

Counterpoint



JODI GOSSELIN BRINGS AWARENESS TO ISSUES ABORIGINAL PEOPLE FACE

MORNEAU'S CONFLICT OF INTEREST AND BILL C-27

Celebrate:
20th anniversary
of historic
equality case

**Increased care
for seniors living
in long-term care**

**Tackling
mental health
and addictions**

“There was almost no existing research on equality rights and benefits, including how to deal with insurance companies.”

Nancy Rosenberg, p. 5

First Contract Arbitration Comes to NB

October 2017 saw the New Brunswick (NB) government introduce Bill 4, which amends the *Industrial Relations Act* to include first contract arbitration. This was a big win for the NB Federation of Labour, who had been lobbying the government on this issue for decades.

First contract arbitration (FCA) applies to unions who, after a successful certification, experience difficulties in obtaining their first collective agreement. If passed, the new law will enable these locals to get a contract through arbitration where the Labour Board is shown evidence of dysfunctional bargaining.

“First contracts are among the hardest deals to negotiate. The law will help with new and vulnerable locals who start off in a tough bargaining position with their employer,” said Daniel Légère, president of CUPE NB.

Having a prolonged strike while bargaining your first contract is no easy task especially in sectors where

there is a lot of precarious work.

“The legislation is not perfect. It is still restrictive, and it should look more like Manitoba’s or Quebec’s automatic access model. However, it is a significant step forward for NB as we had no law at all on first contract arbitrations. It will help private sector organizing efforts and it

will help many of our newer locals in current fights for their first contract,” said Légère.

If NB’s Bill 4 receives royal assent in early 2018, then the last province in Canada without any type of first contract legislation will be Prince Edward Island.

■ Simon Ouellette

Free trade versus fair trade

In October, a tri-national solidarity meeting with over 50 representatives of unions and civil society organizations from Mexico, the United States and Canada gathered in Chicago to discuss fight-back strategies as their governments renegotiate the North American Free Trade Agreement (NAFTA). The meeting was coordinated by the United Electrical Workers

(UE), UCLA Labor Center and Rosa Luxemburg Stiftung, a German-based international civic education institution.

For CUPE, this was an important opportunity to build collaborative relationships with unions and social movement organizations in the US and Mexico who also want to ensure public services, fair wages, decent working conditions, the

environment, and human rights are central to the NAFTA renegotiation process. Everyone agreed that trade union rights and ending corporate protections like Investor-State Dispute Settlement (ISDS) were a priority.

Our sisters and brothers in Mexico were clear that NAFTA has done nothing to better their working or living conditions. On the contrary, the agreement was set up to serve the interests of the corporate sector which imposes low wages and lax environmental regulations on the government as a condition for investment. Women are particularly vulnerable in the export processing zones, known as maquiladoras, that proliferated on the Mexico/

US border when NAFTA was first signed in the early 1990’s. NAFTA is unable to protect workers from these predatory employers, and

the unions in attendance in Chicago were skeptical that a renegotiated NAFTA would change this.

■ Kelti Cameron



Protest outside the Mexican Consulate calling on the government of President Enrique Peña Nieto to listen to the demands of Mexico’s workers during the NAFTA renegotiations.

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Bringing awareness to issues Aboriginal people face



Jodi Gosselin became a health care worker at the beginning of the representative workforce program when there were not many people of Aboriginal descent in Estevan, Saskatchewan.

The representative work-force program is a program that aims to ensure that Aboriginal health care workers are represented in health care as a portion of the population of the province. “In my home community, I could count the number of Aboriginal people that lived there on one hand,” said Jodi. “Aside from the new Canadians, I was the only visible racial minority in my facility, a fact for which my co-workers and employer did not use

discretion when they talked to me, or about Aboriginal cultures.”

Jodi became a facilitator of the representative work-force program and a facility shop steward shortly after joining the union. This gave way to her becoming more involved in the union by becoming an Aboriginal Council Member first locally, then provincially and finally nationally. Her experience helped in her outreach work with the community dispelling the myths and misconceptions regarding Aboriginal cultures.

In June 2017, Estevan, Saskatchewan had its first ever National Aboriginal Day Celebration. The celebration was organized by members of CUPE 5999

under the guidance of the local’s Aboriginal Council. “We wanted to share the beauty of our dance, the education of our storytelling, and warmth of our community as Aboriginal people,” Jodi said. “We brought awareness of just a few issues Aboriginal people face, such as the Red Dress Campaign for missing and murdered Indigenous women and girls.”

Students from every school in Estevan as well as all the workers from the health region were invited to attend with the intention of bringing together Aboriginal and non-Aboriginal communities to celebrate and learn about Aboriginal culture and contributions.

■ Eagleclaw Thom

Morneau and Liberals face credibility issues

Liberal Finance Minister Bill Morneau has been spending much of question period on his feet, responding to the opposition parties as of late. Admittedly, he and Prime Minister Justin Trudeau have a lot to answer to.

The controversy was unhinged when it was discovered this Fall that the finance minister broke ethics watchdog rules when he failed to report an offshore private corporation that held a French villa. Upon further investigation, it was found that he also failed to divest himself of 21 million dollars worth of stocks in his family’s pension administration and human resources firm Morneau Shepell. Morneau used a loophole in the *Conflict of Interest Act* that allowed him to keep his shares in a private numbered company rather than divesting them or placing them in a blind trust, as the majority of politicians do.

A year ago, Morneau and the Liberals introduced Bill C-27, a bill that would let some employers break their pension promises and that CUPE has been working hard to stop. Bill C-27 would allow pension administrators to convert defined benefit pension plans to targeted benefit plans – a change Morneau Shepell had lobbied for and a change they stand to profit from.

The NDP was quick to provide solutions to closing conflict of interest loopholes by putting forward a motion to do exactly that. The Liberals were quick to vote it down.

It’s hard to recall a more flagrant and clear-cut conflict of interest in modern Canadian political history.

The controversy over Morneau’s ethical lapses has made it clear that Bill C-27 is all about weakening retirement security for millions of Canadians so that a group of CEOs can make huge profits.

Originally fining Mr. Morneau for failing to declare his shares, Ethics Commissioner Mary Dawson is pursuing the finance minister further. She is launching a formal examination into Mr. Morneau’s role in drafting the pension bill and his decision as Minister to sponsor it, despite his ties to Morneau Shepell.

It’s tough to say whether the political fallout will be enough to sink the bill, once and for all. But no matter the government’s political calculations, CUPE will continue to vigorously oppose this alarming legislation.

■ Charles Brenchley and Hugh Pouliot



NATIONAL PRESIDENT MARK HANCOCK

Ready to tackle challenges new and old in 2018

As 2017 comes to an end, we face the promise of a new year and all the opportunity and possibility that comes with it. I wish you and your loved ones the best of everything in 2018.

Coming off a successful and invigorating convention in Toronto this past October, more than 2,200 CUPE delegates gathered over five days and adopted a strong plan to strengthen our great union, and workers’ rights, across Canada. We’re already hard at work realizing the goals and objectives that our convention set, and we’re excited about what’s to come.

In one of the key decisions taken in Toronto, delegates approved a resolution to create a Task Force on Governance to conduct a comprehensive review of the governance and structure of our national union. Delegates agreed that it is time to assess if our current structure is meeting the needs of our members. You’ll hear more about the Task Force in 2018.

Delegates also adopted CUPE’s Strategic Directions, which establishes the union’s priorities for the next two years. The plan sets out how we will make gains in our workplaces and communities, fight racism and discrimination in all its forms and advocate for a better country and world. It calls for a new member engagement program for CUPE locals, and the creation of a campaign program that will train and support our members in their work to defend public services and their fights against concessions.

We’ve never been better equipped to go out and create a better life for our 650,000 members and for all workers. Together, we’re on course to make a difference in the lives of our members and all Canadians in 2018 – and for many years to follow.

MARK HANCOCK ONLINE [twitter.com/@MarkHancockCUPE](https://twitter.com/MarkHancockCUPE)





CUPE CELEBRATES

Three Little Words: Celebrating the 20th anniversary of a landmark equality case

In April of 1998, the Ontario Court of Appeal ruled that the words “or same sex” be read into the *Income Tax Act* definition of spouse for pension plans. These three little words marked a massive victory for lesbian and gay rights – and fueled the growing movement for equality for gays and lesbians across the country. The federal government declined to appeal the decision. Over the decades, unions and social movements for equality have taken their struggles to the streets, the bargaining tables and the courts. CUPE has a long and proud history of fighting for respect and justice on all these battlegrounds, including the fight for equality for lesbians and gays.

How did this landmark change happen?

It happened because two lesbian CUPE employees, in partnership with Canada’s largest union and with the support of the Court Challenges Program, went to court to fight for their pension rights.

They came, they litigated, and they won – laying another paving stone on the path towards equality for all under the *Canadian Charter of Rights and Freedoms*. They wanted their partners to be afforded the same protections as the spouses of every other member of CUPE’s staff.

The change meant that

if these employees were to pass away, their respective partners would receive their pension benefits – just like the survivors of their straight co-workers would.

In the summer of 1990, Nancy Rosenberg was staring at the CUPE human resources form she needed to fill out to register for her pension and benefits.

She could “tick” single, married, or divorced – but she was none of these. Still, she hesitated over the “single” box. Would she “play the game” once more, and deny her reality?

No, she would not. Stung from a recent heart-rending battle to get access to her same-sex partner who was sick in hospital, Nancy

resolved to ask her employer to recognize her partner, and the common-law nature of their relationship.

CUPE stepped up and agreed to her request. The union then changed its own definition of spouse to include same-sex couples, at least as far as their own pension policies were concerned.

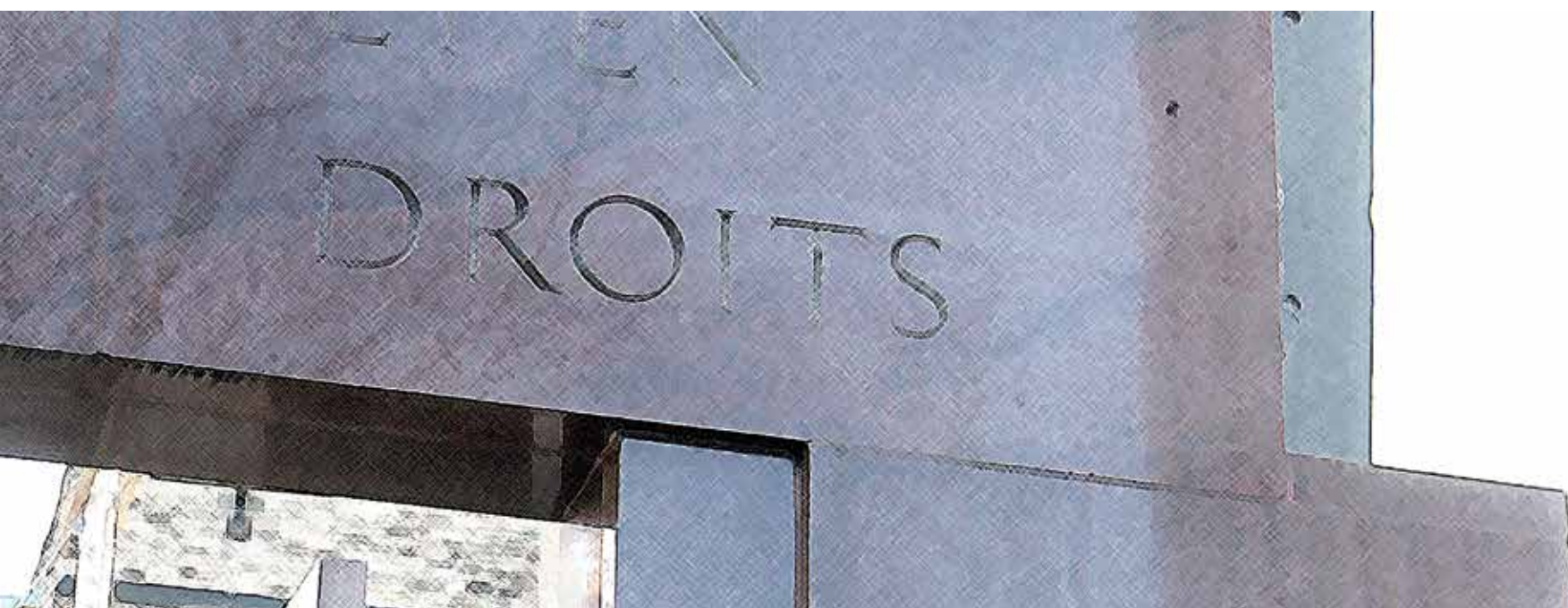
However, because the CUPE pension plan was registered with the federal government, the definition of spouse had to correspond with the definition of spouse in the *Income Tax Act*.

The Act defined spouse as someone “of the opposite sex.” Revenue Canada advised that if CUPE insisted on amending its pension plan definition of spouse, that the CUPE pension plan would be de-registered. This would have had disastrous consequences for all CUPE employees, and, same-sex partners still wouldn’t be eligible for survivor benefits.

To change this, it would mean going to court to challenge the definition under the equality provisions of the *Canadian Charter of Rights and Freedoms*.

Nancy was tired of all the “indignities and slights” she and others were made to suffer. She was fed up with all the different ways she experienced discrimination as a lesbian.

Her colleague Margaret Evans felt the same way. As CUPE employees – Nancy as a legal officer, Margaret as a collective bargaining researcher – they both paid into the same pension plan as every other CUPE worker. Both were lesbian, and both had long-term partners who, they felt, should be entitled to receive their pension benefits should



they pass away.

“At the time, a number of issues were affecting our members, especially people from the LGBTQI community,” Margaret recalls. “This was early 1990s. There was a lot of discrimination against people around HIV-AIDS, around benefits, and around pensions.”

Margaret described a particular phone call from a union representative who represented a member working as an RPN in a northern Ontario hospital. The member’s partner had recently passed away from AIDS-related complications and his co-workers no longer wanted to work with him. He was shunned, and forced to post into a lower-classification job so he wouldn’t be around them.

Such was the climate at the time.

But this hostility also gave rise to courage – and solidarity. When Nancy and Margaret wanted to take legal action, they had the full support of CUPE as their employer – and the backdrop of powerful movements for lesbian and gay rights. Social movement activism was happening all over the place, Nancy says. There were a lot of things happening at once.

“We were doing different things to get the union movement involved,” she says.

“Margaret and I put together a bargaining kit for gay and lesbian rights. There was almost no existing research on equality rights and benefits, including how to deal with insurance companies.”

The kit was the first of its kind – very popular and widely distributed, Nancy says, noting that provincial human rights commissions across the country ordered copies. At around the same time, CUPE members created the union’s first Pink Triangle Committee, and other unions were doing likewise.

As the 90s came to a close, this greater level of activity and visibility was leading to greater acceptance of gay and lesbian people – and their family units – inside the union and in the wider society. And just as this acceptance was finding expression among unionists, it was also being shared by some of Canada’s judges.

The Ontario court ruling reflected this. Here’s an excerpt from the decision published April 23, 1998:

Aging and retirement are not unique to heterosexuals and there is nothing about being heterosexual that warrants the government’s preferential attention to the possibility of economic insecurity.... It is difficult to see a rational connection between protecting heterosexual spouses from insecurity on the death of their partner and denying cohabiting gay and lesbian partners the same protection. The sexual orientation of surviving partners can in no way be seen as any more relevant to the entitlement than would be their race, colour or ethnicity.

Lawyer Peter Engelmann acted on behalf of CUPE, Nancy, and Margaret in the case. He is a long-time labour and human rights lawyer at Goldblatt Partners in Ottawa.

He says it was a tremendous feeling when the decision came down.

“By that point in time, I had been doing human rights law since the

mid-1980s and it really felt like we – because it was a combined effort – that we had advanced the law,” he says. “It was wonderful to work with an employer that was progressive and wanted to be inclusive in its pension plan. I was elated for Nancy and Margaret – and also for gay men and lesbians who were in relationships and wanted to leave retirement benefits to their spouses.”

The victory was long in the making, Peter says, since the appeal decision was the deciding chapter in a series of related legal cases that did not conclude favourably over the course of the early-to-mid-1990s. But Nancy’s and Margaret’s case was different.

“It was because CUPE, as their employer, was trying to register its pension plan to allow same-sex spouses to receive benefits. CUPE was driving the litigation, and this made all the difference.”

CUPE’s support was key, as was the fact that Peter and his team were in front of a very “good bench” of progressive, active and intellectual judges who had loads of questions and were very engaged, he



From left to right: Peter Engelmann, Nancy Rosenberg and Margaret Evans



recalls. He says he had a very good feeling about it.

Still, with so much to celebrate, there is more to be done, Peter says.

“The LGBTTTQI community is doing tremendous work on transgender rights and there is a lot of work that needs to be done,” he says. “Some of the worst cases of harassment I’ve ever been involved in as a labour lawyer, involve transgender individuals.”

CUPE’s National President Mark Hancock says CUPE is proud of its record in defending and promoting

equality rights as part and parcel of the union’s work defending labour and social rights.

“We celebrate our progress, and we know there is more to be done,” Hancock says. “We know that too many people face hate, violence and exclusion. That’s why CUPE will continue to stand with all members of our Canadian family, no matter their sexual orientation or their gender expression.”

Trade unions are at the forefront of pushing the envelope for human rights,

Peter argues. So, it’s only fitting for CUPE members to be engaged in this work.

“Unions have been at the forefront of getting human rights acts strengthened, and getting protections for sexual orientation and gender identity – just as unions were at the forefront making sure there were laws against child labour, making sure there was minimum wage and pay equity. It’s key to what unions do.”

■ **David Robbins**

Shining a spotlight on privatization’s hidden costs

At the same time as it unleashes a new wave of privatization through the Canada Infrastructure Bank, the Liberal government is ensuring key details about privatization projects will remain secret.

These projects are often promoted with unfounded claims they are cheaper than publicly financed, owned and operated projects.

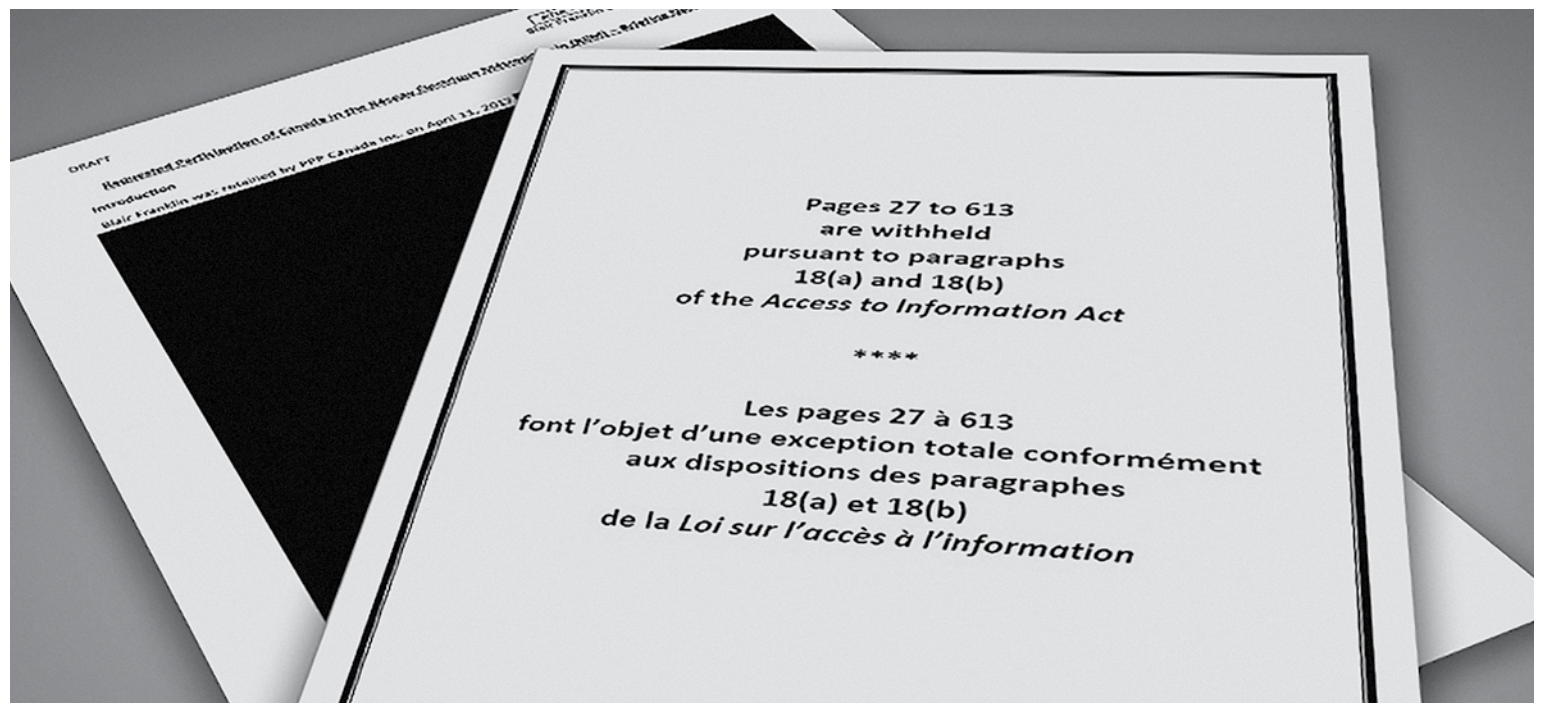
Existing limits on access to information keep Canadians in the dark about the true costs of privatization deals – public-private partnerships (P3s), contracting out, Social Impact Bonds or other schemes.

CUPE warned that the Liberal government’s proposed Access to Information changes won’t make the situation any better.

CUPE presented our union’s concerns to the House of Commons committee studying Bill C-58. Bill C-58 is legislation amending the existing *Access to Information Act*.

CUPE and other critics are warning that instead of broadening access, Bill C-58 creates new barriers for people who want to access information about the federal government and its departments and operations.

We are calling on the Liberals to uphold and expand the public’s right to



know essential information about privatization. This information is routinely not fully disclosed under the existing laws.

Our union has long fought for access to the full details of privatization deals, particularly P3s. P3s are justified using a biased and secretive evaluation process. But the private sector’s claims of “value for money” can’t be proven, as key details are blacked out of any documents that are made public.

Broken Liberal promise on transparency

The Liberal election platform and ministerial mandate letters committed the government to more openness and transparency. But C-58 breaks that promise, including when

it comes to disclosure around privatization. None of the government’s proposed reforms will open the books on privatization so the public can know the true costs.

When CUPE and other independent evaluators do gain access, the facts show privatization costs more. A study by Ontario’s Auditor General of 74 public-private partnership projects found they cost \$8 billion more than if they had been publicly financed, owned and operated. The study also found there was “no empirical evidence” to justify the projects going ahead as P3s.

Earlier this year, CUPE requested a copy of the analysis the federal government used to justify investing nearly \$1.3 billion in a controversial private light

rail project in Montreal. The result: 99 per cent of the information was either heavily blacked out, or not provided at all. CUPE has appealed this lack of access, and went public with our findings.

Infrastructure bank shrouded in secrecy

Lifting the veil of secrecy surrounding the Canada Infrastructure Bank and its projects is another key priority for CUPE. The bank will be covered by the same rules that limit transparency, and comes with even more restrictions on disclosure.

CUPE helped fund a Columbia Institute report on the Canada Infrastructure Bank’s lack of transparency. Access to information requests submitted to

governments about P3s and other privatization projects are “often denied, delayed or redacted. This erodes the transparency and accountability needed for the functioning of a healthy democracy,” warns the Institute.

We are calling for the government to scrap Bill C-58. Further, the government must consult with the public and key stakeholders about how to modernize the *Access to Information Act*. It’s time for the Liberals to uphold and expand the public’s right to know essential information about federal agencies, departments and elected officials.

■ **Karin Jordan**

Judy Darcy, BC’s Minister of Mental Health and Addictions is hard at work

When new B.C. Premier John Horgan unveiled his cabinet on July 18, it was no surprise to see New Westminster MLA Judy Darcy among the 11 men and 11 women taking on leadership roles in the new government. As many CUPE members will know, Darcy served as CUPE’s National President from 1991-2003, and later served as business manager of the Hospital Employees’ Union from 2005-2011.

Darcy was appointed to be the first cabinet minister to lead the new Ministry of Mental Health and Addictions. The Horgan government has been widely praised for combining the issues of addiction and mental health into a single ministry, as the two issues are often linked.

The ministry was established in order to focus government resources on these twin challenges – combatting and solving the opioid overdose epidemic that has seen more than 1,100 overdose deaths in B.C. in the first nine months of 2017, while at the same time modernizing and improving the province’s mental health services.

In his ministerial mandate letter to Darcy, Horgan outlined his expectations: “In your role as Minister of Mental Health and Addictions I expect that you will make substantive progress on the following priorities:

- Work in partnership to develop an immediate response to the opioid crisis that includes crucial investments and improvements to mental health and addictions services.
- Create a mental health and addiction strategy to guide the transformation of B.C.’s mental health care system. As part of this strategy, include a focus on improving access, investing in early prevention and youth mental health.
- Consult with internal and external stakeholders to determine the most effective way to deliver quality mental health and addiction services.”

“As the Minister of Mental Health and Addictions, I am truly touched by the stories that brave people shared with me about their struggles with mental illness,” Darcy said in a

statement. “One in four British Columbians will deal with a mental health issue in their lifetime. Many people suffer in a dark silence, a silence that exists because of shame and judgement, instead of talking openly about this illness.”

A wide range of CUPE members in B.C. deal with the overdose crisis on a daily basis. Members of CUPE 1004 and 1936 who work at the Portland Hotel Society’s facilities in Vancouver’s

Downtown Eastside (and Victoria)—including Insite, the first supervised injection site—have helped save countless lives. Ambulance paramedics in B.C. (CUPE 873) are often first on the scene of suspected overdoses, and the massive growing volume of such calls is taking a serious personal toll on many paramedics. In addition, CUPE members working in municipalities, community centres and libraries all over the province also frequently

deal with suspected overdoses.

“Thousands of British Columbians have lost family members, friends, loved ones and coworkers to this epidemic of opioid overdoses,” said CUPE BC President Paul Faoro. “I’m confident that the new government’s approach will help prevent additional deaths, and I’m particularly confident that Judy Darcy is the best person to take on this important work.”

■ Clay Suddaby



CUPE BC President Paul Faoro, and the B.C. minister of Mental Health and Addictions, Judy Darcy.

NATIONAL SECRETARY-TREASURER CHARLES FLEURY

Strike pay from day one strengthens bargaining power

At the bargaining table, governments and employers across the country continue to ask for more and offer less in return.

To strengthen the power of our members during bargaining, delegates at the 2017 national convention passed a resolution to have strike pay begin on the first day of a strike or lockout. Previously, strike pay of up to \$300 a week began on the fifth day of a strike.

This change is now in effect. It adds strength to the bargaining position of locals when employers try to

bargain unreasonable demands. From now on, bargaining strategies will take into account the fact that our members will have their strike pay in hand sooner.

Before proceeding with strike action, locals can put in place a strike-averting campaign which is funded 100 per cent by CUPE National.

With strike pay from day one, strike-averting campaigns and CUPE’s strengthened bargaining policy rejecting concessionary demands and two-tier proposals by employers, our members are now better equipped than ever to negotiate in the current climate of austerity.

This is the power of a pan-Canadian union of 650,000 members with a national strike fund of \$95 million.

At CUPE, when our members are involved, when our locals are prepared and when we have all the necessary resources in place, we can fight back and win.

Together, we will continue to uphold the interests of our members, our public services and our communities. Our victories will continue to benefit not only our members but also all workers across Canada.

In 2018, the national president and I are counting on your commitment to help us in our ongoing struggle for justice and equity for all.

Solidarity and all the best for the coming year.



CHARLES FLEURY ONLINE  [twitter.com/@CUPENatSec](https://twitter.com/CUPENatSec)

Campaign features Montreal bus drivers, para-transit drivers and fare collectors



Bus drivers, para-transit drivers and fare collectors launched an awareness campaign targeting the general public and public transit users in Montréal. These members of CUPE 1983 launched the campaign to help Montrealers understand the work they do.

As part of the campaign, 460 posters and panels featuring real *Société de transport de Montréal (STM)* workers were posted on buses, at select metro stations and at a number of bus shelters.

The tag line of the campaign: “*Salut! On se ressemble, on est du même monde*” (“Hi! We’re people just like you”), highlights both the human side and the great diversity of these STM workers who interact with the public. Conceived with the goal of helping to build trust and a personal connection between users and the workers who provide transportation services to Montrealers around the clock, the campaign has been a big success.

“We decided to reach out directly to users to let them know that we’re ordinary people just like them and are here to serve them,” said CUPE 1983 President Renato Carlone. “We’re hoping that this campaign will help users to look at our bus drivers in a new light.”

The campaign was launched on Facebook over 15 weeks. Each week, a worker was featured on the social media platform along with a personal testimonial about why their work is important to them.

Their reasons include striving to keep users safe, working in a sector that plays an important role in protecting the environment and promoting future economic development, getting fulfilment from working closely with the public and being on the receiving end of hundreds of smiles every day.

■ Lisa Djevahirdjian



Major step forward for Ontario seniors living in long-term care

Thanks to the work of CUPE Ontario’s long-term care workers, seniors living in long-term care are now closer to a minimum of four hours of daily hands-on care.

Bill 33, the *Time to Care Act*, passed second reading thanks to all party support for an NDP private members’ bill that would legislate the minimum care standard.

“Right now, we have five to ten minutes to help a resident with their morning routine. That includes waking, washing, dressing and use of the commode. Imagine if you only had ten minutes for all those activities. Then imagine you are 82 years old with mobility issues,” said Andrea Legault, a personal support worker of 19 years. “We are literally forcing seniors into incontinence because we can’t get to them when they call. Our residents deserve better than this. We expected more from this government.”

“This bill will protect the health and dignity of our seniors,” said Candace Rennick, Secretary-Treasurer of CUPE Ontario and a former long-term care worker who worked directly with the NDP to draft the bill. “If we are going to protect our most vulnerable citizens, a minimum care standard is a must.”

Currently in Ontario, the only legal guarantees

are one on-site nurse 24 hours-a-day, and two baths a week. Canada has the lowest care levels among countries with equivalent economies, and Ontario has the lowest in Canada.

There are more than 78,000 people living in the province’s long-term care homes. The majority of residents are over 85, almost three quarters have some form of Alzheimer’s or dementia, and the vast majority have mobility issues.

CUPE Ontario’s long-term care members have been campaigning for these changes for many years, holding community rallies, and bake sales, and building coalitions with family groups. Together they collected close to 70,000 signatures supporting the bill and know of at least 5,000 letters sent to MPPs asking them to vote for the bill.

“It’s not acceptable that our loved ones, the people who spent their lives building our province and caring for our communities, are now being neglected in their final years. We have been working hard to get the government to take action on this,” said Rennick. “Getting the bill past second reading is a big win. Now we just need to make sure the government acts swiftly to bring it to final reading and pass it into law.”

■ Sarah Jordison