage increases. The \$15 minimum wage also found support from some business owners, who rejected the poverty-wage model and created their own group, the Better Way Alliance. These business owners argued that a \$15 minimum wage would have positive economic benefits for small businesses. As Jessica Carpinone, owner of Bread by Us Bakery in Hintonburg and a Better Way Alliance member stated, "Our society does not have a wealth problem, we have a wealth distribution problem. We need to figure out how to level that playing field. We can surely do better" (Carpinone 2017).

In July, the provincial Standing Committee on Finance and Economic Affairs began public hearings on the Liberal government's Bill 148, where trade unionists, minimum wage workers, health care providers, early childhood educators, the Ontario Chamber of Commerce (OCC), temporary agency lobbyists, and employers' associations debated the Bill. In the hearings and on the streets, Fight for \$15 and Fairness organizers asserted that the top '1 per cent' and their lobbyists opposed improvements in workers' wages and working conditions because of the potential impact on corporate and shareholder profits. These claims reflected working class anger towards the wealthy and large corporations that had been brewing since the 2008-09 recession and that intensified in the wake of the 2011 Occupy movement, where activists popularized critiques of financial capital and global inequality. This was especially evident in the Occupy slogan, "We are the 99 per cent!" (Rosenblum 2017).

The decimation of jobs in the manufacturing sector across much of Ontario, along with the closure of retailers such as Target, Chapters, Future Shop, and Sears had been accompanied by large compensation for top corporate executives. When Galen Weston Jr., CEO of Loblaw Companies Ltd. Canada's largest grocery and drugstore operator, claimed that the \$15 increase would cost Loblaw \$190 million, he was widely derided (Nguyen 2017). A Fight for \$15 and Fairness graphic of Weston Jr. declaring that Loblaw can't afford a \$15 minimum wage, along with his net worth of \$8.82 billion, was viewed by 336,000 people and shared 2,906 times on Facebook. In the war of ideas, the Fight for \$15 and Fairness campaign was winning.



Fight for \$15 and Fairness's Facebook graphic showing Loblaw's complaint about raising the minimum wage. Accessed at: <https://twitter.com/fairwagesnow/status/890619684671836160>

Throughout the summer and into the fall of 2017, the Fight for \$15 and Fairness continued its community organizing work. The Ontario Federation of Labour organized solidarity breakfasts in towns where Bill 148 hearings were held. Students in the Fight for \$15 and Fairness Provincial Campus Network mobilized student organizers from over 14 post-secondary campuses for a province-wide Campus Assembly in September. The assembly strategized about how to beat the business lobby, bargain \$15 and Fairness demands, build cross-campus alliances, and challenge racism on campuses. The assembly was popular, with over 100 students, staff, and faculty in attendance. Their public forum featured Toronto Star's Sara Mojtehdzadeh who had recently gone undercover at Fiera Foods industrial bakery to reveal the daily realities faced by temporary agency workers, including working conditions that have claimed workers' lives (Mojtehdzadeh and Kennedy 2017). Student organizers were also on the front lines supporting 12,000 Ontario college faculty who went on strike in October 2017, with demands that included protections against precarious work. The presence of Fight for \$15 and Fairness at strike allies heightened the demand for equal pay for equal work.

Since the Liberals held a governing majority in the provincial legislature, there was no doubt that Bill 148 would eventually pass in some form. The question was how much influence would the business lobby have to undermine the progressive reforms contained in the Bill. As the Bill went through its final public hearings, Fight for \$15 and Fairness pushed back against scheduling provisions that would give employers loopholes to avoid the fairer scheduling provisions under the proposed legislation, and amendments to the

equal pay provisions that define seniority through the number of hours worked, not the date of hire. The campaign used the fall months to do final MPP visits, phone-banking, letter-writing to Premier Kathleen Wynne, and to generate support at public events, including the South Asian Canadians Health and Social Services Picnic in Brampton, a Faith Leaders' Forum at Queen's Park, and town halls in North York and York South Weston. Campus groups strengthened the fight against business lobbyists by launching an online letter on November 15, calling on post-secondary institutions to distance themselves from the OCC. By being members of the OCC and its local affiliates, Colleges Ontario, the Council of Ontario Universities and most of Ontario's universities and colleges have effectively allowed corporate lobbyists to speak in their name against Bill 148.

In the final amendments to the bill, the Fight for \$15 and Fairness campaign won strong language concerning two key provisions: clarifying the definition of 'comparable jobs' for the purpose of determining eligibility for equal pay; and reversing the loophole that would have allowed employers to use seniority systems based on numbers of hours (as opposed to years). Submissions for Bill 148 closed on November 3. With great enthusiasm, the campaign celebrated the Bill's passing on November 22.

What's next? Bill 148 and the 2018 Ontario Election

There is little doubt that businesses will be keen to blame every bit of bad economic news in the province on Bill 148. Any layoff, shift cutback, price increase, or store closure already in the works will now be tied to Bill 148. The business lobby opposed the minimum wage and stronger workplace standards at every turn, stating it is "too fast, too soon". In November 2017, Metro Inc. said it was ending its 24-hour store hours, cutting back shifts, and looking to automation because of the \$15 minimum wage (Shaw 2017). However, this change in 24-hour operations was a long time coming and had everything to do with trying to ramp up their home delivery side of the business to compete with the likes of Amazon (Goncalves 2017). Likewise, in December 2017, a Collingwood day care owner blamed its impending closure on Bill 148. But upon further investigation it turned out the owner had been looking to sell the business since February of that year, long before the existence of Bill 148 (Klein 2017).

The most noted business backlash was the cut to Tim Hortons workers' paid breaks at locations in Cobourg. In late December 2017, Tim Hortons heirs Jeri-Lynn Horton-Joyce and Ron Joyce Jr., sent a letter to their employees while vacationing in their Florida winter home, announcing cuts to basic drug and dental benefits, uniform and drink allowances, and hours of work (Soucy 2018). They explicitly blamed their cost-cutting measures on Bill 148 and the wage increase to \$14 that came into effect on January 1, 2018. The letter was leaked by a customer to media on January 3 leading to an explosive public backlash, online calls to boycott Tim Hortons, and some invitations by unions and labour councils for the workers to unionize. Ontario Premier Kathleen Wynne herself addressed the issue, stating, "If Mr. Joyce wants to pick a fight, I urge him to pick it with me and not those working the pick-up window and service counter of his stores" (Mojtehedzadeh and McKeen 2018). Knowing that the most important thing to do was to build the confidence of workers, the Fight for \$15 and Fairness campaign called for a day of action to "show love for Tim Hortons workers," and to present a public petition to Tim Hortons parent company, Restaurant Brands International (RBI).⁸ RBI issued a statement blaming the changes on "a few restaurant owners," insisting their actions "do not reflect the values of our brand." Only a week after news leaked about the cuts in Cobourg on January 3, at least 200 labour activists and community supporters picketed the Cobourg Tim Hortons, and

an estimated 1000 people participated in rallies in downtown Toronto, Dundas, Windsor, Ottawa, London, Guelph, and Peterborough (Nesbitt et al. 2018). Then, on January 19, even more turned out for 50 actions across Tim Hortons locations nationwide—the bulk of which were in Ontario, but also in Regina, Halifax and Vancouver. Even CBC TV icon Rick Mercer voiced his support for Tim Hortons workers on *The Rick Mercer Report* on January 19, 2018, giving national attention to how corporations treat minimum wage workers.⁹

The response by the Fight for \$15 and Fairness campaign, as well as among the broader public, has pressured some businesses to back off cuts to workers' benefits. Rainbow Foods supermarket in Ottawa reversed its decision to reduce breaks in response to overwhelming public complaints, and Canada's largest Asian supermarket chain, T&T Supermarket, cancelled plans to take away workplace benefits (Mojtehdzadeh 2018). Surely, it is possible that, after witnessing the Tim Hortons controversy, some businesses are reducing and eliminating benefits ways that are less visible, so as not to evoke a sudden public backlash. As well, the issue of assistance for businesses to offset costs attributed to the minimum wage increase will likely escalate as the 2018 Ontario election approaches. The OCC election campaign, titled 'Vote Prosperity,' is centred around 18 business friendly demands that aim to foster job creation and strengthen business competitiveness (OCC 2018). The Ontario Progressive Conservatives (PCs), who voted against Bill 148, will undoubtedly continue to put resources into fighting these reforms. If they form a government in the next election, they will likely seek to overturn, delay, or weaken Bill 148. Prior to the Bill's third reading vote, former PC Leader Patrick Brown pledged to delay the \$15 minimum wage phase-in until 2022 (Boisvert 2017).

Since the Ontario Liberals began supporting the \$15 minimum wage and announcing Bill 148, critics of the government on both the left and right have characterized the move as a clever attempt to buy votes in the 2018 election. There is no doubt that Bill 148 is an example of Liberal opportunism. Wynne ensured that all Liberal MPPs support Bill 148 and targeted worker precarity for her first video ad of the 2018 election.¹⁰ A glance at the Ontario Liberal Party website asks viewers to support a \$15 minimum wage (and previously called on people to join their "Fight for Fairness"). Since the announcement of Bill 148, e-mail blasts from Labour Minister Kevin Flynn detail the benefits of a \$15 minimum wage. The Liberals also announced \$12.7 million in new funding to help licensed child-care centres and home child-care agencies to cover additional costs related to the bill (Monsebraaten 2017).

The Ontario NDP have moved slowly in championing these reforms. After undercutting the \$14 Campaign to Raise the Minimum Wage in 2014, the ONDP only endorsed a \$15 minimum wage a year after the \$15 campaign launched. While this was a full-year before the Liberals supported the idea, the ONDP rarely put the issue front and centre, allowing the Liberals to capture that political terrain. The ONDP also called for five paid sick days instead of seven as the Fight for \$15 and Fairness demanded. Moreover, the ONDP called for small business offsets to help entrepreneurs deal with the wage increases. For instance, they brought up offsets (e.g. tax credits, tax breaks, loans) 21 times during the Bill 148 hearings, seven times more frequently than either the PCs or the Liberals. This rhetoric cedes the ground to the business lobby and paves the way for additional concessions to businesses. In November, ONDP leader Andrea Horwath attended the Ontario Economic Summit, hosted by the OCC, where she criticized the Liberals for failing to produce a coherent plan for business offsets, and for rushing the labour reforms through (Spiteri 2017). At the same time, however, the ONDP condemned back-to-work legislation that the Liberals imposed on striking Ontario College Faculty last fall (Jeffords and Jones 2017). Through this period, the Liberals were able to sustain a

narrative of standing up for low-wage workers, while the ONDP accused them of “stealing their ideas” and failing to fully embrace Fight for \$15 and Fairness demands.



Malka Paracha of UNITE-HERE Local 75 leading a rally in Queen's Park on November 22, 2017.
Image: Kevin Taghabon (used with permission)

Despite these varying positions, the Fight for \$15 and Fairness has made the \$15 minimum wage so popular that no party dare directly oppose its core demands. Polls routinely show solid and wide majority support for the reforms in Bill 148. A recent Forum Research survey conducted in mid-January 2018 estimated that two-thirds of Ontario residents support the province's minimum wage increase (Financial Post 2018). Ontario's politicians are keenly aware that these issues could determine their electoral fate. Not many politicians, even Tories, are confident enough to tell voters that low-income workers do not deserve to earn wages that bring them above the poverty line. The campaign has forced major political parties to take a stance on labour law, although the foremost objective of the campaign is to centre workers' voices and demands, not to simply lobby individual political leaders to make change.

From January 1, 2018, when many of the provisions in Bill 148 came into effect, until the 2018 election, the campaign will be busy working to shape the practical reality of the Bill. Ensuring that the new rules are enforced and that workers receive the best possible adjudicator decisions will be essential in making Bill 148 a positive force in the workplace. Many of the provisions of Bill 148—for example, scheduling, and equal pay for equal work—will be determined through workers' actions and the campaign's ability to fight for the best

interpretation of these provisions. The campaign will also be focused on a review of exemptions, which will unfold in phases in 2018 and which will review the numerous exemptions and special rules that exclude some groups of workers from coverage by the ESA, such as domestic workers, agricultural workers, and residential care workers. The government's ESA exemptions review provides an opportunity to organize and advocate for changes in industries that have long been rife with abuse and exploitation due to insufficient coverage.

If the Fight for \$15 and Fairness does not continue to act, but is content with the gains of Bill 148, there is little doubt that voices of the business lobby and the PCs will be emboldened and will pull the terrain of political debate to the right in the run-up to the 2018 Ontario election. Workers and the Fight for \$15 and Fairness will have to escalate organizing efforts as the election draws closer. The campaign has dramatically heightened expectations of what workers can collectively achieve. If those gains are reversed, such a reversal will not only demoralize the new layer of activists inspired by the campaign, it will send a strong message of defeat to workers across the province (Bush 2017).

Organizers centred the campaign on issues of precarious work and economic inequality, which forged working-class solidarity across workplaces, identities, and cultures in a way that lends itself to rebuilding working class politics. The centrality of working class unity is key to raising the floor for workplace standards and in the struggle to eliminate racism, discrimination, and all other subordinations that workers and their communities face. The Fight for \$15 and Fairness has clearly achieved major gains in legislation that will help all workers. Equally as important, the campaign has built a network of worker activists across the province who are learning that when they fight they can win. This orientation is a key step to contesting capitalist control in the workplace and building socialist politics. Bill 148 is just the beginning and the fight for workers' power is far from over.

Endnotes

¹ Due to the passage of Bill 18 in 2014, the \$15 minimum wage will be pegged to inflation going forward.

² Government of Canada Minimum Wage Database, Labour Force Survey microdata, 2015, Accessed at: srv116.services.gc.ca/dimt-wid/sm-mw/menu.aspx.

³ Ontario's minimum wage was frozen under Ontario Progressive Conservative governments between 1995 and 2002, and under the Liberals between 2010 and 2014.

⁴ The coalition featured major employer associations such as Food and Beverage Ontario, Randstad, the Tourism Industry Association of Ontario, the Ontario Restaurant Hotel & Motel Association, and Adecco.

⁵ This included the Decent Work and Health Network, which highlighted the campaign's demand for seven paid sick days.

⁶ Fight for \$15 and Fairness, "Faith community". Retrieved February 12, 2018: 15andfairness.org/faith_community.

⁷ Fight for \$15 and Fairness, "2017 is Our Year to Win". Retrieved February 12, 2018: 15andfairness.org/latest/2017-is-our-year-to-win/.

⁸ Fight for \$15 and Fairness, "Tell Tim Hortons: Stop rolling back workers' rights!". Retrieved February 12, 2018: 15andfairness.org/TimHortonsworkers.

⁹ MercerReport, "Rick's Rant - Tim Hortons", YouTube, January 17, 2018. Retrieved February 12, 2018: [youtube.com/watch?v=UqVfbu6cJWo](https://www.youtube.com/watch?v=UqVfbu6cJWo).

¹⁰ Ontario Liberal Party, October 17, 2017. Retrieved February 12, 2018: ontarioliberal.ca/news/59e6824c9b36dd0af6b61057?l=EN.

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The views expressed in this working paper are those of the authors and do not necessarily represent those of the Global Labour Research Centre or of York University.

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