



# Submission to Ministry of Labour, Government of Ontario

## Re the Changing Workplaces Review

### September 11, 2015

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Co-chairs of the Chinese Workers Network

#### INTRODUCTION

On behalf of the growing **Chinese Workers Network** several Steering Committee members, including Liyu Guo and Kingsley Kwok, the two co-chairs of the Network, made a deputation at one of the consultation sessions hosted by the Changing Workplaces Review Committee in June, 2015. Concerns were highlighted on issues of the growing precarious work, especially those affecting ethno-cultural workers in Toronto and across Ontario. Below are some of the key issues we would like to reiterate for your consideration.

As well, following our deputation in June and at the suggestion of the two government-appointed consultants, Steering Committee members also conducted a telephone blitz of some temp agencies which mostly target Chinese-speaking job seekers. We include some of our observations and findings in this submission.

The **Chinese Workers Network** was created more than two years ago, with support from the Toronto & York Region Labour Council. It is composed of a steering committee of 12 union activists and has a very broad base of over 500 workers representing a wide range of unions and occupations.

## THE HARD REALITIES at a glance:

- Canada's job market is becoming increasingly precarious and it is a fact that there's a sharp increase of part-time, temporary and precarious jobs, while full-time, well-paying jobs are fast disappearing across Canada (Case in point: At the workplace of one of the co-chairs, a small youth project funding created a part-time, short-term position. Without a doubt, the job posting attracted a large number of applicants, some being very qualified and others over qualified.) It speaks to the need for Ontario to invest in good jobs creation and employment strategies for the most vulnerable groups, such as young people, people of colour, Indigenous peoples and others.
- Racialized Ontarians, including peoples of colour, women and newcomers are all overrepresented in minimum wage jobs. Meanwhile almost 40% of children in poverty were in families where their parents had full time, full year work and yet they were still living in poverty.
- Racialized workers and communities face discrimination and racism every step of the way, whether in applying for jobs or in hiring and promotion.

## OUR RECOMMENDATIONS:

- **Promote good jobs through legislation to cover temp agencies.**  
The Chinese Canadian community is the largest linguist and ethnic group in Toronto. Because of the size of the community, there are employment opportunities for workers who might not otherwise find in the so-called mainstream job market. For example, if you open up to see the job ads section in any major Chinese newspapers, they are filled with temp agency or other low-paid, sometimes shady job ads every day. As well, there's a growing trend that more temp agencies advertise job openings in Chinese-specific websites that are popular among Chinese Canadians.
- **Better enforcement and public education on Employment Standards Act is needed.**  
There is a lot of informal economy that operates in the Canadian Chinese community. While it provides some much needed income for workers, it also compromises workers' rights under ESA. The implementation of the Act should not rely on workers raising the flag. It is a flawed system when the party with less power is responsible to alert government. The government needs to properly fund and staff ESA offices to ensure there is proper enforcement of ESA. If workers are willing to file a claim, we need to make sure workers are properly supported, including the opportunity to speak freely in

their mother tongue. In addition to enforcement of ESA, the government should also provide education on the Act proactively.

- **Continue to raise the minimum wage and discourage companies that create poverty-wage jobs.**

We know that minimum wage is not part of this Review. However, when people are working full-time and still living in poverty, it speaks to systemic issues. We cannot expect minimum wage workers to always speak up for their rights against their employers. They will continue to be vulnerable unless government can step in and offer them legislative protection.

- **Introduce targeted programs, including employment equity, for groups with disproportionately high poverty rates, especially racialized Ontarians and Indigenous peoples.**

We know this is not part of the scope of the review, but we are all painfully aware there are systemic barriers that workers of colour face every day. We are happy to note the newly legislated Community Benefits Agreement will hopefully provide some relief in terms of supporting workers to find employment, especially those from high risk or high needs groups or who are chronically unemployed or underemployed.

- **Employment standards need to address the new realities of work arrangements, and provide protections that enforce equal pay for equal work across part-time, shift, temporary and full-time categories of workers.**

## **CONCLUSION:**

While we understand the scope of this Review is limited, we hope the government can adopt a more holistic approach in examining the issues with the Employment Standards Act and recognize the fact that in order to address some of the more systemic issues, we need a multi-pronged strategy that can tackle all related issues, such as income security, a healthy labour market, better strategies to create good jobs, including full-time jobs with decent wages and benefits, better workers' protection, their rights to unionization, and affordable, accessible and high-quality child care, especially for working parents who are in need of more affordable, reliable and high-quality child care.

## **OBSERVATIONS re a phone blitz of temp agencies during the week of July 20-24, 2015**

Three Steering Committee Members of the Chinese Workers Network conducted a phone blitz (based on 34 temp agency ads on a Chinese language website, with a few duplicates – probably intentional by the agencies to get more attention) in Chinese during the week of July 20-24 and here're some key observations:

- **Minimum wage:** On the phone, all the agencies told the callers that the hourly rate is around \$11 or higher (which is the current minimum wage)
- **Type of work:** The majority of the types of work were “labour”, factory jobs, shift work and possibly a few office-related jobs, and one agency even boasts of high end jobs, like engineers, computer related work, and they all tend to assure the callers that these are NOT short term, but long term jobs (on the condition that the employee lives up to the employer’s expectations, etc.)
- Re **short term** or long term, etc., some agencies said the jobs would be for around 3 months or longer, and there’s a one month probation period
- **Privacy, human rights concerns**, etc. Some agencies sounded evasive on the phone, and wanted the callers to come into the office and discuss more details/specifics; a few asked very personal questions, such as age, where the caller lives, whether he/she can drive
- Some agencies said there’s NO holiday pay or overtime pay; others said it depends on the employer; one other said it would follow government regulations
- Mixed responses to our question about temp agency fee. Some answered No, while others said yes, ranging from \$50 to \$500 (when signing a contract) or a fee based on a certain percentage of the salary.

#### **Other personal and anecdotal stories gathered from our network:**

- One person responded to an ad, was picked up to work at night and was left alone to find worms in the dark.
- Another was hired as a chemist via a temp agency and could not apply directly with the company.
- A highly educated job seeker went to a temp agency, paid his one-time fee of \$200, and never received any service as promised.
- A Visa student with a valid work permit applied for a job at an ice cream store, and was told to go through one week of mandatory training with no pay; the hourly pay was also below the minimum wage.

#### **For further information, please contact:**

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