



LAW COMMISSION OF ONTARIO
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Quick Facts About Vulnerable Workers and Precarious Work

The nature of employment is evolving. Over the past several decades, the standard employment relationship – based on full-time, secure work, where employees have access to good wages and benefits – has ceased being the predominant employment structure. In its place, part-time, temporary and casual forms of work have become increasingly common.

These changes have been fuelled by economic factors, technology, global competition and changes to the ways businesses are structured. Workers at the lower end of the wage and skill spectrum find themselves struggling to make a decent living, with few or no benefits, little job security and minimal control over their work conditions.

Precarious work

- In Ontario, approximately 22% of jobs could be characterized as precarious work, defined as having low wages and at least two of three other features: no pension, no union and/or small firm size.
- Part-time employees are more likely to be precariously employed than full-time employees: about 33% of part-time workers are in positions with low wages, no union and no pension, as compared to almost 9% of full-time employees.
- Precarious work can include temporary foreign labour, service industry jobs, food services and accommodation jobs, temporary agency work and own account self-employment.

Vulnerable Workers

Although “vulnerable workers” – that is, those engaged in precarious work – can be found across society, women, racialized persons, immigrants, Aboriginal persons, persons with disabilities, older adults and youth are disproportionately represented.

- Racialized workers experience higher rates of unemployment and precarious work. Racialized women form one of the most vulnerable groups.
- Single parents (often women), racialized workers and recent immigrants are most likely to find themselves in part-time, temporary work. Among part-time workers, women are more likely to be low-paid.
- Women and members of visible minorities are more likely to be found in own-account self-employment as compared to other forms of self-employment. Women in own-account self-employment have particularly high rates of part-time work.
- Newcomers to Canada are disproportionately affected by precarious work. Nineteen percent of immigrants compared to 15% of Canadian-born workers are engaged in self-employed work, with 33% of immigrants reporting that they have entered self-employment because of a lack of suitable paid jobs as compared to 20% of Canadian-born workers.

Impact of Precarious Work

Studies consistently link precarious employment to negative physical and mental health outcomes.

- Precarious work is more likely to involve health and safety risks, particularly for recent immigrants who are more likely than Canadian-born workers to be engaged in physically demanding work. Risks also arise from lack of experience or training, lack of knowledge about occupational health and safety rights, and fear of losing one's job or, in some cases, being deported.
- Precarious work can cause significant stress due to job insecurity, the pressure of holding multiple jobs, irregular or long hours, insecure visa status and lack of legal protections.
- Precarious workers may also suffer health consequences as a result of their lower income. Low wages also affect workers' access to safe transportation and sufficiently nutritious food. Low pay often leads to working more than one job and long hours, which, in turn, increase susceptibility to illness and injury and have negative impacts on family life affecting children and communities.
- Due to low wages and lack of benefits, precarious workers often have difficulty accessing medicine, particularly prescription drugs.
- Pregnant women engaged in precarious work are often not covered by statutory personal emergency leave provisions and, with insufficient time off, may not obtain necessary medical care.
- Precarious workers have limited opportunities to access training or education allowing them to upgrade their skills. Without training, they are less likely to find more stable and better paid work. This contributes to long-term economic vulnerability and perpetuates the cycle of precarious work.

Vulnerable Workers and the Law

There is a complex web of laws and policies that shape the circumstances of vulnerable workers. In Ontario, the main statutes affecting vulnerable workers are:

- the *Employment Standards Act*, which sets out the minimum rights of workers and obligations of employers, and regulates a wide variety of work-related issues, including minimum wages, hours, vacation, leaves of absence, termination and severance pay;
- the *Occupational Health and Safety Act*, which promotes workplace health and safety and establishes an internal responsibility system under which employers have the duty to take reasonable precautions to protect workers and workers are required to work safely and comply with the regulations;
- the *Employment Protections for Foreign Nationals Act*, which provides special protections to live-in caregivers, including prohibiting recruiters and employers from charging fees, recovering placement costs, confiscating property and documents, and penalizing workers for asserting their rights;

- the *Agricultural Employees Protection Act*, which sets out the rights of agricultural employees in regard to employee associations and available protections against employer interference, coercion and discrimination

While these are the major Ontario statutes discussed in the Vulnerable Workers and Precarious Work Interim Report, other provincial and federal legislation, such as the Ontario *Human Rights Code*, the *Immigration and Refugee Protection Regulations* and the *Canadian Charter of Rights and Freedoms*, as well as certain international conventions, all play important roles in protecting workers' rights. Another important development is Ontario's Poverty Reduction Strategy, a government initiative that includes efforts to enhance employment standards enforcement and protect live-in caregivers and temporary agency workers.