



**Hamilton Community Legal Clinic**  
**Clinique juridique communautaire de Hamilton**

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Mr. C. Michael Mitchell and Honourable John C. Murray  
Special Advisors  
Changing Workplaces Review  
ELCPB 400 University Ave., 12<sup>th</sup> Floor  
Toronto, Ontario M7A 1T7

Dear Mr. Mitchell and Hon. Mr. Murray:

**Re: Submission to the Changing Workplaces Review on the Interim Report**

Hamilton Community Legal Clinic (HCLC) is a community based not for profit agency whose diverse team of caring professionals and volunteers provides legal services to low income individuals and communities to promote access to justice and to improve quality of life.

We do this through summary advice and referral, representation, community development, law reform and public legal education.

Community Legal Clinics in Hamilton have been working with low income individuals and families for forty years.

We believe the Changing Workplaces Review provides an unprecedented opportunity to tackle the root causes of precarious work.

We call on you to reject options that will create more precarious work in Ontario's labour market. Instead we recommend the development of a bold and comprehensive vision that uproots the structural sources of precarious employment.

We would like to draw your attention to the full review done by the Workers' Action Centre and Parkdale Community Legal Services. This review, entitled "Building Decent Jobs from the Ground Up," includes ninety recommendations to improve wages and working conditions. The Clinic supports and endorses these recommendations.

The Clinic's strong belief is that we need to close the gaps in legislation that

contribute to precarious work. These gaps, if left unchecked, will continue to exert downward pressure on the wages and working conditions of all of us.

Your report correctly points out that the *“old definitions (of employees) are not well suited to the modern workplace.”* We have spoken out before about workers who are misclassified. Their misclassification is a serious problem for them, their employers and the economy.

In that regard, with respect to options put forward including maintaining the status quo, increased education of workers and proactive enforcements; we believe that in disputes about whether a person is an employee, the employer should have the burden of proving that the person is not an employee as covered by the ESA.

Going hand in hand with the misclassification issue is the fact that many companies have moved away from direct employment. Sub contracting, outsourcing, franchising and other methods are now quite common.

It seems obvious to us that those who profit from worker’s labour must have some level of liability for employment standards compliance. Making franchisors liable for employment standards violations of their franchisees has merit.

We appreciate your consideration of our comments.

Yours truly,

Bob Wood

Community Development Worker - Communication  
Hamilton Community Legal Clinic