

**Union Futures:
Innovations,
Transformations,
Strategies**

International
CRIMT
Conference

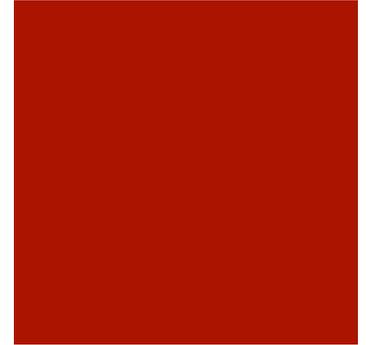
October 25th to
27th 2012

Montreal,
Canada

**Confronting the Employment
Standards Enforcement Gap in
Ontario:
Expanding Union's Regulatory
Function**

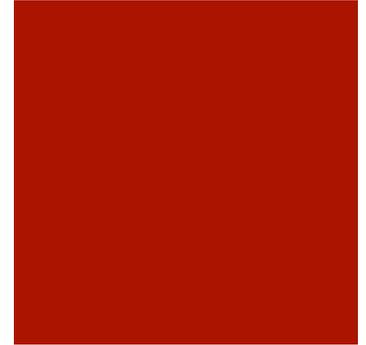
Leah F. Vosko & Mark Thomas
York University

Outline



1. Principles and parameters of ES legislation and its enforcement: The 'Enforcement Gap'
2. Alternative approaches to ES enforcement: Enhancing unions' regulatory function
3. Conclusions: Employment law as a vehicle for collective action

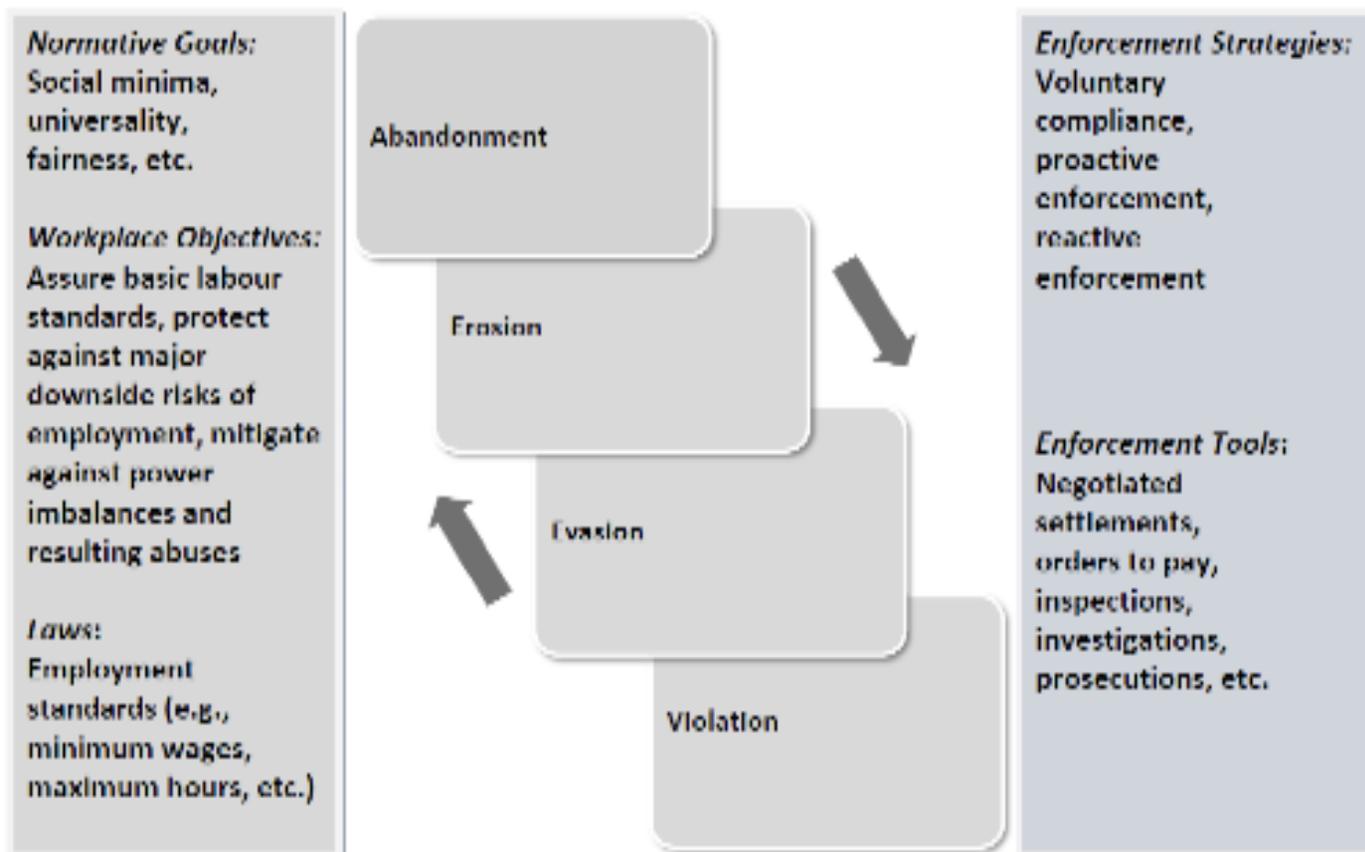
ES Legislation and Its Enforcement



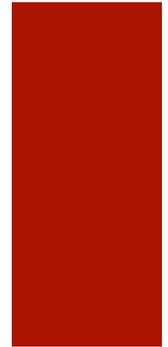
- Legislated standards intended to establish a floor for conditions of employment, protect against exploitation, and address power imbalances between workers and employers.
- In Canada, ES legislation is regulated provincially for most workers
- ES include minimum wages, maximum hours of work (daily, weekly), paid vacations, leaves, termination, severance, public holidays, and overtime hours and pay.
- There are three predominant methods of ES enforcement: proactive inspections, reactive complaints, and voluntary employer compliance.



The Enforcement Gap



Alternative Approaches to ES Enforcement



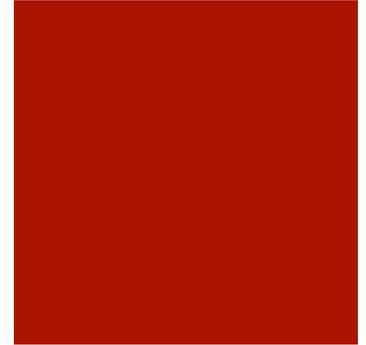
Enhancing Unions' Regulatory Function

- Reactive strategies (Anonymous, Third-party, and confidential complaints)
- Proactive strategies (Outreach activities between labour inspectorates and community groups and deputization Programs)
- Voluntary Strategies (Public procurement)

Employment Law as a Vehicle for Collective Action

- Union-supported campaigns driven by worker complaints of ES violations
- Labour-community coalition organizing to raise awareness of ES violations (naming and shaming) or to pressure for stronger enforcement strategies (fair wage campaigns/public procurement policies)
- Forming new institutions to assert workers' rights

Expanding Unions' Regulatory Function



- Unions could play a role in countering fundamental weaknesses in ES enforcement processes
- Unions may thus enhance their regulatory role in contemporary labour markets
- This could take the form of a “regulatory enforcement pyramid,” whereby enforcement activities proceed from lesser to greater levels of intervention
- Involvement in collective organizing around ES issues could contribute to a revitalized mandate for unions struggling to expand organizing efforts into the terrain of low-wage workplaces