

INNOVATIVE LANGUAGE **FOREIGN WORKERS**

New language helps union identify, support TFWs

Workers who come to Canada under the Temporary Foreign Workers Program (TFWP) do not have access to the full protections domestic workers enjoy, even in workplaces covered by collective agreements.

The union has an obligation to protect all workers, however support will be difficult to provide if the union is unaware of members working under TFWP permits. Getting information on foreign workers who have been hired is a challenge for unions, let alone providing them with protection from exploitative employers.

Despite these challenges, CUPE members are making strides to ensure TFWs are made aware of their rights.

The Hospital Employees' Union (HEU), CUPE's health care division in B.C., won a settlement agreement that forces an employer to provide the union with notification of new employees hired through the TFWP. The new member must also be told that they are represented by a union in writing, and an orientation session must happen in their first 30 days.



HEU members rally for a fair contract at Vancouver General Hospital in May 2013.

Check out the sample language on page two.

According to the Alberta Federation of Labour, many employers have developed ways of hiring TFWs, even when unemployed workers with the desired skills are present in the geographic area. In some cases TFW recruiters have workers lined up even before the jobs have been posted.

Employers and governments are using the TFWP to distort the labour market, drive down wages and undermine unions.

While most of the program's growth from 2005 to 2012 was at the lower-skill level, the TFWP's main focus is recruitment of high-skill workers. Bringing in high-skill foreign workers allows employers to avoid investment in domestic training and apprenticeships programs.

By the end of 2012, there were over 340,000 workers in the TFWP residing in Canada. The majority of the workers are in Ontario, Alberta and B.C.

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Nova Scotia locals gain dental benefits via targeted funding

Coordinated bargaining broke new ground in Nova Scotia's long term care and community services sector. In an unprecedented and innovative move, locals secured targeted provincial funding for dental benefits for 4900 CUPE members working for non-profit agencies and for-profit companies. Employers in the sector are funded by the provincial departments of health and wellness and community services on a per diem basis. CUPE sought targeted funding from the provincial funders to ensure implementation and accountability by employers. In effect, the provincial departments pay the employer's premium share of 50 per cent.

Employers may choose the dental plan carrier, but the memorandum of agreement stipulates that the dental

plan chosen must be comparable in benefits and cost to the plan provided by the Health Association of Nova Scotia (HANS) for hospital workers. Most employers have opted for the HANS dental plan.

Solidarity across 59 CUPE locals was key to achieving this bargaining success. The locals represent workers in nursing homes, homes for assisted living, residential care facilities and group homes throughout the province.

In Nova Scotia there is no legislation requiring councils of unions, so coordinated bargaining happens on a consensual basis, with CUPE locals and their employers agreeing to the process. The sector has carried out coordinated bargaining since 1997.

■ **Carol Ferguson and Kelly Murray**

MEMORANDUM OF AGREEMENT

Dental Plan

The parties agree that dental benefits will be made available to all permanent employees in the bargaining unit in accordance with the following:

1. Dental benefits will be made available to permanent employees in the bargaining unit effective January 1, 2014.
2. Subject to the eligibility requirements of the plan selected by the employer, participation in the plan will be mandatory for all employees, except where satisfactory proof of coverage under a spousal plan is provided. The employer will receive input through the Labour Management committee before making a final decision on plan selection. The intent of this provisions is to ensure that the selection of dental plan by any given employer involves one comparable in benefits offered to the HANS Dental Plan and comparable in cost.
3. Upon commencement, premium costs for the plan will be shared on the basis of 50% Employer and 50% Employee.

New language helps union support TFWs

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Sample language

FROM THE 2010 SETTLEMENT AGREEMENT BETWEEN COMPASS GROUP CANADA AND THE HEU

Employing Foreign Worker Employees

The Employer shall notify the Union of its intention to make an Application for Temporary Foreign Worker employees no less than one month before submitting the Application to the applicable government body.

The Employer shall notify the Union of the results of each Application within one week of receiving the results.

The Employer shall provide the Union with an up-to-date list of Foreign Worker Employees that includes job title, work site and work term start and end date, on the first business day of each month unless the preceding list provided to the Union continues to be most up-to-date.

New Employee Orientation

New employees will be advised that a collective agreement is in place and be provided with the name of their shop steward.

The Chief Shop Steward or designate and the new employee shall be given an opportunity to meet within regular working hours without loss of pay for up to fifteen (15) minutes during the first thirty (30) days of his/her employment.

■ **Graham Cox**

Tabletalk is published four times a year to provide CUPE bargaining committees and servicing representatives useful information for preparing and negotiating bargaining demands.

Find past issues of Tabletalk online at cupe.ca/tabletalk

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Please email Margot Young at research@cupe.ca with corrections, questions, suggestions, or contributions.

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CUPE / Canadian Union
of Public Employees

BC's Employment Standards Coalition challenges government with real solutions

For a dozen years, the BC Liberal government has taken an anti-union approach to public sector labour relations. At the same time they have made a series of changes to BC's employment standards legislation that have exempted unionized workers and other groups from the benefit of certain provisions and made the working lives of vulnerable workers even more precarious.

The BC Employment Standards Coalition formed in 2010 to examine ways of modernizing the act and restoring protections to vulnerable workers. Part of what makes the coalition unique is the breadth of its membership, drawing from a variety of advocacy groups, the labour movement, academia and the legal community.

The coalition is currently working on legislative proposals and campaigns related to the employment standards act, including improvements to provisions regarding wages, child labour, tips and gratuities, hours of work and overtime, statutory holidays with pay, migrant workers, and enforcement.

Among the first of the coalition's legislative proposals is a recommendation to protect children from being exploited in the workplace, titled the *Real Child Worker Protection Legislation and Regulation*. BC's law currently allows children as young as 12 to work with parental or guardian permission. The proposed legislation increases that age to 18 unless a parent or guardian has provided written permission, with a hard floor of 14. The act also allows children to work up to four hours on school days. The proposed legislation reduces that to two hours and requires work to end



Current BC legislation permits children as young as 12 years old to work with parental or guardian permission.

by 9 p.m. It also enhances supervision requirements and establishes a registry of minors who work.

The coalition has also developed a comprehensive *Backgrounder on Migrant Worker Recruitment & Protection* to explain why this large and growing vulnerable segment of the BC workforce needs legislative support.

Another proposal, the *Migrant Worker Recruitment & Protection Model Legislation*, incorporates better rights and protections from employment standards legislation in Manitoba, Nova Scotia, Alberta and Quebec, and from International Labour Organization conventions and resolutions. The proposed legislation improves language on ensuring workers are informed of their rights, reasonable and proper accommodations, minimum hours of work, protection against reprisals, the licensing of recruiters, and work schedules for domestic workers.

In 2011, coalition members met with the Ministry of Labour to advocate

for improvements to the Employment Standards Act and to express their concerns regarding BC's current labour policies and practices.

They advocated for the elimination of, or improvements to, the minimum piece rate-based wages for farm workers who hand-harvest 15 different agricultural products.

When the Minister of Labour announced that the system was not going to be changed, thereby freezing these farm worker minimum wages indefinitely, the coalition issued a critique of this government decision titled *Minimum Wages for Hand Harvesting Farm Workers Frozen Again by BC Government* and launched a supporting petition calling for the same minimum wage as other workers, instead of payment by volume or weight of crops the worker picks.

■ **Stephen Elliott-Buckley**

Find these documents and read more about the coalition's work at BCEmploymentStandardsCoalition.com

CUPE creates profiles of members in low-paid jobs

At the 2007 CUPE National Convention, delegates set a \$15 per hour minimum wage target for all CUPE members. That target was raised to \$18 per hour at the 2013 national convention, reflecting the bar set by many living wage campaigns.

To help locals reach this goal, CUPE developed a snapshot of our members earning \$18 per hour or less, describing their gender, Aboriginal identity, racial identity, and employment status (part-time and casual).

Using Statistics Canada's labour force survey and the census as proxy data, the profiles show women, Aboriginal and racialized workers concentrated in certain low-paid sectors and occupations. The profiles also show demographic and precarity patterns of occupations within sectors. Our full report contains 37 charts, and is available upon request.

The data available does not identify sexual orientation, gender beyond male and female, or persons with disabilities. However, we know from other research that workers marginalized by homophobia, transphobia and ableism also face wage discrimination.

Our snapshot shows that women make up the large majority of low-paid

members in child care, social services, health care, school boards and libraries. Aboriginal members are particularly concentrated in low-paid jobs in social services and childcare. Racialized members are more likely to be in low-paid jobs in post-secondary education, long-term care and child care.

A number of these lower-paid sectors also have high rates of part-time and temporary work. Of the sectors with high part-time rates, public libraries stand out; 44 per cent of CUPE members in low-paid jobs in libraries worked part-time (less than 30 hours per week). Long-term care, social services and child care also showed high part-time rates. In terms of temporary jobs, the post-secondary sector stands out; one-third of low-paid jobs in post-secondary education are temporary. Health care seems to have fared better than other sectors in terms of slowing the erosion of permanent jobs.

Our research confirms the need for employment equity in CUPE workplaces, most urgently in certain sectors. Our analysis shows that Aboriginal workers are poorly represented in all but the social services sector, with the lowest levels in

libraries, post-secondary institutions and hospitals. Racialized workers have low levels across the board and particularly low employment in school boards and municipalities. Aboriginal and racialized workers are almost certainly not adequately represented in higher-paid jobs either, given research on discrimination in employment and pay rates.

We need to know where our low-paid and precarious members work and their demographic makeup in order to mobilize for better wages and working conditions.

In a related project, CUPE Equality is also studying the patterns and effects of precarity on women in the public sector, with a focus on women further marginalized by racism, ableism, homophobia and transphobia. The project is a joint effort with the Canadian Labour Congress, the Canadian Union for Postal Workers and the Canadian Research Institute for the Advancement of Women.

■ Irene Jansen

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