



Archives of Ontario Private Acquisitions Strategy

Analysis Report of the **Labour** Sector in Ontario

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1. Purpose

The purpose of this report is to carry forward key recommendations from the Archives of Ontario Private Acquisitions Strategy by conducting examinations of Ontario's major sectors. This report highlights sub-sectors or areas within the labour sector which are likely to generate records of provincial significance.

Fair, safe, and stable work environments are essential to the productivity of businesses, and the social and economic well-being of the people of Ontario. A healthy labour environment supports a strong, competitive economy and job market for the province. Therefore, the need to document this sector is high.

The identification and appraisal of activities within the labour sector will drive and support private records acquisition policy for labour sector records in the *Archives of Ontario Private Acquisitions Strategy*.

2. Overview of the Labour Sector in Ontario

Labour issues have long been a concern of Ontario citizens and the government of Ontario. Many of the rights pertaining to workers, such as shorter work days, vacation time, minimum wage, workplace health and safety protections, and workers' compensation were the result of long struggles between workers, their employers, and the provincial government.

Although labour unions have existed in Ontario since at least 1834,¹ until the passing of the federal Trade Unions Act in 1872, prompted by a Toronto Typographical Union strike for a nine hour day, unions in Ontario operated illegally.² Despite this, workers organized and fought for improved working conditions on many occasions, one prominent example being the violent strikes by workers on the Welland Canal during the 1840's.³

In 1914, the Ontario government passed the Workers' Compensation Act, becoming the first province to implement a provincial social service plan.⁴ Despite advances, conditions for workers remained unsatisfactory. During and after World War I, labour unions saw a marked increase in membership and

¹ "History." The Ontario Federation of Labour. June 12, 2012. Accessed July 3, 2015. <http://ofl.ca/index.php/about/history/>.

² Phillips, Pattie. "Highlights in Canadian Labour History." CBCnews. September 4, 2009. Accessed July 3, 2015. <http://www.cbc.ca/news/canada/highlights-in-canadian-labour-history-1.850282>.

³ "Working-Class History." The Canadian Encyclopedia. Accessed July 3, 2015. <http://www.thecanadianencyclopedia.ca/en/article/working-class-history/>.

⁴ Phillips, Pattie. "Highlights in Canadian Labour History." CBCnews. September 4, 2009. Accessed July 3, 2015. <http://www.cbc.ca/news/canada/highlights-in-canadian-labour-history-1.850282>.

frequency of strikes. In 1919 there were over 400 strikes in Canada, with a significantly large number taking place in Ontario.⁵

In 1944, Ontario's first provincial labour federation was formed when the Canadian Congress of Labour established the Ontario Federation of Labour.⁶ Soon after, in 1945, an arbitration decision for a 99 day strike by Ford Company workers in Windsor resulted in the creation of the Rand Formula, which helped give labour unions financial security by ruling that union dues be mandatory in workplaces with collective bargaining units.⁷ However, amendments to the Ontario Labour Relations Act making the Rand Formula compulsory were not enacted until 1978 when a 163 day strike by 80 women workers at the Fleck plant in Centralia, Ontario, resulted in the changes.⁸

The 1970's also saw a massive increase in public sector union membership, and improvements in job safety came with the introduction of the Occupational Health and Safety Act. More advancements were made in the 1980's with amendments to the Workers' Compensation Act, and the establishment of the Workers' Compensation Appeals Tribunal (WCAT) and the Office of the Worker Advisor.⁹

1993 saw the introduction of Bill 40 by the NDP, which made significant improvements to labour legislation; however, most of these advancements were repealed in 1995 by the Harris government's Bill 7.¹⁰ The Harris government's attack on labour and cuts to social services sparked the Days of Action protests, which lasted from 1995 to 1998, bringing to the streets over a million people across the province to protest PC party policies.¹¹

Much of the 2000's saw organized labour attempting to recoup the losses suffered under Harris. Major issues were job losses in the manufacturing sector; privatization; revitalization of the Pay Equity Act; raising the minimum wage; protections for LGBT workers; workers' health and safety; and the reinstatement of union rights that were repealed in the 1990's.¹²

⁵ "Working-Class History." The Canadian Encyclopedia. Accessed July 3, 2015. <http://www.thecanadianencyclopedia.ca/en/article/working-class-history/>.

⁶ "History." The Ontario Federation of Labour. June 12, 2012. Accessed July 3, 2015. <http://ofl.ca/index.php/about/history/>.

⁷ "Rand Formula." The Canadian Encyclopedia. Accessed July 3, 2015. <http://www.thecanadianencyclopedia.ca/en/article/rand-formula/>.

⁸ UNIFOR. "Where Did Our Rights Come From?" Accessed July 3, 2015. http://www.unifor.org/sites/default/files/documents/document/part_5_-_fleck_strike_r.pdf.

⁹ Ontario Federation of Labour. "Ontario Federation of Labour: 50th Anniversary." 2007. Accessed July 3, 2015. <http://ofl.ca/wp-content/uploads/2007.11.20-Report-OFL.50th.Anniversary-Web.pdf>.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

2. Overview of the Labour Sector in Ontario (continued)

Currently, the Liberal government under Premier Kathleen Wynne has promised to investigate what actions the government could consider “in the context of our labour and employment law regime to continue to protect workers while supporting business in today’s modern economy.”¹³ Priority initiatives for the Ministry of Labour in 2014 included developing a wage gap strategy; protecting vulnerable workers; promoting occupational health and safety; supporting mental health in the workplace; and collaborating with “employers and unions to uphold and respect the collective bargaining process.”¹⁴ In the 2013-2014 fiscal year, the Ontario Government spent an estimated 305.7 million on labour initiatives, with the largest amount (72%) supporting Occupational Health and Safety.¹⁵

The Ministry of Labour's key areas of responsibility are occupational health and safety, employment rights and responsibilities, and labour relations. Through these areas, the ministry's mandate is to set, communicate and enforce workplace standards while encouraging greater workplace self-reliance. The Ministry also develops, coordinates and implements strategies to prevent workplace injuries and illnesses and can set standards for health and safety training. The following specialized associations, agencies, boards and commissions assist the ministry in its work: Grievance Settlement Board; Office of the Worker Advisor; Office of the Employer Advisor; Ontario Labour Relations Board (OLRM); Pay Equity Office; Pay Equity Hearings Tribunal; Workplace Safety and Insurance Board (WSIB); Workplace Safety and Insurance Appeals Tribunal (WSIAT).¹⁶

The Ministry of Labour also plays an active role in the development and administration of labour legislation in Ontario. The Ministry is responsible for administering a total of thirteen acts. These include:

- Occupational Health and Safety Act, 1990
- Pay Equity Act, 1990
- Workplace Safety and Insurance Act, 1997
- Labour Relations Act, 1995
- Employment Standards Act, 2000
- Public Sector Dispute Resolution Act, 1997

¹³ Wynne, Kathleen. "Building Ontario Up | Speech from the Throne." News.ontario.ca. 2014. Accessed July 3, 2015. <http://news.ontario.ca/opo/en/2014/07/building-ontario-up-speech-from-the-throne.html>.

¹⁴ Wynne, Kathleen. "2014 Mandate Letter: Labour." Ontario.ca. September 24, 2014. Accessed July 3, 2015. <http://www.ontario.ca/government/2014-mandate-letter-labour>.

¹⁵ Ministry of Labour. "Ministry Financial Information." Ministry Financial Information. 2013. Accessed July 3, 2015. http://www.labour.gov.on.ca/english/about/pubs/rbp/2013/rbp_7.php.

¹⁶ Ministry of Labour. "About the Ministry." Ministry of Labour. Accessed July 3, 2015. <http://www.labour.gov.on.ca/english/about/index.php>.

- Employment Protection of Foreign Nationals Act (Live-in Caregivers and Others), 2009

The Ministry of Labour also shares in the responsibility of administering other acts, such as the Colleges Collective Bargaining Act, 2008 (with the Ministry of Training, Colleges, and Universities), and has administered several “Back to Work” acts, including the Toronto Public Transit Service Resumption Act, 2008; and the York University Labour Disputes Resolution Act, 2009.¹⁷

Reporting to the Ministry of Labour, the Ontario Labour Relations Board, as an independent, adjudicative tribunal, plays a fundamental role in the labour relations regime in Ontario. It encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.¹⁸

Activities related to labour also exist in the private sector in the form of labour unions and federations of labour, employers’ organizations; workers’ rights organizations; workers’ support organizations; professional associations; and individual activists. As labour continues to be a priority for the province of Ontario, it remains important to examine these areas of the private sector for records of lasting provincial significance.

3. Analysis of Archives of Ontario Holdings

In examining the holdings of the Archives of Ontario post-1980, a search of the Archives Descriptive Database was undertaken to determine what records have been acquired from the private sector that complement the joint functions of the Ministry of Labour and the Ontario Labour Relations Board with respect to the administration and regulation of labour. This revealed that the Archives’ holdings contain only a small number of private records documenting some of the functions carried out by the two bodies for the post-1980 period.

The Archives of Ontario has identified the Ministry of Labour’s three core functions as:

1. Ensuring employment rights and responsibilities
2. Promoting occupational health and safety
3. Promoting and maintaining stable labour relations

while the Ontario Labour Relations Board’s four core functions are:

4. Providing executive and management support to the Board

¹⁷ Ministry of Labour. "Acts Administered by the Ministry of Labour: 2013-2014." Acts Administered by the Ministry Of Labour: 2013-2014. 2013. Accessed July 3, 2015. http://www.labour.gov.on.ca/english/about/pubs/rbp/2013/rbp_3.php.

¹⁸ Ontario Labour Relations Board. "What Is the Ontario Labour Relations Board?" About Us. Accessed July 3, 2015. <http://www.olrb.gov.on.ca/english/AboutUs.htm>.

5. Providing mediation services
6. Providing adjudication services
7. Providing reconsideration of Board decisions

Currently, the Archives has some representation within its private records holdings for two of these seven identified functions.

While some of these functions, such as providing adjudication services, are the sole responsibility of the Government of Ontario, other functions can be reflected in some capacity in the Archives' private records holdings.

An example of this is F 1289 CUPE Ontario fonds. The records in this fonds help to document the private sector's understanding of the function of "ensuring employment rights and responsibilities," because one of the primary activities of the organization is to provide a strong voice for rights and fairness in the workplace for its members. Fonds such as F 1289 CUPE Ontario fonds can also help document the private sector's understanding of the function of "promoting and maintaining stable labour relations," insofar as this function is in the best interests of both employees and employers.

4. Methodology for Analyzing the Labour Sector

This section outlines the analysis methodology and rationale for how the sector was broken down and assessed.

Sub-sector Identifications

Sub-sectors within the labour sector were selected based upon an analysis of major activities related to labour known to occur within Ontario. Sub-sectors were identified based upon the major categories of organizations, bodies and individuals known to be involved or have an interest in such activities within the private sector.

Exclusions and Limitations

This section provides an overview of certain sectors or categories in the Ontario labour sector which were excluded from the analysis.

Records of professional associations were excluded from this analysis. While some professional associations provide labour related advocacy for the benefit of their members, this usually plays only a minor role in their mandate. These records will be documented in sector analyses that are aligned to their subject area.

5. Analysis of Labour sub-sectors

This section examines the scope of the labour sub-sector with respect to:

1. Identifying and defining sub-sectors and categories within the labour sector
2. Making connections between private sector activities and government functions
3. Identifying existing holdings in the Archives of Ontario related to the labour sector (containing records dated 1980 and later)
4. Providing a rationale for the importance of acquiring documentation within a sub-sector
5. Identifying level of acquisition priority for each sub-sector based upon the rationale

Labour Sub-sectors:

For the purposes of analysis, the activities within the labour sector have been divided into the following sub-sectors in Appendix A.

1. Labour union organizations
2. Employers' organizations
3. Workers' rights organizations
4. Labour activists (individuals)
5. Workers' support organizations
6. Facilitators / mediators
7. Workers' health and safety organizations

Government Functional Linkages:

The functional linkages provided in the following table are based upon the Ministry of Labour and the Ontario Labour Relations Board's cumulative core functions of:

1. Ensuring employment rights and responsibilities
2. Promoting occupational health and safety
3. Promoting and maintaining stable labour relations
4. Providing executive and management support to the Board
5. Providing mediation services
6. Providing adjudication services
7. Providing reconsideration of Board decisions

Appendix A: Analysis of Labour Sub-sectors

Sub-Sector	Sub-Sector description	Related Government Function and responsible Ontario ministry	Related Archives of Ontario private holdings (containing records 1980-and later)	Sub-Sector appraisal rationale	Acquisitions considerations	Priority: High (AO has little to no documentation), Medium (AO has some documentation), Low (AO has significant documentation)
Labour union organizations	This sub-sector includes collective organizations of workers whose goals include securing and maintaining right for member workers, better working conditions, higher safety standards, and fair pay and benefits. Organizations may include independent provincial entities or provincial-level chapters/bodies of nationally-focused organizations.	<p>Ensuring employment rights and responsibilities (Ministry of Labour)</p> <p>Promoting and maintaining stable labour relations (Ministry of Labour)</p>	<p>F 4180 Ontario Federation of Labour fonds</p> <p>F 1289 CUPE Ontario fonds</p> <p>F 2185 CAW-Canada (Local 399) fonds;</p> <p>F 1286 CAW-Canada (Local 439) fonds;</p> <p>F 1287 International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (Local 584) fonds</p>	Records from these organizations would document important labour policies, programs, campaigns, and protests in Ontario.	The AO holds five fonds within this sub-sector for the post-1980 period.	MEDIUM

Sub-Sector	Sub-Sector description	Related Government Function and responsible Ontario ministry	Related Archives of Ontario private holdings (containing records 1980-and later)	Sub-Sector appraisal rationale	Acquisitions considerations	Priority: High (AO has little to no documentation), Medium (AO has some documentation), Low (AO has significant documentation)
Employers' organizations	This sub-sector includes collective organizations of manufacturers, retailers, or other employers of wage labour, who seek to coordinate the behaviour of their member companies during negotiations with trade unions or government bodies. Organizations may include independent provincial entities or provincial-level chapters/bodies of nationally-focused organizations.	Promoting and maintaining stable labour relations. (Ministry of Labour) Ensuring employment rights and responsibilities (Ministry of Labour)	None	Records of organizations in this sub-sector would document labour policies, programs, campaigns, and disputes from the standpoint of Ontario's employers.	The AO does not hold any fonds within this sub-sector for the post-1980 period.	HIGH

Sub-Sector	Sub-Sector description	Related Government Function and responsible Ontario ministry	Related Archives of Ontario private holdings (containing records 1980-and later)	Sub-Sector appraisal rationale	Acquisitions considerations	Priority: High (AO has little to no documentation), Medium (AO has some documentation), Low (AO has significant documentation)
Workers' rights organizations	This sub-sector includes organizations that lobby for the rights of workers who are not covered by collective agreements and work to promote and protect labour laws and employment rights on behalf of all Ontario's workers. Examples include legal rights organizations that sue to enforce labour laws, and human rights organizations that work to expose violations of workers' rights.	Ensuring employment rights and responsibilities (Ministry of Labour)	None	The records of these organizations document the development and shifts in employment practices in Ontario, as well as the rights and obligations of workers and employers in the province. This sub-sector also documents the experience of vulnerable workers in Ontario, such as migrant workers.	The AO does not hold any fonds within this sub-sector for the post-1980 period.	HIGH
Labour activists (individuals)	This sub-sector includes individual workers' rights activists, such as prominent trade unionists, or those working outside of unions.	Ensuring employment rights and responsibilities (Ministry of Labour)	F 4609 Harvey Landon Ladd fonds F 2190 D'Arcy Martin fonds F 2157 Leith McMurray fonds F 2076 Alvin D. McCurdy fonds	Records of these individuals would document their significant contributions in the areas of labour relations, workers' rights, or occupational health and safety.	The AO holds four fonds within this sub-sector for the post-1980 period.	MEDIUM

Sub-Sector	Sub-Sector description	Related Government Function and responsible Ontario ministry	Related Archives of Ontario private holdings (containing records 1980-and later)	Sub-Sector appraisal rationale	Acquisitions considerations	Priority: High (AO has little to no documentation), Medium (AO has some documentation), Low (AO has significant documentation)
Workers' support organizations	This sub-sector includes institutions directly involved in the provision of support for workers in conflict with employers, such as those providing legal support for individual workers.	Ensuring employment rights and responsibilities (Ministry of Labour)	None	Records of these organizations would document points of friction between labourers and employers and show how labour policy works to support employment rights and responsibilities.	The AO does not hold any fonds within this sub-sector for the post-1980 period.	HIGH
Facilitators / mediators	This sub-sector includes organizations that mediate between stakeholders (e.g. unions, employers, government) to maintain stable labour relations.	Promoting and maintaining stable labour relations. (Ministry of Labour) Providing mediation services (Ontario Labour Relations Board)	None	Records of these organizations document the promotion of stable labour relations which are vital to the economic health of the province.	The AO does not hold any fonds within this sub-sector for the post-1980 period.	HIGH
Workers' health and safety organizations	This sub-sector includes organizations that provide training, education, or research aimed at improving the health and safety of workers.	Promoting occupational health and safety (Ministry of Labour)	None	Records of these organizations document the implementation of occupational health policy and standards in the province.	The AO does not hold any fonds within this sub-sector for the post-1980 period.	HIGH