



T E E L S

TORONTO EAST EMPLOYMENT LAW SERVICES

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Mr. Mitchell and Honourable Murray
Special Advisors
Changing Workplaces Review
ELCPB 400 University Ave., 12th Floor
Toronto, Ontario M7A 1T7

October 13, 2016

Dear Mr. Mitchell and Hon. Murray:

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

We are writing on behalf of the Toronto East Employment Law Services ("TEELS"). TEELS is a project of six legal clinics in the east end of Toronto who have organized together to provide free employment law services to low-income individuals. The participating clinics are East Toronto Community Legal Services, Flemingdon Community Legal Services, Neighbourhood Legal Services, Scarborough Community Legal Services, West Scarborough Community Legal Services and Willowdale Community Legal Services.

Our clients are extremely diverse, and we represent new immigrants, women, racialized persons, low- or no-income individuals, and workers in precarious jobs who are living in poverty. We are writing today with their interests in mind.

The Employment Standards Act ("ESA") and Labour Relations Act legislations were developed to "secure justice" in what is recognized as a "particularly crucial segment of people's life." The significance of employment in people's life has remained true. However, the said legislations have become inadequate, if not barriers, for workers as they fail to respond to evolvments in employment relationships.

Legislation such as the ESA was developed based upon a model of an employment relationship that society is evolving away from. For example, employees entering the workforce are rarely working for a single employer on a full-time, permanent basis. Rather, employees are facing temporary, part-time work.

Unfortunately, precarious employment status often arises out of “non-standard” forms of employment such as subcontracts and the use of temp agencies. Under non-standard forms of employment, workers are often misclassified as contractors and hence, struggle to enforce rights guaranteed under the ESA against employers.

The Changing Workplaces Review provides an unprecedented opportunity to tackle the root causes of precarious work. As the appointed Advisors to the Changing Workplaces review, you were asked by the government to address why “far too many workers are experiencing greater precariousness” today in Ontario.

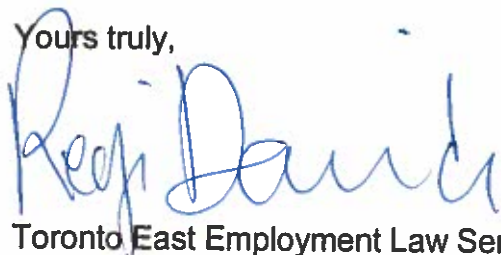
We are calling on you to reject options that will introduce more precarity to Ontario's labour market and instead recommend a bold and comprehensive vision that uproots the structural sources of precarious employment. As you well know, we cannot expect to fix systemic labour market problems with band-aid solutions.

We are heartened that you have correctly identified changing business practices as a source of precarious work. We note that many of these practices stem from the many exemptions and loopholes that make it possible for employers to evade their responsibilities under the law. Accordingly, we need to close the gaps in legislation that contribute to precarious work and that, left unchecked, will continue to exert downward pressure on the wages and working conditions of all of us.

In addition to raising minimum standards for all workers, we must also reduce the barriers to collective bargaining that exclude most people in precarious work.

The Workers' Action Centre and Parkdale Community Legal Services have provided a full review of the Advisors' Interim Report and made recommendations to improve wages and working conditions. Our organization supports and endorses their submission, “Building Decent Jobs from the Ground Up.”

Yours truly,

A handwritten signature in blue ink that reads "Reep David". The signature is written in a cursive, flowing style.

Toronto East Employment Law Services