

**P.E.I. FEDERATION OF LABOUR
BRIEF TO CABINET 2004**

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2004

1. *INTRODUCTION*

The P.E.I. Federation of Labour represents directly over 10,000 Islanders who are members of organized labour in this province. These members are from all across Prince Edward Island indeed they are to be found in each and every lot across the province. We represent public and private sector workers. We represent many occupations including white collar, blue collar and professional people. We are as diverse as the Island's workforce and our concerns range from the young and old as we seek to represent the concerns of our members' families including their children and grandchildren, as well as our own retired members. We are the only central body in this province and we are a chartered body of the Canadian Labour Congress which represents 2.3 million workers.

Our organization was born in 1964 and its constitution gives us the mandate and responsibility to represent the interests of all workers in this province. There is no other comparable group or institution mandated to carry out this role. Our concerns and mandate are focussed most simply on the welfare of the worker with this province.

2- *LABOUR LAWS AND EMPLOYMENT STANDARDS*

Labour Laws

The Federation of Labour believe the protection of the rights of workers to engage in collective bargaining to determine their terms and conditions of employment is a fundamental right in a free society. Inadequate legislation protection for free collective bargaining by workers in P.E.I. contributes to our lower wages and benefits relative to workers in the rest of Canada.

Our labour laws were progressive in their inception, but during a number of years, have evolved into obstacles to the rights to organize and to effective and fair methods to settle

disputes.

The neglect of improved labour legislation is completely unacceptable to the workers of this province. We do not accept that it is necessary for workers in P.E.I. to be second-class citizens in their rights to organize and engage in free collective bargaining.

Anti-Scab Legislation

Around 30 - 35% of workers in Canada are covered by legislation which prevents employers from replacing them with strikebreakers if they are engaged in a legal strike or lockout. Two of the three big industrial jurisdictions, Quebec and British Columbia have enacted anti-scab legislation.

On Prince Edward Island, the longest strike in P.E.I. history which ended recently after 373 days was lengthened needlessly by the use of strikebreakers by the employer, this dispute could have ended more quickly if anti-scab legislation was in place.

The CUPE 3373 strike which had five women go out on strike for over a year was seen across Canada as an affront to workers everywhere when it was understood that their employer refused to return to the table and employed scab labour including those with less qualifications than the women on strike. It is understood that some of these “scab” labour were people who were referred to this position through means to remove them from social assistance. This helped lengthen this strike beyond any reasonable limit.

Labour laws in the Atlantic region now permit employers to use strikebreakers or replace striking employees during a legal strike or an employer lockout. It has become clear that the use of strikebreakers during a legal strike generates the most bitter, lengthy and violent labour disputes. Governments in Quebec and British Columbia have recognized that labour management conflict including strikes and lockouts is an important device to promote the voluntary resolution of collective bargaining disputes.

However, in those disputes where so-called “replacement workers” and strikebreakers are used, disputes are extended by many months, creating great strain on the community in which the dispute occurs. Often, the use of scabs results in picket line confrontation between legally striking workers and the strikebreakers. These confrontations often turn violent, further stressing the community and overtaxing its resources, including the police and the courts. The use of

strikebreakers inhibits rather than promotes the resolution of disputes and creates great disruption in the community.

In those provinces where anti-scab legislation has been introduced, the incidence of violent strikes and violent confrontations on picket lines has been dramatically reduced. Anti-scab legislation produces significantly less social strain on communities than the present free-for-all with replacement workers and strikebreakers.

We propose that anti-scab legislation be introduced reflecting the following principles:

1. During a legal strike or lockout, an employer is prohibited from using the services of any person to perform work ordinarily done by the striking or locked out employees, including:
 - (a) Employees of the employer in another establishment transferred or any persons hired between the day negotiations begin and the end of the strike or lockout;
 - (b) Employees of other employers and subcontractors;
 - (c) Members of the bargaining unit involved in the strike or lockout;
 - (d) Persons employed by the employer in another establishment;
 - (e) Persons who are not employees under the governing legislation, but whom the employer employs in another establishment;
 - (f) Employees in the establishment who do not belong to the bargaining unit on strike or locked out.
2. Any of the persons listed above cannot be used to perform the functions of striking or locked out employees.
3. Procedures should be established that upon application, the Minister may dispatch an investigator to ascertain whether the provisions are being complied with and

to make a binding report.

4. At the end of a lockout or strike, any affected employee is entitled to recover his or her employment in priority over any other person. Any dispute may be submitted to arbitration as if it were a grievance under the collective agreement.

The enactment of anti-scab provisions in Prince Edward Island would bring us into line with other employees covered by labour laws in Canada. The provisions of anti-scab legislation would promote greater social harmony and less community disruption and enhance the use of potential strikes or lockouts as a means of promoting settlement of disputes.

First Collective Agreement Legislation

_____The very long struggle for Polar workers in Souris and Beach Point to reach the first collective agreement between Polar Foods and U.F.C.W. was lengthened by the lack of first collective agreement legislation. Their struggle which included many delays on the part of their employer as well as filings of well over one hundred unfair labour practice complaints against their employer is unacceptable, particularly in a company in which our provincial funds are invested. It creates an uneven playing field particularly when the delays are meant only to “union bust.” It makes a mockery of workers’ right to organize.

First Agreement Legislation has been recognized as a key element in recognizing the workers’ rights to organize. Even the best method of certification of trade unions will not vindicate the workers’ right to organize if the employer decides to drag out collective bargaining so long that the wishes of the employees in organizing are frustrated. In order to provide a disincentive to employer conduct aimed at undermining collective bargaining and to provide an incentive to the parties to bargain a first collective agreement in a timely manner, most Canadian jurisdictions have legislation which, in a variety of circumstances, permit the imposition of a first collective agreement.

In Atlantic Canada, both Newfoundland and Prince Edward Island have a provision for imposition of a first collective agreement but the **PEI legislation was never proclaimed** due to

employer's pressure. We were informed directly by a past Minister of Labour of this province that this was the reason why this legislation was never proclaimed.

Here again, legislatures in the Maritimes have neglected to update and develop our labour laws to ensure that employees right to unionize are not frustrated. Although most Canadian jurisdictions have provisions for imposition of a first collective agreement, there are quite a variety of different schemes to do this. We wish to propose that the labour laws of P.E.I. be amended to provide for the imposition of a first collective agreement in a system with the following features:

- i) When a trade union has been certified and has attempted to bargain a collective agreement with an employer and failed to conclude a collective agreement, either the trade union or the employer should be permitted to obtain binding arbitration of a first collective agreement with the employer.
- ii) At any time after certification and an attempt to bargain, a collective agreement, either the trade union or the employer should have the right to apply to the Provincial Labour Relations Board for the appointment of an arbitrator mutually agreed on by both parties or, if no agreement can be reached, one selected by the Board.
- iii) Both the union and the employer can agree on the appointment of an arbitration board rather than a single arbitrator. Each party should nominate a representative, in addition to the arbitrator mutually agreed to by both parties or selected by the Board.
- iv) Having received a proper request, the Board must appoint the arbitrator or arbitration board and the arbitrator or the arbitration board should have the right to impose the terms of a binding collective agreement on all parties.
- v) Where either the union or the employer has made an application for the appointment of an arbitrator or an arbitration board, neither party shall have the right to resort to strike or lockout or to continue an existing strike or lockout.

- vi) The cost of the arbitrator appointed by the Board should be borne by the Department of Labour, and the cost of nominees should be borne by their respective parties.
- vii) The Arbitration Board should be authorized to impose a collective agreement with a minimum term of one year and a maximum term of two years but with the right to impose terms back to the date of certification.
- viii) In imposing a first collective agreement, the arbitration board should be required to determine terms and conditions of employment based on the collective agreement terms already agreed between the parties, minimum terms defined in labour standards and other labour legislation and the comparable terms in collective agreements freely arrived at by collective bargaining in the same industry.

We believe that the importance of first contract arbitration is not necessary in the actual use of these provisions. The existence of such provisions provide a powerful disincentive to tactics of attrition in bargaining a first collective agreement. It provides an incentive for employers to deal seriously with the issues presented in bargaining first collective agreements and to do so in an expeditious way. The employer is required to recognize that the employees have made a choice to be represented by a trade union, and that it is obliged to collectively bargain the terms and conditions of employment. The first contract arbitration provision would permit first collective agreements to be established relatively expeditiously and without strikes or lockouts.

By the time the second collective agreement is bargained, all parties will have had the experience of working together in the administration of a collective agreement and the free collective bargaining system will permit them to tailor terms and conditions of employment in a manner mutually agreed at the bargaining table.

Employment Standards

Low Wages - Minimum Wage to Living Wage

_____ The benchmark for all meaningful employment is a wage rate that provides the basic necessities of life. Clearly, the present minimum wage of \$6.50 per hour is insufficient. What we need is a living wage; a wage that would be reflective of the needs of the workers and their families.

_____ PEI workers continue to be the lowest paid workers in the country. Their average weekly earnings are even substantially less than the averages in the other Atlantic provinces.

Province	Dec. 2001	Dec. 2002
NF	\$613.73	\$629.40
NB	\$601.29	\$617.46
NS	\$582.59	\$595.87
PEI	\$531.15	\$546.54

Statistics Canada- Employment, Earnings and Hours, March 2003

A good portion of our economy is seasonal (tourism, agriculture, etc.) so it means that a lot of people are not having full time jobs of 40 hours a week. Another segment of our economy has a lot of workers who are part-time or casual; these are also not having a full 40hours a week of work. Most of these workers are men and women who are working at minimum age \$6.25 an hour or close to it. The rest of the time they are forced to go on Employment Insurance with only 55% of their earnings. There were over 30,000 Employment Insurance claims filed on P.E.I. in 2002 and most claimants would have total revenues less than \$13,000.00 (Stats. On PEI UI for 2002)

The reality is that women are the bulk of these workers. They are working mainly in clerical, service and medical/health occupations. In 1990, 66% of Prince Edward Islanders working part-time were women. The average annual income of female-headed lone-parent families is \$10,000 less than male-headed lone-parent families and \$20,000 less than husband-wife families.

Almost half of PEI women (from all age groups) are working in jobs which pay less than \$10,000 a year. More than a third of female lone parents are living in Poverty (Women in PEI- A statistical study 1996). These statistics are certainly still relevant.

The 2002 Poverty Line for P.E.I:

Single employable:	\$16,401
Single parent, 1 child	\$20,501
Couple, 2 children	\$30,864

A worker on minimum wage in 2003 working 40 hour-week for 52 weeks (full time) would have an income of \$13,000.00. A single parent in this situation would be in a deficit of \$7,501 while a couple would be in a deficit of \$17,864. This situation is unacceptable.

Behind the figures are dashed hopes of people who desire a more stable future with secure work and a living wage. Women who earn much less than men are particularly impacted by the low wage economy.

Increasing the minimum wage to a livable level is only reinstating the original value of the minimum wage on P.E.I. If in 1976, the minimum wage had tracked the rate of inflation its value in the year 2000 would have been well over \$2.00 higher than the actual minimum wage. In real constant 1992 dollars, the value of P.E.I.'s minimum wage fell from \$6.44 in 1976 to just \$5.01 in 2000. This represents a decline of 22.2 % in value.

Keeping the minimum wage low, keeps other wages lower as well. In 2000, 25% of all hourly wage earners in P.E.I. were working for less than \$8.00 per hour, or within \$2.40 of the minimum wage. P.E.I.'s median wage of \$11.40 was the lowest in Atlantic Canada in the year 2000. The situation of female workers is even worse than that of men in this regard.

The minimum wage has to be gradually increased to a level that permit workers to live. We suggest that it should go to \$8.50 an hour.

Employment Standards Legislation

Employment Standards Act: Minimum wage as of January 1, 2004 is \$6.50 per hour.

Retail Business Holiday's Act - 1992: Maintain this Act ensuring that workers and

their families are not adversely affected by being forced to work on a larger number of Sundays throughout the year.

Statutory Holidays: Employees on Prince Edward Island who fall under Federal jurisdiction are entitled to nine paid holidays, with the most recent changes to Employment Standards Act - Remembrance Day was added bringing P.E.I.'s number of statutory holidays up from the lowest in the Country (five) where it was joined by Newfoundland and Nova Scotia, equal to number of statutory holidays in New Brunswick. We welcome the addition of Remembrance Day as a statutory holiday particularly to honour workers who left their employment and who fought on behalf of Canada.

We request that the provincial government also add Victoria Day and Thanksgiving Day as statutory holidays which are recognized by all other provincial and territorial governments outside of Atlantic Canada.

Minimum Duration of Vacations: Prince Edward Island provides two weeks of annual vacation with pay after one completed year of employment. In ten jurisdictions, including New Brunswick and Newfoundland employees are entitled to an additional week of vacation with pay after a specified period of service. This can vary from five to six years of continued employment in most jurisdictions. In New Brunswick it is available after eight years of continuous employment and in Newfoundland fifteen.

We recommend that after eight (8) years of continuous employment on Prince Edward Island that employees be granted three weeks of annual vacation with pay or 6% vacation pay.

Family Leaves - Paid Bereavement Leave - We welcome the addition of bereavement leave to our Employment Standards Act and request the addition of one day paid bereavement leave similar to legislation in Newfoundland.

We welcome the additions of both family leave and sick leave under the act. These are both for three days unpaid leave per twelve calendar month period.

Newfoundland and New Brunswick provide employees five days of leave per year for sick leave.

We request that the Employment Standards Act be amended to allow for these leaves.

However, the Employment Insurance Legislation currently provides for sickness benefits of up to 17 weeks duration. On January 4, 2004, changes to the E.I. Act will allow for a new type of EI benefits called “Compassionate Care Benefits.” These benefits will be paid to workers who have to be away from work temporarily to provide care or support to a member of their family who is gravely ill with a significant risk of death. This benefit is for a six-week period as well as a two week waiting period. We recognize that this change has been made but also know workers who are already paid a low wage will find it hard to collect these benefits at 55% of their usual pay.

3- OCCUPATIONAL HEALTH & SAFETY AND WORKERS COMPENSATION ISSUES

Occupational Health and Safety Concerns:

_____The new Occupational Health & Safety Act is a very positive step in the right direction and we commend your government for bringing it forward. We are very pleased that one of the components is ensuring Joint Workplace Committees are in place. We certainly agree that education on health & safety is a sure way of reducing the number of injuries in the workplace. From our experience and the experience of the labour movement in other provinces, constant monitoring and education is needed in order for these committees to play their role and make a real difference in the workplaces.

Sufficient financial and staffing resources is needed in order to make them work. According to the 2002 Injured Workers Satisfaction Survey (p.4) - workers are stating that at least 30% of their workplaces conditions have not improved following their accident.

There should also be better safeguards to lessen employer intimidation on employees re reporting of occupational health and safety concerns. Each workplace should have postings re: where workplace safety concerns can be reported without fear of retaliation. Occupational health and safety committee should be composed of employee representatives who reflect the interests of all workers in that workplace rather than handpicked representatives by management.

The occupational health and safety workers should be arms length from the WCB of P.E.I. When government stopped funding these positions out of general revenue and funded them out of WCB monies, it calls into question what resources government is willing to invest in ensuring safe workplaces on P.E.I. We need health and safety inspectors who can carry out their role with an adequate amount of resources and well rounded training.

Health and Safety officers should do follow up at workplaces where accidents have occurred in order to ensure that the employers make the necessary changes to avoid further accidents. They should also be doing a greater number of workplace spot-checks.

Workers Compensation Board Issues

_____ **Three Day Waiting Period - (3/5 Weekly Salary:)** The 2002 Workers Compensation Board Report, stated that there was a significant decrease in the total number of claims; from 5345 in 2001 to 4802 in 2002, a decrease of 543 cases - over 10%. This leave us to believe workplace accidents are under-reported.

From the experience of New Brunswick which has been faced with a three-day period for a number of years, it is clear to them that some employers are trying to reduce their experience rating, employees have to use their sick leave benefit in order not to lose income, others are forced to stay at work injured and also some employers are concentrating in reducing the number of claims filed and the number of claims accepted by Workers' Compensation Board. This is often called a "Claims Management" approach. We believe this could be happening also here.

In Nova Scotia, a recommendation is going forward by all four stakeholders in the WCB review process that their 2-day waiting period be scrapped. Labour, business, injured workers

and safety organizations all agreed that this recommendation go forward. These concerns are reflected in the “Dorsey Report” and the following are the reasons given in that report.

It is clear that the impositions of this 3-day waiting period here at the urging of some employer lobbying groups does not serve the public interest. In fact, this policy probably incurs greater costs on our public medicare system while employers save money.

The P.E.I. Federation of Labour demand that the three-day Waiting Period to be taken out of the Act.

The P.E.I. Federation of Labour is glad that recent WCB changes which have contravened the Canadian Charter of Rights and Freedoms are being re-examined (notably restrictions on receiving claims re: Chronic Pain) but, it is clear that these recent changes in total have been made not in accordance with Canadian Law and the Meredith Principle s but only in restricting benefits and lowering the premiums of employer’s even when it has been done contrary to law.

4- DEVELOPMENT OF OUR WORKFORCE

Recruitment and Retention of Workers - Healthcare

_____ In various health care fields, recruitment and retention of skilled workers is a priority. Although the lion’s share of coverage is given to skill shortages in the medical doctor and nursing fields, there is a looming shortage in many other areas of the health care sector including the field of medical technicians. The deliberate downsizing of affordable training opportunities as well as the lack of opportunity in this field, are creating greater pressure on those remaining in terms of workload, ability to schedule vacations and the pressure may also drive up the incidence of illnesses.

It is critical that this province invest in affordable and accessible training for these positions and create permanent positions in these fields for new employees.

Apprenticeship-Trades-Training

The P.E.I. Federation of Labour signalled eight years ago through our participation in a study regarding apprenticeship training and again in 1999 within an L.M.D.A. review process, that there was a growing shortage of skilled tradespeople with both shifting demographics of our local workforce combined with the out-migration of our younger workforce members. This is now being seen as a critical issue by the current government with a study of this issue being undertaken by a provincial legislative committee.

_____ Training in these occupations should be affordable and accessible. Workers should be paid a fair wage on P.E.I. Other barriers should be identified and addressed including the need to provide longer term and ongoing work on Prince Edward Island in the trade's sector where fair wages and benefits are paid to skilled workers.

_____ ***To lessen the revolving door situation that takes place in construction, the government should work to ensure that any government money going to employers to bring new employees into the trades is not done so at the expense of experienced workers. To this end we recommend that no job creation money go to employers who do not maintain a proper journeyman to apprentice ratio and respect the indentured trades program.***

Labour Market Development Agreement

_____ The P.E.I. Federation of Labour has a strong interest in education and training issues for the P.E.I. workforce. We also have a long-standing interest in labour market issues. For example, in 1999 we presented a brief to the L.M.D.A. review process and among other points we pointed to concerns regarding shortages in the trade field as well as lack of emphasis on skills needed for workers in the health care field for the future. The Federation of Labour can access information from our central body as well as our affiliates across Canada in making a positive contribution to this process on an ongoing manner similar to labour's role within other jurisdictions including Newfoundland, Quebec and Saskatchewan.

We would like to raise some concerns regarding some recent studies funded through the LMADA process. The study entitled "Seasonal Agricultural Labour Issues on Prince Edward Island" looks at the issue of farm labour on P.E.I. and recommends the introduction of migrant

labour into this province. This approach can only be used to further depress farm workers' wages in this province, would remove the ability to sustain rural population on P.E.I., and ignored some legitimate concerns regarding occupational health and safety and other barriers in attracting Island workers to this sector of our economy.

A second study conducted through the auspices of TIAPEI which ultimately argue that wages in this sector can only remain at a low level and the solution other than the shrinking pool of young workers would be the reintroduction of retirees into this employment. This conclusion sidesteps the very real issue of whether workers on P.E.I. can afford to remain working in this sector as they grow older and need the resources necessary to support themselves and their families.

We are also aware that in many other industries on P.E.I.. workers earn much less than counterparts doing the same work in other jurisdictions. Despite massive amounts of subsidies, training dollars, tax breaks and other incentives, Slemon Park publicly attracts clients by advertising they offer a “non unionized business climate.” Meanwhile, many of the positions in the Aerospace Industry which offer wages in the \$19 - \$24 hourly wages plus benefits in other areas typically offer about half that with limited benefits on P.E.I. It is clear that our current economic strategy of selling ourselves as offering low wages is not a long term, violable economically, sustainable approach to developing a highly skilled workforce paying a fair wage with benefits.

Fair Wages for Construction Sector

The Federal Government have developed Fair Wage guidelines for Prince Edward Island and will enforce them on all federal construction projects. With the need to develop and maintain a skilled workforce on P.E.I., we believe that the Province should adopt the Federal Wage Guidelines developed for Prince Edward Island within all construction projects undertaken by the Province.

Journeyman to Apprentice Ratio

_____The construction industry will in the near future have shortages of skilled labour in the workforce and rather than compulsorily certifying all trades under the Trades and Qualifications

Act which give the provincial government an accurate view of members in the trades and point out where shortages exist; rather than addressing the other problems that exist in the trades on PEI (i.e. lowest wages in Canada, health and safety problems, long hours of work with almost non-existent overtime); the provincial and federal governments have gone with the strategy of injecting new blood by supplying subsidized wages for new employees with little regard or protection for experienced journeymen or apprentices that do not qualify for subsidies. All this has done is to create more cheap, temporary labour for contractors while forcing experienced personnel out of the construction industry.

The Federation of Labour is asking the provincial government to make sure that any government subsidies (provincial or federal) given to contractors are conditional on contractors maintaining a proper journeyman to apprentice ratio and to install into law proper and enforceable journeyman to apprentice ratios in all trades. _____

Electrical Trade Compulsory Certification

_____The Electrical Trade Compulsory Certification must be put under the Trades and Qualifications Act rather than the current designated (Voluntary Recognition) status. This Act was at the final stage of going to the Legislature - unfortunately it seemed to have stalled there. This Act would make sure all contractors are forced to abide by the Trades and Qualifications Act and also help in the process of creating and maintaining a complete inventory of people in the trade and be an important first step in interprovincial recognition of apprentice training.

The P.E.I. Federation of Labour would like to see the provincial government make sure that the compulsory certification has a smooth ride through the Legislature and proper enforcement put in place.

The P.E.I. Federation of Labour would also like to see the provincial government make sure all other designated trades are compulsory certified under the Trades and Qualifications Act.

Caribou Ferry Service and Subsidy Increase

_____The contract for services for the Northumberland-Caribou Ferries awarded in Ottawa has ceased the end of December 2003. Both the federal and provincial governments recognize this service as a priority transportation service to economic growth in Eastern P.E.I.

The Federation of Labour is asking the provincial government to make sure the federal government extends the contract for service for a period of no less than five years.

The National Marine Policy introduced in Parliament has led to drastic cuts in the subsidy, leading to a reduced level and quality of service in the form of loss of jobs and reductions in schedule crossings.

The Federation of Labour are asking that the provincial government make this issue a top priority in making sure that the federal government not only extend this subsidy but increase it above current levels to improve the level and quality of service.

E.I./U.I. System

About three million Canadians and approximately thirty-one thousand Islanders receive EI benefits at some point during the year. These are workers who have been laid off, lost a job through no fault of their own, placed on work sharing, or on sick or parental leave; currently across Canada only 38 per cent of people who are unemployed are getting EI benefits at any given time. Many of those eligible for EI benefits receive low benefits due to the method of calculating the benefits including the divisor rule, gaps in employment and other factors.

Women on average find it more difficult to find sufficient employment in order to qualify. The EI account has built a premium surplus of close to \$50 billion since 1994. We're shortchanging workers by shortchanging their EI entitlements. Employed workers do not have access to training dollars now available through the EI fund. There are looming skills shortages on P.E.I. in critical fields.

We ask the provincial government to take a serious look at the proposal to modernize the whole U.I. System so that it becomes a program which will answer to workers' needs.

We call upon the Provincial government to oppose further cuts to premium rates which will only amount to freezing unemployed worker's benefits at an unacceptably low level.

Secondly, we ask this provincial government to endorse the idea of using EI money to extend training benefits currently available to apprentices to everyone in the workforce, both employed and unemployed. Remaining employed and employable is becoming increasingly linked to a worker's ability to sharpen and expand their skills and knowledge. Regular EI benefits should be available to cover hours of work lost while training and learning. One method could be the adoption of five weeks of benefits for every qualifying year in the workforce, up to a maximum of 52 weeks for older workers.

Fishing - Just Transition and Sustainability

With the recent closure of the Gulf Cod fishery, there are both workers and fishermen who relied strongly or even exclusively on this fishery who are bearing the brunt of the mismanagement of this fishery. Our provincial government should lobby our federal government to ensure that these workers and fishermen, particularly, those relying solely or largely on this species should be compensated or given bridging funds which they pursue alternative means of achieving a livelihood.

We also recognize the need to ensure that our fisheries' species are sustainable. We support recent efforts to ensure the herring fishery off our coasts is sustainably harvested and we also are aware of the need to ensure our lobster and other fisheries are sustainable and employment in these areas are maintained on P.E.I.

5- TAKING CARE OF WORKERS

PENSIONS LEGISLATION - PROCLAIM THE ACT NOW

_____The Federal Government and every province, except for one, has pension benefits legislation in place - that is, legislation that regulates workplace pension plans. The one exception to the rule is Prince Edward Island. The P.E.I. Legislature adopted the Pensions

Benefit Act in April of 1990, but the legislation was never proclaimed, therefore, never been in force.

Why is Pension Legislation Important?

Because it protects working families. Pension benefits legislation is important for working people who belong to workplace pensions. This type of legislation typically provides protection and rights for plan members in three areas:

- 4) it requires employers to finance pension plans in a way that minimizes the risk that pension promises cannot be fulfilled;
- 5) it requires pension plans to include certain types of benefits (e.g. survivor benefits and benefits on termination of employment prior to retirement); and
- 6) it establishes certain membership rights (e.g. access to information about the plan.)

The P.E.I. legislation that was never proclaimed, included these kinds of protections for plan members.

IN THE NAME OF CAUTION AND IN THE PUBLIC INTEREST, PROCLAIM AND ACT ON THIS LEGISLATION NOW!

Pension benefits legislation recognizes that if employers are left to operate workplace pensions without regulation, certain problems are likely to arise. Employers will take shortcuts in financing the plans; they will approach the design of pension plans thinking only of their interests (e.g. they may decide that to make the plan a means of keeping people working for them, they will not pay benefits to people who leave the employer before retirement age); and, they will treat the pension plan as if it is their personal property. It's time to proclaim this legislation.

_____ Provincial pension legislation needed to protect worker's interests in this Province are highlighted by the most recent loss by the Canada Pension Plan's \$1.1 billion loss. With CPP's

performance being weak combined with a demographic shift of workers, a legislative framework to protect worker's pensions is vital.

Day of Mourning

Every day, thousands of workers are going to work in order to feed themselves and their families. These workers, be they men or women, old, middle-age or young are expecting to come back to their loved ones in the same health as when they left. The reality is that a number of them will get injured or even die.

In 2002, a number of workers were injured on the job and one died as a result of a workplace accident. We know there are a number of workers who have died due to workplace related illness and are not part of the statistics.

The labour movement has fought very hard to have April 28 recognized as the National Day of Mourning for Workers killed, injured on the job. Each year on that day, we take a moment to Mourn for the Dead and Fight for the Living.

In P.E.I. on that day, we have organized activities in cooperation with the government and we certainly want to continue cooperating on this very important day. This year, a large number of family members of those who have died joined us to mark this solemn occasion.

A number of provinces have erected monuments to signal this very special event and in order to remember those who have died we believe it's the necessary next step for us as well.

In New Brunswick, the municipal governments have provided the land and are responsible for the upkeep; the labour movement is responsible for the monument.

We propose that, before April 28, 2004, the P.E.I. Government find us land around Province House for the monument and agrees to be responsible for the upkeep. The P.E.I. Federation of Labour will start the necessary process in order to have a monument erected in Charlottetown.

Car Insurance

From December 2001 to December 2002, automobile vehicle insurance premiums increased by 58.4% on Prince Edward Island. Auto insurance rates increased by only 7.2 % in Manitoba where there is public auto insurance. This province needs to act to ensure that seniors on a fixed income, those working close to the minimum wage, and all working Islanders can have affordable car insurance. This province has no public transit system and the key to being able to be mobile for work purposes, keeping seniors at home, etc is to ensure that this insurance remains affordable.

The efforts in the fall of 2003 to look at auto insurance and act equitably towards insurers required to have car insurance in order to transport themselves to employment on P.E.I. have only benefited corporate auto insurance companies at the expense of consumers. Rates have only been driven down by restricting the coverage drivers have in this province.

Last year's record profits of \$2.63 billion dollars for insurance companies made in advance of the recent April 1, 2004 changes regarding auto insurance point to the need to not continue down the path of penalizing consumers and restricting their coverage. The province of Prince Edward Island should examine the recent release of the report from the Select Committee of Public Automobile Insurance in New Brunswick and examine the means to adopting the same model for Prince Edward Island to ensure affordable and fair public auto insurance for its citizens.

The Atlantic Canada Insurance Harmonization Task Force was not carried out publicly where hearings could take place and the public could participate. Efforts to restrict policies as a means to lower rates are not the solution. Public auto insurance is a proven solution to skyrocketing auto insurance rates in jurisdictions like British Columbia, Manitoba and Saskatchewan. **Hold public hearings on this issue within our province.**

Human Rights -Equity Issues

We ask that the Province adopt similar rules of conduct for provincially appointed members of administrative tribunals as are found federally under "The General Principles of

Conduct of Administrative Tribunals” enforced by the office of the Ethics Counsellor Federally.

We applaud greater efforts on P.E.I. to lessen the incidence of racism and to build a more inclusive workforce. Greater efforts to lessen workplace harassment is needed. The recent legislative committees examination of bullying illustrated the need felt from all areas of Island society to end bullying within schools. Unfortunately it does not end there as schoolyard bullies become employment bullies and workers who feel vulnerable have little recourse to such actions by their employers and supervisors. Schoolyard bullies also emulate the behaviours they see demonstrated in their families, communities and workplaces.

Power Rates

It is vitally important to maintain affordable power rates in this province. Privatizing the sources of alternative power may not create an affordable and sustainable alternative. A move to a more renewable energy strategy may be beneficial if it can be kept in public hands and to do so with an emphasis on creating greater employment through an energy retrofit program and creating infrastructure based on P.E.I. Community based energy solutions planned in co-operation with existing stakeholders may be more useful than in greater privatization of this growing field.

We have followed government policy toward power rates - emphasis on single solutions such as natural gas are not working and greater efforts to diversify our sources of power by working with our sister provinces as well as renewable energy sources found on Prince Edward Island is a positive step at controlling our own destiny and creating employment on P.E.I.

Youth

The Prince Edward Island Federation of Labour conducted research on the state of youth workers on P.E.I. during the summer of 2003. It is clear that government should act more to protect young workers from injuries at work and to also protect their rights as workers. Many young workers have been subject to situations where they do not enjoy their full rights as workers. It is clear that greater emphasis within the school system and with the co-operation of labour and other bodies to educate young workers as to their rights and responsibilities as

workers within our workforce.

6- DEMOCRACY

Patronage - Political Appointments To Joint Boards And Commissions, Etc.

_____At our last years presentation to Cabinet, we expressed our real concern that this government and the previous government have been appointing workers representatives to various joint boards and commissions without any input or advice from any organized workers groups in this province. We feel that this ultimately undermines the principles on which these joint boards and commissions were founded and leaves any such member so appointed open to charges of political patronage. One case in point can serve as an example.

Our organization was asked to submit names to the newly formed Provincial Occupational Health and Safety Advisory Committee. We forwarded names of candidates - we were shocked to find out that of the three workers representatives appointed only one was from a recognized labour group and the other two worker representatives worked in a supervisory or managerial capacity with their employer and did not belong to a recognized worker organization. Many questions came to mind regarding as to whom and how can that person be seen to represent workers when they have no responsibility to make reports, get feedback, seek and advice, and even lack any structure from which they can gain support. They are hanging in the wind.

We do understand that this government is setting up guidelines regarding time lines for appointments and reappointments to various positions. We ask this government to respect the fact that positions to be filled by worker representatives are filled in a timely manner while ensuring that those appointed represent the interests of workers first and foremost. We will work with other worker's groups to ensure that this takes place. This will also strengthen these organizations and remove any taint of political patronage.

Proportional Representation

Facts on Elections: In three of the past four elections in PEI, there have been two or fewer opposition members elected. This does not allow a parliamentary democracy to function in the manner in which it is supposed to take. It is clear that this trend has exacerbated in the move to

single member ridings where people within some districts have expressed fear that unless they voted for the winning party, they might not benefit due to having a member of the government. The recent election result from 1989, 1993 and 2000 indicate that a move to some form of proportional representation would ensure an active and vibrant opposition.

In order to ensure citizens continue to participate in elections and involve themselves in the democratic process, the current system of first past the post must be changed to ensure that citizens choice are reflected in the number of candidates elected. With our current system, this can not happen. We need to modify our current system to include some form of proportional representation so that citizens choices are reflected in the composition of the Provincial Legislature.

We call upon the Premier and Provincial Government to act on the Carruthers Report and move toward a system which is more democratic and allows for greater voices in the Legislature.

Sweatshop Labour

_____Our Federation of Labour have approached the largest municipalities in our province in adopting “No Sweatshop” guidelines which have been adopted by municipalities across the country including some of the largest municipalities including Toronto.

The provincial government provides uniforms for many members of its staff and we propose that the provincial government adopt a “No Sweatshop Procurement Policy” when purchasing clothing or other items.

The Federation of Labour is pleased that the Municipality of Souris have adopted this “No Sweatshop” policy and encourage our provincial government to also adopt this measure.

7- **CONCLUSION**

The P.E.I. Federation of Labour stands up for the rights of all workers within this Province and the recommendations we make will add to the dignity and worth of all workers and be a positive means of ensuring that the value of workers on Prince Edward Island are recognized and valued. This government has an opportunity in this new mandate to move forward and make these changes.

Comparison of CLC plan and the EI Program

CLC’s modernized insurance plan †

The government’s EI program

Hours to Qualify:	Hours to Qualify:
360 hours of work anywhere in Canada	Varies from Region to Region
Length of Benefits:	Length of Benefits:
all workers would be able to claim for training that takes them away from their jobs, based on their eligibility for regular insurance benefits	only apprentices may claim benefits during the part of their training that takes them out of work and into the classroom
Benefits for Older Workers:	Benefits for Older Workers:
5 weeks of training benefits for every qualifying year in the workforce, up to a maximum of 52 weeks	not applicable
Value:	Value:

2/3 of your weekly pay, based on your best 12 weeks of earnings over the past year	up to 55% of your average earnings for the past 26 weeks up to a maximum of \$413 each week
Waiting Period:	Waiting Period:
none	2 Weeks
Penalties:	Penalties:
none	Benefit Period Can Be Reduced by Use of Sickness or Regular Benefits