

The Society of Saint Vincent de Paul, Ontario Region appreciates this opportunity to participate in the discussion leading to the update of Ontario's Employment Standards Act

The Society of St. Vincent de Paul is a non-profit registered charity that has been serving our neighbours in need in Ontario since 1850. Annually, over 5000 of our volunteers visit more than 170,000 people offering assistance such as friendship, food and furniture vouchers. We have noticed over the last few years that the number of employed people who need help has increased because their incomes are not high enough to provide the basic needs of shelter, food and other necessities. Food Banks over the last few years have also made the same observations in their annual Hunger Reports.

We participate in this consultation because we have concerns that the quality of life of many low wage workers is affected by more than inadequate incomes. 'Just in time' working schedules result in unpredictable working hours and unstable family lives. Another stress is that workers are afraid to report labour code because they fear losing their jobs. People caught in precarious employment situations can neither plan for their own futures nor provide opportunities for a better life for their children. The quality of life for many people continues to deteriorate.

The relationship between employer and employee must be completely reinterpreted because in the current labour market many employees lose out in the onslaught of relentless cost cutting.

The declining influence of unions and the increasing power of multi-national corporations have weakened significantly the rights of employees.

We applaud the Ontario Government's initiative to consult the public about the need for changes to the Employment Standards Act. Our hope is that the well-being of workers will drive any reforms

I submit this feedback on behalf of the Society of Saint Vincent de Paul, Ontario Regional Council.

Corry Wink, Co-chair for Advocacy/Voice of the Poor Committee

Question 1: How has work changed?

No comment. We are reporting as members of the Society of Saint Vincent de Paul not as employed people.

Question2: What do workers need?

The most urgent needs for workers are:

1. the ability to earn wage which will provide basic needs for themselves and their families. Currently a worker paid minimum wage (\$11 per hour) for 35 hours per week does not earn enough to reach the Low Income Measure for even a single person.
2. a just environment where workers are truly protected from exploitation.

At a minimum this means:

- workers have a detailed job description
- workers they receive pay for work performed including appropriate rates for overtime,
- workers get entitlements to vacation and statutory holidays
- employers pay EI and CPP contributions on behalf of the employees
- workplace adhere to all workplace safety standards

Question 3: Need for unions or other safeguards

We are not certain that there is a viable alternative to unions to support workers' rights. Collective action has in the past been an important tool for protecting employees. The Ministry of Labour should encourage and facilitate the formation of unions.

#### Question 4: Seeking the right balance

Efficiency, Equity and Voice are certainly good standards for a productive and satisfying workplace provided they are implemented fairly and justly.

Efficiency: Economic performance should balance the needs of the workers for a decent livelihood with the needs of the owners for profit.

Equity: Standards need to be applied equally to all workers regardless of their age, their gender, citizenship status, the terms of their employment or any other grounds for discrimination. Standards should be expressed in clearly written contracts that set out the obligation of both employers and employees with respect to pay rates, hours worked, sick leave, safety standards, and disciplinary procedures

Voice: Opportunity for meaningful input decisions affecting the workplace. This is particularly important in situations where the future of the business is at stake.

#### Question 5: Adequacy of current provisions of the ESA

ESA must protect every employee within a workplace whether they are part time staff, workers classified as self-employed or workers contracted through third party agencies regardless of the number of hours that they work.

#### Question 6: Protection for businesses

Business owners are in the best position to advocate for those protections.

#### Question 7: Short term leaves of absence for employees

All workers should have access to leaves of absence for personal emergencies regardless of the number of employees in their workplace. People who are low wage earners need to have their livelihood protected because the loss of 10 days of income could cause major hardship. A limited insurance program which would allow workers to keep their pay and safeguard their jobs while they attend to a personal emergency would be a progressive addition to the labour code.

Question 8: Who should be covered by the ESA?

In general all workers should be covered by the ESA. See question 5.

Question 9: Provisions for sub-contractors or franchisees

The employees of sub-contractors and franchisees should be covered by the ESA.

Question 10: ESA compliance

Currently, the Ministry of Labour only investigates an employer when an employee has made a complaint to the Ministry of Labour. This is a very flawed compliance mechanism. Workers put their jobs on the line when they complain and so are not likely to do so especially when their employment may already be precarious. The Ministry of Labour should visit workplaces to ensure that the employers are complying with regulations.

A complaint box accessible to only MOL representatives may be a practical way for workers to complain.

Question 11: Who is covered?

There should be a basic coverage for workers that would cover all employees. This is especially important for workers such as domestics who are at risk for being exploited by virtue of their isolation from peers and possibly immigration status.

Question 12: Collective representation

The numbers of workers who are supported by unions has gone down steadily over the last while. This is an unfortunate trend because it puts workers at risk for being mistreated by employers. The Ministry of Labour should find ways to promote and support unions.

Question 13: Labour relations Act

We do not have the knowledge or experience to comment on this.

Question 14: Unfair labour practices

Any measures taken by an employer, specifically to avoid obligations to employees, should be declared unfair practices. These include repeatedly hiring workers on contract and misclassifying workers as contractors rather than employees or using any devious tactics to avoid paying CPP and EI levies and to avoid vacation and other entitlements.

Question 15: Changes to LRA for the modern economy

We do not have the experience or knowledge to comment on this. We believe however that “Right to Work” legislation which has been implemented in many places in the USA is regressive and designed to keep workers in low income situations.

Question 16: Other issues that need to be addressed with this review

There are many people who work but cannot earn enough to pay for their basic needs because the minimum wage is too low or because the “just in time” nature of their schedules makes it impossible get enough paid hours to earn enough to provide the basic necessities of living.

As more people fall into poverty, they lose their mental and physical health and this will compromise the economy In the future. It is important for people to have enough income to provide the basic necessities of life.

The ESA should establish a minimum wage that is a living wage.

The Ministry of Labour should explore creative ways to mitigate the impact of ‘just in time’ schedules for workers.