



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

THE LAW COMMISSION OF ONTARIO'S VULNERABLE WORKERS AND PRECARIOUS WORK PROJECT SUMMARY OF THE FINAL REPORT (DECEMBER 2012)

In Ontario today there are fewer full-time, well-paid jobs with good benefits and more precarious jobs with lower wages, poor job security, few benefits and little control over working conditions. Workers doing this kind of work are “vulnerable” because of the job insecurity and other conditions.

Women, racialized persons, immigrants, temporary migrant workers, persons with disabilities, youth, Aboriginal persons and non-status workers are more likely than others to hold precarious jobs.

Precarious work takes different forms: contract, part-time, self-employment and temporary work.

Despite being employed, these workers and their families experience a lack of opportunity and poverty that can extend from one generation to the next. Depending on the kind of precarious work, vulnerable workers are more likely to have:

- **greater risk of injury, illness and stress**
- **barriers to accessing health care**
- **greater difficulty with family relationships and connections to community due to working more than one job**
- **little time and money for education or training, and**
- **inadequate retirement savings**

The Law Commission of Ontario (LCO)'s Report on Vulnerable Workers and Precarious Work makes 47 recommendations for changes to laws, policies and programs relating to employment protections, health and safety and training and education.

We believe that changes are more likely to be successful if they are based on broad consultations with those affected. In formulating our recommendations, we consulted with workers, workers' representatives, employers, government, academics, experts, and other relevant parties. As a result, our recommendations are founded on the realities we heard about in our consultations.

Changes to Laws

We discuss ways to extend the *Employment Standards Act*, Ontario's minimum worker protection law, to a broader class of workers. Our Report

- **recommends more public education, outreach and community partnerships**
- **supports the principle of equal proportionate pay for part-time workers, extending personal emergency leave to small workplaces and exploring options for providing benefits to workers who do not have them**
- **suggests improvements to reduce barriers when workers make claims for non-payment of wages or other such violations**
- **recommends that enforcement procedures should emphasize proactive inspections and target workplaces where vulnerable workers are employed**

Temporary foreign workers in low skilled jobs face many challenges. They fear losing their jobs and being removed from Canada. We recommend changes to

- **ensure workers are not terminated and sent home unfairly**
- **help reduce worker fear**
- **provide workers with additional support when enforcing their rights and**
- **extend existing legal protections for live-in caregivers to all classes of temporary foreign workers**

Self-employed workers are not covered by the *Employment Standards Act* and when employees are misclassified as self-employed workers either mistakenly or deliberately, they are denied basic worker protection rights. Our recommendations focus on better enforcement and other ideas for reducing misclassification.

Health and Safety

The LCO reviews Ontario's occupational health and safety system and recommends

- **enforcement procedures focussed on temporary foreign workers, temporary staffing agencies and workers in agriculture, hospitality and cleaning**
- **expediting temporary foreign workers' reprisal complaints before they leave Canada**
- **reviewing the impact of certain Workplace Safety and Insurance Board policies and practices**
- **mobile medical clinic for migrant workers in rural areas**

Training and Education

Increasing workers' skills through training and education is one of the key ways to reduce precarious work. In this way, workers are more adaptable to the changing needs of the labour market. To ensure government funded training is aimed directly at the problem of reducing precarious work, we recommend expanding certification of skills learned on the job, training programs focussed on the reduction of precarious work, increased skills upgrading and government partnerships for low-skilled workers and programs targeting women, racialized persons and recent immigrants.

Provincial Strategy

We believe that an effective response requires Ontario to create a strategy to coordinate programs, policies and laws on reducing precarious jobs.

The LCO's Report on Vulnerable Workers and Precarious Work is available online along with information about the LCO's other projects at www.lco-cdo.org

The Law Commission of Ontario is funded by:



And supported by the Faculties of Law at:

Queen's University, University of Ottawa (Common & Civil Law Sections),
University of Toronto, University of Windsor and Western University