

A Progressive Labour Agenda for Manitoba

Eleven policies to improve working
conditions and social wellbeing



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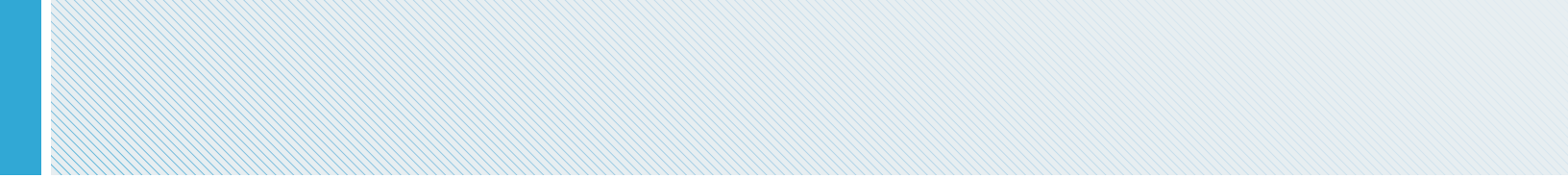
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Executive Summary

THE RECENT INCREASE in high-profile union organizing drives and strikes across Canada and the US has revealed supporters for a renewed labour movement in what were previously unlikely places. Editorials in both the *New York Times* and the *Globe and Mail* have underlined the importance of expanding union membership and the capacity of workers to collectively bargain as being critical to addressing the economic inequities we see in Canada and the US today (*The Globe and Mail* 2023; Kristof 2023). It is no secret that the majority of working Canadians have been squeezed over recent decades by slow wage growth and a rising cost of living. The problem of low wages has taken on a new urgency as the cost of food, rent, mortgages and other household expenses rapidly increased following the onset of COVID-19, prompting provincial governments to act. Improvements to provincial labour standards are an important part of the policy toolbox to address affordability and raise living standards.

While the working class has struggled to keep up with a rising cost of living, corporate Canada and wealthy individuals have drawn in record breaking profits, raising questions about a fair distribution of benefits in the current economic climate (Stanford 2022b; Macdonald 2023). There are a variety of reasons for weak wage growth and rising economic inequality, but among them is a policy environment that, over recent decades, has favoured the interests of corporate Canada while undermining the power of unions and non-unionized workers to improve wages and working conditions (Fortin et al. 2012; Brennan 2014; Mackenzie and Shillington 2015). The current cost of

living squeeze has been driven by rising prices for essential goods such as food and energy, sending corporate profits to new heights. Governments have a role to play in helping workers to catch up with rising prices while tamping down corporate excesses and ensuring a more fair distribution of income.

The Progressive Labour Agenda is intended to provide Manitoba policy makers with a set of clear policy measures to improve the conditions of work for Manitobans while promoting overall well-being in our province. These policy measures respond directly to issues in labour and employment such as the proliferation of low-wage work, gaps in employment standards and health and safety enforcement, declining private sector union coverage, and inequities experienced by women and migrant workers, among other issues. The policy options outlined in the Progressive Labour Agenda cover three major themes: 1) ensure access to unions and fair collective bargaining; 2) modernize labour legislation to close gaps in employment standards and improve conditions for non-unionized workers; and 3) improve workplace health and safety. These are ideas that are well supported by public policy research and that are actionable at the provincial level. The full list of policy measures is as follows:

Improving access to a union and fair collective bargaining

1. Introduce card-check legislation with certification threshold of fifty per cent plus one
2. Introduce anti-scab legislation

Modernize labour legislation to close gaps in employment standards and improve conditions for non-unionized workers

3. Raise the minimum wage to a living wage
4. Six policy options to protect gig-workers
5. Include predictive scheduling under employment standards
6. Introduce pay equity legislation
7. Update the Worker Recruitment & Protection Act (WRAPA)
8. Eliminate Employment Standards exclusions for migrant workers
9. Expand access to \$10 per day child care spaces

Improve workplace health and safety

10. Legislate 10 paid sick days
11. Develop a proactive enforcement strategy for employment standards and health and safety

The remainder of the report is split into three sections. The first presents evidence that draws connections between union membership and fair collective bargaining on one hand, and a range of positive social outcomes related to greater societal equality on the other. The second focuses on identifying gaps – some resulting from “policy drift” – in existing labour protections that need to be brought in line with a changing economy while reducing social inequalities. Finally, we review evidence supporting each of the eleven policy options for a progressive labour agenda covering unionization and collective bargaining, closing gaps in labour standards and improving working conditions, and improvements to workplace safety and health.

Introduction

Why increasing union membership and promoting fair collective bargaining is good public policy

The first part of the Progressive Labour Agenda focuses on ensuring access to a union for workers who wish to join one and promoting fair collective bargaining in Manitoba. There is broad evidence, which will be reviewed below, to suggest that for governments pursuing progressive public policy agendas around health, education, environmental protection, economic inequality, and poverty, growing union membership is an important complementary policy goal due to its positive correlation with social equality.

While much of the evidence related to unionization and inequality is drawn from jurisdictions across North America, these findings have implications for Manitoba. Union membership and coverage of workers under a collective agreement has been on the decline in Manitoba since the 1980s. While this decline has been slower than in other provinces, Manitoba workers are experiencing the same decline in private sector union density which has been visible across North America since the 1970s.

As can be seen in Table 1, private sector union coverage¹ has declined from 21.2 per cent in 1997 to 15.2 per cent in 2022, while overall union coverage has declined from 37.8 per cent to 34.7 per cent. Canadian provinces set legal and policy regimes that influence the balance of power between unions and employers at the bargaining table, while promoting the growth or decline

TABLE 1 Manitoba Union Coverage, 1997–2022

| Year | Union Coverage Rate, All Industries | Union Coverage, Public Sector | Union Coverage, Private Sector |
|------|-------------------------------------|-------------------------------|--------------------------------|
| 1997 | 37.8% | 77.0% | 21.2% |
| 1998 | 35.9% | 77.0% | 19.7% |
| 1999 | 37.2% | 78.6% | 20.8% |
| 2000 | 36.6% | 77.4% | 19.9% |
| 2001 | 37.1% | 79.5% | 19.8% |
| 2002 | 36.4% | 77.5% | 19.8% |
| 2003 | 37.3% | 79.4% | 20.2% |
| 2004 | 37.7% | 77.4% | 20.6% |
| 2005 | 37.1% | 77.8% | 20.0% |
| 2006 | 36.6% | 79.9% | 18.9% |
| 2007 | 36.6% | 80.2% | 18.7% |
| 2008 | 36.3% | 80.0% | 17.9% |
| 2009 | 36.5% | 79.5% | 17.9% |
| 2010 | 37.2% | 80.1% | 18.3% |
| 2011 | 36.2% | 79.0% | 18.0% |
| 2012 | 35.6% | 79.7% | 17.5% |
| 2013 | 35.8% | 80.4% | 17.7% |
| 2014 | 35.7% | 78.8% | 17.7% |
| 2015 | 35.6% | 79.5% | 17.3% |
| 2016 | 35.1% | 79.8% | 16.2% |
| 2017 | 34.7% | 78.8% | 16.4% |
| 2018 | 34.4% | 79.8% | 15.7% |
| 2019 | 34.7% | 80.4% | 16.5% |
| 2020 | 35.6% | 80.3% | 16.7% |
| 2021 | 33.7% | 77.6% | 15.6% |
| 2022 | 34.7% | 80.6% | 15.2% |

Source Statistics Canada. Table 14-10-0129-01 Union status by geography

of provincial unionization rates. As a result, provincial governments have significant latitude to act on unionization.

Presented below is evidence from Canada and the United States showing that unions, through collective bargaining for their members as well as through the broader role they play as political actors in society, tend to promote a more equal distribution of income, wealth, and political representation. Promoting greater economic, political, and social equality through unionization is valuable from the perspective of increasing the liv-

TABLE 2 The Union Advantage in 2022, Manitoba

| | Median Hourly Wage, All Employees 15 Years and Over | | | |
|-------|---|-----------|----------------|----------------------------|
| | Union Covered | Non-Union | Wage Advantage | Advantage as a % Non-Union |
| All | \$29.75 | \$21.63 | \$8.12 | 37.5% |
| Men | \$30.77 | \$24.00 | \$6.77 | 28.2% |
| Women | \$28.04 | \$20.00 | \$8.04 | 40.2% |

Source Statistics Canada. Table 14-10-0066-0 Employee wages by job permanency and union coverage, annual

ing standards of low- and moderate-income households, which have been significantly eroded in recent years. Evidence from across North America has established the presence of a ‘union advantage’ in terms of wages, benefits, and pensions for those who work within a collective agreement (Mackenzie and Shillington 2015). This union advantage is also present in Manitoba (see *Table 2*). Although the union wage advantage is influenced by differences in the composition of union vs. non-union workers (union workers tend to be more senior and work in more skilled positions) previous research shows that even when controlling for these factors a union advantage remains (Fang and Verma 2002).

Expanding union membership is also important from a broader societal perspective. Unionization has been positively correlated with higher levels of democratic participation, including voting but also volunteering and other forms of community engagement (Bryson et al. 2014). Further, the promotion of economic equality has been positively correlated with a range of beneficial social outcomes, including improved health, improved education, and reduced rates of incarceration (Marmot 2004; Wilkinson and Pickett 2010). The evidence supports the argument that legislation increasing access to a union and fair collective bargaining in Manitoba has broad-based, positive impacts on society which should be viewed as important to a progressive public policy agenda.

What effects do unions have on economic and social equality?

Across the United States, both historical and present-day union membership has been closely associated with fluctuations in income inequality. Increasing rates of US unionization throughout the 1930s and 1940s have been estimated to account for as much as a quarter of the decrease in income inequality

over that period (Farber et al. 2021). By contrast, declining rates of US union membership since 1980 have been estimated to contribute significantly to increases in income inequality (DiNardo, Fortin, and Lemieux 1996; Card 2001). The same dynamics are visible across Canadian provinces, with declining union membership throughout the 1980s and 1990s estimated to account for 15 per cent of the increase in income inequality over that period (Card, Lemieux, and Riddell 2004; see also Brennan 2014). The flatlining and eventual decline in Canadian union density moves in lock-step with a decline in the share of national income going to workers, a finding which has been replicated in many countries (ILOSTAT 2023). Most research points to two primary reasons for the strong connection between unionization rates and income inequality: first, union membership gives workers with less power in the labour market (ie. workers without highly specialized, in-demand skills; workers who face discrimination based on race, gender, or citizenship) the power to collectively bargain better wages and benefits, and second, because unions generate ‘spill-over’ effects which raise wages and working conditions across a given industry or sector.

Looking more closely at the powerful effect unionization has on wages around or below the middle of the income distribution makes clear the connections between income inequality and union membership. Fortin, Lemieux, and Lloyd (2021) estimate that declining union membership in the US between 1979 and 2017, along with its spill-over effects, accounts for 40 per cent of the increase in inequality between the 50th and 90th percentiles for men over that period.² At the same time, declining unionization rates have moved in lock-step with a shrinking share of workers earning incomes around the median (ibid). In sectors where union density is high, strong collective agreements negotiated by unions pull up wages and conditions not only for union members, but across the sector (ibid). Unionization and collective bargaining also tends to stabilize wages and incomes, particularly where workers have COLA clauses. By allowing for the regular negotiation of wages, collective bargaining gives workers opportunities to adjust their wages to the cost-of-living (theoretically at least). At the same time, unions promote more equitable norms across the labour market (Western and Rosenfeld 2011). Union wage premiums have typically been largest for workers without higher education, low wage workers, and racialized workers who face racism within labour markets (Callaway and Collins 2018; Farber et al. 2021). As Lawrence Mishel (2021:1) puts it: “rebuilding collective bargaining is a necessary component of reestablishing robust wage growth for the vast majority of workers.”

Unions have also been found to act as an important ‘balancing’ political force within the United States and Canada, providing representation for working-class interests and support for the provision of decommodified public goods such as education and healthcare. Interventions by unions into electoral politics are by no means uniform or without criticism – the Canadian labour movement continues to reckon with histories of exclusion and marginalization – but the absence of a robust labour movement in the United States has had noticeable effects. Studies from the United States have shown that in states where union membership rates are higher, state legislatures tend to be more responsive to ‘citizens’ demands’ and the demands of those of low or moderate-income groups, relative to states with lower union membership rates (Flavin 2018; Becher and Stegmueller 2021). Hacker and Pierson (2016) argue that the decline of union membership in the United States (from 29 per cent of private sector workers in 1970 to six per cent in 2014) has played a significant role in allowing wealth to dominate political power, which has become a feature of contemporary US politics (Hacker and Pierson 2010). Across Canadian provinces, union membership rates are associated with lower levels of after-tax income inequality and poverty, as unions tend to support provincial political parties aligned with stronger welfare state programs (Haddow 2014).

Beyond providing organized representation for working class interests, there is a second aspect of union political engagement – grassroots political organizing – that tends to balance political representation and whose absence has been acutely felt in the US. Although union membership in Manitoba is high amongst Canadian provinces, lessons from the US should not be ignored as union membership rates continue to decline across Canadian provinces, particularly in the private sector, as shown in Table One above. Unions active in parliamentary politics spend time and effort educating, training, and mobilizing members to engage in electoral and legislative processes. Research by Flavin (2018), mentioned above, finds that in those states where higher union membership correlates with legislative responsiveness to citizen demands, the political mobilization of working-class members by unions is the key factor behind greater political equality. Further work by Feigenbaum, Hertel-Fernandez, and Williamson (2018) finds that in US states where right-to-work laws are in force, which reduce the organizing power of unions, voter turnout and support for Democratic Party candidates both declined after the passage of these laws. These conclusions are made by comparing neighbouring counties with almost identical demographics separated by state lines. The authors conclude that unions play an important

role by engaging working-class voters who may not be contacted through other means. There is a rich literature on union politics across Canadian provinces that deals with the limits to electoral strategies and the challenges unions face to maintain influence over capitalist states increasingly responsive to the disciplinary power of capital (Ross and Savage 2021; Peters and Wells 2022). With these challenges in mind, we should not overlook the importance of a strong labour movement to economic and political equality, and the wide array of related benefits that come with greater equality.

Building a strong labour movement must be achieved through expanding access to unions for workers who wish to unionize and by ensuring fair collective bargaining is maintained.

Closing Gaps in Manitoba's Employment Standards and Health and Safety Legislation

The basic technologies, entitlements, and networks of trade and migration that structure our relationship to work have changed considerably over the last few decades, exacerbating existing inequalities and raising questions about whether Canadian labour regulation is adequate to support workers. Since the 1980s, Canada has been one of several wealthy industrial nations to experience a rise in 'non-standard' forms of employment, including temporary and insecure jobs with low-wages, a lack of benefits, insecurity, and weak protection under existing labour regulation (Vosko 2020). Increasing rates of working poverty — situations in which at least one person in a household living in poverty is working — have been connected to the rise in 'non-standard' forms of work as well as a decline in the real value of minimum wages (Silver 2014; Hajer and Smirl 2020). Unequal exposure to forms of precarious work along the lines of gender, race, sexuality and ability continue to exacerbate labour market inequalities in Canada (Block and Galabuzi 2018; Evans-Boudreau et al. 2023). Currently there are no comprehensive statistics on the extent of precarious work across Canadian provinces, but research from British Columbia shows 'precarious' or 'vulnerable' forms of work are far more extensive than previously assumed, with young workers, immigrants, Indigenous and racialized workers more likely to experience workplace precarity (Ivanova and Strauss 2023). The Poverty and Employment Precarity in Southern Ontario (PEPSO) project has documented the pernicious social effects of growing employment precarity in that region.³ In order to address working poverty and inequality in working conditions across Manitoba,

labour legislation, including employment standards and health and safety legislation, must be updated to reflect the new landscape of work.

Behind the growth of ‘non-standard’ forms of employment are a variety of factors, but two of the most significant are corporate and government strategies to create ‘labour market flexibility’ in order to attract or retain mobile capital, a longstanding and wide ranging process which has undermined labour standards and protections, and the more recent emergence of gig-work based corporations who designate workers as independent contractors (eg., Uber, Skip the Dishes, Instacart). To understand why regulation has not caught up with these changes, the concept of ‘policy drift’ provides a useful framework. This concept has been developed by political scientist Jacob S. Hacker (2005) to describe the change in policy outcomes that occurs when legislation is not sufficiently updated to address changing socioeconomic conditions. At its core, policy drift describes the erosion of protections, supports, or entitlements that occurs when policy is not responsive to changes in on-the-ground social conditions. In the US, this concept has been used to describe declines in the real minimum wage, declines in labour regulation and enforcement, and declines in health care access (Galvin and Hacker 2019). Although Manitoba does not suffer from the same legislative paralysis as US legislatures, the fact remains that the bulk of Manitoba’s labour legislation was developed with post-Second World War labour markets in mind, and have not been sufficiently updated to reflect changes in twenty-first century workplaces.

Below we put forth recommendations for reforms to employment standards legislation and enforcement, as well as stand alone calls for pay equity legislation and regulation for gig-work which can close key gaps in labour legislation.

Improving Access To a Union and Fair Collective Bargaining

1) Introduce single-step (card-check) union certification and bring certification threshold to fifty per cent plus one

As outlined above, ensuring workers who want to join a union can do so is important to promoting social equality in Manitoba. The Government of Manitoba has indicated their intention to introduce single-step union certification with a 50 per cent plus one threshold, with legislation set to be introduced in 2024. Once passed, this legislation will protect workers from harassment while reversing decades of union certification changes that have made it harder to form a union.

What is single-step certification?

Under single-step union certification, once a certain threshold of employees at a workplace indicate their preference for unionizing by signing a union card, then the Labour Board can, after ensuring that everything was carried out in line with regulation, certify the union. From 2000–2016 this threshold

was 65 per cent plus one, however prior to the 1990s this threshold was 55 per cent plus one.

Early in its first term in 2016, the then-Pallister Manitoba government introduced Bill 7, *The Labour Relations Amendment Act*, eliminating card-check, which had been used in Manitoba since the turn of the millennium. Bill 7 mandated secret-ballot votes as the only means of union certification. The Bill was pitched as a means to make union certification more democratic. It was, in fact, the opposite.

Under the former Labour Relations Act, from 2000–2016, if 65 per cent of workers signed a union membership card, the Labour Board, after ensuring that all other aspects of the law had been upheld, certified the union as the official bargaining agent. If 40 per cent–65 per cent signed, then a secret-ballot was needed to certify.

The 65 per cent threshold in Manitoba was the most demanding in the country among provinces that have card-check certification, and in fact was a compromise position agreed to when card-check was brought back by the Manitoba Doer government, having been eliminated by its predecessor, the Filmon government. Prior to the Filmon government, the threshold in Manitoba was 55 per cent. The new 65 per cent threshold was higher than in Quebec, PEI and Saskatchewan, which all had a 50 per cent +1 threshold at the time, and in New Brunswick where the threshold was 60 per cent.

Prior to the late 1970s, every jurisdiction in Canada used the card-check system, and it was recognized across the country as a way of mitigating the power imbalance between workers and employers. However, by the late 1990s almost 60 per cent of the nation's labour force was under a mandatory election rule (Johnson 2002).

In democratic contexts where people can expect to cast their votes free from fraud, intimidation, and coercion, secret ballots work well. Workplaces, however, aren't democratic. Employers have discretion over the position, hours, and termination of employees, giving them control over the schedule and livelihood of workers. While some workplaces are collaborative environments, there is a hierarchical system of command from the boss down to the employees. We need not speculate on this. In 2015, when workers at a Winnipeg Tim Horton's outlet started talking about unionization, their boss threatened to close the store or take away employee benefits (Kirbyson 2015). Workers involved in the union drive at Winnipeg's Canada Goose factories reported intimidation, increased surveillance, and unfair treatment by the employer of workers involved in the union drive (Boguslaw 2021). In the case of Canada Goose, the Manitoba Labour Board sanctioned the company for

unfair labour practices related to interference in the union drive (Cash 2021). While the Workers United drive at Canada Goose in Winnipeg was ultimately successful, it was a needlessly uphill battle, with significant emotional costs for some of the pro-union workers and higher organizing costs for the union.

The added cost and complexity for unions, and personal risks to workers, when organizing under a mandatory vote system have implications for private sector unionization efforts more broadly. Elevated organizing costs that result from both signing cards and running a secret ballot vote slow down union organizers, deplete limited organizing resources, and make the prospect of winning in hard to organize workplaces more difficult, reducing the number of organizing drives in a given year. This is reflected in the BC and Manitoba union certification statistics reviewed below (see *Table 3*).

Lessons from research literature on single-step certification

Research on the elimination of single-step certification in other Canadian provinces and elsewhere gives us clear lessons about the effect: eliminating single-step makes it harder for workers to unionize. A review of the research on this, undertaken in 2014, concludes that “the impact of (mandatory elections) has been the subject of a number of studies and while their findings differ on the extent of the impact, they are unanimous in its direction. The shift to mandatory elections has reduced the likelihood of certification success and negatively affected the unionization rate. The effect of the change is buffered to an extent by the tight timelines the legislation typically imposes between the filing of a certification application and the holding of an election, but a negative effect still remains.” (Tucker 2014:3)

Using a dataset of 6,500 private-sector unionization drives, Chris Riddell concludes that when mandatory voting replaced card-check across British Columbia in 1984, success rates fell by 19 per cent. When card-check was reinstated in 1993, they bounced back by the same percentage. According to Riddell, “the results indicate that the mandatory election law can account for virtually the entire decline. In addition, the findings suggest that management opposition was twice as effective under elections as under card-checks.” (Riddell 2004) Card-check was reintroduced in BC in 2022 and annual labour board statistics released in June 2023 showed similar results (King 2023a). BC Labour Relations Board statistics show a 59.3 per cent increase in union certification applications following the reintroduction of card-check, from 108 filed in 2021 to 172 filed in 2022. The rate of successful applications also increased from 79 per cent to 87 per cent. These results

TABLE 3 Union Certification Applications Filed and Granted with MB Labour Board, 2010–2022

| Year | Filed | Granted | Percentage Granted |
|----------------------------|-------|---------|--------------------|
| 2010–2011 | 42 | 22 | 48% |
| 2011–2012 | 33 | 26 | 53% |
| 2012–2013 | 36 | 24 | 52% |
| 2013–2014 | 48 | 35 | 63% |
| 2014–2015 | 43 | 41 | 82% |
| 2015–2016 | 27 | 25 | 83% |
| 2016–2017 | 24 | 15 | 60% |
| 2017–2018 | 40 | 32 | 70% |
| 2018–2019 | 29 | 17 | 55% |
| 2019–2020 | 35 | 20 | 54% |
| 2020–2021 | 19 | 10 | 42% |
| 2021–2022 | 21 | 15 | 63% |
| Average 2010–11 to 2015–16 | 38.17 | 28.83 | 63% |
| Average 2016–17 to 2021–22 | 28.00 | 18.87 | 58% |

Source: Manitoba Labour Board, Annual Reports

unequivocally show that the presence or absence of card-check certification has a profound impact on union certification.

A larger scale study looking at the success of union certification over nineteen years across nine Canadian jurisdictions concludes that relative to card check, mandatory elections reduce success rates by about 9 percentage points (Johnson 2002). The same author, through a simulation analysis of US and Canadian union densities, concludes that somewhere between 3 and 5 percentage points of the density gap between the US and Canada was attributable to differences in the certification process, with Canada favouring card-check. Canadian jurisdictions' move away from card-check narrowed the gap by 1 percentage point (Johnson 2004).

Research from BC and Ontario also shows that the more time that elapses prior to a vote, during which employers engage in a number of intimidation strategies, the less likely eventual certification becomes (Campolieti, Riddell, and Slinn 2007). As Tucker suggests, there are timelines in the law, including in Manitoba, but they allow significant time for intimidation, and they can be extended by the Labour Board. Minimizing the room employers have to engage in the anti-union intimidation and coercion that mandatory voting laws encourage (Slinn 2005) is a crucial aspect of allowing union drives a fair shot. However, Riddell's research finds that "even in a quick-vote system,

election delay does appear to reduce causally the likelihood of a union win, casting doubt on whether the current Canadian system is sufficient to ensure a fair playing field for unions and employees interested in forming a union” (Riddell 2010:385).

Manitoba labour board statistics reinforce the relationship between single-step certification and successful certifications. Looking at the six years prior to the elimination of card-check in Manitoba, versus the six years after, the annual average number of applications filed for certification dropped from 38 to 28. The number of successful certifications dropped from 28 to 18, and the ratio between certifications granted and total files (including those carried over from the previous year) dropped from 63 per cent to 58 per cent (see *Table 3*).⁴ The evidence is clear that the elimination of card-check has made unionizing harder.

Mandatory elections do not increase workers’ freedom to choose how they are represented in their workplace. Eliminating space for intimidation, coercion, or other forms of undue influence over a worker’s decision to join a union does.

2) Introduce anti-scab legislation

Anti-scab legislation, sometimes called anti-temporary replacement legislation (ATR), prohibits employers from hiring contract staff to do the work of a union bargaining unit while the unit is either on strike or has been locked out. Similar to single-step certification, the Government of Manitoba has committed to introduce anti-scab legislation in 2024. This legislation will help Manitoba workers achieve fairness at the bargaining table while limiting the negative impact of protracted strikes involving replacement workers.

What is ‘scabbing’?

The practice of ‘scabbing’ is when employers replace union workers with new staff during a strike or lock-out, allowing the employer to continue operations and minimize the effect of a strike. Scabbing has been a source of tension for unionized workers on picket lines for decades. At issue for union workers is the fact that scabs give employers the power to continue business as usual during a job action – undermining the right of workers to strike in order to push forward negotiations at the bargaining table. Numerous instances of violence have resulted from the use of scabs, as we

TABLE 4 Share of Strikes Involving Scab Workers in Manitoba, 2016 to 2023

| Strikes/Lockouts Involving Scab Workers | Strikes Without Scab Workers | Total Number of Strikes | Total Number of Lockouts | Percentage of Strikes/Lockouts Involving Scab Workers |
|---|------------------------------|-------------------------|--------------------------|---|
| 7 | 12 | 19 | 4 | 34.7% |

Source Employment and Social Development Canada, Labour Program, Authors Calculations

Note A complete lists of strikes in Manitoba between 2016 and 2023 was provided by Employment and Social Development Canada, Labour Program. The use of scabs was tracked through media reports.

have seen during the UAW strike in October 2023 (Cole 2023). Replacement workers were used in 34.7 per cent of Manitoba strikes between 2016 and 2023 (see *Table 4*).⁵ Employers, on the other hand, argue that anti-scab laws give workers too much power in negotiations, encouraging more frequent strikes for larger gains. Opponents of anti-scab legislation promote studies finding that banning scabs reduces business investment and economic growth. The arguments for and against anti-scab laws are reviewed below, paying particular attention to the flaws in economic arguments surrounding anti-scab laws. Adopting anti-scab legislation is important in ensuring balance and fairness at bargaining tables in Manitoba, particularly for workers in low-wage, precarious sectors of the economy.

Lessons from the research literature on anti-scab legislation

Canadian public policy literature on anti-scab legislation has focused primarily on issues of economic efficiency, measuring the effect of the presence of anti-scab legislation on lost work days, unemployment, wage settlements, and business investment. Empirical research on these public policy effects across Canadian provinces has been limited by a small sample to draw from, as anti-scab legislation is only present in Quebec and British Columbia. This narrow focus on economic efficiency ignores relevant public policy concerns around equity, safety, or a fair distribution of power within the workplace. With that said there are still clear lessons to draw from public policy research on the subject.

Canadian research reveals no evidence that anti-scab legislation increases the overall days lost due to strikes following implementation. There is strong evidence that anti-scab legislation reduces average strike length immediately following implementation and over the long-term (Singh, Zinni, and Jain 2005; Duffy and Johnson 2009; Unifor Research Department 2021). Duffy and Johnson (2009) found that across Canadian provinces, anti-scab legislation was associated with an increase in the incidence of strikes but a decrease

TABLE 5 Average Length of Strikes in Manitoba With and Without Scab Workers, 2016–2023

| Average Strike Length Without Replacement Workers | Average Strike Length With Replacement Workers |
|---|--|
| 23.2 Days | 45 Days |

Source Authors calculations, see Appendix A for full list of strikes

in strike length. Overall, their study found no evidence of an increase in overall days lost to strikes due to the implementation of anti-scab legislation.

Comparing the length of strikes where scabs are used against strikes without scabs, the Unifor research department found that in Unifor strikes between 2013 and 2021 the average strike length when replacement workers were used was 265.1 days versus a 42.8 day average without scabs. The same dynamic is present when comparing strikes with and without scabs in Manitoba (see *Table 5*). Strikes between 2016 and 2023 involving scab workers lasted on average about twice as long (45 days) as strike where scabs were not used (23.2 days).

Opponents of anti-scab legislation fear that these bans tip the balance too heavily in unions' favour, creating an incentive for unions to strike more often. Evidence from Quebec, British Columbia and Ontario show an uneven pattern of days lost due to strike activity following the implementation of anti-scab legislation. However, overall days lost has declined over the long-term in all three provinces due to the insecurity created by neoliberal restructuring and declining union militancy (Savage and Butovsky 2009). This raises the point that low levels of strike activity is not necessarily evidence of a well-functioning industrial relations system. Even if a ban on scabs increased the frequency of strikes, whether this is good or bad is a political question. Insofar as a greater number of strikes indicates greater worker power and could help equalize the income distribution somewhat, this should be considered a positive outcome.

On the question of increasing business costs and the effect these costs may have on employment or business investment, the evidence is far less conclusive. Opponents of anti-scab argue that by tipping the scales in favour of labour, anti-scab legislation will lead to higher wage settlements and labour costs, reducing investment and employment. Statistical modelling by Budd (2000) found a decrease in employment following the implementation of anti-scab legislation; however data for this analysis ends in 1994, one year after the implementation of anti-scab legislation in BC and Ontario, limiting the conclusions that can be drawn from this analysis today. Another analysis by Budd and Wang (2004) finds a correlation between declining business

investment and anti-scab legislation, but this is only statistically significant for building construction. The problem with these sorts of models is that it is almost impossible to isolate the impact of just one factor on employment and investment. Business investment has been on a precipitous decline in Canada since the 1980s despite repeated attempts by federal and provincial governments to increase the power of business in the marketplace (Stanford 2011; 2023). Many economists have more recently argued that weak investment and employment growth may be a result of anti-labour policy which has deflated wage growth and choked off aggregate demand (Piketty 2013; Carvalho and Rezai 2016). Studies of the effect of anti-scab laws on wage settlements have found evidence of both increases and decreases, indicating that wages are still predominantly set by economic conditions (Cramton, Gunderson, and Tracy 1995; Campolieti, Hebdon, and Dachis 2014). Despite several changes in government, anti-scab legislation has not been repealed in British Columbia or Quebec, indicating the effect this legislation has on the overall economy is manageable.

Ultimately, the question surrounding anti-scab legislation is one of balance and fairness. In the case of many workers who face insecurity and downward pressure on their wages, anti-scab legislation can promote balance at the bargaining table and reduce the stress they face on the picket line.

The limits of arbitrated settlements

While employers have the upper hand in contract disputes in which they can wait out striking workers, Manitoba has a unique 60-day arbitration provision in the Labour Relations Act, which gives the labour board the power to settle contract negotiations through binding arbitration. The provision allows either the employer or union to request binding arbitration after 60 days of a strike or lock-out.

Using arbitration to settle negotiations was revitalized by Gary Doer's government in the early 2000s. During the debate over anti-scab legislation in the 2000s, Premiers have pointed to 60-day arbitration as a provision which already limits strike length and ensures balance in negotiations. While the current version of 60-day arbitration is accepted as an important piece of legislation for Manitoba unionized workers, vulnerable workers still require anti-scab legislation to ensure fairness at the bargaining table.

Arbitration is no stand-in for fair collective bargaining supported by a strong labour movement. Arbitration is guided by agreements made by other unions in comparable negotiations. As University of Manitoba

Labour Studies professor Adam King writes, “If average annual union wage settlements are up, it’s because other union members fought for pay hikes and won.... In practice, there are no legislated or standardized guidelines that arbitrators follow when making determinations” (King 2023b). The presence of binding arbitration encourages bargaining to slow down, with parties reluctant to move from entrenched positions before bargaining ends. Even with a 60-day arbitration provision, employers have a long window to wait out striking workers and continue business as usual through the use of replacement workers. Given the time it takes for the labour board to review and approve applications, under a scenario in which arbitration is initiated after 60 days, workers would not return to work with a settled contract until well after 60 days. Even for workers earning a living wage, it is unlikely they will have the savings to live off of strike pay for this period, again giving employers the upper hand in negotiations. As Black and Silver (2009) noted, when CUPE 2096 members notified Brandon Clinic they were going on strike in 2009, their employer responded by saying “see you in 60 days”, leaving workers demoralized as their employer posted for replacement workers in local newspapers. Ultimately, it is fair bargaining and the right of workers to withhold their labour when all else fails that pushes forward the interests of workers.

Conclusion

Overall, the lesson we can draw from research on anti-scab legislation is that the sky will not fall in a world with a replacement worker ban. Despite several changes in government, anti-scab legislation has not been repealed in British Columbia or Quebec, indicating the effect this legislation has on the overall economy is manageable. Ultimately, the question surrounding anti-scab legislation is one of balance and fairness. In the case of many workers who face insecurity and downward pressure on their wages, anti-scab legislation can promote balance at the bargaining table and reduce the stress they face on the picket line. As Errol Black and Jim Silver write:

“The only reason for the failure to establish [anti-scab] legislation appears to be concern about the reaction of small business organizations to such legislation. This concern needs to be weighed against the potential gains to Manitoba arising from legislation that encourages workers to form trade unions and negotiate collective agreements under more fair and balanced circumstances.” (Black and Silver 2009:4)

Modernize Labour Legislation to Close Gaps in Employment Standards and Improve Conditions for Non-Unionized Workers

3) Raise the minimum wage to a living wage

The research outlined below helps build the case that progressively raising Manitoba's minimum wage to a living wage is an important policy lever to reduce economic inequality while promoting the health of Manitobans. Although Manitoba recently increased its minimum wage, the inflation adjusted value of minimum wages across Canadian provinces has lost ground since the 1970s (Hajer and Smirl 2020). This is certain to be the case today as rising costs for food, rent, and other forms of housing eat into workers' wages. Empirical research from across North America has largely overturned the argument that raising the minimum wage will have devastating effects on employment and in fact, there is growing evidence to suggest the benefits of boosting workers' wages outweigh any negative effects of raising minimum

wages (Lavoie and Stockhammer 2012; Belman and Wolfson 2014; Card and Krueger 2016). During a period of growing household costs, rising income inequality, and the clear negative impacts of working poverty, Manitoba policy makers would do well to heed evidence of the net positives that come from adopting the living wage as the provincial minimum wage (Hudson 2023).

In 2022, Manitoba narrowly avoided earning the dubious distinction of offering the lowest minimum wage of any Canadian province. Spurred on by the Government of Saskatchewan's move to raise that province's minimum wage to \$13 per hour, the Government of Manitoba announced a three-step increase in the minimum wage, up to \$15.30 by October 1, 2023. Raising the minimum wage to \$15.30 per hour marked a significant win for labour and anti-poverty advocates who have campaigned for a \$15 per hour minimum wage for years. This increase also marked a departure from the consumer price index-based minimum wage formula the Pallister government legislated in 2017, which had caused Manitoba's minimum wage to fall behind other provinces.

However, despite the increases in the minimum wage over the last 12 months, a \$15.30 per hour minimum wage still falls nearly \$4 below the most recently calculated living wage for Winnipeg.⁶ The gap between the minimum wage and the living wage signals that workers earning the minimum wage are still likely to be living in poverty, particularly if they are supporting children. Working poverty has ballooned across Canada since the 1980s, due to the growth of precarious, low-wage work. To eliminate the considerable physical and emotional toll working poverty takes on Manitobans, the provincial government must increase the minimum wage to a living wage. A growing body of evidence suggests that increases to the minimum wage have a small or even negligible effect on overall employment, while boosting productivity and overall purchasing power.

Over the last two decades, empirical research on minimum wages has largely overturned the previously held position that increases to the minimum wage result in widespread layoffs, reduced hours, and GDP decline (for a thorough review of this debate see Hajer and Smirl 2020). Large scale, multi-decade studies from the US find minimum wage increases produce both positive and negative effects on employment and work hours, averaging out to effectively zero, and in worst cases small and limited effects on overall employment (Belman and Wolfson 2014; Card and Krueger 2016).

Analysis of the relationship between minimum wage increases, employment, and unemployment across Canadian provinces between 1983 and 2012 found in the vast majority of cases, there was no statistically significant

What is a Living Wage?

The living wage refers to the hourly wage for a family of four with two parents working full-time to earn enough income to meet their basic needs. The living wage starts from the principle that full-time work should provide families with a basic level of financial security, not keep them in poverty (for details on how the living wage is calculated see: Apata, Harney, and Hajer 2022). It should be noted that the living wage reflects a basic standard of living, and does not provide sufficient income for many common items such as savings, home-ownership, or debt payments. Winnipeg: \$19.21; Brandon: \$15.69; Thompson: \$17.48.

relationship (Brennan and Stanford 2014). In a small handful of cases statistically significant relationships were found, however the impact was almost equally positive as negative. Further analysis in Stanford and Brennan's study shows that employment levels are "overwhelmingly determined by larger macroeconomic factors (such as the state of aggregate demand and GDP growth)" (ibid:5–6). Many economists have noted that low-wage work drags down the economy as a whole by squeezing consumer demand, indicating that the benefits of wage-led growth would likely outweigh negative effects (Lavoie and Stockhammer 2012).

What we know about who earns a minimum wage in Manitoba further underlines the importance of raising the floor to a living wage. A CCPA report from 2020 found that over the last two decades a growing proportion of minimum wage workers in Manitoba were adults (25 years old +), many of whom hold some form of post-secondary education (Hajer and Smirl 2020). The majority of minimum wage workers are women and identify as single. As we know from research in other provinces, newcomers, Indigenous workers, and other racialized workers are more likely to work for minimum wage (Macdonald 2017; Block and Galabuzi 2018). All of this evidence indicates that minimum wage workers today are more likely to be supporting families and facing the pressures of runaway rental and food costs. This evidence runs directly counter to the common assertion that minimum wage workers are teenagers living at home and working to earn pocket money.

It is good public policy to ensure that workers are at the very least paid what it costs to meet their basic needs. When we allow employers to pay poverty wages we pass the cost of stress and poor health on to workers. In many cases, we ultimately subsidize low-wage employers collectively through the added burden working poverty places on the welfare state.

4) Six policy options to protect gig-workers

The growing number of workers who provide services through on-demand digital platforms has drawn considerable attention in recent years, in part due to the ability of platform-based corporations to undercut competitors by avoiding aspects of labour legislation. Typically called ‘gig-work,’ this business model came to prominence with ‘ride-sharing’ apps such as Uber and Lyft, but the model has since expanded into a range of industries including food delivery, courier services, technology services, home repair and maintenance, and care work (including home care and childcare).

What has become particularly noteworthy about these platforms is their attempt to define their workers as ‘contractors’ rather than employees, denying them the baseline protections provided under employment standards legislation such as minimum wages, access to breaks, workers compensation, or EI and CPP benefits. By designating workers as contractors, platform businesses have also been able to shirk responsibility for employment-related expenses such as workers compensation, payroll taxes (Health and Post-Secondary Education Tax Levy in Manitoba) and CPP and EI premiums, passing these costs on to the public.

Following the lead of other Canadian provinces, Manitoba should introduce regulations for platform-based gig-work including a clear test to establish whether workers are genuinely independent businesses or contractors. In cases where workers are effectively employees, workers must be provided with all of the protections and rights established by employment standards, labour relations, and workplace health and safety legislation, and platform businesses must pay their fair share of provincial payroll-based programs.

Presently, official statistics tracking the extent of platform-based work in Canada are inconsistent. Nevertheless, a handful of studies indicate the growing importance of platform-based employment and gig-work. A 2021 study from Statistics Canada used administrative data to measure the share of gig-workers among the Canadian labour force, finding that from 2005 to 2016 gig-work grew from 5.5 per cent to 8.2 per cent of the labour force (Jeon, Liu, and Ostrovsky 2021). Looking specifically at platform-based employment, a supplement to the Labour Force Survey from December 2022 found that 250,000 Canadians provided services through on-demand digital platforms in the previous 12 months (about 1 per cent of the national labour force) (Statistics Canada 2023a). No statistics have been published capturing the extent of platform-based work in Manitoba. However, a class-action lawsuit filed on behalf of Manitoba delivery drivers for Skip the Dishes indicates

growing discontent in the sector resulting from low wages and lack of security (May 2022).

The precarious nature of on-demand digital platform-based work has become a central theme of discussion around regulating this business model. Although details differ between platforms, typically workers are engaged on a per-task basis, provided no guarantee of continuing work, are required to bring their own equipment and tools to the job, and are classified as ‘contractors’ rather than employees – excluding them from the basic protections provided under employment standards. Due to the per-task nature of work for digital platforms, workers are not paid for time between tasks creating uncertainty over pay and pushing down overall compensation.

These digital platforms promote themselves as an innovative business model. However, the employment practices utilized have a long history, as shown by an open letter to BC legislators on regulating digital platforms authored by the Centre for Future Work and the Canadian Centre for Policy Alternatives-BC:

Despite its high-tech image, the core employment practices of these businesses (including on-demand engagement, piece work compensation, contractor status, and a paid intermediary which matches workers with end-users) are familiar from centuries of previous contingent or insecure work practices (including labour hire, sham contracting, and gangmaster labour systems). This business model allows platform firms to avoid normal employment expenses and responsibilities, to shift costs and risks (including risks associated with fluctuations in business conditions) to workers, and thus to artificially reduce their labour costs. In fact, the cost advantages some platforms have over traditional service providers stems from exploiting gaps in the current employment standards regulation and enforcement – not from genuine advantages in productivity or efficiency.

Allowing employers to artificially reduce labour costs by shifting costs and risks onto workers and by skirting employment standards ultimately hurts workers and the broader public by eroding standards and wages while allowing unfair competition with employers who play by the rules. Legal battles over worker misclassification as independent contractors across Canada are forcing legislators to wake up to the fact that these platforms must be regulated with rules clearly defined.

Canadian provinces have been moving on regulating digital platform work at varying speeds, however legislation is beginning to materialize. British Columbia introduced gig-worker regulation in November 2023, designating

gig-workers as employees and providing an elevated minimum wage of \$20.10 per hour (20 per cent above the provincial minimum wage). BCs legislation marks the latest step forward on sustainable, responsible platform work, but gaps remain in the legislation. Principally, gig-workers are not paid for their time between assignments, lowering incomes for workers and letting companies off the hook for the practice of keeping large pools of idle workers waiting for assignments.

Legal challenges against independent contractor designations in a handful of provinces, including Ontario, have resulted in court rulings that gig workers are in fact ‘dependent contractors’, a designation within the labour relations code of some provinces and territories (see *Table 2*). In provinces and territories with dependent contractor designations, legislation allows gig workers to unionize and collectively bargain, and gives workers some basic rights around notice of termination (The Canadian Press 2020).

In Quebec and the Yukon, gig workers are designated as employees, extending basic protections under employment standards. In 2022 Ontario passed Bill 88, the Digital Platform Workers Rights Act, extending the minimum wage to gig workers and ensuring workers have a regular pay period, record of employment, and a written, advanced notice of termination. As Jim Stanford outlines, this legislation falls far short in a number of respects. First, it does not ensure compensation for time between tasks, rendering the effective wage well below the minimum wage (Stanford 2022a). Second, the legislation does not address the tendency of platforms to keep a large pool of idle workers. Platforms rely on having idle workers available to keep wait times low during moments of higher demand. This practice of maintaining a pool of idle workers reduces overall economic productivity and shifts the cost of an oversupply of labour from the company on to workers themselves. Finally, Ontario’s legislation does nothing to address the fact that ride-sharing platforms (along with others) do not incorporate capital costs such as fuel or depreciation into their pricing, instead passing this on to drivers. This is a cost advantage no other corporations are afforded. It is clear that more needs to be done to protect gig workers from business fluctuations and undue costs, extend access to universal benefits like CPP and EI, and ensure platforms are paying their fair share for programs.

In Manitoba, gig-workers are not covered under either labour relations or employment standards legislation. Manitoba’s Workers Compensation Board does recognize gig-workers, but it is incumbent upon businesses to purchase coverage. Emerging legal challenges over independent contractor designations and legislative moves in other provinces leave space for Manitoba to act on gig-worker protections through six updates to legislation:

TABLE 6 Provinces and Territories with Dependent Contractor Designation and Contractor Coverage Under Employment Standards

| Province/Territory | Labour Relations Coverage | Employment Standards Coverage |
|-----------------------|---------------------------|-------------------------------|
| British Columbia | ✓ | |
| Alberta | ✓ | |
| Saskatchewan | | |
| Manitoba | | |
| Ontario | ✓ | |
| Quebec | | ✓ |
| New Brunswick | | |
| Nova Scotia | | |
| Prince Edward Island | | |
| Yukon | ✓ | ✓ |
| Northwest Territories | ✓ | |
| Nunavut | ✓ | |

Source Gathered by authors from provincial/territorial legislative documents

1. Establish a clear test to determine whether gig-workers are in effect employees (based on factors such as platform control over assigned tasks, compensation, equipment and service standards, and freedom to create one’s own customer base).
2. In cases where gig-workers are employees, all rights under the Employment Standards, Labour Relations, and Workplace Health and Safety Acts should be extended, including clear rights to unionize and collectively bargain.
3. Workers pursuing remedies through the courts against platform employers, such as the class-action lawsuit against Skip the Dishes, should be supported. The ability to enter public debates and to influence public opinion is a feature of government that ought to be utilized when it comes to expanding workers’ rights and reducing power imbalances in the workplace.
4. Platforms that engage workers should be required to accept responsibility and liability for protecting the health and safety of workers providing its services.

5. The government should ensure that platform employers are paying their fair share of all payroll based programs and that workers have access to EI and CPP benefits.
6. Within one year of the October 3, 2023 provincial election, the provincial government should convene a conference on gig work and the future of work. Chaired by the Premier, the conference agenda should be framed through extensive consultation with the labour movement through the Manitoba Federation of Labour. The goal of the conference should be to identify concrete measures including legislative options, to enhance the rights of all precarious workers including gig workers, such as creating portable health coverage, pensions, and other benefits.

5) Include predictive scheduling under employment standards

More and more workers across Canada are dealing with unpredictable scheduling at work, leading to increasing levels of stress and in some cases uncertainty over income. Increasing rates of scheduling unpredictability are emerging alongside growing rates of employment in service sector work and the emergence of flexible labour strategies over recent decades. Many of the industries where scheduling uncertainty is highest are sectors that have proved difficult to unionize, such as food, accommodation, and hospitality, which tend to be staffed disproportionately by women and racialized workers. Manitoba should follow the lead of other jurisdictions across North America and introduce predictive scheduling reforms, extended to all Manitoba workers through the Employment Standards Act.

University of Manitoba Labour Studies faculty member Adam King recently reported in Canadian publication *The Maple* that levels of workplace stress experienced by Canadian workers are reaching national crisis levels (King 2023b). King was reporting on a study from Statistics Canada published in June 2023 which found that one in five Canadian workers (21.2 per cent) is experiencing high or very high levels of work-related stress. The number one cause of work-related stress reported by workers surveyed was “heavy workload”, followed by “balancing work and personal lives”. Workers also reported high levels of workplace stress due to a “lack of control or input in decision-making” and “relationships with colleagues or supervisors” (Statistics Canada 2023b). A study of 42 minimum wage workers in Manitoba

found the majority struggled with not knowing when their next shift would be and how many hours they would work from week to week, which made it difficult to plan their lives and find supplemental work that could accommodate erratic scheduling (Hajer and Smirl 2020).

A reform to employment standards which has the potential to alleviate workplace stress levels is predictive scheduling legislation, or what has been termed elsewhere “fair work week laws”. Employers in Manitoba are not presently required to give workers advance notice of schedules. According to Manitoba Employment Standards: “Employers [can] make schedules that suit their businesses and can change work schedules at any time. This includes deciding to close on a certain day, or to reduce or increase the number of hours they are open each week. Employers can also change employees’ schedules after a shift has started” (Hajer and Smirl 2020:25). Workers increasingly deal with the use of “just-in-time” scheduling practices (particularly in retail, food, hospitality, and accommodation sectors) including very little notice for work schedules, ending a shift early when work is slow, working on call, or working split shifts. These scheduling practices make it difficult to balance work and personal lives, create uncertainty over income, and can create frustration over a lack of control in one’s life, all of which were cited as sources of significant stress in the Statistics Canada report cited above.

Predictive scheduling laws have grown in popularity across North America over the last decade. A review of fair scheduling legislation in the United States finds that three cities have implemented predictive scheduling legislation (Emeryville, CA, San Francisco, Seattle) alongside fourteen states who have considered legislation (AZ, CA, IL, IN, ME, MD, MA, MI, MN, NH, NJ, NY, NC, RI) (National Women’s Law Centre 2017). The report also finds several core features of predictive scheduling legislation. These include:

- Advance Notice: Requiring employers to provide employees with a certain amount of advance notice of their schedules.
- Predictability Pay: Requiring employers to pay employees a certain number of hours, in addition to payment for time worked, when last-minute changes are made to schedules.
- On-Call Pay: Requiring employers to pay employees for a certain number of hours when employees are required to be available to report to work.
- Reporting Time Pay: Requiring employers to pay a certain number of hours when employees report for work but their shift has been cancelled or reduced.

- **Right to Rest:** Requiring employers to provide a minimum amount of rest time between shifts and to pay employees who consent to work without rest time at a higher rate.
- **Split Shift Pay:** Requiring employers to pay employees additional wages for days on which hours are scheduled with gaps between shifts.
- **Retention Pay:** Discourage employers from hiring staff and failing to give them hours by requiring employers to compensate employees for their availability through a minimum biweekly payment. The payment can be made through wages or benefits.
- **Right to Request:** Giving employees the right to request changes to their schedules without retaliation after a certain period of time on the job (typically 3–6 months).
- **Promotion of Full-Time Work:** Requirements to offer additional hours to qualified existing employees before hiring additional employees.
- **Part-Time Parity:** Requiring employers to offer the same wages, ability to accrue benefits, and eligibility for raises and promotion to both part-time and full-time employees.

Here in Canada, the federal government adopted some aspects of predictive scheduling legislation in updates to the Canada Labour Code in 2019. These include advance notice (employers must provide 96 hours written notice of work schedules), shift changes (24 hour written notice of shift changes), and rest periods (at least 8 hours between shifts). These rules apply to federally regulated industries.

Ontario went a step further in 2017 with the passage of Bill 148, the *Fair Workplaces, Better Jobs Act*. Bill 148 provided the right to request schedule or location changes after three months of work, the right to refuse shifts if less than 96 hours notice was given, three hours of pay when a scheduled shift is cancelled less than 48 hours before the shift was to begin, and at least three hours pay for an on-call shift. All of these provisions were appealed by the Ford government's *Making Ontario Open for Business Act* (Bill 47) in 2018. Quebec's labour standards legislation currently ensures the right to refuse work as well as 'reporting pay', which ensures workers are paid three hours wages if they go in to work under their employer's request but do not work or work less than three hours.

The Statistics Canada report above notes that women are experiencing higher levels of stress at work than men. This is likely in part due to the

unequal burden of care that many women are still expected to shoulder in many Canadian families, creating added stress in balancing work and personal lives. There is an important gendered dimension to predictive scheduling legislation — predictive scheduling gives women greater certainty around work hours, allowing for better planning around childcare and other family responsibilities. Further, women, as well as racialized workers, are over-represented among precariously employed workers in Canada. Predictive scheduling helps precarious workers minimize the income loss that results from just-in-time scheduling.

High levels of workplace stress can cause long-term health issues. Manitoba should follow the lead of other jurisdictions and implement aspects of predictive scheduling legislation.

6) Introduce Pay Equity Legislation

Pay discrimination and inequality persist in Manitoba. Women and racialized people continue to be discriminated against in Manitoba for pay. Legislative and policy action is required to finally address this persistent, long-standing problem. A vital aspect of this is pay equity: equal pay for work of equal value.

Manitoba women earn 71 cents for every dollar men earn. Racialized women and Indigenous women earn 59 cents and 58 cents, respectively, compared to white men. There is a pay gap between Manitoba men and women across all occupations, industries, levels of education, age and racialized status. Black, Indigenous or People of Colour (BIPOC) workers earn less than those who are not, and BIPOC women earn less than BIPOC men. Research shows that gendered pattern of income inequality exists, with women over-represented among low and moderate-income workers, and men over-represented among higher-income earners (Bourdeau et al, 2023).

Manitoba was a leader in Canada as the first province to enact a pay equity law in 1986, which established the principle of pay equity in the province but applies to public sector employers only. But Manitoba's pay equity legislation has not been updated in over 35 years, and it now lags other provinces' more progressive approaches. Ontario and Quebec's pay equity laws apply to the public and private sector, for example.

Pay inequity is a longstanding issue that has been amplified by the impacts of the COVID-19 pandemic. The pandemic hit women workers hard: women lost jobs at a higher rate than men and were slower to re-enter the labour force. During the pandemic, racialized workers were over-represented in

the three industries that accounted for 80 per cent of job losses in Canada: accommodation and food services; information, culture and recreation; and wholesale and retail trade. As the economy recovers from COVID-19, it is essential that women gain stronger economic footing and not be left behind. A feminist recovery from COVID-19 must include reducing the gendered and racialized pay gap. It is important to understand the pay gap and how it may be eliminated to strengthen women's and racialized people's economic status. While the pay gap existed before the pandemic, the last three years have highlighted the urgency of this issue.

Manitoba is one of six provinces with pay equity legislation (New Brunswick, Nova Scotia, Prince Edward Island, Ontario and Quebec). Quebec's pay equity legislation requires employers with 10 employees in the public and private sectors to have and maintain a formal pay equity plan posted for employees to review. Employers are penalized financially if they do not comply. B.C. has a new Pay Transparency Act, passed in May 2023 that requires all employers in B.C to include the expected pay in job postings. BC also requires employers to post pay transparency reports publicly on the web. The Act uses a phased-in approach to the implementation over four years (O'Ferrall, Shergill, and Omale 2023). The federal government passed the Pay Equity Act in 2018 and regulations came into force on August 31, 2021.⁷ Federally regulated workplaces with 10 or more employees must have a pay equity plan and increase compensation of female job classes receiving less than male counterparts.

Manitoba's pay equity legislation must be updated to explicitly aim to achieve substantive equality and address intersectional gender discrimination for "traditional" women's work; and include pay transparency in legislation, requiring all employers to report wages.

Canada and Manitoba must strengthen policies and laws to provide the tools gendered and racialized people need to participate in the workforce, such as education, training, childcare, flexible work hours and support in non-traditional fields. In addition to this, pay discrimination must be addressed through legislation so that gendered and racialized peoples finally have equal pay for work of equal value. "Tired of Waiting: Rectifying Manitoba's Pay Gap" includes a legislative review of federal and provincial legislation (Evans-Boudreau et al. 2023).. This report recommends Manitoba's pay equity legislation be updated to explicitly target substantive equality and address intersectional gender discrimination for "traditional" women's work, including pay transparency in legislation, requiring all employers to report wages.

7) Update the Worker Recruitment & Protection Act (WRAPA)

In 2009, the Manitoba government was the first in the country to introduce legislation to protect migrant workers from recruitment fees, fraud, and trafficking. The *Worker Recruitment and Protection Act* (WRAPA) requires the licensing of all third-party recruiters placing workers in the province, as well as provincial registration of employers, who must demonstrate a good history of compliance with labour laws before they can recruit a temporary foreign worker. It prohibits recruiters and employers from charging or collecting recruitment fees from workers (Allan, 2009).

Yet provincial legislation has largely fallen short of truly protecting workers with precarious immigration status (Beatson et al., 2017; De Shalit & Van Der Meulen, 2016; Faraday, 2016; Ricard-Guay, 2016; Roots & De Shalit, 2015). Recruiters circumvent Canadian legislation forbidding recruitment fees by, for example, not providing receipts, charging for other related services, demanding fees to be paid into offshore accounts, or collecting fees before arrival in Canada (Hastie, 2021; Zell, 2018).

Labour trafficking persists because employers avoid identification and workers often do not come forward due to fear of criminalization (Beatson et al., 2017). Workers who arrive through the Temporary Foreign Worker Program (TFWP) are particularly vulnerable to abusive practices, as they receive tied work permits associated with one single employer, which prevents them from changing employers. Workers have reported debt from recruitment fees, unsafe working conditions, and difficulty changing jobs to be their greatest challenges (Canadian Council for Refugees, 2016). In 2023, the United Nations Special Rapporteur on contemporary forms of slavery raised concerns with the Government of Canada regarding the Temporary Foreign Worker Program, describing it as a “breeding ground for contemporary forms of slavery” (Obokata, 2023).

Migrant worker vulnerability is exacerbated by a lack of proactive enforcement. The system is predominantly reactive and relies on individual precarious workers who fear being deported to make complaints. In Manitoba, the Special Investigations Unit of the Employment Standards Division previously conducted proactive investigations to monitor industries employing migrant workers to monitor and enforce Employment Standards and WRAPA regulations. However, this work has been seriously eroded with a lack of resources over the past seven years.

Since Manitoba adopted WRAPA, various provinces, including British Columbia, Saskatchewan, Ontario, Quebec, New Brunswick, and Nova Scotia, have introduced similar legislation. Legislation in these other provinces in many cases provides better protection for workers than is currently provided in Manitoba.

Manitoba's *Worker Recruitment and Protection Act* must be reviewed to identify and incorporate best practices in other jurisdictions. In particular, the definition of "migrant worker" under WRAPA currently excludes many workers, in effect only providing protection to those workers with a Labour Market Impact Assessment (LMIA) participating in the Temporary Foreign Worker Program. This definition should be broadened to include anyone who is not a citizen or permanent resident and is "working or seeking employment in the province to be a foreign worker for the purpose of the legislation," in line with legislation in Ontario, Saskatchewan, New Brunswick, and British Columbia. This change would extend protections to include those in the International Mobility Program with open work permits and international students.

8) Eliminate Employment Standards exclusions for Migrant Workers

Alongside the re-introduction of WRAPA legislation, Manitoba should eliminate other carve outs from employment protections which apply specifically to migrant workers. These exclusions compound the high levels of vulnerability migrant workers face as a result of Canada's migrant labour regulatory framework. To support migrant workers in Manitoba, the province should eliminate exclusions under employment standards for care workers and agricultural workers — mainly racialized and migrant workers. Of particular importance is the need to eliminate the requirement for care workers (domestic workers) to live with their employer in order to be covered by Employment Standards. Migrant care workers and agricultural workers must be fully covered under provincial employment standards legislation.

9) Expand access to \$10 per day childcare spaces

Access to quality child care is essential to helping workers with children work for pay. In a context of a tight labour market with labour shortages in some sectors, childcare can play an important role in economic development

by expanding the labour force. Manitoba's child care system continues to struggle despite evidence pointing to the economic and social benefits of quality early learning and childcare. Under the bilateral Canada-Manitoba Early Learning and Child Care Plan funding was made available to introduce \$10 a day child care and create new 23,000 child care spaces for children ages 0–6 by 2025/2026. By November 2023, Manitoba had only created 1,922 new spaces. To encourage more equitable economic development and boost the incomes of workers, particularly women with children, Canada and Manitoba must act on their commitments to expand public childcare spaces.

The shared benefits of public child care are undeniable

Publicly supported child care and early childhood education are critical for Manitoba's economic development. Studies show for every dollar invested in childcare, between \$1.50 and \$6.00 are returned to the local economy due to the parents who are able to work, child benefits and also the spending of the child care centre in the local economy.⁸ Studies of the economic impact of child care in Manitoba find that for every \$1 spent on childcare, \$1.58 of benefits is returned to the Manitoba economy (Prentice 2007).

Investing in child care is critical to supporting a feminist recovery from COVID. The pandemic hit women workers particularly hard: women lost jobs at a higher rate than men and were slower to re-enter the labour force while in many cases taking on additional work at home (Scott 2023). In general, women do more unpaid care work than men, including caring for young children, and this has a significant impact on women's economic and social status. When child care is not available, it is the lower-earning parent who stays home with the child, usually the woman. This sets women workers back in their careers and affects life-long earnings and career advancement.

Access to quality child care has important benefits for reducing income inequality and poverty. When Quebec introduced universal child care, the poverty rate for single-parent households fell from 60.3% to 20.45% (Homer 2021). Quality early learning programs for child development have life-long benefits for children, enhance language development and set children up for success in K-12 education and beyond.

Labour force participation rates of women improve when universal child care is available. Quebec has had a public childcare system since 1998. Research shows that this improved female participation in the labour force from two points below the Canadian average to five points above the Canadian average (Fortin 2017). Another study found that Quebec women are

more likely to be in the labour force than women in Quebec due to low-cost available childcare (Srerebin 2018).

Thanks to Quebec's universal child care program, women's participation in the labour force boosted Quebec's GDP by 1.7% (Homer 2021). Economist Pierre Fortin found that Quebec's child care system more than pays for itself due to the taxes earned by the federal and provincial governments from the parents who are able to work because of access to child care (Monsebratten 2011). Public child care is a self-funding program.

The current state of public child care in Manitoba

Despite the well-documented evidence of the economic and social benefits of childcare, it has often been undervalued as a sector due to patriarchal associations with women's unpaid care work. Early Childhood Educators receive years of training in early childhood development, child-centered learning and play-based curriculums. However, ECEs are undervalued workers, with lower wages, retention rates and levels of job satisfaction, which results in labour shortages. When the Manitoba Conservatives took office, there was one certified educator for every 11.3 licensed spaces: the ratio had worsened to one educator for every 14.3 children in 2022 — a 25% reduction (Prentice and Hajer, 2023). Early childhood educators have left the sector under the weight of austerity, inadequate funding, overwork, and poor pay. The Manitoba Child Care Association estimates Manitoba is currently facing a shortfall of 1,000 qualified early childhood educators (Sanders 2023).

The shortage of Early Childhood Educators in Manitoba is visible amongst child care centers. A survey by the Manitoba Child Care Association found 46% are operating with provisional licenses, meaning they do not have enough trained staff to be licensed as a child care center. This is due to wages. The target wage for an Early Childhood Educator with a two-year diploma is \$27.80 per hour; however, currently, the average pay for this position is \$20.73 an hour, over an \$8 difference. Improved wages are needed for existing ECEs and to attract the thousands of new ECEs needed to grow the system.

In the 2021 Federal Budget, the Government of Canada committed to building a national child care system and signed bilateral agreements with each province. The bilateral Canada-Manitoba Early Learning and Child Care Plan committed \$1.2 billion of federal funding over five years to introduce \$10 a day child care and create new 23,000 child care spaces for children ages 0–6 by 2025/2026.

However, by November 2023, child care advocates were calling out Manitoba for slow progress on implementing the federal agreement in Manitoba. Since signing the agreement, Manitoba had only added 1,922 spaces by November 2023. Manitoba still has child care “deserts”, areas where there are not enough child care spaces to meet demand. In Manitoba, 76% of young children ages 0–6 live in areas with insufficient child care spaces, compared to an average of 48% across Canada (Macdonald and Friendly 2023).

Access in Manitoba is limited for low income parents, who are required to pay \$2 per day for child care. Advocates recommend Manitoba modernize the affordability mechanisms and move the ELCC subsidy to a sliding scale based on annual tax returns, with low-income parents (any who fall below the CFLIM-After Tax measurement) paying no fee (Prentice and Hajer 2023).

The expansion of childcare spaces will increase demand for early childhood education workers. This creates the opportunity to design ECE training programs specifically tailored to meet the needs of people living in poverty. Programs should be developed to support people with barriers to employment to train as Early Learning and Child Care educators to staff new spaces.

The Manitoba NDP government was elected in October 2023 with limited commitments on childcare. Their first Budget in 2024/25 provided only a 5% increase in the child care operating budget, much below the recommended 21% increase needed to boost compensation to retain and attract ECEs. The Budget commits to 1,500 new spaces, a framework to recruit and retain ECEs and a “framework” for wages and benefits.

The Manitoba government should act on the strong public support for child care. Most Manitobans, 82% strongly agreed that a well-funded child care system is critical to the province’s recovery (Manitoba Child Care Association 2021). Nearly 80% of Manitobans broadly support increasing funding for child care centres to boost staff wages.

Given the strong evidence, the Manitoba government should act immediately to invest in a public, universal, accessible, and quality child care system.

Improving Workplace Health and Safety

10) Legislate 10 Days of Paid Sick Leave

The pandemic made clear that workplaces are a significant site for illness transmission, which is both dangerous for workers and detrimental to public health. To mitigate the transmission of Covid-19 in workplaces, governments implemented policies encouraging people to stay home when sick and recognized paid sick leave as a quick, relatively inexpensive solution to reduce transmission of illness, keep workers safe, and lessen the burden on the healthcare system. British Columbia, Manitoba, Nova Scotia, Ontario, PEI, and the Yukon all implemented paid sick leave programs following the outbreak of Covid-19, while Quebec already had a paid sick leave policy in place pre-pandemic. Manitoba should build on the successes of its Covid-19 sick leave program while following the leadership of British Columbia and the Federal government by introducing 10 days of paid sick leave as a right under the Employment Standards Act.

In May 2021, Manitoba launched a provincially funded paid sick leave program to reimburse employers for up to 600 dollars per employee for five days of COVID related sick leave. While five days was below the time recommended by labour leaders and public health experts, the program effectively supported workers who otherwise would have had to choose between infecting their coworkers and putting food on the table.

In March 2022 the program was terminated, leaving Manitoba workers with three days of unpaid, job-protected sick leave annually, which had previously been guaranteed through the Employment Standards Act. Without paid sick leave guaranteed through Employment Standards, only workers with strong contracts or collective agreements can access paid leave. As we saw during the pandemic, this forces many workers to make impossible choices between their income and their health, particularly workers who are non-unionized, work for low wages, or are precariously employed.

Low-wage and precariously employed workers typically do not have disposable income to fall back on during illness and are far less likely to have access to paid sick leave. A BC study found that 89 per cent of workers making less than 30 000 dollars per year did not have access to paid sick leave in 2020 (Ivanova and Strauss 2020). Nationally, 67 per cent of workers earning less than 35 000 dollars did not have access to paid sick leave in 2019. Less than 13 per cent of seasonal, casual, or temporary workers in Canada have access to paid sick leave (Statistics Canada 2021). Workers living paycheque to paycheque during an affordability crisis cannot afford to take unpaid time off.

Gender is also a factor in access to paid sick days. Jobs which have traditionally been performed by women such as caretaking, serving and cleaning have been undervalued and workers in these fields tend to receive lower wages (Matulewicz and Ivanova 2021). In fact, women make up the majority of low-wage workers who are unlikely to have access to paid sick leave. Racialized workers are also disproportionately represented in low-wage, precarious employment, meaning they too are at risk of having to work while sick in order to make ends meet.

These realities are compounded for migrants and those who do not have permanent residency or citizenship. Women and gender diverse migrants with precarious immigration status are among the most affected by a lack of paid sick days. It is essential that paid sick days be available to all regardless of immigration status.

The consequences of unpaid sick leave are felt by individuals, businesses, and societies at large. Working despite illness is likely to spread infection amongst colleagues, leading to more frequent and pervasive workplace absences. Existing Canadian income supplement programs are not up to the task of supporting workers and caregivers during short-term illness (Tucker and Vosko 2021). As sickness makes its way through the workforce, productivity is sure to decline. When workers are unable to rest and heal, it

is probable that their health will worsen and they will require more “complex care,” leading to increased healthcare costs for the province (ibid).

While the consequences of unpaid leave are clear, so are the benefits of paid sick leave. Evidence from the U.S. revealed that when states introduced a 10-day paid sick leave program during the pandemic, daily Covid case counts decreased by 50 per cent (Thompson et al. 2021). A pre-pandemic study of U.S. cities revealed that mandated paid sick leave programs during flu season reduced influenza rates by 40 per cent (Ziebarth and Pichler 2018). Beyond public health, paid sick leave is also beneficial to businesses as healthier work environments lead to lower turnover, lower hiring costs, fewer sick employees and increased productivity. A systematic review of literature studying the relationship between paid sick leave and business conditions found that increased job satisfaction, improved retention, and fewer injuries or absences were all associated with employer paid sick leave programs (Vander Weerdt, Stoddard-Dare, and DeRigne 2023). Research on the added costs of 10 day paid sick leave in British Columbia estimate a total added business expense of just 0.21 per cent prior to factoring in any of the benefits outlined above (Stanford 2021). Assertions that 10 days of paid sick leave could cause widespread bankruptcy simply are not credible given these calculations.

In 2022 the federal government passed legislation guaranteeing 10 days of paid leave to all employees in the federally regulated private sector. British Columbia also passed legislation in 2022 granting all workers 5 days of sick leave. At this point, well over half of workers in Canada are covered by employer paid sick leave

As governments wind down COVID-19 related public health measures, we must remember the lessons learned during the pandemic. Sickness in the workplace is detrimental to workers, businesses and public health. Workers should not be forced to choose between their pay and staying home from work when sick. Ultimately, paid sick leave is an investment in public health which is sure to pay off.

11) Develop a proactive enforcement strategy for Employment Standards and Workplace Safety and Health

Strong legislation is fundamental to ensure workers are safe on the job as well as to create a fair playing field between workers and employers during

union drives, collective bargaining, and strikes. Strong legislation, however, is meaningless without a well-resourced and well staffed Ministry of Labour. Ultimately, provincial staff are required to perform workplace health and safety checks, respond to employment standards complaints, and ultimately enforce labour legislation on the ground. All of these services have been critically eroded by years of provincial austerity pursued since 2016. Further, the Province must look beyond the reliance on individual workers to file complaints of standards violations — a proactive enforcement strategy for employment standards and workplace safety and health regulations is critical, particularly in industries and sectors where large numbers of migrant workers are employed.

Enforcement of labour legislation has become a growing problem across Canada over the last thirty years. Across provinces and territories, Labour Ministries have abandoned proactive investigation of employers, industries, and sectors known to violate employment standards and workplace health and safety legislation. Between 2012 and 2013, Manitoba had a successful special investigations unit within the employment standards department that investigated farms employing migrant workers, successfully bringing some of these employers under compliance with regulation. Today, workers are expected to file complaints of violations themselves, which are supposed to be investigated by Ministry of Labour staff. However, successive rounds of provincial austerity have diminished the number of staff available to investigate complaints, leading to extensive delays, weak advocacy for workers, and an overall lack of employment standards enforcement.

As part of a forthcoming book on public sector austerity in Manitoba, University of Manitoba Labour Studies researcher Julie Guard has found evidence of sweeping cuts at Manitoba's employment standards and workplace health and safety branches, seriously limiting enforcement of standards and access to justice for workers (Guard Forthcoming). Between 2016 and 2022 inflation adjusted, per-capita funding for all of Manitoba's labour programs declined by 31.7 per cent, and staffing decreased by 15.2 per cent. Within the Employment Standards branch, which ensures compliance with minimum wages, hours, breaks, and termination standards, the branch's staffing declined by 9.6 per cent since 2016. Funding for Workplace Health and Safety declined by 26.7 per cent in real, per-capita terms while staffing was cut by 9.9 per cent. These cuts leave Manitoba workers dangerously vulnerable to unsafe working conditions, wage theft, wrongful dismissal, and other violations of rights at work.

Evidence from British Columbia underlines the dangerous effects of deep cuts to employment standards and health and safety enforcement. A February 2022 report from the British Columbia Employment Standards Coalition documents systematic failures of BC's Employment Standards Branch to effectively uphold employment standards between 2001 and 2022 (BC Employment Standards Coalition 2022). Following BC's 2001 provincial election, the BC Liberal government announced a 57 per cent cut to the Employment Standards Branch budget over 10 years, resulting in an end to proactive investigations of employers, the closure of 8 regional offices, and 51 per cent staff reduction at the Branch. The abandonment of proactive employment standards enforcement in favour of a complaints based approach was coupled with a new requirement that workers must seek resolutions with their employers before filing a formal complaint. The result of these changes was a 67 per cent reduction in employee complaints between 1997/98 and 2003/04. Employees cited concerns over retaliation from their bosses and excessive paperwork as reasons for no longer filing complaints. The report also found \$14.9 million dollars in stolen wages went uncollected between 2013 and 2017 due to enforcement failures by the Employment Standards Branch. Further, many workers were denied justice due to delays in complaint processing and a lack of investigative capacity. Research into the use of a complaints based enforcement system in Ontario and in the federally regulated private sector has found similar deficiencies (Vosko et al. 2017; 2021). In Ontario, researchers noted workers often filed complaints against previous employers once they had left their jobs due to widespread experiences of reprisal.

Although the enforcement of employment standards has always been important for Manitoba workers, growing insecurity at work is making effective institutions that can uphold the basic rights of workers even more important. Union density has continued to decline since the 1990s in Manitoba, although not as quickly as in other provinces. As of 2022, 32 per cent of Manitoba workers were represented by a union in disputes with their employers, leaving the other 68 per cent of workers reliant on employment standards (see *Table 1* above). Misclassification of employees as independent contractors, which has grown alongside the so-called gig economy, has generated new scenarios in which workers rely on employment standards investigations and enforcement.

Migrant workers in particular face persistent violations of their rights at work and have very little access to justice under the complaints-based employment standards enforcement system. Canadian immigration policy

has shifted in the last twenty years to promote temporary migration, increasing the number of workers arriving with limited access to services and no access to federally-funded settlement services.⁹ Workers arriving through the Temporary Foreign Worker program face the constant threat of deportation and cannot leave their employers under closed work permits, creating vulnerability and unfreedom to complain of rights violations. For workers who do not speak English as a first language, filing paperwork to make a complaint also creates a significant barrier to justice. Although attempts have been made by the federal government to enforce basic rights for temporary foreign workers, these attempts have been limited in their effectiveness (Tucker, Marsden, and Vosko 2020). The Province of Manitoba must take responsibility for upholding employment standards through a proactive approach to enforcement to ensure migrant workers have access to justice.

Echoing the recommendations of the BC Employment Standards Coalition, the Province of Manitoba must increase its funding to employment standards enforcement with the goal of returning to proactive investigations of employers, industries, and sectors known to violate employment standards and workplace health and safety. The province must re-establish the special investigation unit within the employment standards branch to ensure migrant workers and others who work in isolated, vulnerable conditions are protected from employer violations of their basic rights. At the same time, the penalties for violating the rights of workers should be increased to effectively deter employers. Violating workers rights cannot be seen as a 'cost of doing business' in Manitoba.

Conclusion

THE PROVINCE OF Manitoba has significant latitude to act on progressive labour reform. Together, the measures outlined above have the potential to boost wages and incomes across the provincial economy, improve working conditions for non-unionized workers, ensure health and safety on the job, eliminate gaps in existing labour legislation, and promote social equality. If implemented, these reforms would go beyond short-term income relief programs by raising the incomes and working conditions of Manitobans over the long term in a way that reduces income inequality.

Polling from the US shows that support for unions in that country is currently at its highest level since 1965.¹⁰ The widespread public support for striking workers at MPI and MBLL here in Manitoba reveals that support for unions and progressive labour relations are also high on this side of the border. Governments looking to pass progressive labour legislation would do well to capitalize on public sentiment and pass reforms that are well supported by evidence. With the deep inequalities revealed by the Covid-19 pandemic and the present cost of living squeeze still in plain sight, governments must look beyond short term relief programs and begin implementing reforms with the potential to improve the lives of working people now and far into the future.

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Endnotes

- 1** Union coverage includes both union members and non-union members who are covered by a collective agreement. There are generally a small number of non-union members covered by collective agreements in Canada.
- 2** Results are more stark for men as male unionization rates fell more sharply over this period.
- 3** <https://pepso.ca/>
- 4** See <https://www.gov.mb.ca/labour/labbrd/publicat.html>
- 5** For more information on recent strikes involving replacement workers in Manitoba see: Harney, Niall. 2024 “Balancing Act: Card-check, Anti-scab, and the Case for Rebalancing Manitoba’s Labour Relations”. <https://policyalternatives.ca/publications/reports/balancing-act>
- 6** The 2023 hourly living wage calculated for Winnipeg was \$19.21, \$15.69 in Brandon, and \$17.48 in Thompson
- 7** <https://www.canada.ca/en/services/jobs/workplace/human-rights/overview-pay-equity-act.html>
- 8** See Early Years Study 2020. <https://earlyyearsstudy.ca/wp-content/uploads/2020/11/The-Case-for-Early-Learning-and-Child-Care-in-Canada.pdf>
- 9** Canadian Council for Refugees - The Issues: <https://ccrweb.ca/en/migrant-workers-issues>
- 10** <https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx>



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