

Ontario Changing Workplaces Review

Panel Presentation June 18, 2015

Ottawa

Presented by Katalin Koller

On behalf of

The Ottawa Chapter of the Council of Canadians

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Presentation Notes

- Hello, my name is Katalin Koller and I am here representing the Ottawa Chapter of the Council of Canadians. Today I will focus my presentation on the Employment Standards Act.
- First, I would like to begin with the question: Who is the middle class? Politicians are constantly represented in the media as pandering to the middle class, yet the term lacks definition and meaning for many Canadians. Instead, many of us are now realizing we are considered part of the precariat – the class of workers struggling with precarious labour conditions that affect our income security, family and career planning, and our mental and physical health. Millions of Canadians, some estimates as much as 40% of us, are living with the instability of precarious employment.
- The rise of precarious labour in Canada is linked to growing income inequality, the degradation of our democracy, and the erosion of workers' rights.
- Precarious employment is a growing global trend, the ripple effects of unchecked free-market globalization, free trade deals, and ineffective government regulation that creates loopholes for businesses to take advantage of in their race to the bottom.
- In 2012 the International Labour Organization attributed the increase in precarious labour to a worldwide attack on the right to organize and bargain collectively, by shifting to subcontracting and individual contracts and attacking sectoral and national bargaining.
- The UN reports that 200 million people across the world are jobless, that's 30 million more than at the height of the global recession of 2008. Just one in four people in the world have steady, secure employment. The overwhelming majority of us are struggling with unpaid work, long spells of underemployment or unemployment, temporary and illegal work.
- Mass underemployment and unemployment of this nature contributes to downwards pressure on wages, increased use of slave and child labour, and can even be linked to the insecurity faced by over 54 million refugees across the world.
- In Canada, we depend upon our provincial governments to protect us from the detrimental impacts of precarious labour. But currently in Ontario, the Employment Standards Act is failing us. Your job is to research, review, and consult with the citizenry to identify the ways in which we need to improve.
- The Council of Canadians believes that the education and empowerment of real people is the way to overcome the lack of leadership shown by our governments in the face of unchecked economic globalization and free market fundamentalism. Over 60 volunteer chapters across Canada and 100,000 members give us a powerful, united voice with which to hold our

governments accountable and to challenge the imbalance of power between large corporations and the average, precariously employed citizen.

- The Council of Canadians was formed in 1985, establishing itself as a citizen rights organization promoting economic sovereignty in the face of the proliferation of free trade agreements. Concerned about what impacts free trade would have on Canadian workers and families, the Council soon adopted an expanded role as an environmental and social justice rights group, contributing to efforts to protect the CPP, to protect public water as a human right, and more recently, to support the legal challenge that found election fraud was committed in the robo calls scandal.
- We fight for economic and social justice. We are determined to renew universal social security while we advocate for fair trade over free trade, and just, sustainable jobs. We seek to expand and protect the commons, including the protection of our environment and water resources, and to renew the principles of our dwindling democracy.
- I represent the Ottawa Chapter of the Council of Canadians. With over 100 members, we work in solidarity with social, economic, and environmental justice groups across the city. Earlier this spring, we identified precarious labour as a priority campaign.
- Precarious labour affects all of us. Workers affected by unstable employment, with limited control over wages and access to benefits, which lack union protection or regulations governing working conditions and environments, are precariously employed.
- In 2012, over 22% of jobs in Ontario were classified as precarious, disproportionately representing women, youth, persons with disabilities, racialized persons, and new Canadians the most.
- Precarious work includes Temporary Foreign Workers, unpaid internships, contract, temporary, and self-employed workers, minimum wage workers, non-unionized workers, and the working poor.
- As the CCPA recently reported, the low-wage workforce grew by 94% in the last 17 years in Ontario, while total employment grew just 30%. In that same period, workers earning the minimum wage, which is not close to what is needed for a living wage, increased exponentially from 2.4% to 11.9%. This means that a large portion of existing jobs and new positions created are considered precarious.
- Many Ontarians are experiencing the insecurity that comes with being precariously employed, including erratic scheduling, lack of paid time off and emergency leave, a lack of just compensation for overtime hours, insecure employment contracts, and discriminatory pay for similar work conducted.

- Without the security of income and employment, workers are unable to plan for the future, for a family, for education, or for life. Stress levels and increased workload at multiple jobs affects health and happiness and social outcomes for Canadians are negatively impacted.
- Precarious employment affects our economy as well, with spending and saving checked as workers struggle just to make ends meet and provide for their families.

Our recommendations for this review follow those of the Workers Action Centre and the Canadian Centre for Policy Alternatives.

1. The Changing Workplace Review should be guided by principles of fairness and decency, as laid out in the Constitution of the International Labour Organization.
2. The Employment Standards Act needs to protect workers against structural discrimination. There should be no differential treatment in pay, benefits, and working conditions for workers doing the same work, but classified differently.
3. The workday and work week should be standardized, protecting workers against unjust employer practices such as averaging overtime instead of paying overtime wages.
4. Current part-time or temporary employees must have the right to be preferentially considered for hiring for new positions.
5. Employers should have to confirm work schedules two weeks in advance in order to allow employees to take supplementary work elsewhere and to plan for child care.
6. This panel has been directed not to consider raising the minimum wage, but we strongly recommend that the minimum wage be raised to a living wage of \$15 an hour.
7. Even small workspaces of less than 50 employees should have to provide paid sick leave for employees.
8. Broaden the definition of employee to be "a person who is paid to perform work or supply services for monetary compensation".
9. Close the loophole that allows temp agencies to take advantage of workers; ensure that temp workers receive the same wages, benefits and working conditions as workers doing comparable work, hired directly by the company, and remove barriers to direct hires.
10. Improve the enforcement mechanism and protect workers from wrongful dismissal by hiring more enforcement workers, increasing the cost of violations, establishing better supports for claimants, including improved legal aid access, and most importantly, removing the requirement that workers must first approach their employer before filing a claim.