

## Handout #8 b: Timeline of Workers Rights and the Law in Canada

Workers rights are also human rights. This has been legally confirmed by the International Labour Organization the UNHDR, several cases under the Charter, and provincial and federal human rights codes. Yet in many ways workers rights have not been well protected in Canada. Sometimes the laws lack enforcement, sometimes they are not protected at all, sometimes they are openly violated by government. Examine this timeline of legal events related to workers and decide: was each event a victory or a loss for working people and social justice?

DATE	LEGAL EVENT	VICTORY OR LOSS FOR WORKERS?
1872	Toronto Printers Union strike for 9 hour day. Demonstrations of support see 10,000 people parade in streets. Federal Trade Union Act removes penalties for belonging to a union.	
1886	Ontario Factory Act ends “legal” child labour. At the time, children made up 11% of the Toronto workforce.	
1894	Parliament declares Labour Day a holiday after the Labour Congress in Toronto asks that the first Monday in September be designated.	
1912-1914	Vancouver Island miners strike Canadian Collieries mines. The Big Strike lasts until the outbreak of the First World War. Miners are beaten by armed police, the military is sent to break the strike, and many are later blacklisted and jailed for their actions. The main issues were safety, conditions, and recognition.	
1916	First B.C. Workmen’s Compensation Act passes—for workers injured on the job. Workers give up the right to sue their employers in return for compensation.	
1918	Mine workers organizer, Albert “Ginger” Goodwin, is killed in Cumberland by Dominion Police. Vancouver workers respond with a one-day general strike.	
1919	Winnipeg General Strike. In Winnipeg on May 15, a general strike commenced as 24,000 organized and unorganized workers join striking metal trades workers trying to achieve a wage increase and a nine-hour day, among other things. The strikers were soon joined by thousands of workers in B.C., Alberta and Ontario. The state reacted by organizing a militia and amending the Immigration Act to allow immediate deportation of the strike leaders. Although ended by the Citizens League and the government use of armoured tanks against the strikers, later leads to major gains for workers. In the next Manitoba election, 11 of the labour leaders were elected.	

1920	Minimum-Wage Act passes—setting minimum wage for the first time. Fewer than half of women workers were covered.	
1930s-1940s	Anti communist emergency measures laws are used to jail and/or deport union activists.	
1931	During the depression, female workers who were protected by legislated minimum wages were replaced by boys. Most female workers were not eligible for relief.	
1935	Unemployed from the Relief Camp Workers' Union pour into Vancouver to demand "work and wages" of 50 cents/day. They are read the riot act and dispersed. They decide their grievance is with the federal government. Over 900 men jumped atop the trains in Vancouver for the On-to-Ottawa trek. The trek was stopped in Regina, where the men were attacked. Many were injured, and one was killed. The relief camps were soon abolished and the Bennett government lost the next federal election.	
1938	The unemployed stage "sit downs" by occupying the main post office (now Sinclair Centre), the old Art Gallery on West Georgia, and the Georgia Hotel. The protestors were eventually gassed, and beaten with wire whips as they tried to get out.	
1938	During an IWA strike, Local Vice-President Bob Gardner is arrested at 3 a.m. on a made-up charge. He was severely beaten in police custody and later died.	
1938	Unemployed workers sit in at the main Vancouver Post Office, the Georgia Hotel, and the Vancouver Art Gallery. A month later, they were gassed out and beaten by police. The dispute spilled into a riot in the streets.	
1939	J.S. Woodsworth, CCF leader and former B.C. labour activist, introduces a bill in Parliament making it unlawful to interfere with workers' right to organize. The bill passed, but it only applied federally—not to provincial labour laws.	
1941	Unemployment insurance is introduced during a period of low (4.4%) unemployment rates and highest wage levels ever in Canada.	
1944	PC 1003 (Order in Council) Important law for Canadian workers-that legislates union recognition (requiring employers to bargain for the first time) but obligates unions to work during the collective agreement and use the grievance procedure rather than down tools. Until now, most strikes were for union recognition—not just the right to belong to a union, but a requirement that employers actually negotiate with the Union. PC 1003 made that mandatory, and strikes that followed tended to focus more on wages and working conditions.	
1939-1945	World War II. To encourage women to join the labour force, child care centres and tax incentives were provided (they disappeared at the end of the war). Women were still paid less than men for the same work.	

1945	Justice Ivan Rand, arbitrator in a 99-day strike against Ford in Windsor Ontario, conceives a compromise to resolve the dispute on dues check off. The “Rand Formula” allowed employees in a new certification to opt out of the union, but pay union dues regardless, since they benefit from the terms that the union negotiates.	
1947	Workers win vacation pay.	
1951	Old Age Security is introduced.	
1953	The Canada Fair Employment Practices Act prohibits ethnic and religious discrimination in employment and for union membership.	
1956	The Unemployment Assistance Act is adopted.	
1970	HEU (Hospital Employees’ Union) wins human rights case to secure compensation for 25 female radiology and physical medicine attendants. First successful case of a union claiming wage discrimination on the basis of gender.	
1975	Trudeau introduces the first peacetime compulsory wage and price controls. 1976 A day of protest over wage and price controls is held. A million workers strike on October 14th, a year after controls are introduced.	
1980	The Canadian Farmworkers Union is founded in New Westminister, BC with Raj Chouhan as president. First Farmworkers union in Canada.	
1980	The BC provincial government announces a new provincial Employment Standards Act that includes farmworkers. Not protected by most health and safety regulations, minimum wage, hours of work or overtime.	
1983	Solidarity (BC)—Operation Solidarity and the Solidarity Coalition form to oppose the Social Credit government’s attack on the public sector, labour, social services, and community. 60,000 marchers protested at the Sacred Convention in Vancouver, and over 100,000 workers were involved in strike actions. Ended by the “Kelowna Accord”.	
1987	The Social Credit government, led by Bill Vander Zalm, passes Bill 19 despite a one-day general strike. The act amended the Labour Code significantly against workers and unions.	
1992	Westray Mine Disaster in Nova Scotia. Site of underground explosion that killed all 26 miners underground. A public inquiry found in 1997 that the mine was mismanaged, miners safety ignored, and poor oversight by government to blame. Criminal case against the owners dropped in 1998. As a result Canadian Labour Congress and some of its affiliates began a lobbying campaign in the mid-1990s to change the law to prosecute employers that failed to protect employees. After many delays, in late 2003, the federal government enacted Bill C-45 in direct response to the Westray Mine disaster. The bill changed the Criminal Code to make it possible to hold	

	a company or person guilty of criminal negligence for failing to protect a person doing work if the failure was the result of wanton or reckless disregard for life or safety and caused death or serious bodily harm to the worker. As of 2012, only two convictions under the law have been filed.	
1995	Laundry workers in Alberta hospitals have a 10-day wildcat (illegal) strike against privatization, and win their demands.	
1998	The MAI, an international trade deal placing corporate interests ahead of sovereignty is withdrawn after the agenda is exposed by organized labour and non-governmental organizations (NGOs).	
1998	Canadian Auto Workers (CAW) organizes Starbucks in Vancouver and McDonald's workers in Squamish. Both have since decertified.	
1999	The Federal Court of Appeal validates the pay equity rights of 200,000 public sector workers and their union – the PSAC.	
2003	BC government introduces changes to child labour under the Employment Standards Act to allow children as young as 12 to work with consent from a parent. The International Labour Organization's Convention on Child Labour states that no child under 13 should have a job and that until 15 kids should only do light work. 163 countries have ratified that treaty, including Afghanistan and Haiti. Canada and the US did not.	
2005	BCTF illegal strike. After the teachers union voted to legally withdraw some services as negotiations stalled, BC Government introduced legislation to impose a contract on teachers. The government had ruled education an essential service, limiting the right to strike. After an emergency vote, the BCTF decided to carry out the strike with 90.5% of voting in favour. Teachers struck for two weeks, ignoring a court ruling ordering the BCTF to cease action and stop strike pay. The BC Federation of Labour initiated a major 'Day of Protest' with the majority of public services refusing work. The event ended with 20,000 people in a massive rally at the Legislature. Mediator Vince Ready presented a resolution. Government and BCTF accepted recommendations which included significant benefits for many teachers. As a result, teachers returned to work.	
2005	Grant's Law is enacted in BC after Grant DePatie, a you worker in Maple Ridge was killed while working alone at a gas station at night trying to prevent a robbery.. The new laws required more safety measures for late night solitary workers in gas stations and convenience stores. Included were prepayment of fuel, late night safety protocols, physical barriers, and more than a solitary worker.	
2007	Bill 29 declared unconstitutional. In 2002, the National Union of Public and General Employees (NUPGE) submitted a complaint to the International Labour Organization (ILO) against Bills 27, 28, and 29. Bill 29 canceled parts	

	of a collective agreement. Bill 29 was declared unconstitutional by the Supreme Court of Canada (SCC) in an historic June 2007 decision ( <i>B.C. Health Services</i> ) that affirmed collective bargaining as a constitutional right of all Canadians. The Court ruled that section 2d, free association, was violated by Bill 29 and workers had to be compensated.	
2012	Grant's Law is weakened after pressure from Mac's convenience stores. Service stations and stores can now have a single late night worker without a barrier as long as panic buttons to the employers are provided, time-locks on the safe, and surveillance cameras.	
2011	BC Supreme Court rules legislation removing teachers' bargaining rights unconstitutional. In a landmark decision the BC Supreme Court ruled that laws which take away collective bargaining rights from teachers unconstitutional and in breach of the Canadian <i>Charter of Rights and Freedoms</i> . Of particular concern was Bill 27 which removed certain items in teacher collective agreements, including staffing, class size and composition limits. Madam Justice Griffin declared that the bills were a substantial interference in bargaining rights and infringed on freedom of association guaranteed under the <i>Charter of Rights and Freedoms S2d</i> .	
2011	Mushroom farmworkers in Ontario challenged the law banning farmworker unions and lose their case. Supreme Court Case Ontario vs. Fraser rules that the provincial law does not violate Charter rights to freedom of association. Farmworkers are one of the few groups of workers not allowed to form unions in Ontario.	
2012	While minimum wage increased for workers in BC, farmworkers, some of The lowest paid and most exploited workers in BC, did not receive the increase all other workers did. Farm workers who harvest tree fruits, berries and certain vegetables are not entitled to receive the minimum hourly wage. Instead, the minimum wage regulation sets the minimum rates of pay for the harvesting of these crops on the basis of either the volume or weight of crops picked. From 2001-2003, changes to the law in BC were passed that took away rights to stat holiday pay, overtime, and reduced minimum daily hours of pay.	
2012	Grant's Law weakened after lobby efforts by Mac's convenience stores. New changes mean that gas stations and convenience stores could keep a single employee on at night without a physical barrier as long as a panic button was available, time-locks on the safes, and surveillance cameras. Critics argue the provisions do less to keep solitary workers safe.	

## DISCUSSION QUESTIONS:

1. What are some of the different strategies used by workers to gain their rights?
2. What are some of the strategies used by the law to deny rights?
3. a.) Identify three legal events you consider as the most significant victories for workers?  
b.) Identify three legal events you consider as the most significant losses for workers?
4. During which periods did the law seem to treat workers more fairly? Less fairly?
5. Is the law a good way to achieve social justice for workers? Are there more effective alternatives?