THE LCO'S FINAL REPORT ON VULNERABLE WORKERS & PRECARIOUS WORK

Institute for Work & Health Plenary

November 26, 2013



ROAD MAP

2

Law Commission of Ontario History Mandate

• Vulnerable Workers Report

- History
- Process
- Recommendations
- Post-Release Activity



LAW COMMISSION OF ONTARIO

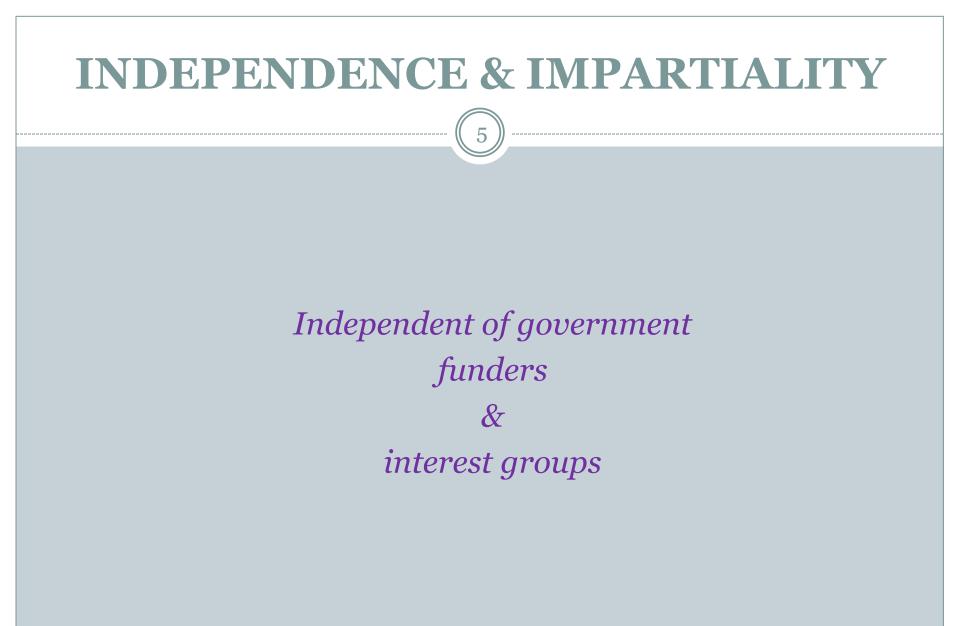
- Launched September 2007
- Five year agreement (January 1, 2007~December 31, 2011), renewed for five years
- Funders & Supporters
- Board of Governors & Advisory Groups



LCO: MANDATE

- Make the law more effective, accessible and relevant
- Clarify & simplify the law
- Consider how technology can increase access to justice
- Stimulate critical debate about the law
- Support scholarly research
- Foster links with community groups & agencies









VULNERABLE WORKERS PROJECT

• Source

• Why a social justice project?

- Looks at vulnerable work through lens of women and racialized persons
- Considers not only law, but other areas of life
- Makes recommendations to actors other than government
- o Process

VW PROCESS

8

• Research

- Two commissioned papers
- Advisory Group

- Consultations
 - Organizations and experts consulted (about 75 submissions)
 - Included more than 100 workers
 - Government
- Feedback
 - Discussion & consultation papers
 - Interim report



ENGAGING WITH GOVERNMENT

9

Consultation with

- o MOL
- Agriculture, Food and Rural Affairs
- Training, Colleges and Universities
- Citizenship and Immigration
- Ontario Women's Directorate

• Form of Consultation



CHALLENGES

- Subject area with strong opinions, perspectives & interest in outcome: need to listen, take into account
- Obtaining employer perspective: significant outreach to employer organizations, consultations, employers perspective considered in research
- "Fiscal reality"



WHAT IS PRECARIOUS WORK?

- Low wages, low job security, few/no benefits and minimal control over working conditions
- Contract, part-time, casual, self-employment, temporary work and temporary migrant labour
- Changing nature of employment relationships & conditions
- About 22% of workers are in precarious work



INCREASE IN PRECARIOUS WORK

- Ontario: shift from manufacturing to service based economy
- Businesses competing in a global economy
- Hourglass economy
- Decline of unionization



INCREASE IN PRECARIOUS WORK/2

13

• Canada: more than 70% of new jobs require postsecondary education (6% of new jobs do not require a high school certificate)

Outsourcing



FEDERAL IMMIGRATION POLICY

- LCO & federal issues
- Relevance to vulnerable workers project & reality of precarious work
- 33,000 applications in 2012 (G&M)
- 338, 189 temporary foreign workers in 2012 (G&M)



IMPACT OF PRECARIOUS WORK

- Disproportionately impacts traditionally disadvantaged groups
 - o Women
 - Racialized persons
 - o Immigrants/newcomers
 - Persons with disabilities; Aboriginal persons; youth; older adults





• Rising income inequality, "working poor"

• Negative impacts on "vulnerable workers"



"VULNERABLE WORKERS"

17

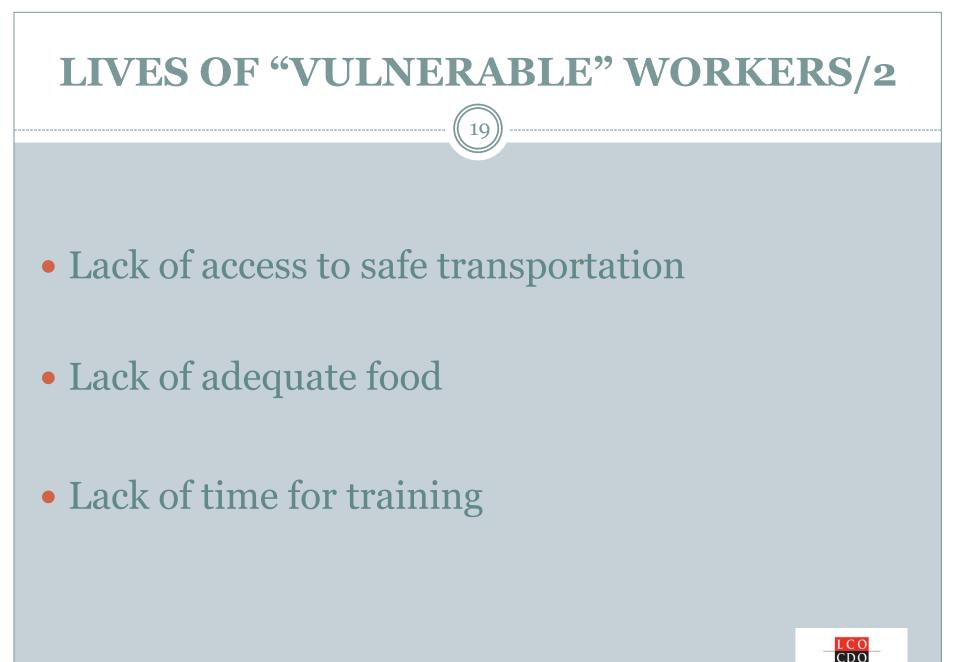
"Vulnerability" derives from social conditions, not from personal attributes



LIVES OF "VULNERABLE" WORKERS

- Risk of injury and illness
- Health consequences associated with low income
- Mental/emotional health impacts related to job insecurity, stress, exhaustion, depression
- Lack of access to medical care





LAW COMMISSION OF ONTARIO COMMISSION DU DROIT DE L'ONTARIO

LIVES OF "VULNERABLE WORKERS"/3

20

• Negative impacts on family and community relationships

• Aging

Intergenerational costs



DEVELOPING RECOMMENDATIONS

- Taking into account different perspectives & needs
- Building on successful initiatives in Ontario
- Relevance of initiatives from other places
- Builds upon or fills gap in other major Ontario work in this area



DEVELOPING RECOMMENDATIONS/2



• Degree of acceptance among stakeholders

Feasibility



RECOMMENDATIONS



Short, medium & long term Difficulty Cost



RECOMMENDATIONS

24

*Employment Standards Act*Health & Safety
Training & Education

Temporary Foreign Workers

Provincial Strategy



EMPLOYMENT STANDARDS ACT

- Basic floor of minimum rights- review ESA exemptions, in consultation with stakeholders
- Enhancing worker, employer and public knowledge of ESA
- Greater emphasis on proactive enforcement
- Facilitate claims making procedure



EMPLOYMENT STANDARDS ACT/2

26

• Reduce misclassification of self-employment, written notice of employment status

• "Minimum Wage Committee"

• Review of leave provisions re workplaces with fewer than 50 employees

 Options for provision of benefits for nonstandard workers



HEALTH & SAFETY



• Proactive enforcement & expedited processes

• Mobile medical clinic for rural migrant workers

• Enhance Dean Report concepts on Vulnerable Workers



TRAINING & EDUCATION

- Coordinate government training programs targeted to reduce precarious work
- Invest in training for certification , accreditation for broader range of skills & on-the-job training programs
- Target programs to women, racialized persons and recent immigrants



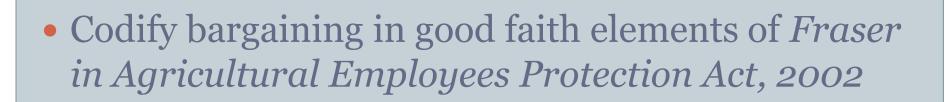
TEMPORARY FOREIGN WORKERS

- Enhance enforcement; facilitate and expedite claims
- Review of repatriation decisions
- Expand Employment Protection for Foreign Nationals Act
- Continue community activities
- Access to language training



AND FINALLY...

30



Provincial Strategy



POST-RELEASE ACTIVITY

31

- Media Coverage
 - CBC
 - × Toronto English-language
 - × Sudbury French-language
 - × Armine Yalnizyan, business news commentator
 - o OMNI

• Presentations

- Symposium at University of Windsor (The Centre for Social Justice & Labour Law Studies)
- o MoL's Vulnerable Workers Task Group
- o Chinese delegation
- CALC Forum

Government Response

VULNERABLE WORKERS REPORT ONLINE

- Vulnerable Workers & Precarious Work Final Report:
 - o <u>http://www.lco-cdo.org/en/vulnerable-workers</u>
 - o <u>http://www.lco-cdo.org/fr/content/vulnerable-workers</u>
- Multilanguage Summaries:
 - <u>http://www.lco-cdo.org/en/vulnerable-workers-final-report#summaries</u>



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