September 14, 2018

The Honourable Laurie Scott
Ontario Minister of Labour
MPP, Haliburton—Kawartha Lakes—Brock
14th Floor, 400 University Avenue
Toronto, ON M7A 1T7

Re: Repeal of Bill 148

Dear Minister Scott:

Thank you again for meeting with members of Canadian Manufactures & Exporters (CME) at Mariposa Dairy on September 7, 2018. I am writing to follow-up from that conversation to formalize our recommendations to the government on Bill 148: Fair Workplaces, Better Jobs Act, 2017 and to confirm our strong preference for a repeal of the Bill.

As we discussed, manufacturing is critically important to Ontario. It directly accounts for nearly 12 per cent of GDP, 80 per cent of exports, and nearly 800,000 direct jobs. Manufacturers generate significant economic spinoffs throughout the economy and Ontario's communities, including in natural resources, food processing, technology, and every service sector from banking to logistics. Factoring in these economic spin-offs, manufacturers drive nearly 30 per cent of all economic activity, 25 per cent of all jobs, and one-third of all government revenues.

CME has always been supportive of the modernization of the Employment Standards Act (ESA) and Labour Relations Act (LRA). However, we have been clear in our advice to governments: While we support creation of more opportunity and security for Ontario workers, there must be a balance between the rights of workers and those of employers to ensure there are no significant additional costs or workplace disruptions placed on manufacturers. Unfortunately, Bill 148 did not create this necessary balance, and as a result has added to the cost of doing business in the province.

Specifically, our members have reported to us the following challenges:

- Expanded vacation and personal leave provisions, as well as changes to compensation requirements for temporary workers, all add to the cost of doing business in Ontario;
- Relaxed provisions on sick days and personal leave days means that businesses can, with no advanced notice, find themselves without enough workers to run their operations, resulting in unexpected production demands and machinery breakdowns;
- Changes to scheduling requirements for a sector that provide secure full-time employment means that in the event of worker shortages, businesses will be unable to call emergency workers to fill in;
- Skewed provisions on trade union certification violate employee privacy and union accountability; and,
- Increased wage costs due to inflationary pressure from the rapid minimum wage increases.

While individually these issues may not appear major, collectively they have been detrimental for the operations of all sizes of manufacturers across the province. While consulting on the impacts of Bill 148 to date, our members have reported to us a significant drop in productivity, loss of sales and revenue, declines in profitability, and in many cases lower overall employment levels. As such, legislation that was meant to secure and support workers abilities and rights, is undermining them by creating more precarious employer business conditions.

Based on the input and feedback from our members, CME is calling on the Government of Ontario to repeal Bill 148 (except for the already-implemented minimum wage of $14 per hour) and revert to previous workplace legislation. Taking this step would assist with job creation, create incentives for investment, and enhance the competitiveness of Ontario's manufacturing sector. In short, it would directly align with the government's desire to cut red-tape and make it easier to do business in the province.

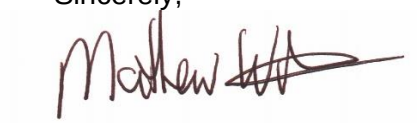
While a full repeal is preferable for those in industry, if it is not feasible, significant and immediate revisions to the existing Bill 148 are essential prior to January 1, 2019 to avoid further economic damages. We believe this legislation must directly address the issues listed above, and be guided by the following principles:

- Clarity and certainty for employers, employees and trade unions;
- An appropriate balancing of interests of employers, employees and trade unions;
- Enhanced workplace flexibility for employers, allowing them to quickly adjust to customer needs;
- Reduced costs of operating a business in Ontario; and,
- Rational, practical and streamlined regulation of workplace law.

Additional information on these principles, the underlying issues with Bill 148, and our specific recommendations to modify the Bill if full repeal is not feasible are provided in the attached documents.

Thank you again for meeting with CME and our members. We look forward to working constructively with you and the new Government of Ontario to ensure Ontario is once again open for business, and to allow our critical manufacturing sector to compete and succeed globally. Repealing Bill 148 and striking a better balance between the rights of employers and employees is a critical step towards this goal.

Sincerely,



Mathew Wilson
Senior Vice-President, Policy and Government Relations

Summary of Recommendations on Bill 148:

Option 1: Full Repeal of Bill 148

Recommendation 1: The Government of Ontario repeal Bill 148 – except for the already-implemented minimum wage increase – and revert to the workplace legislation that had been previously in place.

Option 2: Replace key elements of Bill 148

If it is not feasible to repeal Bill 148, the government must take the following steps to avoid further negative economic impacts:

Recommendation 2: Take immediate action to stop the next set of changes under Bill 148 scheduled to come into force on January 1, 2019. This step will allow the government the time needed to draft and pass alternate legislation to replace Bill 148.

Recommendation 3a: Freeze the minimum wage at $14.00 per hour for at least three years (2019 – 2022). Subsequent increases should be gradual and tied to economic fundamentals in Ontario.

Recommendation 3b: Roll back the changes to the treatment of sick days and PEL days including restoring exemptions provided to businesses with fewer than 50 employees.

Recommendation 3c: Repeal Bill 148's provisions related to workplace scheduling.

Recommendation 3d: Limit the amount of time during which an assignment employee can be paid less than workers hired directly by the client company. That limit should be set at six months. Other provisions related to the use of assignment employees should revert to what was in place before Bill 148 came into effect.

Recommendation 3e: Preserve the privacy rights of Ontario workers by not allowing their contact information to be shared with trade unions without direct consent.

Recommendation 3f: Restore provisions that promoted free collective bargaining among workplace parties.

Recommendation 3g: Repeal the option of card-based certification for industries specified in Bill 148. A secret ballot for union certification must always be the standard in a free and democratic society.

Recommendation 3h: Repeal all provisions that require automatic certification of a labour union in cases where the wishes of workers were likely not reflected in any unionization vote and restore to the Labour board the power to fashion equitable remedies.

Recommendation 3i: Repeal the successor rights provisions of Bill 148 as they serve no purpose other than to extend union rights into unrelated, commercial relationships where those rights would not otherwise have existed.

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Recommendation 3j: Repeal all provisions with respect to the consolidation of bargaining units. Specifically, these provisions should not apply if consolidation will interfere with the employer's ability to maintain different methods of operation or production at each location or interfere with the employer's ability to operate these establishments as viable and independent businesses. Any future consolidation applications should be on the basis of both parties (union and employer) jointly applying to consolidate and not result in an impasse (i.e., strike or lockout).

Background – Restoring balance to workplace legislation in Ontario

Many of the provisions contained in Bill 148 added to the cost of doing business in Ontario, undercut operational effectiveness, and unnecessarily pushed the government into the relationship between employer and employee. In addition, the Bill eroded worker privacy and freedom of association and created an imbalance in union certification measures that skew the previous equilibrium that existed between employers and trade unions.

As part of our research into the impacts of Bill 148 and in order to provide clear and meaningful direction to the Ontario government, CME asked members to provide us their stories. The impacts are varied, but very consistent in that Bill 148 has increased costs and decreased necessary labour flexibility for manufacturers to remain competitive within globally integrated supply chains. In particular, two elements of the Bill 148 changes had the greatest direct impacts – minimum wage and the additional PEL days (with corresponding scheduling challenges). As an example, one company reported that due to inflationary impacts of the minimum wage increases, they needed to increase payroll up to $2,500 per employee per year, with no corresponding increase in sales or output. Another company reported that nearly 50 per cent of non-management employees took their two additional PEL days within the first quarter of the year, which cost them approximately $150,000 in direct costs with potential additional longer-term costs for undermining relationship with customers due to missed scheduled shipments. A third company noted a 23 per cent drop in profitability because of lost sales, increased down-time, and increased overtime pay to employees who would work. We continue to collect meaningful and direct impacts from Bill 148 and will forward them in the coming weeks.

More broadly, it is clear from our conversations with members, that the impact of Bill 148 has been to upset the balance between employers and employees, increase uncertainty in production, and increase manufacturing costs. All the while, Ontario employees are not better protected or secure in their positions. In fact, based on the feedback we have received, it is likely that employees are in a significantly worse situation because the increased costs to employers, which is undermining their ability to compete against competitors in other jurisdictions.

For these reasons, CME strongly believes that, except for the minimum wage increases already in place, Bill 148 should be repealed. To restore competitiveness to the Ontario business environment, workplace legislation should revert to what was in place prior to Bill 148 coming into effect.

Failing that, CME believes that new workplace legislation is needed to address our most significant concerns with Bill 148, which are detailed below.

Option 1: Full repeal of Bill 148

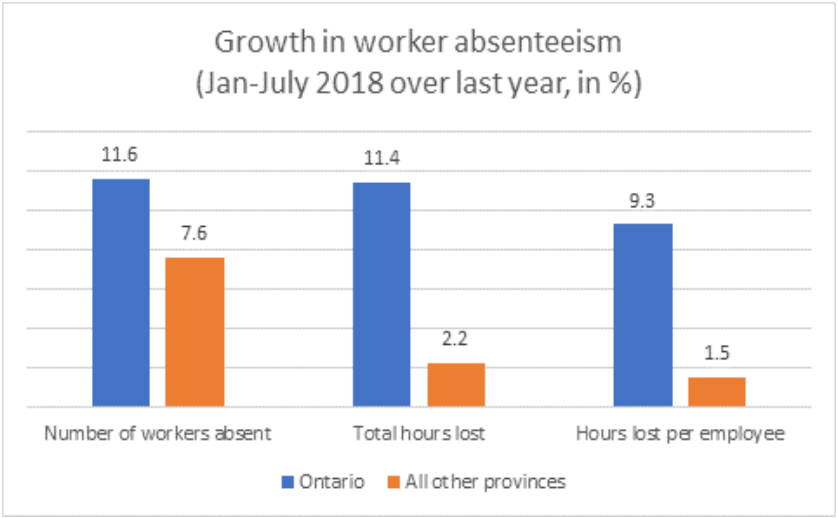
CME has been actively involved on modernizing workplace legislation to when the committee of special advisors was formed to review the Employment Standards Act (ESA) and Labour Relations Act (LRA). Our position has been consistent throughout this process: While we support the principle of creating more opportunity and security for Ontario workers, we are concerned that the measures contained in Bill 148 impose significant costs and workplace disruptions on our businesses. These impacts fall into four broad categories:

- **They add to the cost of doing business in Ontario.** Bill 148 contains several provisions that make it more expensive to operate a business in Ontario. Expanded vacation entitlements, the addition of paid emergency leave, and wage parity provisions for temporary workers all add to business costs without offering any offsetting benefits.

  The impact of these costs should not be underestimated. Many manufacturers in Ontario are tied into highly competitive and integrated global supply chains. The mandatory costs imposed by Bill 148 have a cascading effect throughout those supply chains. They also undercut our business competitiveness, as well as our ability to attract new foreign and domestic investment to Ontario.

- **They undercut operational effectiveness.** Bill 148 contains several measures that make it significantly more difficult for manufacturers to ensure they have workers available to effectively run their businesses on a day-to-day basis. Specifically, they relax provisions allowing workers to take unscheduled leave with no advanced warning, and they limit business owners' ability to call in replacement workers on short notice.

  The result of these measures has been a noticeable spike in employee absenteeism. Our members report being unable to fill shifts because workers were taking unexpected paid leave early in the year. Labour statistics bear this out. From January through July of this year, the number of employees absent from work (not including vacation time) has spiked by 11.6 per cent compared to the same period last year as shown in the chart below.



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To make matters worse, other changes brought in by Bill 148 reduce business' ability to call in other workers to fill those absences. This combination is not only costly but makes it difficult for businesses to ensure they have a full complement of staff on a day-to-day basis. Moreover, the problems they create are especially acute for small businesses, where the unexpected absence of a single worker is far more impactful than it is for a large corporation.

- **They erode worker privacy and freedom of association.** Bill 148 significantly reduces employees' rights to freedom of association and privacy by excessively expanding the influence of labour unions. We have major concerns about the Bill as it relates to unions' access to employee personal contact lists, successor rights, consolidation of bargaining units, and most significantly the elimination of the secret ballot for certification in other sectors. While card-based certification does not impact manufacturers directly under Bill 148, we are concerned about the indirect impacts and the principle violation of an individual's right to freedom of association.

- **They create an imbalance in union certification measures.** CME's membership is comprised of businesses that are both unionized and non-unionized. We are not opposed to unionization, but we are concerned that the changes brought in by Bill 148 disrupt the previous balance between unions and the businesses for which their members work.

  Freedom of association also means freedom of dissociation. Bill 148 contains provisions that make it easier for a union to certify. However, if such provisions are allowed, there need to be corresponding measures that make it easier for workers to decertify a union if it is not acting in their best interests.

The changes brought in by Bill 148 are unnecessarily costly and disruptive to business operations. CME is calling on the Government of Ontario to repeal Bill 148 and revert to previous workplace legislation. Taking this step would assist with job creation, create incentives for investment, and enhance the competitiveness of Ontario's manufacturing sector. In short, it would directly align with the government's desire to make it easier to do business in the province.

Recommendation 1: The Government of Ontario repeal Bill 148 – with the exception of the already-implemented minimum wage increase – and revert to the workplace legislation that had been in place immediately prior.

Option 2: Replace Bill 148 with alternative legislation

In the quest for balance between the rights of workers and those of their employers, Bill 148 tips the scales too far to the former. If Bill 148 is not fully repealed, then alternative legislation is needed to restore that balance.

As an organization deeply committed to shared prosperity for all Ontarians, CME has a strong interest in creating a healthy business climate in the province that generates growth, attracts investment and creates good-quality, high-paying jobs for workers. To that end, CME urges the

Government of Ontario to use the following key principles as a guide in drafting new workplace legislation:

1. Clarity and certainty for employers, employees and trade unions;
2. An appropriate balancing of interests of employers, employees and trade unions;
3. Enhanced workplace flexibility for employers enabling them to quickly respond and adjust to global customer needs;
4. Reduced costs of operating a business in Ontario; and
5. Rational, practical and streamlined regulation of workplace law.

Recommendation 2: If a full repeal is not immediately feasible, the Government of Ontario should take immediate legislative action to stop the next set of changes under Bill 148 scheduled to come into force on January 1, 2019. This step will allow the government the time needed to draft and pass alternate legislation to replace Bill 148.

Specific issues that need to be addressed in alternative legislation

Through extensive consultations with the business community, CME has identified several workplace issues created by Bill 148 that need to be addressed in any alternative legislation that the Government of Ontario chooses to bring forward. These issues are summarized below:

1. Minimum wage

Under Bill 148, the minimum wage in Ontario rose to $14 per hour beginning on January 1, 2018, with a further scheduled increase to $15 per hour in 2019. When combined with past increases, these changes represent a dramatic cost increase for many businesses. By 2019, the minimum wage will have increased by 218 per cent in just 15 years.

Minimum wage increases have relatively little direct impact on Ontario manufacturers. Our businesses pay wages that are, on average, 118 per cent of the provincial average and only about 4 per cent of jobs in manufacturing pay minimum wage.

The issue, however, is that the sudden and dramatic increase in the minimum wage could have significant unintended consequences, especially when the increase is independent of growth in corporate revenues, profits or labour productivity. These consequences include loss of employment, fewer paid hours per job, increased automation, and a decrease in the availability of entry-level jobs for youth and under-represented groups.

Moreover, there is a ripple effect that comes with such a dramatic increase. Minimum wage hikes will trigger additional wage escalation that will affect all pay levels within a company. The result will be significantly higher labour costs without any corresponding increase in output or productivity. This, in turn, will affect Ontario's competitive position and deter business investment in the province.

That said, CME and our members are not opposed to minimum wage increases on principle. However, we believe that any future increases must be done in a manner that is more gradual, considering both cost-of-living as well as productivity and affordability considerations for manufacturers. We therefore recommend:

Recommendation 3a: The minimum wage should be frozen at $14 per hour for at least three years. To avoid unintended negative consequences, subsequent increases should be gradual and tied to economic fundamentals in Ontario.

2. Sick Notes/Sick Days and Personal Emergency Leave:

Bill 148 makes the following changes to the treatment of sick days and Personal Emergency Leave (PEL) days.

- The first two days of PEL must be paid (an employee is entitled to these two days after only one week of employment);
- Employers are prohibited from requiring a note from a qualified health practitioner;
- Previous exceptions for small businesses (with fewer than 50 employees) have been waived;

- An employee is now entitled to up to three bereavement days in each circumstance of the death of a prescribed family member, as opposed to three bereavement leave days per calendar year.

CME recognizes there is a balance to be struck between the needs of employees and those of their employers. Employees that are treated well tend to stay at their jobs longer. Our member businesses recognize this fact and work to improve employee retention by providing competitive compensation and benefits packages.

However, as noted above, there has been a noticeable spike in employee absenteeism since the new PEL amendments came into effect. And waiving the previous exemption for small businesses has created significant challenges for the SME community.

We urge the Government of Ontario to enact legislation which strikes an appropriate balance between the needs of employees and employers. In our view, that balance had been achieved by the legislation in place before Bill 148 came into effect.

At a minimum, we are asking the Government to amend this part of the ESA to make it clear that an employee is exempt from being required to provide a medical certificate for only the two paid PEL days. Thereafter, an employee should be able to be asked to provide a medical certificate to evidence the need for a PEL day.

Furthermore, many of our members have employment policies that provide greater entitlements than required by the ESA. Some have collective agreements with provisions that provide greater entitlements than the ESA. We ask that the Government of Ontario clarify the greater right or benefit section of the ESA specifically as it relates to the bundling of employment benefits. Our members would benefit from clarity, certainty and reduced litigation in this area.

Recommendation 3b: In any new workplace legislation, the Government of Ontario should roll back the changes Bill 148 made to the treatment of sick days and PEL days. Previous exemptions provided to businesses with fewer than 50 employees should be restored.

3. Changes to workplace scheduling requirements

Under Bill 148, the following “Scheduling Penalties” are set to come into force on January 1, 2019:

- If an employee attends work but works fewer than three hours, despite being available to work longer, the employee is entitled to three hours of pay.
- If an employee’s scheduled day of work (or scheduled “on-call” period) is cancelled within 48 hours of its intended start, the employee is entitled to three hours of pay.
- If an employee is “on-call” and not called in to work or is called in for work for fewer than three hours despite being available to work longer, the employee will be entitled to three hours of pay.
- An employee is entitled to refuse a request to work or be “on-call” without repercussion, where the request is made fewer than 96 hours before the shift or the “on-call” period commences.

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- An employee will have the right to request the employer increase/decrease their hours, give them a more flexible work schedule, or alter their work location, so long as they have completed three months of service.

There are some exceptions to the foregoing, but they are very narrow.

These requirements and penalties are not only onerous, but they add tremendously to business costs in Ontario and have no connection to health and safety concerns or any other legitimate government objective. As noted earlier, they also magnify the impact of changes made to the treatment of sick days and PEL days. Effectively, workers can take time off with no notice, while businesses are prohibited from filling in those gaps without incurring excessive costs.

It is worth noting that these provisions in Bill 148 are far more than what had been recommended in the past. Even in the Changing Workplaces Review, the Government of Ontario study that preceded Bill 148, did not recommend across-the-board scheduling penalties. Instead, in recognition of the practical nuances associated with the various business sectors, the Changing Workplaces Review recommended the previous government consider a sector specific approach to address these issues. This recommendation was ignored by the previous government.

Finally, it is important to note there are no comparable legislative requirements in any of the neighbouring jurisdictions with which our member companies compete.

Recommendation 3c: Any new workplace legislation in Ontario should repeal Bill 148's provisions related to workplace scheduling.

4. Treatment of temporary help agencies

Under Bill 148, the amendments relevant to temporary help agencies provide assignment employee to be paid a rate of pay equal to the rate paid to an employee of the client when:

- They perform substantially the same (but not necessarily identical) kind of work in the same establishment;
- Their performance requires substantially the same (but not necessarily identical) skill, effort and responsibility, and,
- Their work is performed under similar working conditions.

Furthermore, the amendments also apply to immediate wage parity. More specifically, a difference in the rate of pay is permitted only if based on any factor other than sex, employment status or assignment employment status.

Requiring immediate wage parity eliminates the entire rationale for the temporary help industry and virtually eliminates the route through which a temporary employee could enter the workforce.

Moreover, these steps interfere with manufacturers' ability to effectively deal with demand fluctuations. In manufacturing, the primary use of assignment employees is to expand

production capacity to cover for: seasonal or cyclical demand spikes; mandated leaves; or new construction projects.

Most workplace parties recognized that temporary help agencies were not, themselves, the issue. The *permanent use* of assignment employees by employers unfairly taking advantage of this class of workers was the issue.

To address the concern, the Special Advisors recommended limiting the amount of time a temporary assignment employee could be paid less than a direct hire; not that there be no period of differential payment. We agree and recommend changes to the legislation to create better balance.

Recommendation 3d: New Ontario workplace legislation should limit the amount of time during which an assignment employee can be paid less than workers hired directly by the client company. That limit should be set at six months. Other provisions related to the use of assignment employees should revert to what was in place before Bill 148 came into effect.

5. Union access to employer lists

Under Bill 148, an employer is obligated to provide a trade union with a list of employee names and contact information (including personal email address and phone number) in cases where the union can demonstrate that it has signed union cards from 20 per cent or more of the individuals in that bargaining unit.

This change is of great concern to CME members as the rights of unions appear to have been given greater priority than those of individuals. Access to employees' personal information violates their privacy. CME has consistently taken the view that unless and until a union has been certified to represent a group of employees, the union ought not have access to personal contact information.

Recommendation 3e: Any new workplace legislation in Ontario should preserve the privacy rights of Ontario workers by not allowing their contact information to be shared with trade unions without direct consent.

6. First Contract Arbitration

Under Bill 148, section 43 of the LRA now provides workplace parties with automatic access to first contract interest arbitration following the certification of a trade union.

Prior to Bill 148, once a union was certified, employers, employees and the trade union benefited from several interconnected provisions of the LRA that struck an appropriate balancing of interests in the establishment of collective agreements. It supported ongoing relationships between all parties with little need for government intervention. Put simply, the old collective agreement framework motivated employers, employees and trade unions to co-create workable solutions and compromises to achieve long-term, sustainable relationships.
Under Bill 148, compromise is no longer required. Instead, any party to the negotiation process can simply request binding third-party arbitration. This will undercut the relationship-building

process and lead to fraying of labour relations. That result is evident in other sectors where automatic access to interest arbitration is already in place.

Recommendation 3f: In new workplace legislation, the Government of Ontario should restore provisions that promoted free collective bargaining among workplace parties.

7. Secret Ballot Votes versus Card-Based Certification

Under Bill 148, trade unions have expanded scope to apply for card-based union certification in some industries, circumventing the normal process of workers selecting or rejecting a union through a secret ballot vote.

CME believes that the principles of democracy and freedom fundamentally include the right to a secret ballot vote. As in a public election or plebiscite, every employee must be free, without pressure or coercion, to decide whether to be represented by a union.

Some union supporters argue a secret ballot hurts unionization. In our view, a secret ballot ensures a free and voluntary vote.

Eliminating the secret ballot vote for specified industries is a step backwards. It is inconsistent with the process in almost every jurisdiction in Canada and the United States and takes from employees their opportunity to have an 'informed' say in their individual and collective futures. It also places Ontario employers at a competitive disadvantage.

Recommendation 3g: New workplace legislation must repeal the option of card-based certification for industries specified in Bill 148. A secret ballot for union certification must always be the standard in a free and democratic society.

8. Remedial Certification Process

Under Bill 148, where the Ontario Labour Relations Board (OLRB) is satisfied that an employer has contravened the LRA, and the true wishes of the employees were not likely reflected in a representation vote, the OLRB is required to automatically certify the union as the bargaining agent of the employees in the bargaining unit.

Automatic certification is a significant restriction of the OLRB's historical power to fashion an equitable remedy. Under the new law, the OLRB must order the automatic certification of a union without a vote if the employer has contravened the LRA in a way that makes it not likely the true wishes of the employees were ascertained in the representation vote.

CME asserts that the former remedial certification power of the OLRB and the existing unfair labour practice sections of the LRA provide enough guidance to employers, employees and trade unions regarding their respective rights and obligations. The power to order a 2nd vote of the employees with a variety of remedial conditions was more than enough to regulate conduct while still preserving the employees' right to vote.
The OLRB Vice-Chairs, the individuals with authority to exercise this remedy, typically have years of experience representing the interests of either trade unions or employers. Their

experience has afforded them the best opportunity to identify unlawful conduct, fashion appropriate remedies short of remedial certification and oversee an overall balance in the workplace.

Recommendation 3h: New workplace legislation must repeal Bill 148 provisions that automatically certified a labour union in cases where the wishes of workers were likely not reflected in any unionization vote.

9. Successor Rights

Under Bill 148, union successor rights are extended to the retendering of building services contracts including building cleaning services, food services and security services, and, by regulation, to other publicly-funded contracted services.

CME understands and accepts that the current provisions of the LRA are intended to protect union bargaining rights where there has been a sale of a business (and a transfer of assets); ensuring those rights and collective agreement obligations flow through to the successor employer. However, where nothing passes from the one contractor to another (no assets are sold or transferred – one contract ends, and another begins) the essential rationale for any form of successorship disappears.

Recommendation 3i: The Government of Ontario should repeal the successor rights provisions of Bill 148 as they serve no purpose other than to extend union rights into unrelated, commercial relationships where those rights would not otherwise have existed.

10. Bargaining Unit Structure and Consolidation:

Under Bill 148, the amendments relevant to bargaining unit structure and consolidation provide:

- The OLRB may review the structure of bargaining units of an employer represented by the same union when that union applies for certification for a new bargaining unit or within three months after it obtains certification, provided the union and employer have not entered into a collective agreement in respect of that recently certified unit.
- The OLRB may, as a result of that review, consolidate bargaining units, amend the bargaining unit description in an OLRB certificate or in the parties' collective agreement, order the existing collective agreement be applied to the newly certified bargaining unit or terminate a collective agreement.

While the consolidation of bargaining units may streamline an employer's bargaining structure it may also raise a host of issues relating to, for example, the integration of seniority lists, job classifications, wage rates and many others. The power to consolidate bargaining units during or after certification also includes the power to order the existing collective agreement apply "with or without modification" to the newly certified bargaining unit if it is consolidated with an existing bargaining unit.

Where labour boards are given the power to alter the scope of existing bargaining units, employee choice can be compromised. Smaller groups of employees that initially had a say whether to be unionized, lose their voice as they are swallowed up by larger employee bargaining units. We had

hoped that if the power to consolidate bargaining units was recommended, the proposed legislation would include a provision ensuring smaller employer groups have a discrete voice in determining whether to be included in a larger bargaining unit. Unfortunately, this does not appear to be the case.

Recommendation 3j: New workplace legislation in Ontario should repeal the Bill 148 provisions with respect to the consolidation of bargaining units. Specifically, these provisions should not apply if consolidation will interfere with the employer's ability to maintain different methods of operation or production at each location or interfere with the employer's ability to operate these establishments as viable and independent businesses. Any future consolidation applications should be on the basis of both parties (union and employer) jointly applying to consolidate and not result in an impasse (i.e., strike or lockout).

Canadian Manufacturers & Exporters

Who We Are:

Since 1871, Canadian Manufacturers & Exporters has been fighting for the future of Canada's manufacturing and exporting communities and helping them grow. The association directly represents more than 2,500 leading companies nationwide. More than 85 per cent of CME's members are small and medium-sized enterprises. As Canada's leading business network, CME, through various initiatives including the establishment of the Canadian Manufacturing Coalition, touches more than 100,000 companies from coast to coast, engaged in manufacturing, global business and service-related industries. CME's membership network accounts for an estimated 82 per cent of total manufacturing production and 90 per cent of Canada's exports.

CME Website: www.cme-mec.ca
Manufacturing Matters: www.manufacturingmatters.ca
Canadian Manufacturing Coalition (CMC): www.manufacturingourfuture.ca

Contact Us:

Mathew Wilson, Senior Vice President, Policy and Government Relations
Canadian Manufacturers & Exporters
mathew.wilson@cme-mec.ca

Alex Greco, Director, Manufacturing Policy
Canadian Manufacturers & Exporters
alex.greco@cme-mec.ca