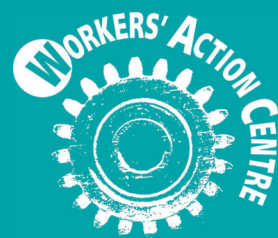




From the Frontlines:

An urgent agenda for decent work

Report Summary



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Wave after wave of the COVID pandemic has exposed ongoing systemic gender, racial and economic inequalities in our labour market. Workers on the frontlines kept society fed, cared for, clean, and connected while earning low wages in dangerous work without paid sick days or health benefits – often without even the full protection of the *Employment Standards Act* (ESA). As workplace outbreaks spread COVID rapidly with tragic consequences, the pandemic disproportionately hit non-white racialized, migrant and low-wage workers. A fundamental root cause of this inequitable impact is precarious employment itself.

Now, workers who kept the economy going without adequate protections are coming together to demand legislative change to address precarious work, tackle inequality, and improve wages and working conditions. The gaps in labour and employment laws that enabled the pandemic to deepen inequalities must be addressed urgently.

As inequality grows and the cost of living hits record highs, many Ontario workers are struggling to get by. Raising the minimum wage is necessary so workers can pay for basic expenses, like rent and food, and support their families. Decent wages, decent hours, and equal pay for equal work are fundamental to addressing the racial and gendered wage divide in the labour market.

Racism in the labour market means Indigenous, Black, Latinx, Asian, Filipino, and other workers of colour are forced into the worst jobs, with the least protections, lowest wages and highest precarity. Racialized workers are more likely to have temporary and part-time work, and be denied access to paid sick days. The denial of permanent immigration status to over 1.6 million migrants also creates conditions ripe for violations of employment standards. Meanwhile, employers are increasingly finding ways to evade existing minimum employment standards by taking advantage of exemptions and loopholes; shifting responsibility through subcontracting, franchising and temp agencies; and denying basic employment rights through misclassification.

As we come out of COVID, it is critical that we act now to address these inequalities. That means strengthening Ontario's employment laws, closing the gaps and loopholes that give rise to precarious work; eliminating employer incentives to create low-wage, part-time, and unsafe work; enforcing the law and implementing meaningful penalties when employers break the law. Members of the Workers' Action Centre have developed the comprehensive strategies outlined in this report that, if implemented, offer a pathway to decent work for all.

Summary of recommendations:

Decent Wages

Adopt legislation that will:

- Provide a \$20 minimum wage for all.
- Protect the existing legislated annual wage adjustment so wages keep up with rising prices.
- End sub-minimum wage rates and remove all exemptions to the general minimum wage for students, farmworkers and others.

Decent Hours

Adopt legislation that will require employers to:

- Provide employees with a guaranteed minimum number of hours of work each week.
- Provide employees with their work schedules two weeks in advance.
- Offer additional paid hours of work to existing employees before hiring new staff.

Paid Sick Days

Adopt legislation that will:

- Require employers to provide at least 10 employer-paid emergency leave days per year plus an additional 14 paid days during public health outbreaks.
- Prevent employers from requiring employees to provide doctors' notes to access paid emergency leave days.

Equal Pay for Equal Work

Adopt legislation that will require employers to:

- Provide equal pay and benefits for equal work regardless of whether the employee works part-time, on contract or through a temporary agency.
- Provide equal pay and benefits regardless of workers' gender, racialization and/or immigration status.
- Publish the wage and salary scales for all employees.

Laws That Protect Us All

Close loopholes, end exemptions

- Adopt legislation that will expand the *Employment Standards Act* to include all workers, close loopholes and end all exemptions to minimum standards.

Shifting employer liability

Adopt legislation that will:

- Make companies fully responsible for wages, working conditions and collective bargaining, when they use temp agencies, franchises and/or subcontractors.
- Make employers who enter into contracts with subcontractors and other intermediaries (either directly or indirectly), liable both separately and together for wages owed and for statutory entitlements under the ESA.
- Preserve the employment, wage rate, benefits, and union rights of existing or subcontracted workers whenever a contract is put out to tender or when a business is sold.

Protect Gig Workers: End Misclassification

- Repeal the *Digital Platform Workers' Rights Act, 2022*.

Adopt legislation that will:

- Ensure all staff are presumed to be employees under the law.
- Establish the “ABC test” as the means of establishing whether a worker is, in fact, an independent contractor, where:
 - A. The worker is free from control and direction of the hiring entity in connection, both under the contract and in fact, for the performance of the work;
 - B. The worker performs work that is outside the usual course of the hiring entity’s business; and,
 - C. The worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.

Real Protections For Temp Agency Workers

Adopt legislation that will:

- Make companies financially responsible under the *Workers Safety and Insurance Act* for the death and injuries of temporary agency workers.
- Ensure all temporary agency workers earn the same wages as directly-hired workers when doing substantially the same work.
- Ensure all temporary agency workers are hired directly by the client company after three months on assignment.
- Protect temporary agency workers from being fired before the deadline to be hired directly.
- Ensure employers must provide just cause (a good reason) for terminating an assignment.

Make It Easier To Join A Union

Adopt legislation that will:

- Ensure workers have the right to join unions by signing a union membership card
- Allow workers to form unions across franchises and subcontractors.

- Enable broader-based bargaining where workers can bargain across regions or sectors of work.

Protection From Unjust Dismissal

Adopt legislation that will:

- Ensure employers must provide just cause (a good reason) for terminating an employee.
- Provide principles of progressive discipline for employers to follow to avoid unjustly dismissing employees.

Make Employers Follow The Law

- Adopt legislation that protects workers who stand up for their rights at work and ensure the onus is on the employer to prove wrong-doing.

In addition, the government must take all necessary steps, including hiring additional staff, to accomplish the following:

- Initiate more surprise inspections of workplaces.
- Institute bigger and more meaningful fines when employers break the law.
- Provide full compensation for workers when employers violate the law, including all additional costs incurred by workers as a result of employer violations.

Status For All

Support federal legislation that will establish:

- Permanent residency status upon arrival for all new migrants.
- Permanent residency status for all migrant and undocumented workers already here.

Ending Racism, Discrimination And Workplace Bullying

- Actively campaign for the elimination of racism, discrimination and workplace bullying.
- Take all necessary steps necessary to provide full and adequate funding, staffing and resources that will result in more effective and accessible human rights complaints processes.
- Adopt legislation that will provide effective and enforceable protection from workplace harassment and bullying.

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The full report is available in English at www.workersactioncentre.org/frontlines.