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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

The Osgoode Hall Law Union is a student chapter of the Law Union of Ontario. It is our mandate to facilitate and support social justice initiatives on campus and in our broader communities.

Many of us have worked as student case workers on employment law cases at Parkdale Community Legal Services and the Community Legal Aid Services Program at Osgoode Hall Law School. Through this work, we have seen how inadequate existing legal protections in the workplace are for precarious workers.

The workers we help are victims of precarious employment, working for employers who routinely violate their rights to regular breaks, vacation pay, overtime pay, termination pay, and many other minimum standards. As a result, we often see clients come into our clinics who are distraught, disillusioned, and owed thousands of dollars in unpaid wages with little hope of collecting their hard-earned money. Many of these workers are misclassified as independent contractors and are thus unable to readily access their ESA rights. If they are deemed employees and are able to file an ESA complaint, it can take years to have that order enforced. In many cases, the debt bounces from the Ministry of Labour to the Ministry of Finance and back again, and is ultimately deemed uncollectable.

The existing employment and labour laws simply do not reflect the reality of work that our clients face.

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."

We particularly echo the call for a \$15 an hour minimum wage that applies to all workers, a reform that could help lift hundreds of thousands of workers and families in Ontario out of poverty. Only by combining a livable minimum wage with other important changes to improve legal protections for workers can we ensure basic dignity for all Ontario workers.

Yours truly,

Osgoode Hall Law Union

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