

Deputation: The Changing Workplace Review, Ministry of Labour  
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Good Afternoon and thank you for giving me this opportunity to speak to you today.

My name is Sandra Guerra and I am here on behalf of the Toronto South Local Immigration Partnership's committee on Systemic Issues and Social Change – a city-wide committee of agencies working with newcomers. We focus on two main issues – Health Equity and Precarious Employment.

Newcomers make up 30% of the Ontario workforce and, as of this year, will be the major source of labour market growth for this province. (1) They are also one of the more vulnerable populations and they represent a large portion of those that are precariously employed, as identified in the Law Commission of Ontario's Vulnerable Workers and Precarious Work report and also through research we have done, in our own communities. (2) We found that one of the reasons newcomers are particularly vulnerable is due to lack of awareness of their rights and responsibilities, and that of their employers. (4) Yet, even when they know and understand their rights, they did not feel they could address the issue with their employers. This is the pitfall when a complaint-based process of enforcement relies on the most vulnerable workers. Out of the 453 surveys conducted in our communities, we found that 41% reported that provincial employment standards were not being followed and more than one third (38%) cited bullying or harassment in the past 6 months. (4) Understanding Employment Standards is particularly important for newcomers- they are already experiencing monumental changes in their lives, new home, new country, new culture – the stability of employment and health is particularly important. So it was extremely welcome news to hear the recent changes that require employers to post and distribute the multi-lingual informational poster on Employment Standards Act to every employee in Ontario.

Taking care of our workforce, especially those that are new entrants, is not a futile exercise, it does translate into dollars, and ultimately increases the bottom line. Newcomers bring with them diverse ideas, solutions and ways of doing things that should be supported and celebrated. A diverse workforce is a great value to individual businesses and the economy as a whole.

This review should, not only (as stated in your Terms of Reference) *'update the approach if needed to reflect the realities of Ontario's current economy'*, but it should lead the way by intentionally building a system and economy that is fair and just and protects vulnerable workers and provides opportunity for security and strong employment relationships.

Our friends at Workers' Action Centre have published a well-researched document, *'Still Working on the Edge'*, that contains a number of practical suggestions and recommendations for improving the

Employment Standards Act. We fully support this report and I will be referring to sections of it throughout my deputation today.

But, our network also thought it was important to address the questions the honourable Special Advisors posed in your letter that is guiding this review.

*“What values should be taken into account in making the recommendations - what goals and objectives do you think should guide our thinking?”*

Fairness is the first that comes to mind. Fairness, decency and equity.

These values will incorporate policies that are free from discrimination, bias and injustice.

Strong economies and strong workforces don't just happen, they do not develop and flourish if left to their own devices in a free market, they are a result of deliberate and conscious planning, of strengthening our systems through fair rules and regulations that provide employee protection and decent wages and give tools to employers that allow for competitive advantage and profitable returns.

Fairness, decency and equity includes:

- Firstly, that there are no exemptions. All workers should be covered under the Employment Standards Act, regardless of the form of their employment relationship, gender or their age. Employers should be held responsible, even when contracting out work, for how the work gets done, and how the employees are treated and compensated. It is unfair for businesses to evade the core labour standards by sub-contracting work.
- Secondly, the importance of equal pay for equal work – if responsibilities are the same, then pay is the same, regardless of employment status
- Thirdly, a clear definition of employee and independent contractors – hiring staff and then billing them as independent contractors is an unfair practice and a way for employers to evade their responsibilities. This practice benefits only the employer and leaves the employee with no protection and no benefits.
- Fourthly, an allowance for employees to take a reasonable amount of paid sick time. Providing paid sick leave speeds up recovery, deters the spread of illness to other staff and reduces health care costs.
- And lastly, the establishment of an anonymous third party complaint program (for example Fair Work Ombudsman (Australia) that provides information and education, tools and guides and helps employees resolve workplace issues. Australia has also, by the way, made it illegal to claim an employee is an independent contractor - they call it Sham Contracting)

At the core of all this, is that we are talking about relationships. For this review, the Ministry of Labor has outlined 3 key objectives in the employment relationship – Efficiency, Equity and Voice. If these are the objectives, then practices that undermine this employment relationship (for example: the current state of contract, temporary and part –time work and the rise of the sharing economy) should be considered detrimental to a healthy and flourishing economy and in violation of the Employment Standards Act.

When the employment relationship is put at risk, the ripple effect is disastrous. The cost of precarious work goes beyond the personal and societal economics, it affects our health, our mental health our community participation and our quality of life. Many are required to take multiple jobs and or do temporary/precarious or contract work in order to care for their family, this is not a new scenario especially in Toronto, where costs are high. But according to Canadian labour force data, as of 2008 16% of newcomers worked in temporary positions, compared to 8.3% of their Canadian-born counterparts. The report also sites that newcomers whose early experience in Canada is in precarious jobs are more likely to remain there, regardless of education or time spent in Canada. (3)

Toronto Public Health’s 2011 publication, The Global City report states:

*The link between employment, working conditions and health is well established. A number of work dimensions affect health outcomes, including: employment security; physical conditions in the workplace; work pace and stress; working hours; and opportunities for self-expression and individual development at work..... The rise of temporary and precarious employment and unsafe work conditions can have many negative impacts on health. Including: Physical..... mental and.....physiological.... The study also found that precarious income and employment have a negative impact on the health of participants’ family members.....*

Traditionally, it is lower income positions that are the most precarious. However, we are seeing a clear increase in job precarity of middle income and professional positions. It is no longer an issue faced only by those working at temporary agencies. (The recent strike action by University of Toronto and York University contract staff is the perfect example).

We do not have to re-invent the wheel, there are successful innovative programs from around the world, including:

- policies that require the more precarious the employment is, the higher premium employers must pay
- policies that demand decent jobs and security when we are offering tax and job subsidies to employers, and

- groundbreaking employment laws in Denmark that offer 2 years of employment insurance and guaranteed re-training when someone leaves, changes or loses their job.

How important it is to get the these policies and regulations right? If we continue on our current path, Ontario will develop a low-wage economy. These policies are not just about jobs – what we do for a living is connected to how we live, how we participate with our families and in our communities. The effects on people’s health and well being extend beyond the workplace too – into the homes, schools, neighbourhoods, communities, and the cities and towns of this province and contributes to a happy, healthy civic and social society and a strong economy.

(1) Ministry of Citizenship, Immigration and International Trade

(2) Shadow Economies: Economic Survival Strategies of Toronto Immigrant Communities, Toronto South Local Immigration Partnership

(3) The Global City: Newcomer Health in Toronto, Toronto Public Health

(4) Law Commission of Ontario – Vulnerable Workers and Precarious Work report