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# Official Report of Debates (Hansard)

Thursday 30 October 2014

# Journal des débats (Hansard)

Jeudi 30 octobre 2014

## Standing Committee on General Government

Stronger Workplaces  
for a Stronger Economy Act, 2014

## Comité permanent des affaires gouvernementales

Loi de 2014 sur l'amélioration  
du lieu de travail au service  
d'une économie plus forte

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Thursday 30 October 2014

Jeudi 30 octobre 2014

*The committee met at 0901 in committee room 2.*

**STRONGER WORKPLACES  
FOR A STRONGER ECONOMY ACT, 2014  
LOI DE 2014 SUR L'AMÉLIORATION  
DU LIEU DE TRAVAIL AU SERVICE  
D'UNE ÉCONOMIE PLUS FORTE**

Consideration of the following bill:

Bill 18, An Act to amend various statutes with respect to employment and labour / Projet de loi 18, Loi modifiant diverses lois en ce qui concerne l'emploi et la main-d'oeuvre.

**The Chair (Mr. Grant Crack):** I'd like to call the meeting to order, and I'd like to welcome all members of the Standing Committee on General Government here this morning.

Before us is Bill 18, An Act to amend various statutes with respect to employment and labour. We have from 9 a.m. till 10:15 this morning to hear from witnesses and delegations who would like to present. The method we'll be using today will be five minutes to present, followed by three minutes from each party for questioning and comments.

**HOME CARE ONTARIO**

**The Chair (Mr. Grant Crack):** I understand that the first presenters are not here at this point, so we'll move directly to the Ontario Home Care Association. Sue VanderBent is the chief executive officer. If you are ready, I would appreciate your coming forward. Thank you very much. Welcome.

**Ms. Sue VanderBent:** Thank you. Good morning, ladies and gentlemen. It's a pleasure to be here with you this morning.

I want to start addressing issues related to Bill 18, Stronger Workplaces for a Stronger Economy Act, by saying that my board supports the intent of the bill. We think it's an important, progressive social policy that will protect vulnerable workers. However, the bill as it's currently structured could have unintended effects on the transforming health care system in Ontario, and it is to that issue that I am speaking to you today.

I would like to also tell you that the board of Home Care Ontario represents over 50 organizations that deliver care in Ontario, and we have diverse corporate tax

status in our membership. We have very small organizations, provincial organizations, national and actually even international organizations that belong to Home Care Ontario.

We believe that the way the bill is currently structured could compromise health and social care provided to Ontarians across the province. My members, who we know as home care service provider organizations, or SPOs, employ thousands of staff that are given assignments to provide service to their organizations' clients. These clients can include community care access centres, which you might know best, institutions such as hospitals, long-term-care facilities, retirement homes, hospices, group homes and assisted living facilities, as well as direct care to individual Ontarians. Individuals can retain service provider organizations to provide care within facility-based care, typically to supplement the care that they are already receiving.

The ability to retain services from a home care service provider organization is a very cost-effective way for the health system partners that we work with—so hospitals, long-term care, hospices, group homes—to meet the demands of the health care system 24 hours a day. By using the service provider organizations that operate fluidly in the Ontario health care sector, they are able to provide flexible, responsive service through an on-demand staffing without the cost of standby staff. Obviously, they would have their own staff, but on different types of days—holidays, when someone calls in sick—they're able to get this service and they are able to achieve service from registered nurses, therapists, personal support workers or home support workers. So they fill a very important role, and this isn't their only role, but it's an important one. In this time of fiscal restraint, this is also a critical issue in our health care system.

By working with a reputable service provider organization, both institutional clients and individuals are assured a standard of service that includes careful selection of staff, supervision and continuous education, adherence to Ontario's labour practices and occupational health and safety standards, and staff liability coverage that includes appropriate worker compensation insurance. To become members of Home Care Ontario, you must have WSIB coverage and adhere as well to our standards and to accreditation expectations.

It is most important to note that the ESA currently provides a specific exception that's applicable to the CCAC to the home care industry, and you can find that in

the ESA. So there is already an exemption there for CCAC, but I think what we've forgotten is the broader scope of these organizations and where they actually work within the entire health care system.

We do understand and support, as I said at the beginning, that Bill 18 is designed to protect the interests of the vulnerable worker. As responsible employers, Home Care Ontario service provider organizations fully support the protection of workers' rights to appropriate pay and safe working environments. However, these provisions in Bill 18 governing the Workplace Safety and Insurance Act can have serious potential for deterring the use of service provider organizations.

Because it proposes to remove the costs associated with a temporary worker's injury from the experience rating of the actual employer and place it with the client employer that is contracting with the temporary help agency, we would transfer liability, and this, we believe, also impinges on the true role of the employer in the broader Ontario marketplace.

**The Chair (Mr. Grant Crack):** Sorry about that. Thank you very much.

**Ms. Sue VanderBent:** Am I finished?

**The Chair (Mr. Grant Crack):** Yes, we're over the five minutes, but maybe some questions could be sent your way to help you.

**Ms. Sue VanderBent:** All right. We are proposing some options, so we think that might be useful.

**The Chair (Mr. Grant Crack):** Thank you very much. Unfortunately, as Chair, I have to keep the timelines according to the agenda.

**Ms. Sue VanderBent:** I know.

**The Chair (Mr. Grant Crack):** With the approval of the committee, we'll do a rotation. We'll start with the official opposition, then the NDP third party and Liberal, and then we'll switch it up for the next presenter as well.

Mr. Hillier?

**Mr. Randy Hillier:** Thank you very much. I just want to ask a couple of questions.

Do you feel that you were adequately heard and had discussions with the Ministry of Labour in the development of this bill?

**Ms. Sue VanderBent:** Yes. We've had very good meetings with the Ministry of Labour and with the Ministry of Health about the bill, and we've given them our concerns.

**Mr. Randy Hillier:** Okay, but clearly they haven't been fully addressed, your concerns, in the present bill. You've got a number of options here that you think are important to be reconsidered.

**Ms. Sue VanderBent:** Yes.

**Mr. Randy Hillier:** I'll maybe just say this: Clearly, you've got some concerns with WSIB, but also just with some of the restrictions that are going to be placed—or less flexibility, I guess, in the workplace. You're looking for an exemption for home care, but I'm sure that your seeking greater latitude or greater flexibility, or protecting greater flexibility, is something where most other industries or most other employer groups would also be seeking the same thing.

**Ms. Sue VanderBent:** Yes.

**Mr. Randy Hillier:** Okay. So it's not just an exemption—I would imagine if we talked to anybody in any business, reducing flexibility is a concern for everybody.

**Ms. Sue VanderBent:** Yes.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Hillier.

We'll move to Mr. Mantha from the NDP third party.

**0910**

**Mr. Michael Mantha:** I'd be very interested to hear in regards to where you were finishing off, the options that you had talked about. I would be very interested in hearing that, so take your time and give us that information, please.

**Ms. Sue VanderBent:** They are on page 3 of the document that I gave you.

The first option would be to expressly exempt home care service provider organizations from the bill, and that would ensure that there would be no disruption to the supply of staff available to support facility-based health care. There would be a need to establish criteria to define service provider organizations, and other organizations such as community supports would have to probably be identified for exemption.

Option 2, which is our preferred option, would be to remove the provisions governing the WSIA that appear in schedule 5. This would reduce the potential implementation challenges that I spoke about around the transfer of costs. It would allow the complex issue—and we know it's complex—of WSIB cost management to be addressed as a separate issue, and it doesn't delay the implementation, the social policy, of the bill.

The third is to modify the definition of "temporary health agency" to exclude home care provider organizations. We believe this would require an expert group to support the government, and we would be willing to do that and would be supportive of that, and an amendment expressing this intent would be required.

So to not significantly disrupt the passage of the bill, option 2 is the one that we would recommend.

**Mr. Michael Mantha:** You talked a little bit earlier about compromising care. Is that actually going to result in a reduction of workers that are going to be available?

**Ms. Sue VanderBent:** No. The reduction of the care could happen if a health care facility decided that because the transfer of this liability was too great a burden for them to bear, they might not utilize the services of a service provider organization, and therefore the client could experience reduced care. So it is about this transfer of liability, which we don't think is necessary when you're purchasing care from organizations that are reputable and that manage their staff and look after their occupational health and safety issues.

**Mr. Michael Mantha:** And do you see the transfer of the liability on to the worker rather than the employer as a difficulty?

**Ms. Sue VanderBent:** The transfer is from the service provider who places the employee into the new place, the

client employer, and it is the client employer that would bear the WSIB risk.

I can certainly see this for organizations where we do have vulnerable workers who do not have proper reputable employers, but this is not the case in the home care world, where we have legitimate and reputable organizations that do look after their workers. They send their supervisory staff to go in and say, “What is the area that my staff is going to be working in, and what are any occupational health and safety hazards that they might have?”

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much.

We’ll move to the government side: Ms. Hoggarth.

**Ms. Ann Hoggarth:** When your members send workers in to client employers, what do clients know about the workers, the individual workers, and is it uniform across this country?

**Ms. Sue VanderBent:** Well, generally speaking, there’s often a good long-term relationship between, let’s say, a hospital and different service provider organizations, so they do know the staff that are going in. Often it’s the same person or similar types of persons, but they have a working relationship in terms of the kinds of staff that they need in different kinds of situations. Obviously, if it was someone going on to a medical ward or an emergency ward, they’d be looking for a skill set or competencies that the staff would have. So it’s very much a matching. You would have to match the right person to go into whatever environment: long-term care, a retirement home, or a hospice. So it is a careful matching between the service provider organization and the organization that’s employing the service provider organization to bring in their staff.

**The Chair (Mr. Grant Crack):** Okay, thank you.

**Ms. Sophie Kiwala:** Chair, do we have more time?

**The Chair (Mr. Grant Crack):** Yes. There’s another minute and a half.

**Ms. Sophie Kiwala:** Okay. Can you explain the different kinds of services that your members want?

**Ms. Sue VanderBent:** In terms of staffing: nurses, personal support workers trained in various areas, therapies—the therapies would be physiotherapy, occupational therapy, social work, dietitian and speech and language—and home support, more companion care. That’s the other level of care below the skill set of the personal support worker, who does bathing and feeding and transferring care. A companion might be someone who would sit with someone in a retirement home and read to them or take them for a walk around and just be with them, that sort of thing. There’s a gradient of skill sets and competencies that the service provider organization has.

Of course, they also do work under contract to CCACs, which is probably what people know the most.

**The Chair (Mr. Grant Crack):** Twenty seconds.

**Ms. Sophie Kiwala:** Can you talk a little bit about any of the special care that you might be able to provide in a home care situation?

**Ms. Sue VanderBent:** In a palliative situation, you could actually employ our least-skilled workers, somebody to be a companion, to sit beside the bed. You could also be employing a very high-skilled nurse to be monitoring an IV drip. You could have a range, and it would really depend on your patient in the hospice and what the hospice really needed, because they would be the employer and they’d be asking for the care to come in. But you could also, as a private individual, hire your own care.

**The Chair (Mr. Grant Crack):** Thank you very much. I really appreciate you coming before the committee. That’s all the time we have for the presentation, so thank you very much for your insight.

**Ms. Sue VanderBent:** Thank you very much, ladies and gentlemen.

#### CANADIAN MANUFACTURERS AND EXPORTERS

**The Chair (Mr. Grant Crack):** We’ll move to the Canadian Manufacturers and Exporters. I think we have three individuals with us today. For time, I’ll just allow you to introduce yourselves. Welcome to the committee, and welcome to Queen’s Park.

**Mr. Ian Howcroft:** Thank you very much, Chair, and good morning, everyone. My name is Ian Howcroft, and I’m vice-president of Canadian Manufacturers and Exporters. With me is Paul Clipsham, our director of policy and Maria Marchese, who is our director of workers’ compensation health and safety policy.

We’re very pleased to be here. Just a little a bit about CME: We’re a national trade association that represents all sizes of manufacturers from all sectors of the economy. Our members produce approximately 75% of Ontario’s manufacturing output and about 80% of exports. I also want to note that we have designated October as manufacturing month because of the importance it plays in the economy, with almost 800,000 direct jobs and 1.5 million indirect jobs. Wages in manufacturing are about 16% higher than the provincial average, and our members are responsible for about 80% of the private sector R&D.

We’ve also just issued our management issues survey results, and one of the key challenges that have been presented again is the ongoing and increasing regulatory burden. We see some of this in Bill 18, which we’ll talk about.

Like the first presenter, we support the intent and goals of what’s trying to be achieved through the bill, but we see a lot of problems with the way it’s currently drafted, particularly around unintended consequences and, again, the ongoing cumulative impact of regulatory burdens.

We will talk about some specific recommendations we would like. We’ll start with the workers’ compensation issues, and I’ll turn that over to Maria Marchese.

**Ms. Maria Marchese:** Thank you. Bill 18 introduces significant changes to the Workplace Safety and Insur-

ance Act, which we believe will have a profound impact on the temporary agencies' experience rating performance, the client employer's experience rating position and the WSIB's revenue base. The amendment of concern pertains to the proposed allocation of workplace insurance costs to a temporary help agency client rather than the temporary help agency when an agency's employee is injured at a client's workplace. That's schedule 5.

**0920**

As expressed in the expert opinion that was obtained from Ted Nixon, actuary, which will be presented this afternoon by the Ontario Business Coalition, the proposed approach of crediting workers' compensation premiums to one employer while charging the actual claims costs in respect of the same workforce to another employer is contrary to insurance principles.

As explained by Mr. Nixon, under the experience rating system, actual cost experience is compared with expected cost experience of the same employer's insured workforce. Actuarial insurance techniques are used to refine the original premium paid by the same employer. At no time under group insurance or workers' compensation is a premium credited to one employer with the actual costs and premium requirements assessed to another employer.

With the proposed amendments introduced in Bill 18, and specifically the removal or transfer of accident costs from the temporary agency's records, temporary help agencies will never have any actual claims costs assessed to their accounts in respect of their temporary workers and, as a result, would receive a maximum experience rating refund or rate reduction. Logically, since those temporary help agencies' actual claims costs by definition will be zero for temporary workers, then their expected costs are zero and there will be no justification for charging them any workers' compensation premium at all for their own account in respect of temporary workers which they provide.

Not only will the WSIB experience significant revenue losses, but the absence of claims costs for temporary agencies may also result in less motivation for the temporary agency to focus on return-to-work opportunities for their injured employees, as there's no financial consequence for them if the worker doesn't return to work, since again they bear no claims costs.

With the changes proposed under Bill 18, it's unclear whether client employers will have any way of mitigating the injury costs, as they appear to have little opportunity to directly participate in the post-injury efforts to return injured workers to modified work. This is because the temporary agency remains the actual employer with presumptive control over return-to-work opportunities. Although client employers will be technically responsible for the claims management and return to modified work of temporary workers injured on their premises, their actual ability to return the workers to modified work or manage the claims is severely limited. Return-to-work opportunities will be diminished under the proposed amendments.

We maintain that Bill 18 will only serve to penalize those employers who hire temporary workers while doing nothing to address the issue of temporary agencies who do not adhere to their legislative obligations. If implemented, employers may simply stop using temporary agencies and not hire temporary workers.

We urge the government to remove the legislative amendment pertaining to the Workplace Safety and Insurance Act from Bill 18. We believe the Occupational Health and Safety Act already provides the protection being sought by Bill 18 and that its unintended consequences will jeopardize WSIB's financial position and will actually end up financially rewarding those agencies whose behaviour Bill 18 was intended to curtail.

**The Chair (Mr. Grant Crack):** Thank you very much for your presentation. We'll move to the third party. Mr. Mantha.

**Mr. Michael Mantha:** You ended off by, "We maintain that Bill 18 will only serve to penalize those employers who hire temporary workers while doing nothing to address the issue of temporary agencies...." Can you go a little bit deeper into that comment?

**Ms. Maria Marchese:** Well, a lot of it goes back to the actuarial position that we put forward in terms of the transfer of those costs from the temp agencies to the client agency. If your intention is to penalize them financially, that's not going to occur with the way the legislation is currently worded.

**Mr. Ian Howcroft:** You're almost rewarding the temporary agencies for not doing the right thing because all the cost is transferred to the host employer.

**Mr. Michael Mantha:** You had also talked about the regulatory burden and the unintended consequences that will happen. Is that what you were referring to in your presentation? Yes? Okay. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Mantha. We'll move to the government side. Ms. Hoggarth.

**Ms. Ann Hoggarth:** Good morning. Thank you for your presentation. Have you had the opportunity to discuss this bill with the Ministry of Labour? I'm the parliamentary assistant and I have discussed some of the other groups' concerns. I wondered if you had had an opportunity to talk with the Ministry of Labour.

**Ms. Maria Marchese:** We have had, and we've provided the minister with Ted Nixon's opinion as well. We've had a number of meetings on it. They understand the issues that we've put forward in terms of the financial side of it in particular.

**Ms. Ann Hoggarth:** Thank you.

**The Chair (Mr. Grant Crack):** Mr. Dickson.

**Mr. Joe Dickson:** Would this legislation, if passed, reduce any number of jobs in the province of Ontario?

**Mr. Ian Howcroft:** I think it would have; it would have caused problems with employers who are needing to use temporary agencies. It would cause them to look at that again as the most effective way of dealing with short-term needs. You need these people on a temporary basis, and if it's more of a problem, more of a cost, more

of a challenge, to hire temporary agencies, there could be some opportunities that were forgone which could have resulted in people not having work, in jobs being lost. We believe that to be the case. Again, it's one of the unintended consequences of Bill 18.

**Mr. Paul Clipsham:** If I can just add another example of that. Unintended consequences applies to this notion of joint and several liability under the Employment Standards Act. The act would propose this new obligation on the part of the client employer, the client of the temporary agency. They would now have to be responsible, jointly with the temporary agency, for any unpaid wages in the event that the agency were to go bankrupt or not pay. In our view, that really shifts the risk and liability on to the end employer that has already created the job opportunity and has already paid for those services to that agency. Again, that just adds more risk and liability to the end employer, and potentially costs. That could put the job at risk in the first place.

**The Chair (Mr. Grant Crack):** We'll move to the official opposition. Mr. Hillier.

**Mr. Randy Hillier:** I agree with your assessment on the WSIB. I understand you've had some comments and some discussions, but they obviously haven't been actioned.

I would like you to take a few moments to talk about the self-audit provisions as well. You didn't get an opportunity to do that, and if you could inform the committee of your concerns there.

**Mr. Paul Clipsham:** I think the concern around the self-audit is, it sounds good in theory, but I guess the risk is that employers, obviously, would go about such an audit, and it adds to the cumulative regulatory burden that Ian spoke about. If suddenly there were a blanket "All employers must audit," to take an extreme example—they're all going to do that. Good employers are going to do that and spend the time and resources in order to do that. So it's transferring the cost of doing that on to the employer. Again, in the context of the cumulative burden on employers, we have some concerns about that approach.

**Mr. Randy Hillier:** Maybe just explain to the committee how long and costly and time-consuming these audits are.

**Mr. Paul Clipsham:** It can vary. Every employer would probably do it a little bit differently, depending on what management systems they have in place. It could be a significant range. If you hire a third party to do it, it could cost hundreds of thousands of dollars for a large employer, but it really depends on the nature of the audit and what the details are.

**Mr. Randy Hillier:** And also a loss of productivity during that period of time as well. Audits—I've been engaged in a few of them; I don't know if everybody on the committee has. They can be very costly, very time-consuming. I think your comments that there needs to be a greater threshold before these can be imposed on an employer need to be taken into serious consideration for sure.

**The Chair (Mr. Grant Crack):** Thank you very much for coming before the committee and sharing your insights—much appreciated.

METRO TORONTO CHINESE  
AND SOUTHEAST ASIAN  
LEGAL CLINIC

**The Chair (Mr. Grant Crack):** At this time we would like to hear from the Metro Toronto Chinese and Southeast Asian Legal Clinic. We have Mr. Avvy Yao-Yao Go with us here today. I'd like to welcome you. You have five minutes. Thank you.

**Ms. Avvy Go:** My name is Avvy Go. I'm the clinic director of the Metro Toronto Chinese and Southeast Asian Legal Clinic.

At the clinic we represent many immigrants of colour, including those who, despite their professional training and high level of education, still find themselves working in low-wage jobs. They're easy targets for unscrupulous temp agencies and are often exploited in the workplace. They also experience systemic discrimination in the labour market.

We welcome the changes proposed by Bill 18, but we want to stress that in order to address the underlying issue of economic inequities, the government of Ontario must look beyond the employment standards legislation as a platform for law reform.

**0930**

In the interests of time, I will just simply highlight some of the key concerns we see in the bill, and I invite members of this committee to look at our written submission.

To start, we do support the various changes proposed by the bill to better protect temp agency workers; for instance, by making the client company and the temp agency jointly responsible for paying the workers' unpaid wages and overtime pay. However, the bill needs to go further by extending the joint and several liability to cover all of the employer's obligations under the Employment Standards Act. I hear the previous speaker, and they talk about the fact that it's going to cause problems; maybe they'll just not use temp agencies altogether. You know what? That's their prerogative, and that may not be a bad thing at the end of the day.

We are also very pleased to see that the bill extends the time period in which workers can file claims against employers for unpaid wages from six months to two years and removes the \$10,000 limit on the amount of wages workers are allowed to claim. But we are opposed to the transitional provisions in schedule 2 that will effectively deny the benefit of these changes to the workers who are owed money now, before the bill comes into effect. So we recommend those transitional provisions be removed.

We agree with the provision requiring employers to provide every employee with a Ministry of Labour poster outlining their employment rights. We disagree, however, that such a poster will only be translated upon request by

employees. We think that the onus should not be on the employer; actually, we think the onus should be on the Ministry of Labour to make sure that these posters are available in various languages and be distributed to workplaces across Ontario.

In some ways, we sort of agree with the previous speaker about the self-audit. We don't know how effective it will be. However, if you're going to go ahead with the self-audit, it should not replace enforcement by the Ministry of Labour. We are recommending certain changes in the bill so that employers who are required to provide a report, if it contains false or misleading information or fails to report information about any employee, will be given a fine to make sure that it is done.

On the issue of minimum wage, we ask the government to commit to a further increase to make it a living wage and to also look at removing all the exemptions from minimum wage under the Employment Standards Act. I provide an example of how some of the Chinese dim sum workers are being treated as liquor servers when you don't drink wine when you eat dim sum, but they're still given a lower minimum wage.

There are other provisions in the act that—

**The Chair (Mr. Grant Crack):** Thank you very much. I'm sorry, your five minutes is up. I want to apologize to you. I think I introduced you as "Mister."

**Ms. Avvy Go:** That's okay.

**The Chair (Mr. Grant Crack):** I apologize—clearly a Miss.

We'll go over to the government side for questioning.

**Mr. Mike Colle:** Avvy, thank you so much. I know you had a lot to say in such a short time.

One of the complaints I get from temporary workers is that if they are on a job through the agency, then if that employer finds that they're good workers and wants to hire them, essentially, they can't without—

**Ms. Avvy Go:** Paying a fee, yes.

**Mr. Mike Colle:** —paying a fee back or some kind of cost to the worker to get that job. Is that something you're finding is one of the complaints you're getting and whether this bill addresses that or not?

**Ms. Avvy Go:** Sometimes. I don't think the bill addresses that. Yes, there is a fee within the first six months. I think if you remove that, that may give an incentive to an employer to hire the worker directly on to the workplace.

But the complaints that we see more often are workers whose rights have been violated and they are kind of stuck in nowhere land because—for instance, we have clients who are pregnant and they're fired by the client employer, whereas the temp agency tried to pretend that they don't know anything about it. So if they come to us, we'll complain against two places—the client company with the Human Rights Tribunal, and the temp agency with the Ministry of Labour—in order to solve the problem.

I think at the end of the day, temp agencies, the bad ones, should not be in business. If this bill will result in some of these agencies gone, that is a good thing.

**Mr. Mike Colle:** There are some reasonable ones, but then there are the ones that basically take advantage of people's lack of English.

**Ms. Avvy Go:** Right. But even if you do speak English, it is very hard for employees to file complaints because they need their job. So we have a lot of clients who come to us only after they have lost their job to make the claim. That's why the time limit and the monetary limit—it's so important to have them removed.

**Mr. Mike Colle:** Thank you very much, Avvy.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Colle. We'll move to the official opposition and Ms. Martow.

**Mrs. Gila Martow:** You're obviously an advocate for workers' rights, and I can certainly appreciate that and I want to thank you for that, Avvy. But my concern is that there is sort of a sense that you almost want to put some businesses out of business. There are a lot of temporary workers; there are a lot of businesses, especially at Christmastime, that count on hiring temporary workers. I'm concerned they'll overwork their full-time workers because they don't feel comfortable hiring temporary workers because the climate has shifted. That's, I think, the unintended consequence of a lot of this.

Are you concerned about that happening, that temporary workers for seasonal work in the summer and tourism times—the Pan Am Games are coming next summer. I'm expecting the temporary agencies to be really busy and in high demand. Are you concerned about, maybe, full-time workers being overworked?

**Ms. Avvy Go:** I think that businesses are very innovative and flexible. They will adjust to the new reality.

I do think that if there are temp agencies that are following the law, they wouldn't have any problem with the bill. It's only those who don't obey the law. Maybe it is a way of getting rid of the bad apples within that industry.

**The Chair (Mr. Grant Crack):** Thank you very much.

We'll move to the third party. Mr. Mantha.

**Mr. Michael Mantha:** Good morning.

**Ms. Avvy Go:** Good morning.

**Mr. Michael Mantha:** What would you suggest in this bill to better protect the temporary workers?

**Ms. Avvy Go:** I've made a couple of suggestions—for example, extending the joint liability. Also, we want to amend the bill to require client companies and temp agencies to pay temporary workers the same wages and benefits, because that's the other problem we see. You could be a "temp agency worker" working in the same company, doing the same job, and be paid different wages than those who are called full-time employees of the company. But there's actually a false distinction between what is full-time and what is temp, because you can be a temp in the same company for a long, long time and still be considered a temp.

I think if you make everyone pay the same wages, then that will be a big change as well.

**Mr. Michael Mantha:** Do you believe that the penalties that are there now are sufficient for the bad temporary employers?

**Ms. Avvy Go:** Because of the under-resourcing of the Ministry of Labour, it is unable to enforce. Even if it knows that someone is not doing the right job, whether it's the temp agency or a client company, they don't have the time to go after all of them, those who violate the law.

You have to think about how to strengthen the enforcement. Giving the Ministry of Labour better resources and also, for instance, if they have issued an order to pay, increasing the 10% administrative cost to 25%—that would be an incentive for people to obey the law as well.

**Mr. Michael Mantha:** My last question is, do you think there should be greater obligation on the companies that seek out to have temporary workers?

**Ms. Avvy Go:** I think if you give them the same responsibilities as those who don't—I don't think they should be treated differently because they are using temp agencies. However, because they should not be treated differently, if you are a direct employer, you are responsible and you are liable for your workers. So they should have the same liability.

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much for taking the time to come before committee. We appreciate it.

0940

#### WORKERS' ACTION CENTRE

**The Chair (Mr. Grant Crack):** Next, we have the Workers' Action Centre. I believe we have two coming forward. I'll let you do the introductions; I believe they're part of your presentation as well. Welcome.

**Ms. Deena Ladd:** Thank you very much. Hello. My name is Deena Ladd. This is Beixi Liu, and we both work at the Workers' Action Centre. Our centre delivers a number of services, supports and education to workers who do not have a union—workers who are in precarious jobs, working on contract, working through temp agencies; who are migrant, casual and on call; who work for low wages; and who have little protection under the Employment Standards Act.

We believe that Bill 18 is an important step forward in beginning to address the deterioration of labour market protection for many workers in Ontario who are in unstable and low-wage work. We are really pleased that the government has begun the process of identifying sectors of precarious work and wage theft and issues facing low-wage workers in the labour market. We have a brief, which you have, that outlines our position on key aspects of the bill such as the minimum wage, enforcement, migrant work and interns. Given the time, we'd like to focus our comments on the temp agency measures and wage theft.

Hiring workers indirectly through temporary agencies has become a dominant feature of Ontario's labour

market. The temp industry is concentrated in Ontario, with over 60% of the industry's revenue generated just in this province alone. The decisions that you will be making over the next three days will be affecting thousands of workers in precarious jobs. That's why this bill and the amendments that we seek are so important.

The realities of temp work challenge our understanding of what an employer actually is. The agency is considered to be the employer on record, but the reality is that temp workers actually have two employers: the client company where they're placed and the agency. We're pleased that Bill 18 is recognizing this reality by making it more difficult for companies to contract out unsafe and hazardous work to temp agency workers. But this needs to happen to all of the employment standards areas of law.

To bring this home a bit more, Beixi Liu is going to speak to this reality of having two employers.

**Mr. Beixi Liu:** I used to work through a temp agency for about two years at a property management company. I worked at the client company any day, whenever they needed me, including the weekend.

I was paid 50% less than my permanent co-workers who were doing the same work. During the whole time that I was working through the temp agency, my working schedule and my work were always controlled and supervised by the property management company. If I worked overtime or had to take sick leave or vacation, I always asked the client company for permission.

The only time I met the temp agency was at the initial interview when I was hired. After that, I always got the cheques from them through the mail for the next two years. Even though by name the temp agency was my employer, in reality the property management company was my real employer.

I think it's only fair to hold both client companies and temp agencies responsible for all workers' rights under labour law. That would reflect the reality that workers face at their workplaces today.

**Ms. Deena Ladd:** We believe that Bill 18 should be amended to make client companies and temporary help agencies liable not just for unpaid wages and overtime but for all employment standards entitlements.

A 2013 Ministry of Labour inspection blitz of temporary help agencies themselves found that 70% of employers—temp agencies—had monetary violations. The most common violation was unpaid public holiday pay. The government's 2009 Bill 139 on temp help agencies was supposed to ensure that temp workers got public holiday pay, but we have found that this has not happened because Bill 139 failed to make client companies that control schedules and pay for public holidays jointly responsible with the agency.

We believe that joint and several liability is the most effective proactive way of ensuring that client companies will follow the law for the workers they hire through temp help agencies. This is common practice in health and safety and human rights. We believe it should be common practice in the Employment Standards Act. We

need to ensure that all workers get basic access to rights in this province: being able to take a sick day, say no to overtime, get public holiday pay—basic rights. We don't think that that's too much to ask for.

I also want to speak to the removal of the \$10,000 cap on unpaid wages recoverable under the ESA. This is really important and much needed to combat wage theft.

At our centre we hold info sessions for workers to get support for violations of rights. Just last night, I met a caregiver who will be making a claim for unpaid wages and overtime in the next three to four weeks for potentially \$15,000. I want that woman to benefit from Bill 18. She has no time or resources to hire a lawyer or to go through Small Claims Court. She needs to have that cap removed immediately so that she can begin the process of addressing such egregious violations of her rights that she has been subjected to in her employment.

We urge that Bill 18 be amended to remove the six-month implementation delay on removing the \$10,000 cap on unpaid wages recoverable under the ESA and the implementation of the two-year claims period. Workers should not have to wait for an additional six months before they can start claiming the full amount of their unpaid wages. Think about all the workers, predominantly low-wage workers, who need every cent that they're owed so they don't slip further into debt and deeper into poverty as they cope with their wages being stolen. Let's make sure that they can fully benefit from this bill. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. We'll move to the official opposition. Ms. Martow.

**Mrs. Gila Martow:** It seems to me that it's a lot of complicated legislation to deal with what comes down to almost a reporting problem. If somebody is obviously working—I would say this woman, this caregiver who hasn't collected \$15,000 in wages—it could be six months of work without getting paid. Shouldn't we just have this person be aware of their rights, and everybody should report if they're not getting paid?

The government can't help what the government doesn't know about. You can make laws and laws and laws, but the reality is—I agree that there shouldn't be a cap; of course everybody should get paid for their work. But the government can't help somebody who isn't telling the government that she's not getting paid. Maybe it has to be a better reporting system for workers. I'm asking you if you agree that maybe we have to have a hotline, and every worker at the temp agency and the employer has to know their rights and know, "This is the phone number, and if you call, somebody is going to answer 24/7," because that's part of the issue.

I think now, with computers, it should be easier. There are very few people I know in my life who I'm dealing with—I'm an optometrist. I have newcomers. Young people, high school students, they all have computers and they all would be very happy to report anything very, very quickly. I guess it's a little sad that we're having to have hours and hours and papers and papers to deal with something that really should be reported.

In terms of holiday pay, do you feel that there's a problem where people are being hired for three months and then somebody else for three months and then somebody else for three months so that employers—it's always during the probationary period; it's always during the period when they don't have to pay holiday pay. Is that your sense?

**Ms. Deena Ladd:** In terms of the caregiver, she actually just left her job three or four weeks ago. She's done everything she can and she's filing a claim. My point there is that she'll be filing a claim in the next three to four weeks, well within the period of time that she has, but the amount of money that she'll be claiming is \$15,000. What I'm asking there is that the cap of \$10,000 be removed immediately once this bill passes third reading and royal assent. There shouldn't be six months' delay in her getting back the wages that she should.

Many workers are absolutely aware of their rights, but the issue is that the Employment Standards Act does not protect you from being fired, for unjust dismissal. If you file a claim, your employer knows immediately, and in our experience, workers then lose their jobs. Over 90% of workers make claims after they've left their job because they want to keep their job. If it's a choice between paying the bills and taking care of your family and filing a claim, most people will take care of their family and pay their bills. They'll wait until they are in a situation where they then can safely make a claim so that they're not jeopardizing their wages.

In terms of public holiday pay, actually, it's only the month previous to the public holiday that is calculated. You don't have to be at a company for three months. So there's no probationary period with regards to public holiday pay. If you start one week before Thanksgiving Day, it will be calculated on that week, so you'll probably get two hours of public holiday pay.

The issue there is the fact that most client companies tell the temp agency, "Do not bill me for public holiday pay. I don't want to be responsible." Then the temp agency doesn't pay the worker. So the worker gets caught in this dual relationship between the employer which is the temp agency as well as the employer which is the client company.

0950

**The Chair (Mr. Grant Crack):** Thank you very much.

*Interjection.*

**The Chair (Mr. Grant Crack):** I'll allow her to continue, but I'm trying to do my job. Mr. Mantha.

**Mr. Michael Mantha:** Please finish.

**Ms. Deena Ladd:** The issue is that with all aspects of employment standards, what we want to do is make sure that the worker is not placed in the middle of the two, that all the basic rights that they're entitled to should be fully adhered to, and that the client company and the temp agency are responsible for making that happen. That's all we're asking in terms of the joint and several liability.

**Mr. Michael Mantha:** Do you believe that WSIB should have an enforcement agency instead of self-reporting by the worker?

**Ms. Deena Ladd:** It's not WSIB; it's the Ministry of Labour employment standards that has the self-audit. We actually don't believe the self-audit is very effective. We think that there should be more resources—and we've been fighting for more resources—for the Ministry of Labour, which is a very underfunded agency of the government, to be able to do more proactive enforcement inspections. Right now, there are only 20 employment standards officers for the whole province to investigate 370,000 workplaces. So it's seriously underfunded and we think it would be fantastic if this committee supported more resources to go into that. That would be great.

**Mr. Michael Mantha:** How many people would be negatively impacted by the \$10,000 cap on the unpaid wages? And in your records, how many offending employers are out there?

**Ms. Deena Ladd:** It's hard to say, but I think that what we see in terms of the violations—the Ministry of Labour's own temporary agency blitz showed that 70% of temp agencies that they inspected were in violation. We ourselves, in the research that we found, have found that violations of employment standards are quite common in terms of public holiday pay, overtime provisions—your basic statutory entitlements.

In terms of the most egregious violations that we find, they are with migrant workers, with live-in caregivers, with workers who are incredibly vulnerable and who are owed large amounts of overtime, such as in the case of this caregiver that I met last night where she's been working for a year and she is now owed \$15,000 and so is desperate to make a claim and desperate to get that full entitlement.

**Mr. Michael Mantha:** Having the confusion of having two employers, the fear of repercussion in actually getting something solved—do you believe that impacts really on the worker and how he or she reports to getting issues resolved or actually making that call?

**Ms. Deena Ladd:** Absolutely.

**Mr. Beixi Liu:** I think so. From my own experience, I always, at the client company, when I work there, any time I need some sick day or something, I always ask. At the same time, the temp agency is there to control my accounting, paperwork, all these things. I always have to say I worry about the two parts. But most likely I worry more from client company, because even the temp agency, they have the fear of the client company. Actually, I didn't get paid properly at that time and I asked the temp agency, and the temp agency said, "Oh, the client company didn't pay me. How can I pay you?" That's one excuse they use. They use two excuses. There's only one of them they say. But I think that it's reality, because I work on accounts payable. I know they didn't pay. I know everything in the accounting department.

**The Chair (Mr. Grant Crack):** Thank you very much. We'll move to the government side. Ms. Kiwala.

**Ms. Sophie Kiwala:** First of all, I wanted to say thank you very much for the work that you're doing. I think it's very important, and I've certainly been made aware of some employment issues that have been happening in my

riding of Kingston and the Islands, so I'm very happy that you are doing this important work.

I'm wondering if you can tell me if you've had the opportunity to discuss this bill with the Ministry of Labour, how much you've discussed it, and what's been your, say, three top points that you've been really focusing on.

**Ms. Deena Ladd:** Absolutely. We've been working with the Ministry of Labour on provisions back since 2004, on trying to improve employment standards and address the huge increase in precarious employment and the types of wage-theft violations that workers face.

In terms of the bill specifically, I think the top issue for us would be the joint and several liability for temporary agencies, in particular extending that joint and several liability to cover all aspects of employment standards, not just wages and overtime, because as we've pointed out, public holiday pay itself seemed to be one of the most common violations, as well as stories that we hear day in and day out of workers being fearful of asking for a day off or a sick day, not feeling that they can ask for a vacation day, not feeling like they can say no to overtime that's requested—anything that regularly happens in the course of your day.

I think if you're working through a temp agency, you know that your contract or your assignment can be ended that night. There's no notice, there are no provisions there to secure that assignment, which makes them so vulnerable. That's why we think Bill 18 really takes an important step forward in trying to recognize that dual-employer relationship and how we need to take it—to really make the most of this bill and have it do what it's really trying to do, it would be important to extend to all employment standards.

Probably the other critical issue is the issue of injuries. We know that client companies bring in temporary agency workers when they know that there is potential work that is more hazardous and more unsafe than what they want their regular workers to be exposed to. This is well-documented in major research studies by the Institute for Work and Health at the University of Toronto, which has actually had client companies go on record saying that that is what they do. That is why I think the provisions in Bill 18 that are now going to make client companies liable for the injuries are excellent.

The thing that we are so fearful of every day is if we get sick or if we're injured. I think that that is so critical in this bill, to make sure that workers have that protection and that employers think twice in terms of who they hire as a temp agency and what situation they're putting their own workers and temp workers in when dealing with hazardous materials or unsafe work.

**The Chair (Mr. Grant Crack):** Thank you very much. Unfortunately, the time is up. We really appreciate you coming before the committee.

**Ms. Deena Ladd:** Thank you.

**The Chair (Mr. Grant Crack):** You're quite welcome.

PARKDALE COMMUNITY  
LEGAL SERVICES

**The Chair (Mr. Grant Crack):** We now have the Parkdale Community Legal Services. I believe we have Mr. John No with us. He's a lawyer. Welcome, Mr. No.

**Mr. John No:** Hi. Good morning. My name is John No, and I work for the Parkdale Community Legal Services. I am a lawyer who practises exclusively employment law. We represent low-wage and non-unionized workers.

Just to give you an idea of the scope of our practice and, I guess, the problem, in just our community legal clinic, in the last three years we recovered for our clients \$1.1 million in unpaid wages, wrongful dismissal damages and other employment damages. That's just in our small, little legal clinic that is under-resourced.

I'm here to first of all say that, of course, we work with a lot of people who will benefit from the changes brought forward under Bill 18, but there are some changes that need to be made in the bill.

First, as you know, the cap of \$10,000 has been eliminated, which I think we are in favour of. Also, there is the limitation date. But the current bill allows for a transition plan for six months. We see no reason for there to be a grace period for unscrupulous employers in terms of being able to get away with not paying their workers.

The second part I would like to speak about is the temp agency workers. Currently, Bill 18 states that the client company has joint and several liability for regular wages and overtime pay. Again, we see no reason that it should only be limited to regular wages and overtime pay, because there is also public holiday pay, public holiday premium pay, vacation pay, pregnancy leave, sick leave etc. Like I stated, we see absolutely no rationale for allowing unscrupulous companies, whether their clients are temporary agencies or not, to be exempted from their obligations.

**1000**

I would also like to speak about equal pay for equal work for temp workers. I do believe that temp agencies have an economic role for situations where a client company truly needs a temporary worker: They need to hire someone for two weeks because one of their permanent staff members is sick, for example, or during Christmastime for retailers. However, there is no economic or moral rationale, I believe, for client companies being allowed to use temp agencies really just to replace their actual permanent staff. I had a client who got a job through a temp agency, got temp work and worked for the same factory for about five years. What happens with that is, the only value the temp agency gave was in the beginning when they assigned the worker to the job, but for the next five years, the temp agency in a sense got a cut of that worker's wages.

Economically speaking, they are not adding any value to our society once that placement has been made. For that reason, to eliminate that financial advantage of a client company being able to hire a temp worker for what

is really permanent work, we should have legislation in place that states that temp workers who do the same work as permanent workers in the factory or their workplace should be paid the same.

Again, the temp agency will still have a role because the employers who really just need a temporary worker for two weeks will still have the benefit of that flexibility. But of course, like I stated, if you have the worker there for five years or two years, the flexibility argument goes out the window.

Lastly, what I would like to agree with is that the fee for migrant workers be banned. That is something, obviously, you would be in agreement with.

**The Chair (Mr. Grant Crack):** Thank you very much. We'll move to the third party, Mr. Mantha.

**Mr. Michael Mantha:** Thank you. It's obvious that there is a lot of confusion with the temp workers as far as where the responsibility lies between the temp and the actual employer. The fear factor, or the fear of having repercussions, is there. How much is that fear contributing to the loss of work or the loss of wages for the actual affected worker? Knowing that they are affected, by the time they come to you, how far along are they on their process as far as losing? And that actual fear of repercussion—how much of a loss and a negative impact is it on those individuals?

**Mr. John No:** The workers who come to us knew all along through their employment process they were not being paid properly. You don't need a PhD to know that you're not being paid overtime. But the thing is, they tolerate it because, as was stated before, if it's a choice between paying for rent and groceries, accepting "I won't be paid an overtime rate," then they'll stay in the job.

What we always tell our clients—if there are clients who happen to come to us while they're still employed, we tell them, "Here are your rights." But we make sure to tell them, "If you do complain to your employer, here's what's probably going to happen," which is either they're fired outright, or if the employer is a little bit smart enough, they won't fire them outright but they'll reduce their hours. For example, for shift workers, that's a real concern, because shift workers' schedules are very—it's going to be very hard to show that connection. They'll say, "No, no, the work was slow" or something like that, even though you're the only one whose hours are cut.

For that reason, most workers don't complain until they've finally had enough and they quit, or they've been let go for other reasons.

**Mr. Michael Mantha:** So what needs to happen? How far do we need to go with this particular act in order to avoid that happening, so that individuals who are being affected by bad temp agencies have the opportunity to protect themselves and not be worried about having repercussions?

**Mr. John No:** Proactive investigation by the Ministry of Labour would definitely help, because that will put the onus not on the employee, to make sure the problem doesn't happen before it occurs. I think the two-year limitation date is going to be very helpful, because that

would allow people to claim for wages further back, even if they had to wait a little bit.

**Mr. Michael Mantha:** Your limitation period—can you explain that to me again?

**Mr. John No:** You can only recover wages six months prior to you filing the claim, not necessarily when your job ended. So, for example, if you happen to wait three months after your firing to file a claim, but you have wages owing from eight months ago, you're out of luck. The two-year extension of limitation, that's in uniform with the civil limitation date. I think that's a good start, but, of course, what we want to do is make sure the violations don't happen in the first place, and I think a proactive investigation by the Ministry of Labour would help.

**Mr. Michael Mantha:** One last question: You talked about the value of having a temp agency, where a two-week period versus a five-year period—in your best judgment, what would be a valuable experience as a temp worker, the period of time that that would be beneficial to the worker and the employer? Because obviously a five-year temp position is not a temp position.

**Mr. John No:** I think if we make sure that workers get equal pay as their other colleagues, it would eliminate the financial incentive for the client company to hire permanent workers through a temp agency. I think we don't necessarily need a time—well, it may help. But I don't think necessarily three weeks after—actually, no. That might actually be a good idea, now that I think about it. But I do think equal pay for equal work is a good philosophy just to be having in our society.

**The Chair (Mr. Grant Crack):** Thank you very much. The government side: Mr. Colle.

**Mr. Mike Colle:** Thank you, Mr. No. I was just wondering, in terms of the number of temp agencies, do you find that there are new ones coming on board all of the time, or is it the same ones that your clients are basically employed by?

**Mr. John No:** There are major ones that we see crop up all the time, the big ones, but there are new ones, too. I think it's lucrative for the temp agencies, because they assign the worker and then they get a cut of their cheque for an indefinite amount of time. It could be a large company, like Labour Ready—you know, things like that—and then it could be a small fly-by-night operation as well. So it's constantly changing.

**Mr. Mike Colle:** Generally, is there a pay range that these temp workers get paid—\$15 an hour? I know I've heard—

**Mr. John No:** No, there's no range. I mean, they have to pay the minimum wage at least.

**Mr. Mike Colle:** At least.

**Mr. John No:** I don't have the exact number, but obviously, as you know, if the client company is paying the temp agency \$18 an hour, the worker is only getting \$12, for example. That \$6, that value, really should be going to the worker.

**Mr. Mike Colle:** Yes, so that's usually what they take, about \$5 to \$6—

**Mr. John No:** I don't know the exact figure, or at least I don't have that in front of me.

**Mr. Mike Colle:** Do you find that there have been any interventions by the Ministry of Labour before to visit these temp agencies, or is it always on a complaint basis after the fact?

**Mr. John No:** There have been proactive investigations, I believe, to the best of my recollection. But the problem is, at the end of the proactive investigation—it needs to be increased, because it only targets a very small number of employers at this point. It's only getting to the tip of the iceberg.

**Mr. Mike Colle:** Do you think it would help if the Ministry of Labour visited some of these companies on a regular basis to lay out their responsibilities and the fact they're being monitored?

**Mr. John No:** I'm sure it would help. Of course the self-audit isn't that helpful, because you're relying on the person who is potentially violating the law to report themselves. So, yes, regular investigation that actually properly investigates would definitely be beneficial.

**Mr. Mike Colle:** Do you forward on these violations to the Ministry of Labour? Do you track them?

**Mr. John No:** We file claims with the Ministry of Labour, yes.

**Mr. Mike Colle:** Okay. Generally speaking, what has been the response when you file claims? Do you ever get any coordinated follow-up from the Ministry of Labour up until now?

**Mr. John No:** Unfortunately, they really look at it as an individual case by case, it doesn't trigger off a workplace investigation.

The other problem is, there are about 15,000 to 20,000 claims filed every year with the Ministry of Labour—

**Mr. Mike Colle:** Fifteen thousand?

**Mr. John No:** Yes, 15,000 to 20,000 every year.

**Mr. Mike Colle:** On temp?

**Mr. John No:** No, as a whole. This means that our clients usually wait roughly between eight to 12 months in order to get the case assigned for investigation. There is a backlog, so the Ministry of Labour requests more resources in order to deal with the investigations.

**Mr. Mike Colle:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. We'll move to the official opposition, Mrs. Martow.

**Mrs. Gila Martow:** First, I just want to make a quick statement. To me, equal pay for equal work is levelling the playing field for gender inequality, but really, it should be the same education, the same years of experience on the job. Obviously, a temporary worker who is being hired, say, by a small business to replace somebody who is maybe on maternity leave or sick leave for a month isn't going to have the on-the-job experience of a worker who has been with that company for years, even if they have the same job description. I've hired temporary receptionists once or twice in my business career. Yes, they might be answering the phone and booking appointments, but compared to the receptionist they're

replacing, I'm having to do half the job because they obviously would not have the experience. I think it gets a little tricky to just mandate equal pay for equal work. It's going to be tough.

But in terms of temporary agencies, if they're getting a cut, where is their responsibility? I think the responsibility should be on them. In your opinion, the workers not being paid, is it more often the primary company that the worker is actually doing the work for that isn't paying the temporary agency, or is it the temporary agency not passing the wages on to the worker?

This is almost starting to sound to me like FRO, the Family Responsibility Office, where a parent is supposed to pay child support and is giving the money to the government to then pass on to the other parent. We often hear stories in our ridings where the parent says, "I gave the money. Why is it taking so long to pass that money on?"

**Mr. John No:** My understanding of Bill 18 is that the primary obligation to pay is still going to lie with the temp agency. It's just that if you're not able to recover the wages from the temp agency, then the client company bears responsibility as well.

Ultimately, at the end of the day, it's the client company that benefits from the value of the labour, so I don't think it's too much to ask, if the worker doesn't get paid, that they ensure that the worker gets paid. It is both. Sometimes the temp agency doesn't pass on the wages, but sometimes the temp agency says, "I can't pay you because the client company didn't pay."

**Mrs. Gila Martow:** But isn't it their job to get the money from the client company? That's what they're taking a cut for, not just to find that worker a temporary job. They should have the ability to hire a lawyer just like you, Mr. No, to advocate on behalf of their client. Otherwise, what are they taking a cut for?

**Mr. John No:** Sure. But ultimately what we want is for the worker to be paid. If, to ensure the worker is paid, we need to have joint and several liability, I think that's a good thing.

**The Chair (Mr. Grant Crack):** Okay, thank you very much, Mr. No.

We will take a recess at this time and reconvene at 2 p.m. this afternoon.

I would like to thank everyone who came forward this morning and presented us with their points of view. Thank you very much, and I thank all members of the committee for the great work they did today.

*The committee recessed from 1013 to 1401.*

#### MR. WING KONG

**The Chair (Mr. Grant Crack):** I'd like to call the Standing Committee on General Government to order. We're going to continue with public hearings with regard to Bill 18, An Act to amend various statutes with respect to employment and labour.

We'll start this afternoon with the rotation beginning with the government side, then followed by the official

opposition and the third party. Then we'll move around to be fair to all.

Having said that, I would like to welcome—I believe Wing Kong is here with us this afternoon. Welcome. You have five minutes to make your presentation, as with all delegations, and three minutes for questioning from each party. Welcome.

**Mr. Wing Kong:** Thank you. My name is Wing, and for the past six months I have been working as a temporary agency worker.

Like many university graduates in this day and age, I was unable to find work after graduation. Faced by the mounting pressures of my student loan debt and aging parents, I had no choice but to take a job as a temporary worker. Today, I hope to share with you some of my thoughts and experiences as a temporary worker.

But before I begin, I want to make a qualifying remark. The moment I decided to take part in this very public deputation process, I put myself at risk of losing my job, my livelihood. I point this out to highlight the vulnerable conditions faced by temporary workers and in the hope that you will listen to what I have to say in good faith.

The temporary agency that I work for is one of the largest in Ontario, providing workers for many companies and large corporations in Canada, some of which are even publicly traded on the Toronto Stock Exchange. The warehouse which I have been working in for the past six months is run by one of these large, nationwide, publicly traded companies. Yet despite the millions, perhaps even billions, made by the shareholders and executives of this large Canadian company at which I work, I am paid the minimum wage, and I receive no benefits.

I handle chemicals and am exposed to dust, bugs and all sorts of debris on a daily basis. Yet I am one of the lucky ones—lucky in that I have only been there for six months. Many of the other temporary agency workers at the warehouse where I work have worked under these conditions for many years, some even upwards of 15.

Despite the fact that they have worked there for 15 years, they make and have always made the minimum wage. Committee members, this is equality of the most perverse kind: regardless of whether you've worked at this company for a year or for 15, all you get is the minimum wage.

Yet temporary workers at my warehouse work alongside a more privileged group: directly hired corporate employees of the company. Unlike us temporary workers, corporate employees have benefits and sick days and aren't subject to arbitrary termination. They are, in short, treated in a way you would expect workers to be treated in a civilized society.

If the difference between temporary workers and those directly hired seems striking to you, the most absurd part of it all is that temporary agency workers and permanent workers often do the exact same work. For example, I work with another fellow on the packaging line. We do the same job, but he makes \$30 an hour while I make \$11. Committee members, why are we doing the same

work but being treated so radically different? This government needs to ensure workers get equal wages for equal work.

This brings me to another issue. I'm no expert in the law, but I have tried in the past week to read and learn a bit about Bill 18. I am glad to learn that client companies and temporary agencies will be jointly liable for unpaid wages. However, I feel this solution fails to address some of the more day-to-day realities faced by temporary workers. For example, take the issue of taking a sick day. For those with secure employment, taking a sick day is a non-issue, but for temporary agency workers like us, taking a sick day not only means earning less money, it comes with a fear that we might be fired. As a result, it is not uncommon for temporary agency workers at my warehouse to work through colds and even head-wrenching flus. I believe by broadening this liability issue, it would encourage client companies to pressure temporary agencies to adhere to employment standards, as they will also become responsible should violations happen. This, in turn, means that temporary agencies are more likely to treat workers fairly and in accordance with the Employment Standards Act.

Temporary agency workers like me accept poor working conditions, often because we have no choice. The fact that temporary agencies and corporations take advantage of this fact to create conditions that are highly financially lucrative for them, while creating extremely difficult conditions for workers like us, is truly shameful and, as I see it, often in violation of the Employment Standards Act. Workers' rights should not be relying on the potential goodwill or generosity of an agency or company bosses but, rather, should be backed by the full strength of the law. We do not need permanently temporary work where we are able to pay the bills, for the time being, where we won't have to live on the streets, for the time being. We need equal pay and access to permanent work. We need to implement and broaden shared liabilities to create disincentives for the violation of employment law.

On behalf of the thousands of temporary workers in Ontario who are not able to be here today, I urge you to take action on this issue and to seriously consider what I have said. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Kong. We'll move over to the government side: Mr. Colle.

**Mr. Mike Colle:** Thank you very much, Mr. Kong, for the very articulate and impassioned presentation. I appreciate you really taking, as you said, a risk in being here. I think you're to be commended for taking that step; it's not easy to do.

You seem to have a very good education. You're very articulate, very well-spoken, and at first blush, you seem to be a very capable young man. I'm just wondering, have you applied for any other jobs? It seems that your talents are not being used properly working on the line for minimum wage.

**Mr. Wing Kong:** Yes, I have tried to apply for other jobs but, as I mentioned earlier, it has been difficult

getting other jobs. Just today, actually, I was fired from my job. I'm not sure if it's related to this deputation, but this morning I received a call from my agency telling me that I'm no longer needed at the company, so I have to look for another job. I don't know if it will be something similar to this or if it will be something different, but, yes, I definitely need to look for a job now.

**Mr. Mike Colle:** Again, you certainly seem to have excellent skills.

It's interesting: You mentioned that at the job you're working at, the person on the line with you was making \$30 an hour doing the same stuff.

**Mr. Wing Kong:** Absolutely. These are permanent corporate employees who are unionized, and they work alongside temporary agency workers who are not unionized.

**Mr. Mike Colle:** So the person making the \$30 an hour is a unionized worker?

**Mr. Wing Kong:** A unionized worker; correct.

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**Mr. Mike Colle:** Anyway, I just want to thank you again for bringing the plight of the unfairness in a lot of these conditions and wages of temporary workers. I really commend you for coming forward, and I encourage you to look for employment.

If you give me your resumé, I'd like to see if I can maybe help you out in some way, because you seem to be very capable of doing some good work.

**Mr. Wing Kong:** Thank you.

**The Chair (Mr. Grant Crack):** Ms. Hoggarth, 38 seconds.

**Ms. Ann Hoggarth:** Hi. It's good to see you again. I just wanted to know if you are going to make a complaint to the Ministry of Labour in regard to your dismissal. It doesn't seem to me like this is a coincidence. I think it would be very important for you to talk to the Ministry of Labour about this, and perhaps there would be an investigation.

**Mr. Wing Kong:** Right. I haven't thought about that, but I think that highlights one of the big issues among temporary agency workers: in general, fear and a lack of their rights. It's about being scared of coming forward. It's about being scared of asking for wage increases. It's about not knowing, as well.

**Ms. Ann Hoggarth:** I hope you will talk to the Ministry of Labour about this so that perhaps there can be an investigation.

**Mr. Wing Kong:** Yes. Thank you.

**The Chair (Mr. Grant Crack):** We'll move to the official opposition. Mr. Pettapiece.

**Mr. Randy Pettapiece:** I have no questions at this time.

**The Chair (Mr. Grant Crack):** We'll move to the third party. Mr. Natyshak.

**Mr. Taras Natyshak:** Thank you very much, Mr. Kong. I appreciate your testimony here today. I'm going to be pretty quick. I've got three minutes, so hopefully I'll get some quick answers. Have you ever held an unpaid internship?

**Mr. Wing Kong:** No, I have not.

**Mr. Taras Natyshak:** Have you ever felt unsafe at the place of work that you're referencing right now?

**Mr. Wing Kong:** Often.

**Mr. Taras Natyshak:** Have you ever enacted your right to refuse unsafe work?

**Mr. Wing Kong:** There is no right to refuse. If you refuse, you get fired.

**Mr. Taras Natyshak:** Do you know that you have the right to refuse unsafe work at your workplace?

**Mr. Wing Kong:** I do, but in practice, that refusal is essentially saying, "I don't want to work."

**Mr. Taras Natyshak:** For fear of reprisal?

**Mr. Wing Kong:** Absolutely.

**Mr. Taras Natyshak:** Okay. At this current employer, were you ever provided health and safety training?

**Mr. Wing Kong:** No.

**Mr. Taras Natyshak:** No initial training whatsoever in terms of health and safety?

**Mr. Wing Kong:** We saw a short video at the agency. At the actual warehouse, there was no training.

**Mr. Taras Natyshak:** Have you ever witnessed a Ministry of Labour inspector come into the site to inspect? Have you ever spoken to anybody?

**Mr. Wing Kong:** No, I have not.

**Mr. Taras Natyshak:** That's pretty frightening and, unfortunately, not uncommon in terms of placements through temporary work agencies. I wonder—

**Mr. Wing Kong:** Let me give you an example.

**Mr. Taras Natyshak:** Sure.

**Mr. Wing Kong:** We often work with chemicals in cleaning, and these chemicals appear to me to be carcinogenic or bad for our health in general—

**Mr. Taras Natyshak:** Sorry to cut you off. Were you told what the chemicals are that you were working with?

**Mr. Wing Kong:** No, no.

**Mr. Taras Natyshak:** You were never given an MSDS?

**Mr. Wing Kong:** You are given the bottle, and you're asked to clean.

**Mr. Taras Natyshak:** Okay.

**Mr. Wing Kong:** It's not like you can say, "I don't want to clean; I want to pack today." You're cleaning today, and if you don't like it, you can leave. That's essentially it.

**Mr. Taras Natyshak:** I understand.

**Mr. Wing Kong:** Also, it's an issue of supplying, for example, gloves. There is a limited supply of gloves. These gloves break very quickly. When they do break, they don't want you to switch gloves, as a way of, I'm assuming, cutting back on their costs. Often, workers leave smelling like the chemicals. Their hands smell like the chemicals, even into the weekend; for example, if you work Friday, by Sunday you're still smelling like the chemicals.

**Mr. Taras Natyshak:** It takes a lot of courage to make the deputation that you did today. I applaud you. One last question: You were informed today by email or by mail that you were terminated?

**Mr. Wing Kong:** By phone.

**Mr. Taras Natyshak:** Through the temp agency?

**Mr. Wing Kong:** Through the temp agency.

**Mr. Taras Natyshak:** By phone?

**Mr. Wing Kong:** By phone.

**Mr. Taras Natyshak:** Okay, so if they should be sending you something in writing, I'd love you to share that with this committee.

I would ask the Chair if, through this committee, we have the ability—maybe through a motion—to follow up on Mr. Kong's termination, to assist him. I know Mr. Colle had offered to assist him in employment, but we should take care of the issue at hand. If you were unjustly terminated at your current place of work, then it is our job to ensure that the enforcement mechanism of the Employment Standards Act is, in fact, enforced. I will certainly offer my support and resources through my office to follow up on that, but we need dialogue between you and this committee. I'll ask the Chair to guide us through that process.

Thank you very much for your testimony.

**The Chair (Mr. Grant Crack):** Thank you very much. I think what we would do is: You've made the formal request to him this afternoon. If Mr. Kong chooses to supply that information, he is more than welcome to bring it to the committee, and then the committee can decide how to move forward at that point.

**Mr. Taras Natyshak:** And, if I may, would it be appropriate to make a motion that we follow up as a committee on Mr. Kong's individual case at some point?

**The Chair (Mr. Grant Crack):** If we were given more information, I would think that would be appropriate.

**Mr. Taras Natyshak:** Sure.

**Mr. Wing Kong:** Can I make a quick comment? I really appreciate the general support that I have received here, but I think the issue that I feel is that this isn't an individual issue. I can get another job, I'm sure, whether in another warehouse or whatnot. But even if I do, these people will still be there. They'll still be working in those conditions. Until something changes in the law, these people will still be undergoing the same conditions that I'm undergoing.

I really implore you to take seriously these considerations to broaden the liabilities.

Thank you very much.

**Mr. Taras Natyshak:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you for coming before us. We appreciate it.

#### CANADIAN FEDERATION OF STUDENTS—ONTARIO

**The Chair (Mr. Grant Crack):** Next on the agenda is the Canadian Federation of Students—Ontario. I believe we have the chair, Mr. Woods.

Welcome, Mr. Woods. You have five minutes.

**Mr. Alastair Woods:** Thank you very much for having me this afternoon. My name is Alastair Woods. I'm

the chairperson of the Canadian Federation of Students—Ontario, the province's oldest and largest student organization representing over 350,000 college, undergraduate and graduate students. Though we are an organization that primarily represents the interests of our members on issues of post-secondary education, increasingly we are finding ourselves drawn into discussions about our members' lives outside of campus and at work.

I don't believe I need to reiterate to many people in this room just how bleak the future looks for young people today. Youth unemployment is almost double that of the average worker, and as a result, students are going to increasingly desperate measures to earn some money to pay for the rising costs of living and education. This government has taken many steps over the last year that indicate a willingness to work with young people on issues that matter to them, but we believe this government can move more boldly towards a truly strong, fair and just law framework for workplaces.

One of the largest issues for my members is the minimum wage. Despite a broad consensus from communities across the province, the government chose to institute a meagre increase of 75 cents from the minimum wage of \$10.25. They called it a compromise between workers and businesses. There may be very real concerns from smaller businesses about their ability to hire new employees and retain them with increased costs, but there was never any real discussion about integrating them into a fair minimum wage platform in a manner that was also fair to them. I think everybody in this room knows that the watered-down proposal did not come at the behest of mom-and-pop businesses across the province, but from lobbyists, from multinational corporations like Walmart, McDonald's and other retail businesses that employ the vast majority of part-time workers and can more than afford to pay them a living wage.

If, as the Premier stated during the election, government can be a force for good in the lives of people, then it can do much better. Many of our members rely on multiple part-time jobs to pay for tuition fees—which are the highest in all of Canada—buy textbooks and groceries, pay rent and meet transportation costs that are becoming increasingly prohibitive. But, in an economy where good jobs are scarce, many new graduates rely on these part-time jobs now to make a living, to pay their bills, to chip away at their student debt and put food on the table for both themselves and in some cases their families. What my members need and what Ontarians need is a minimum wage that does not legislate poverty for full-time workers, and we believe that \$14 would be a good start.

Another issue we take with the minimum wage is the differential wage that is paid to different classes of workers and people under the age of 18. In no other province is there a separate class of wages for students below a certain age, and the federation believes strongly that this class should be eliminated in Ontario, along with all differential minimum wages. There is absolutely no justifiable reason why two workers in the same work-

place, performing the same tasks, separated by a year of age, should be paid differently. Quite frankly, it is discrimination based on age.

Young students who work part-time in high school are often saving for college and university, understanding the vast financial resources they will need to pay tuition, books, meal plans, transportation, residences and associated costs. As we recommended in our 2014 budget submission, the federation recommends the elimination of the student minimum wage. But beyond this, we recommend an end to differential minimum wages for all workers. It's unfair and inexplicable that some workers are to receive higher minimum wages than others on the basis of age or occupation, so on this, we also recommend an end to all differential minimum wages, period.

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This province can only become strong, fair and just if we support those who make it home. These are the people who are working in the McDonald's. These are the baristas, the waitresses and the waiters, those who are folding clothes in malls, both young and old workers who are struggling today to pay their bills and make ends meet. Anything less would be a disservice to the government's mantra that our province should be progressive, fair and equitable.

I sincerely hope that you take my comments in mind as you move forward in discussing the minimum wage, because the livelihood of an entire generation does count on it. Thank you very much.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Woods. We shall begin with the official opposition. Mr. Pettapiece.

**Mr. Randy Pettapiece:** Thank you for coming today. You went through that pretty quick, so I probably missed a few points in your presentation.

You talked about the minimum wage. What would you like to see it at, if you had your dream?

**Mr. Alastair Woods:** We were part of a coalition of community, faith and labour groups that were calling for a \$14 minimum wage. That would put a full-time worker above the poverty line. We don't believe that anyone who works full time, whether they're a student or not, should be living below the poverty line if they have a job and work full time.

**Mr. Randy Pettapiece:** Yes, \$14 isn't much money, and I would suggest that maybe it isn't—if it's really close to the poverty line, I think that's where it would be at.

Can you tell me what the student minimum wage is?

**Mr. Alastair Woods:** I believe the student minimum wage is \$9.70 or \$9.80? For students under the age of 18, I believe it's about \$9.70 or \$9.80.

**Mr. Randy Pettapiece:** If you eliminated the student minimum wage or got that done, then you would put it up to the \$14—everybody gets the same thing?

**Mr. Alastair Woods:** Ideally, yes. We would want consistency with the minimum wage. I mean, on one hand, we're calling for an increased minimum wage, up to \$14, but we do want consistency, whatever the min-

imum wage that is decided upon—that all workers who are working minimum wage make the same.

**Mr. Randy Pettapiece:** I see. I come from an agricultural community in this province. We have all kinds of students come out to help bale hay or whatever on the farms, and a lot of them are involved in the fruit-growing industry. It's difficult for farmers, especially in the fruit and vegetable industry, to get this passed on to what they need for their product because of market concerns, because we are competing against tomatoes coming in from Mexico or wherever else. Have you thought about that? Would you have some thoughts on that?

**Mr. Alastair Woods:** Yes. As I mentioned in my remarks—and my apologies for going a bit fast; I've always been known for talking a mile a minute—for us, we understand that it's not necessarily a black-and-white issue. There are some areas that would need further discussion, especially areas like agriculture and small business. But for us, we felt like there was never a chance for that discussion, to say that there were small businesses who had concerns, and how could we integrate them into a plan that was both fair to them and fair to those who worked for them.

Our members—we hear constantly that many of them, the majority of them are working for these multi-billion-dollar companies—the McDonald's, the Walmarts and the retail service industry. We would be more than happy to engage in discussions about how to facilitate a process that's fair to both parties in those instances, but we don't feel like that conversation was ever had, and we were just handed a decision and told that this was the compromise that was made.

**Mr. Randy Pettapiece:** Okay. Thank you.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Pettapiece. Mr. Natyshak.

**Mr. Taras Natyshak:** Thank you very much. I'll try to speak as quickly as you did—I'm just kidding.

You're aware that the bill simply raises the minimum wage at the rate of the CPI?

**Mr. Alastair Woods:** Yes.

**Mr. Taras Natyshak:** Do you believe that that goes far enough?

**Mr. Alastair Woods:** No. Tying the minimum wage to inflationary increases is a good first step, but if we tie it to inflationary increases, and it's still below delivering you above the poverty line, then you're kind of tied to the poverty line for the rest of your life, if we don't make any changes to that.

**Mr. Taras Natyshak:** It seems as though you're well-versed in the area of minimum wage, at least. Are you aware of the proposal that the NDP put forward I believe, in 2010, to call on the government to immediately raise the minimum wage to \$10 an hour? Were you aware of that?

**Mr. Alastair Woods:** Yes.

**Mr. Taras Natyshak:** Do you think that would have had an effect in terms of giving young workers, those who work in minimum wage jobs, a leg up at that time and we wouldn't have to be playing catch-up at this point in time?

**Mr. Alastair Woods:** I believe it would have given young workers a leg up, but I also think that it is important for us to set a standard that puts young workers—and all workers—above the poverty line and then tie it to the rate of inflation to ensure consistency. I think the issue with minimum wage policy is that, many times, it has been sort of thrown around like a ball, depending on the priorities of government and opposition. Obviously, we appreciate any proposals to make those increases. But more consistency and more predictability, I think, would be something that many of our members would certainly appreciate.

**Mr. Taras Natyshak:** We did most recently propose to the government, and in our election platform, that we immediately raise the minimum wage by 50 cents per year until we get to \$12 an hour and then tie it to the CPI or some inflationary index. Would that have gone further than what the government is proposing?

**Mr. Alastair Woods:** It goes further than what the government is proposing, but as I mentioned, we are part of a coalition that does believe that \$14 is a bare minimum standard to ensure that people can make a living, even if they are working on minimum wage.

**Mr. Taras Natyshak:** Can you talk about the prevalence of temporary and part-time work with your association and your members?

**Mr. Alastair Woods:** Yes. Many of my members are engaged in multiple part-time jobs. It's very common to meet young students who work two or three part-time jobs, often at full-time hours when you put it together, while going to school full time or part time.

Many members, myself included, had to reduce our course loads and drag our studies out over a longer period of time because we couldn't afford to not work as much and go to school.

Increasingly, we are seeing that many of our members are engaging in unpaid work as a way to hopefully get their foot in the labour market. But as we've seen over the last year, the abuses have been quite rampant. I think that it speaks to a sign of a generation desperate to just try and get their foot in the door and have a little bit more financial security.

**Mr. Taras Natyshak:** Do you think the government is doing enough to raise awareness about the prevalence of unpaid internships?

**Mr. Alastair Woods:** We've seen some movement in the last year that we definitely appreciate. We also believe, though, that the government can do much more. We're willing to work with both the opposition and the government to ensure that we're setting higher standards, that we're being a lot more proactive about enforcement and that we are providing young people with the opportunities they need to succeed in the kinds of jobs that can help them succeed later on in life.

**Mr. Taras Natyshak:** How much time? Done?

**The Chair (Mr. Grant Crack):** Zero. Thank you very much.

**Mr. Taras Natyshak:** Thank you very much. I appreciate it.

**The Chair (Mr. Grant Crack):** Members of the government: Mr. Dickson.

**Mr. Joe Dickson:** Thank you, Mr. Chair. I just have a couple of quick, friendly questions.

**Mr. Alastair Woods:** Sure.

**Mr. Joe Dickson:** You're in university?

**Mr. Alastair Woods:** I just graduated from York University.

**Mr. Joe Dickson:** Sorry?

**Mr. Alastair Woods:** I just graduated from York University.

**Mr. Joe Dickson:** Graduated? Congratulations.

**Mr. Alastair Woods:** Thank you.

**Mr. Joe Dickson:** I'll be able to say now, when I meet you on the street in a couple of years, that I remember you when you were poor.

I have a question. I would certainly agree with you on a number of things. You're an educated person. You're a university-educated person. You're doing a presentation in front of elected members of the Legislature. Is there any reason why you didn't run a couple of copies to circulate to us? We normally take it back, put it in a file and keep the complete file until the bill is finally read, debated and passed or defeated.

Am I missing something? Or did I just do it the old-fashioned way at home: Every night I'd get home and eat dinner with the family, and then I'd sit down and do paperwork for a couple of hours and I'd make a list of notes. I'd put people's names beside them, I'd run copies in the morning when I went in, and I would circulate them to staff. Did I miss something?

**Mr. Alastair Woods:** What we probably would have sent around was the budget submission that we have submitted on several occasions to MPPs in all three parties.

As I'm sure you understand, actually, this bill was brought to this committee relatively quickly. We only found out about this a few days ago.

**Mr. Joe Dickson:** If you present them, then certainly circulate them, too.

**Mr. Alastair Woods:** I would be happy to re-circulate that information to folks. But we have submitted it to all three parties. We have submitted it to members of provincial Parliament. We have submitted it to ministries as well, on several occasions. Unfortunately, discussions haven't gone much further than giving it over and people saying, "Thank you very much." So I felt that it was important to actually come here and have a conversation and a discussion with folks about—

**Mr. Joe Dickson:** Leave them something to remember you by.

**Mr. Alastair Woods:** Yes, and we have, several times.

**Mr. Joe Dickson:** I agree that there's too great a fluctuation in the rates. When I heard some of the previous speakers say \$10 versus \$30 an hour, working on the same floor—absolutely inappropriate. However, a quick comment: If I have two people in one of my categories, which we'll say is a pressman, or a press person, and the other two people are in digital, the one on press could

earn—pretty darn close—\$20, and another one could earn \$30 versus \$18 on digital and \$25 on digital. I want you to look at the comparison. There's a difference in what they produce and the size of the press they run, whereas what we were talking about and what the predecessors were talking about is that they're on the same floor doing the same job.

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**Mr. Alistair Woods:** Actually, that's what I'm talking about as well. Students under the age of 18 performing the same work in a workplace will receive a lower minimum wage than someone doing the exact same job who is over the age of 18, and this is what we oppose.

**Mr. Joe Dickson:** It's just that there are two sides to the story. Regardless of what was mentioned earlier, that's a deficiency that should be corrected—

**Mr. Alistair Woods:** There are no two sides to the story, unfortunately. We're calling for an end to differential minimum wage for two workers doing the same job who are different ages.

**Mr. Joe Dickson:** I appreciate your comment.

**Mr. Alistair Woods:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. Time is up. I apologize. We've got lots of delegations; I've been told to stay strictly on schedule.

**Mr. Taras Natyshak:** Point of order.

**The Chair (Mr. Grant Crack):** Point of order.

**Mr. Taras Natyshak:** Chair, just for a point of clarification: I don't believe that it's required or mandatory that folks who are giving oral testimony provide any written form. Can we just get a clarification for that?

**The Chair (Mr. Grant Crack):** There is no requirement.

**Mr. Taras Natyshak:** Very good. Thank you.

**The Chair (Mr. Grant Crack):** Okay. Thanks again.

**Mr. Alistair Woods:** Thanks very much.

**The Chair (Mr. Grant Crack):** We appreciate it, Mr. Woods.

#### LAW COMMISSION OF ONTARIO

**The Chair (Mr. Grant Crack):** Next we have the Law Commission of Ontario. I believe Mr. Andrew Pinto is here; he's a board member. Welcome, sir. You have five minutes to make your presentation, followed by three minutes of questioning from each party.

**Mr. Andrew Pinto:** Good afternoon, Mr. Chair and members of the committee. My name is Andrew Pinto, and I'm a member of the board of governors of the Law Commission of Ontario. In my brief remarks today, I propose to do three things. One is to tell you a little bit about the Law Commission of Ontario; secondly, to tell you about the commission's relevant and important report on vulnerable workers and precarious employment; and to comment on Bill 18 to the extent that our commission has made recommendations relevant to that.

Before I do, I want to clarify that my remarks today are in respect of being a member of the board of the law commission, but I also come to you from the perspective

of an employment lawyer who has practised for about 20 years, and on both sides. I've represented employers, I've represented employees, I've represented unionized workers and I've represented management, so, really, on a day-to-day basis, I see some of the issues that are before you in Bill 18, and that are addressed in our report.

Let me tell you a little bit about the Law Commission of Ontario. I want to emphasize to you that we are an independent agency, created in 2007. I'm not going to go through all of the details, which are in a handout I've provided to you—I believe it was electronically provided to you as well—but the key point is that the law commission is here to try to make the law more accessible and understandable to Ontarians. We are funded by a number of partner agencies, specifically the Law Foundation of Ontario, the Ministry of the Attorney General, Osgoode Hall Law School and the Law Society of Upper Canada, all of which are parties to an agreement that allows us to act independently. York University also provides support.

Our mandate is really to speak through our reports. In part of the handout that has been provided to you, we have indicated what previous work we've done and what work we are about to do. It's a very exciting place to be, and certainly anything to do with employment, the economy and workers is very close to our heart, because we know that this is the lifeblood of what you do as legislators, and we are here to help you.

Because my time is limited, let me move to telling you about our Vulnerable Workers and Precarious Work Project. We had about 75 written deputations from a variety of worker, employer, union and organizational representatives, and a number of academics who write in this area were involved. It was a bit surprising to me as a board member that studies and people who look in this area have suggested that something like up to 33% of Ontarians who are working may be engaged in precarious work.

Now, I won't go into the somewhat technical definition, but in the report we look at certain indicia of precarious employment, which include not being unionized, not having a pension, being in a small organization and having a low wage. Of course, no one of those things necessarily makes you a vulnerable worker, but depending on the definition you use—if you use three out of the four definitions or if you take minimum wage plus some of those other definitions—something like 22% to 33% of working Ontarians work in this low-paid sector. That's where, of course, Bill 18 is trying to make at least somewhat of a difference.

Our report was organized into low-cost and probably easy-to-make recommendations, medium-term recommendations and long-term recommendations. Our recommendations are directed to the Ministry of Labour, they are directed to government, and they're also, in some cases, directed to unions and employer organizations.

The overall message of our report is that there has been a sea change in the economy—which I'm sure you, as legislators, fully appreciate—and the law has to keep

up with those changes. We are pleased that some of the recommendations in our report have, in fact, been adopted by your committee.

I see I am running out of time, but what I will highlight to you is that the provision dealing with giving out the employment standards poster—not just posting it in the workplace but actually distributing it to new employees—is in the bill. The revival and the consultation with a minimum wage review committee was effectively done in July 2013 by this government. As well, the extension of the deadline on employees being able to file their complaint past the six months—we had, in fact, asked for a discretionary deadline, but we see that the proposed bill asked for up to two years.

I'll stop there because I'm interested in taking your questions.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Pinto. We will start with Mr. Natyshak from the third party, the NDP.

**Mr. Taras Natyshak:** You referred to a sea change in the economy. Tell me what you think has created the sea change in the economy.

**Mr. Andrew Pinto:** What's created the sea change in the economy is, to some extent, the loss of manufacturing jobs, not only in Ontario, but in many advanced industrial sectors, because we are really in a globalized economy.

**Mr. Taras Natyshak:** What do you believe has led to the loss of manufacturing sector jobs?

**Mr. Andrew Pinto:** I think there are complex reasons, but they include technological change. They include, literally, a globalized workplace. Free trade agreements have both opportunities and challenges within them for how Ontarians compete in a world economy.

**Mr. Taras Natyshak:** Do you believe governments, both federal and provincial, have adequately addressed the apparent sea change due to some of those factors?

**Mr. Andrew Pinto:** I think what our report is suggesting is that there have, of course, been different kinds of attempts by different governments of different stripes to do that, but our job at the law commission is really just to focus on one aspect of that: What does the law actually say and how could it be improved?

In our report, we're obviously saying that the law can be improved by doing a number of things such as increasing the level of education and awareness of minimum protection standards for most working Ontarians.

**Mr. Taras Natyshak:** Do you believe that this sea change actually translates into what is widely known as income inequality or income insecurity or the widening gap? Do you believe that those are correlated?

**Mr. Andrew Pinto:** Having read our report—and I encourage you to do so—I'm not sure. We definitely track, and there are some very interesting statistics to track; for instance, a change in the number of temporary workers, the number of foreign workers—which has clearly increased—and the change in the minimum wage, which on the one hand has increased significantly in this province from 2003 to now. But at the same time, when

you unpack the components of it, a number of people are still right at the bottom at that minimum wage.

**Mr. Taras Natyshak:** It's all well and good to inform, and that is an instrumental component in knowing your rights and also responsibilities as an employer, but are we doing a good enough job on the enforcement side? We have rules, but we need people to police them. Are we failing there?

**Mr. Andrew Pinto:** One of the things we've said in recommendation 10 of our report is that we think there is one important thing you can do, which is to increase the proactive enforcement within employment standards and other types of employment and labour legislation.

**Mr. Taras Natyshak:** How much time?

**The Chair (Mr. Grant Crack):** Seventeen seconds.

**Mr. Taras Natyshak:** Anything else? Final comments?

**Mr. Andrew Pinto:** No. We find much to be commended in Bill 18. We're not here to comment in a universal way on the bill, but I think that there are at least three or four of our recommendations which appear to have been directly incorporated into Bill 18, and we are certainly pleased with that.

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**Mr. Taras Natyshak:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you. We'll move to the government side. Ms. Kiwala.

**Ms. Sophie Kiwala:** I'm a new MPP. Previous to being an MPP, I was a business owner in the late 1980s. At that time, I paid my workers \$15 an hour. From all of the conversations that I'm hearing in this room today, I'm understanding all sides of the issues, I think.

I was wondering if you can now talk to me and the committee about balance. Obviously, we're in a deficit situation. We're concerned about being responsible to taxpayers. It's always a bit of a balance. I do get all sides of this picture, but I'm just wondering if you can comment on some of the positive things that you see with respect to the balance between the needs of business owners, continuing to contribute to the economy, and being fair to our workers at the same time.

**Mr. Andrew Pinto:** Sure. I can certainly speak to that.

One of the interesting perspectives in our report is how employer groups often characterize the issue, versus workers. For most employers, and I also say this based on my experiences representing employers, they see the question as one of a relatively equal bargaining relationship with their employees. They want their employees to be partners in their growing business or organization, and often, they don't perceive themselves as this heavy-handed corporation that can have great power over their employees. Unfortunately, employees are often reticent to stand up for their rights.

What Bill 18 is trying to do—I'm not going to comment on whether it does it completely successfully or not, but certainly what we say in our vulnerable workers report is that there is quite a lot of low-hanging fruit, in terms of improving the Employment Standards Act and

some of that other employment and labour legislation, before we even get to the really contentious, almost philosophical perspectives, whether you're business-oriented or worker-oriented.

Things as basic as giving employment standards information about rights to new employees is a very easy thing to do. We think that increasing the six-month deadline to something more—we called for a discretionary deadline—so that workers who haven't been paid don't have to commence their claim while they're still with that employer, because for the most part that's very hard to do; once again, that's not necessarily a high-cost thing to do. In our report, we have identified—we've tried to identify, at least—some of the short-term, medium-term and long-term ways of doing that.

**The Chair (Mr. Grant Crack):** Thank you very much. That's right on the three minutes. We appreciate it.

Mr. Pettapiece.

**Mr. Randy Pettapiece:** I just have a couple of thoughts I want to pass your way. We also have a small business at home. My wife runs it. We've been of the opinion for the last number of years that we pay our employees—and we only have three girls who work for us—more than what the market is or more than minimum wage, I'll put it that way; we've had those employees around for 20-some years. In your line of work, are owners doing this on their own or are most owners being forced into wage increases for their employees?

**Mr. Andrew Pinto:** I have to admit that's a difficult question to answer because it can be quite industry-specific, depending on if you're talking about a relatively small operation, such as yours, or if you are talking about a much larger enterprise.

But the kernel of your question, which is something that should never be forgotten, is that we're talking about the bare minimum here, generally, with employment standards. That doesn't speak to what good employment or human resources practices are. Certainly one thing that I say to my clients, but I think is inherent in the law commission's report, is that there is a connection between good employment practices beyond the minimum standard so that you have a more permanent, stable workforce that is continuing to work with you. There have clearly been studies indicating that the loss of the worker just causes employers a lot of—they have to start again, effectively. That's generally not a good thing, but sometimes they have to do that.

**Mr. Randy Pettapiece:** Yes. I think what we've gone through since 2008 has certainly had an effect on employee-employer relationships. There are more people working on minimum wage in this province than there ever were before because of changes in businesses.

I'm just wondering, has there been enough consultation, in your mind, on this type of thing that we're discussing here today?

**Mr. Andrew Pinto:** I think there's a lot of consultation, but it appears that what happened in 2008 has made the stakes much higher for all sides. Employers say, "How can we increase wages when we're just getting

by?” Employees say, “Well, if you’re not getting by, then how am I getting by?” I’m hoping that as we move away from 2008—and there’s some indication that, certainly on a global scale, the economy is not in the type of crisis that it was in 2008—we can get back to a more medium-term and long-term discussion about what it makes sense to put into law in the long term. I think Bill 18 has some of those ingredients to make that happen.

**The Chair (Mr. Grant Crack):** Thank you very much. We really appreciate you coming before the committee this afternoon.

**Mr. Andrew Pinto:** Thank you.

#### MIGRANT WORKERS ALLIANCE FOR CHANGE

**The Chair (Mr. Grant Crack):** Next, from the Migrant Workers Alliance for Change, we have Mr. Syed Hussan, who is the coordinator. I’d like to welcome you at this time.

**Mr. Syed Hussan:** Thank you.

**The Chair (Mr. Grant Crack):** You have five minutes. Welcome.

**Mr. Syed Hussan:** My name is Hussan and I coordinate the Migrant Workers Alliance for Change, or MWAC. MWAC is the largest migrant rights coalition in Canada. We’re a coalition of faith groups, community organizations, migrant worker groups, unions, legal clinics and health service providers.

Today I’m here to speak to you about recruitment fees, which make up part of Bill 18. Temporary foreign worker members or migrant worker members of MWAC pay between \$3,000 to over \$10,000 just to come to work in Ontario. On average, workers pay up to two years of their salaries in their home countries to be able to come work here.

To get these huge sums of money, workers take loans, and often entire families go into debt. Sometimes these loans actually come from the recruiters themselves, who sort of moonlight as part-time loan sharks and part-time recruiters. As a result, when workers arrive here in the province, they do so with a massive debt burden and are unwilling to speak about most of their rights—be it stolen wages, bad housing, employer abuse, health conditions or housing conditions—for fear of being fired and swiftly deported. Deportation means returning home with massive debt, which would be a huge hazard not just for themselves, but also their families.

Today, Bill 18 before you includes provisions to expand protections in the Employment Protection for Foreign Nationals Act, what we call EPFNA, from caregivers to all temporary foreign workers, which means a ban on recruitment fees and a ban on seizure of documents. This change is an acknowledgement of all of the ways in which migrant workers are a permanent part of the Ontario economy and the pivotal role that recruitment fees play in reducing access to many workplace rights.

When EPFNA was first developed back in 2009, one of the things that it recognized was that caregivers, who

usually work between two to three years, would not be complaining about recruitment fees while they were at that work. At that time, the timeline for complaints in EPFNA was set to three and a half years.

Today, we’re talking about expanding EPFNA from caregivers to all temporary foreign workers. Temporary foreign workers on average work for four years. Similarly to how we understood that migrant workers will not be complaining during the course of their contract, we need to now expand EPFNA’s complaint timeline from three and a half years to four and a half years. Doing so will actually make Bill 18 fulfill what it sets out to do, which is to give some protection from recruiters.

To uphold the spirit and intent of this law, I want you to take a moment and step into the shoes of the migrant workers themselves. Migrant workers are extremely precarious. They come here, they stay in Canada, and they are tied to an employer. Other than caregivers, most people do not have the right to immigrate or stay here permanently. As such, a complaints-driven process that requires these vulnerable precarious workers to make complaints in and by itself will not work. It requires proactive enforcement.

For this, Ontario needs to turn to Manitoba, Saskatchewan and Nova Scotia, which are stepping forward with a really holistic approach. In Manitoba, the provincial government registers every employer that hires foreign workers. They license every recruiter that works in the province. Not only that, these recruiters and employers are jointly financially responsible, so if fees are paid, the money can be taken out from there and given to the workers.

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This system has been applauded not just by workers themselves but also by employers, because what it means is that both workers and employers know who are the rights abusers. People know they’re following the law; the list is very public.

Ontario has the largest number of foreign workers in the country. We have a real opportunity here to set standards for the rest of the country. Once we’ve adopted and built on what Manitoba is doing, I think one of the gaps we need to think about is addressing the reality that migrant workers need a stay on their deportation to be able to assert their rights. Ontario needs to be able to expedite complaints that are happening under the ESA and under EPFNA and to negotiate and advocate for a stay on deportations while workers have their complaints move forward. Doing so will ensure stronger workplaces and a stronger economy.

The overall proactive enforcement system that I’ve laid out before you quite briefly, in terms of licensing of recruiters, registration of employers, anti-reprisal mechanisms and financial bonds, is out of the direct scope of the conversation today. I’m raising them to show our willingness to bring migrant workers to the table, to sit down with all parties to have a real, meaningful set of comprehensive changes, to get migrant workers to have the same rights as other workers in this province.

The extension of EPFNA from three-and-a-half years to four-and-a-half years is simple; it's a straightforward amendment. This committee can do it and I urge you to do so. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. We'll start with the government side: Ms. Hoggarth.

**Ms. Ann Hoggarth:** First of all, thank you for coming. I met you yesterday as well. Yesterday we talked about recruitment fees too, and I told you that they no longer will be able to charge recruitment fees.

If recruitment fees are charged before you get to the country—is that what you were saying, that they're charged before you get to this country?

**Mr. Syed Hussan:** Recruitment fees are charged between a Canadian recruiter—employers in Canada usually reach out to a Canadian recruiter who has connections to a recruiter back home.

**Ms. Ann Hoggarth:** Okay, but this—

**Mr. Syed Hussan:** The money is split between the recruiters here and there. Ontario has the legislative authority to be able to mandate and license the recruiters here.

You said that under EPFNA, temporary foreign workers would not have to pay wages. I want to point out—

**Ms. Ann Hoggarth:** No.

**Mr. Syed Hussan:** Sorry, they would not have to pay recruitment fees.

**Ms. Ann Hoggarth:** Yes.

**Mr. Syed Hussan:** I just want to point out that EPFNA currently bans recruitment fees from caregivers, but over the last three years, very few caregivers have been able to get real protections. Just simply banning it, but not enforcing it, is not enough.

**Ms. Ann Hoggarth:** But they are going to enforce it. This is part of the change to the bill. They're going to prohibit recruiters from charging fees for every foreign national who is employed or is attempting to find employment in Ontario—any worker who is coming in under immigration or a temporary foreign worker program. There will be enforcement of that. It also prohibits reprisals by an employer or a recruiter.

Do you not see some positive aspects of this?

**Mr. Syed Hussan:** I absolutely think that it's a great thing that Bill 18 is expanding protections from caregivers to all foreign workers. What I'm saying is that the protections that caregivers have on paper—the statistics produced by the Ontario Ministry of Labour show that in the last three years, caregivers have only been able to recuperate \$12,000—all caregivers together. Obviously, recruitment fees are still being paid, and more steps need to be taken to ensure enforcement.

On the question of anti-reprisals: As you know, when you allege a reprisal in Ontario, you go through a process by which that is assessed. For migrant workers, by the time that claim comes up, they've been deported, because if you're without a job for six months, not with the employer you're tied to, you're excluded from the country.

What's happening is that these cases aren't actually being heard. They're not actually getting to the point where we can talk about reprisals.

**Mr. Mike Colle:** I have a quick question

**The Chair (Mr. Grant Crack):** No, that's time. Thank you. Sorry.

**Mr. Mike Colle:** Oh, just one little short one.

**The Chair (Mr. Grant Crack):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** Thank you, Chair. I'm not as familiar with this as certainly maybe other members are. The time frame involved for lodging a complaint to the completion is not long enough. Is that what you're saying?

**Mr. Syed Hussan:** Precisely. When the law was written, it was written for people who usually work on a two-to-three year contract. Now, it's been expanded to workers who have a four-year contract. We're asking that the time for complaints be extended, just by one year.

**Mr. Randy Pettapiece:** Okay. You mentioned six months there. What was that six months about?

**Mr. Syed Hussan:** Sorry?

**Mr. Randy Pettapiece:** When you were talking to Ms. Hoggarth, you said something about six months.

**Mr. Syed Hussan:** Under current federal immigration law, if you come as a temporary foreign worker and your permit is tied to a single employer, you can only work for them. You are essentially indentured to them.

If you leave that job because you are facing abuse, if you can't find another employer, you are kicked out of the country, sometimes within 90 days and sometimes longer. By the time complaints actually show up at the Ministry of Labour or whatever, the worker has left. In Alberta, Nova Scotia, Saskatchewan and Manitoba, essentially lots of other provincial jurisdictions, they've already created mechanisms to ensure that there are expedited complaints. In Alberta, there is a stay on deportation for 90 days. A temporary resident permit is issued every time a complaint is made. There are lots of ways for Ontario laws to actually not just catch up but, I would suggest, they need to be leading the rest of the country, considering the largest percentage of foreign workers in Canada are actually in Ontario.

**Mr. Randy Pettapiece:** Okay. Thanks, Chair.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Pettapiece. We'll move to Mr. Natyshak.

**Mr. Taras Natyshak:** Thank you so much for your presentation. You've presented to this committee, I believe, some really poignant and strong information about how EPFNA has actually failed in the sense of the oversight and enforcement of the provisions of recruitment fees. Of course, if they're banned through the caregivers, but they're still being taken away from them and we're not identifying them, then there's a failure in the enforcement side. Would you agree?

**Mr. Syed Hussan:** I think EPFNA, as it was designed, doesn't have many enforcement tools. In essence, it's doing what it said. It banned it, but it didn't—as long as there isn't proactive enforcement, particularly for vulnerable workers—I think multiple presenters have said it. I

would suggest that we need proactive enforcement on all employment standards, particularly here.

**Mr. Taras Natyshak:** Do you see the potential of this having the same result, if we're going to enact these measures that, on paper, as you said, seem to address the issue, but yet abandon the enforcement side? Are we just going to get into the same position?

**Mr. Syed Hussan:** The thing is we work with workers. Right? So when workers come to us now, saying, "We've paid recruitment fees," we're going to use whatever access exists. If forms are created and complaints can be lodged, we'll do it. The problem is that all of the workers we are in contact with now who have paid the recruitment fees don't have any protections. What you're giving us, essentially, is when this reaches royal assent, everyone who pays fees after that may be able to gain some protections.

We'll file and we'll see if it works, but what I'm really urging is sitting down and creating comprehensive changes in recruitment, but in all aspects of the ways in which migrant workers are exempted from basic protections.

**Mr. Taras Natyshak:** Are there firms that employ temporary migrant workers, foreign workers, that are doing the right thing, in your mind and your experience? Have you ever identified any that are doing the right thing, following the rules, taking care of their employees, giving them all the benefits of the Employment Standards Act, health and safety? Have you ever come across them?

**Mr. Syed Hussan:** I think, as I said, there are actually exemptions within the health and safety and employment standards for migrant workers. Right? There might be firms that are following the law, but that doesn't mean workers are actually protected and get all of the status and all of the basic dignity that I think should come with just being able to live here.

**Mr. Taras Natyshak:** Have you come across any that go above and beyond, in terms of the standards that are currently applied?

**Mr. Syed Hussan:** There are definitely small employers, people who might have one or two migrant workers who are working for them, because this is what we're talking about. Right? Each caregiver has one employer. Yes, there are some caregivers who are having quite dignified lives and are able to gain status, but many who are not.

In Ontario, when we're talking about temporary foreign workers, we're talking about farms, caregivers, restaurant workers, and often it's like an employer might have one or two workers and in some cases, you have hundreds. It's hard to say, "Here is your list of good employers."

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What I would suggest is that Ontario actually doesn't know who the employers are so it needs to register them, it needs to put out a list of them, and it needs to determine who is good and who is bad, because obviously the federal government isn't doing it. It falls here—

**Mr. Taras Natyshak:** And you're aware that there's a mechanism in Bill 18 that does that with temp agencies but not foreign workers?

**Mr. Syed Hussan:** Yes.

**Mr. Taras Natyshak:** Thanks.

**The Chair (Mr. Grant Crack):** Well, thank you very much, Mr. Hussan, for coming forward and presenting to the committee.

**Mr. Syed Hussan:** Thank you.

## JUSTICE FOR MIGRANT WORKERS

**The Chair (Mr. Grant Crack):** Our next is a group called Justice for Migrant Workers. We have Chris Ramsaroop, an organizer, with us here this afternoon. I believe we have Jennifer Anderson by telephone as well. Welcome to you both.

**Mr. Chris Ramsaroop:** Thank you.

**The Chair (Mr. Grant Crack):** Hello, Jennifer.

**Ms. Jennifer Anderson:** Yes, thank you.

**The Chair (Mr. Grant Crack):** How are you?

**Ms. Jennifer Anderson:** I'm good, thanks.

**The Chair (Mr. Grant Crack):** Great. So we have five minutes to make the presentation, followed by three minutes of questioning from each of the three parties. Welcome.

**Mr. Chris Ramsaroop:** My name is Chris Ramsaroop, the organizer with Justice for Migrant Workers. We're an all-volunteer group that works with migrant workers across Ontario as well as British Columbia. I'm going to turn it over to Jennifer Anderson, who is an organizer and who has been working, living and serving the community in the Leamington-Kingsville area. I want to take time for her to share her story, and then we're going to reiterate some of the demands that the Migrant Workers Alliance for Change and Workers' Action Centre have put forward. Thank you.

Jennifer, the floor is yours.

**Ms. Jennifer Anderson:** Okay. Hello. Good afternoon. My name is Jennifer. Recruiters and recruitment agencies overcharge potential migrant workers who are desperate to come to Canada to work. They collect unreasonable amounts of money from these workers for their so-called services. Most often these workers, like me, end up in poor housing conditions, among other things, and abusive employers upon arriving in Canada.

I came to Canada as an agricultural worker through a recruitment agency in Manila, Philippines, which was tied to a Canadian recruiter. I handed around US\$5,000 to the recruitment agency, and a portion of it was paid to the Canadian recruiter. The \$5,000 was supposed to cover equipment fees and my plane ticket to come to Canada.

On the day of my departure for Canada, the owner of the recruitment agency gathered me and seven other ladies and handed us some cash in US currency wrapped in newspaper. We were instructed to keep it in our luggage and hand it to our Canadian recruiter once we

get to Canada. We were not told how much the money was worth.

Upon arrival in Canada, I and the other seven ladies were brought to an unfurnished apartment infested with cockroaches. Our company also deducted \$300 from our paycheques as a rental deposit.

I can go on and on about the poor living conditions migrant workers go through. I did not understand then the laws and the rights concerning migrant workers until later during my stay here in Canada. I realized that I could have applied to come to Canada and filled out the necessary paperwork on my own, rather than having paid \$5,000 for it.

My plane ticket to come to Canada was, by law, supposed to be paid by my employer, and my accommodation as a worker should also be provided by the company I work for. Most often, employers and recruiters work together. In my case, the recruiter was in charge of assigning us workers to our accommodations, and the employer pays our rent.

Employers often know of the additional fees recruiters charge to their workers. When a worker complains to the employer about these fees and other unfair treatment, the worker is punished by being sent home.

Migrant workers have debts to pay; that includes loans they took out for paying recruitment fees. They have families to support back home and no job in their native country to go back to. That's why they would pay the high recruitment fees and take the abuses quietly rather than be sent home.

These are some reasons why recruiters need to be licensed and employers registered in the province of Ontario. New laws should be passed and enforced to protect foreign migrant workers from abusive employers and unfair practices of recruiters.

In addition, there should be a law that allows temporary foreign migrant workers to complain about unfair treatment without being sent home immediately by their employers. Workers with legitimate complaints should be allowed to continue to stay and pursue their complaints and not be sent home even after their work visas expire.

I believe that the proper laws concerning recruiters and abusive employers will make migrant workers like me feel more protected and treated with justice and dignity while working in Canada. Thank you so much for listening.

**Mr. Chris Ramsaroop:** So just to reiterate Jennifer's story, we are calling for stronger proactive enforcements. We believe in:

—joint and several liability, where both employers and recruiters are held responsible;

—strengthen anti-reprisal mechanisms, so when workers do stand up for their rights, they are not sent home or left in further precariousness;

—registering and licensing of employers and recruiters; and

—extension of timeline limits to file complaints to five years.

We do believe this bill is important. What we want to add to our voices to is to strengthen this bill so that

migrant workers are provided with the full protections they need both in the workplace and in their communities.

To close, workers like Jennifer have marched. They have talked to members of Parliament. They have done deputations. They have done stories to the media. They have done everything they can to bring forward this issue. Attributing to the important work that they do—yes, we have to support this bill, but we have to strengthen it to make sure that all vulnerable workers are provided the protections they need.

**The Vice-Chair (Mr. Joe Dickson):** Thank you. We will go to our first member, and that will be Mr. Pettapiece from the PC Party.

**Mr. Randy Pettapiece:** Thank you for coming here today. Jennifer, are you in Kingsville? Is that where you're from?

**Ms. Jennifer Anderson:** I'm from Leamington, sir.

**Mr. Randy Pettapiece:** Oh, okay. Well, I went to high school in Kingsville.

**Ms. Jennifer Anderson:** Oh.

**Mr. Randy Pettapiece:** I considered Kingsville had a better high school than Leamington did, but anyway.

You went over a lot of the things that have been previously pointed out to this committee, and I think you're looking for mostly a stronger enforcement of what rules are there, plus a few extra ones put into this act to strengthen your position in the migrant worker business. Is that what we're seeing here?

**Mr. Chris Ramsaroop:** That is correct. It's to fully understand and appreciate that it's both recruiters and employers who have a control over workers. Therefore, yes, we could have one piece of legislation that goes after recruiters, but the employers should also be held responsible. We think this is critical, and it's something that the committee should be addressing in addition to proactive enforcements. Snap inspection models, where ministry officials go into workplaces rather than the individual complaints process, will benefit more greatly. It puts workers at less of a risk when they need to come forward.

**Mr. Randy Pettapiece:** Are you finding—I don't know how to put this—the numbers of complaints or numbers of issues growing in Ontario, or are people trying to comply with what they are working with right now?

**Mr. Chris Ramsaroop:** From my perspective, I know of workers who have filed workers' compensation claims, for instance, and within a week or two weeks afterwards they've been sent home for simply trying to do a workers' compensation.

I know people who would like to file employment standards complaints, but when they're given the choice between coming back the following year under the seasonal ag work program or never coming back again, they're putting their rights at risk, and their health and safety at risk.

So I think the context that we have to understand is that because people are tied to an employer, because they are dependent on work and living conditions here, on the

employer here in Canada, a lot of people are not exerting their rights. The workers we do know who are exerting their rights are being faced with reprisals.

**Mr. Randy Pettapiece:** And you know this is happening?

**Mr. Chris Ramsaroop:** Absolutely.

**Mr. Randy Pettapiece:** Okay. Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Mr. Pettapiece. We will now go to Mr. Natyshak from the NDP.

**Mr. Taras Natyshak:** Hi, Jennifer. Can you hear me?

**Ms. Jennifer Anderson:** Yes, sir.

**Mr. Taras Natyshak:** Thanks, Jennifer, for your deputation. Do you believe that Bill 18 adequately addresses the issue of the charging of recruitment fees? Do you believe that it fixes the issue?

**Ms. Jennifer Anderson:** I believe that licensing the recruiters and registering employers in Ontario will be helpful for migrant workers, especially for migrant workers who face abuse and who are forced to pay high fees for coming to work in Canada.

**Mr. Taras Natyshak:** As you've heard, or as you may know, the banning of recruitment fees for temporary caregivers has previously been done, yet we still find instances of recruitment fees being charged. Are you fearful that we could see the same scenario play out when it comes to migrant workers?

**Mr. Jennifer Anderson:** Yes. I'm pretty sure about that, because even if we have laws, it would be good if it was strictly enforced, because migrant workers often do not speak up even if they paid high fees or are being abused, because they fear that they will be sent home. There is nothing to protect them from being sent home if the employer tells them that you're fired and you've got to be going home since you filed complaints. That often happens.

**Mr. Taras Natyshak:** Okay. Chris, could you tell me—give me a scenario. Tell me what it would be like for a migrant worker in Ontario today under current legislation to lodge a formal complaint under the Employment Standards Act.

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**Mr. Chris Ramsaroop:** If you're doing it in a community like Simcoe, or even Chatham, your day starts at about 7 o'clock in the morning and ends at about 7 p.m. You're probably an hour, or maybe 45 minutes, away from a main town, so information, getting to the place, having the ability to fill out the forms—and also, if you do try to fill out a form, you're probably going to be disbarred from the program.

We know of a case in the Kingsville area, a human rights complaint where a migrant worker named Adrian Monroe faced racial harassment in the workplace. When he stood up for his rights, the employer basically had him on a plane the next week or the week after.

So there is anecdotal evidence of workers who do try to file complaints, and they are penalized. Right? And even if they're not penalized directly, the consistent threat of being penalized or facing reprisals of never

coming to work in Canada and losing that work, is a significant obstacle.

**Mr. Taras Natyshak:** Does current law not require the employee to engage the employer prior to a formal complaint being levied through the Employment Standards Act?

**Mr. Chris Ramsaroop:** That is correct, and—

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Mr. Natyshak. I have to go on now to the next speaker, and that is Ms. McMillan.

**Ms. Eleanor McMahon:** McMahon. Thank you, Mr. Chair.

**The Vice-Chair (Mr. Joe Dickson):** A pleasure.

**Ms. Eleanor McMahon:** Thank you for your deputation. I apologize for my bad cold.

**Mr. Chris Ramsaroop:** It's quite all right.

**Ms. Eleanor McMahon:** Thank you, Jennifer, for your deputation, as well. I'm actually from the Windsor-Essex area originally.

I just had a question. I want to build on my colleague's comments about anti-reprisal measures. I want to ask you to talk a little bit about what that might look like from your point of view, in terms of strengthening the legislation.

I just want to draw to your attention as well—forgive me if you knew this already, but we have expanded the definition. In the legislation that is proposed, we are looking at prohibiting reprisal by an employer and recruiter by amending or removing the reference to “as a live-in caregiver or in other prescribed employment,” so that the prohibition would apply and is broader. I'm hoping that that gives you some level of comfort; if it doesn't, why not, and what would that look like to you?

**Mr. Chris Ramsaroop:** Thank you very much for the question. With respect to both employment standards, and I'll also speak about health and safety, if there is an expedited process—before workers return to their home country, they actually have the ability to have their case heard. A lot of times, what we do see is that the workers are basically sent back—“repatriated” is the sanitized version of what they use for deportation.

Ensuring that there's an expedited process, ensuring that workers have the ability to find other forms of work and, I think, even before the problems exist, proactive enforcement where ministry officials can and are able to go onto properties and figure out and fix problems before they go further. Just to reiterate, I know where Taras was going: for us to understand the power dynamics of this whole issue.

**Ms. Eleanor McMahon:** Sure.

**Mr. Chris Ramsaroop:** Right? The power dynamics are extremely important. There is not currently a level playing field between migrant workers and employers. I think it's about strengthening, emboldening and ensuring that migrant workers can exert their rights.

Expedited processes, proactive enforcements and ensuring that migrant workers are able to find other work here in the province of Ontario: These are steps that could be enacted to help in the situation.

**Ms. Eleanor McMahon:** Okay. Another question—  
**The Vice-Chair (Mr. Joe Dickson):** Further?

**Ms. Eleanor McMahon:** Thank you. Forgive me, because I'm a new MPP, as well, and I'm getting up to speed on these issues, but when you talk about an expedited process—can you tell us a little bit about what the process looks like now, so I get a general sense of where you're going?

**Mr. Chris Ramsaroop:** In addition to the process that exists, there could be up to a year—or two and a half years, I think, right now—to file an employment standards complaint. But with a migrant worker, if, for instance you have filed a complaint—say a worker files a complaint today, October 30; they are returned back to their home country, whether it's in the Caribbean or Mexico, with the Seasonal Agricultural Worker Program.

With migrant workers, there are two aspects: there are seasoned agricultural workers and temporary foreign workers—the pilot project.

**The Vice-Chair (Mr. Joe Dickson):** Ten seconds.

**Mr. Chris Ramsaroop:** The workers were probably banned. They probably will not be able to engage in the process, because they're going to be in another country, and they probably won't get a work permit or a visitor's visa to return to fight their cases.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Mr. Ramsaroop. Thank you, Ms. McMahon. I would like to thank Ms. Anderson and you, sir, for your presentations today. They were very informative, and I thank you.

#### ONTARIO HOSPITAL ASSOCIATION

**The Vice-Chair (Mr. Joe Dickson):** Our next presenters will be the Ontario Hospital Association. That will be a time frame of five minutes once you're situated. If I may get your names.

**Ms. Emma Pavlov:** Good afternoon. My name is Emma Pavlov. I'm the senior vice-president of human resources at University Health Network.

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Ms. Pavlov.

**Ms. Rachel Bredin:** I'm Rachel Bredin, a health and safety consultant for the Ontario Hospital Association.

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Ms. Bredin. You have five minutes for your presentation. Good to have you here.

**Ms. Emma Pavlov:** Thank you.

I'm here on behalf of the Ontario Hospital Association and would like to start off by saying that the OHA supports the government's desire to promote fairness in the workplace and to protect vulnerable workers. In particular, we commend the government action on the minimum wage. Hospitals have a unique position with respect to Ontario's workforce. Collectively, hospitals employ a large number of workers in the Ontario broader public sector.

The OHA would like to share feedback raised by our members about Bill 18's potential impacts. As it is

currently drafted, Bill 18 could deter hospitals from engaging unpaid learners and may also hinder the use of temporary employees, who are essential to hospital operations, particularly in smaller communities. The OHA's recommendations relate to these two broad areas.

First, with the regard to proposed amendments to the Occupational Health and Safety Act: Ontario's hospitals engage large numbers of unpaid learners or students; actually, thousands of nursing students, allied health and medical students and student researchers each year. Many hospitals also host students participating in secondary and post-secondary school co-op programs, secondary school community hours and other student work experience programs. Educating future health care providers and conducting innovative research to further our health care system are very important parts of hospital work.

Bill 18's proposed amendments to the Occupational Health and Safety Act would include unpaid learners within the definition of "worker" under the Occupational Health and Safety Act. The OHA supports ensuring workplace protections and appropriate training for unpaid learners. As with all individuals working on their premises, hospitals already ensure that unpaid learners receive the necessary training to ensure their safety for the positions that they hold. We believe that the role of unpaid learners is distinct from workers and should be reflected in the Occupational Health and Safety Act. In many instances, students' educational institutions are better placed to provide the relevant training, and the bill may preclude that. The OHA is concerned that including unpaid learners within the definition of "worker" will remove flexibility to tailor training to students and to collaborate with students' educational institutions regarding training.

With regard to the second proposed amendment to the Workplace Safety and Insurance Act: Many hospitals also rely on temporary employees in nursing, clerical and other positions to ensure that they can provide patient care 24 hours a day, seven days a week. Bill 18 would significantly increase liabilities for clients of temporary help agencies. Such disincentives have the potential to limit operational flexibility for hospitals. We are concerned that this may impact the viability of current staffing arrangements and patient care. This may be particularly challenging for hospitals in small rural and northern communities where they are already facing existing staffing challenges.

Additionally, we would encourage the reconsideration of the proposed amendment to the Workplace Safety and Insurance Act automatically transferring injury costs from the temporary help agencies to client employers. From our perspective, the proposed amendments would create unnecessary costs and administrative burden in situations where the workers are not vulnerable, such as registered health professionals working in hospitals. It could also create costly and administratively complex situations such as the management of the worker's early and safe return to work. The amendments to the WSIB may not be necessary, as the WSIA currently allows for a

transfer of costs between temporary help agencies and the client where the client employer is deemed negligent and at fault for the employee's workplace injury.

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In conclusion, the OHA supports efforts to ensure safe and fair working conditions for all Ontarians, and our interest is to ensure that the government's legislative and policy direction meets this need effectively.

Thank you, and we'd be happy to take any questions.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Ms. Pavlov. We'll now go to the legislative members. I'll commence with Mr. Natysack from the NDP.

**Mr. Taras Natyshak:** Thank you, Chair—Natyshak. Not a house, not a barn, not a shack. There you go.

**The Vice-Chair (Mr. Joe Dickson):** Natyshak.

**Mr. Taras Natyshak:** There you are.

**The Vice-Chair (Mr. Joe Dickson):** Not Caddyshack; Natyshak.

**Mr. Taras Natyshak:** Sometimes Caddyshack. I hope that doesn't cut into my time, Chair. Thank you.

Thank you for your presentation. To start backwards, to the beginning: The OHA would rather exclusively be under the purview of the WSIA, which would then make it civilly liable in a negligence or at-fault system, rather than be under the coverage of the WSIB, where there would be a no-fault position. Yes?

**Ms. Rachel Bredin:** No, we're simply stating that the WSIA, as it is currently written, has provisions for the transfer of costs to already occur instead of the change requiring an automatic transfer.

**Mr. Taras Natyshak:** But should a workplace accident occur in one of our hospitals, you would then become civilly liable under the provisions of the WSIA and without the blanket coverage of the WSIB.

**Ms. Rachel Bredin:** We agree with the current coverage of the WSIB. We feel there is no requirement for a further automatic transfer of cost as suggested in the amendment—

**Mr. Taras Natyshak:** Okay, I've got to get some clarification for that. Workplace learners, as you referred to them—do they do duties that are within the parameters of other employees at our hospitals?

**Ms. Emma Pavlov:** No. They're students who are being trained to become doctors, nurses—

**Mr. Taras Natyshak:** So they're not relied upon to do any type of duties, anything? Are they just shadowing, or are they actually doing work that would be under the same workload as someone else?

**Ms. Emma Pavlov:** They have a very customized experience where they are training. It's not that they don't do any work; they do work under the supervision of someone else while they're being trained.

**Mr. Taras Natyshak:** You referenced that you rely on them to provide 24/7 coverage. Also, you alluded to the fact that it would affect the operating cost for hospitals and your ability to recruit and to have these people in. Is there a financial loss to not having these students come in and add that value or add to the workforce?

**Ms. Emma Pavlov:** We would always want to have students come to the organization; we would always want that. What we are saying, though, is that we have health and safety training for students that is a little different than it is for all employees who are there on an indefinite basis. If we are now going to consider them, as Bill 18 is suggesting, as workers, as regular employees, we would triple or quadruple the amount of training that we would need to do.

**Mr. Taras Natyshak:** Would you agree that, regardless of the workplace training, just for the reason that they are in the same environment as other workers, exposed to other elements within a hospital—as we know, Ebola is here. Would you not agree that they are exposed—

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Mr. Natyshak. We will now go to the government side. Ms. Hoggarth.

**Ms. Ann Hoggarth:** Thank you very much for your deputation. Having been in the school situation, we very much rely on our co-op students. As a matter of fact, I ended up hiring someone who had been my co-op student to be a constituency assistant, and she's wonderful. If I had not had her in that position, I would not have known what a wonderful worker she was.

However, I believe, and I hope you do too, that they should have all the protections that everyone else has, because they do perform work. When she was in my classroom, she performed a lot of work that I would do, other than writing report cards and things like that—keeping records. I believe that in hospitals, nursing students and people who are being trained for X-ray and all different lines of work do perform work, do they not?

**Ms. Emma Pavlov:** Yes.

**Ms. Ann Hoggarth:** Okay. Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Further on the government side? Additional questions? Yes, Ms. Mangat.

**Mrs. Amrit Mangat:** Do the members of your organization employ temporary workers?

**Ms. Emma Pavlov:** Hospitals employ—

**Mrs. Amrit Mangat:** I mean temporary agency workers. Sorry.

**Ms. Emma Pavlov:** Yes. Hospitals sometimes hire people through temporary agencies to fill short-term gaps or critical skills that they need for the short term, where they can't find staffing. It happens in our organizations, but particularly in remote communities. So it is an issue.

**Mrs. Amrit Mangat:** Can you elaborate when and what time?

**Ms. Emma Pavlov:** I'm sorry?

**Mrs. Amrit Mangat:** When and what time do you hire temporary agency workers?

**Ms. Emma Pavlov:** When—

**Mrs. Amrit Mangat:** Busy times, or you—

**Ms. Emma Pavlov:** Sometimes, it's when we have people off sick, when we have more patients or we have a situation where we don't have enough staffing, then we

might need to bring somebody in in order to make sure that we have 24/7 coverage. It's usually short term.

**Mrs. Amrit Mangat:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. I will add 24 seconds to the time of Mr. Pettapiece from the PC Party.

**Mr. Randy Pettapiece:** Thank you, Chair. I come from a small rural community—I live north of Stratford in Perth county—so I understand some of your concerns here with small, rural and northern communities.

It's easy to say in any type of legislation that is proposed that costs are an issue, and that you are frightened, maybe, of some unnecessary costs associated with this type of legislation, especially in this paragraph that deals with the WSIA, the Workplace Safety and Insurance Act. Have you done a study or do you have any idea of the figures that are involved that might impact the hospitals?

**Ms. Rachel Bredin:** We haven't done a financial study of it. However, we do consistently and our members consistently—

**Mr. Randy Pettapiece:** I'm sorry—

**Ms. Rachel Bredin:** Sorry, our members very closely address their WSIB costs. They now analyze them very closely and they're very aware of what those costs are. They are looking at the potential additional liabilities associated when they're not able to control the costs of temporary agency workers and their early and safe return to work.

**Mr. Randy Pettapiece:** So you have some—there might be figures we could look at or which might be documented that you could send to this committee?

**Ms. Rachel Bredin:** Unfortunately, I do not have any of them. I have not—

**Mr. Randy Pettapiece:** Do you have access to them, though?

**Ms. Rachel Bredin:** At this time, I'd have to get back to you and let you know if we could find something.

**Mr. Randy Pettapiece:** No, that's fine. If you would, that would be great.

**Ms. Rachel Bredin:** We could look into it and see if there are some available, but as far as I am aware, we don't know of any that are being collected across the sector.

**Mr. Randy Pettapiece:** I see. Okay, thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much Mr. Pettapiece.

You had no further answer. Any further comments?

**Ms. Emma Pavlov:** I just wanted to clarify something about students, because I'm not sure that I was very clear. All hospitals have orientation for all staff, including students. They get a lot of training on risks that they are going to face, on patient handling, on fire and life safety, and on violence in the workplace. It is not that students do not get training; they get a lot of training. They get a lot of corporate training that everybody gets, and then students get training that is tailored to the role that they're going to have. We have some students who are around for two weeks. They cannot get the same training as somebody who is going to be here for a year,

because if we spend that much time on training, they will have no time to spend on what they came here for: to learn, to increase their knowledge. There is sort of a balance, where you need to train students, but in areas of risk that will affect them. So we tailor it.

The second important point is that some of the training is done by the educational institutions—

**The Vice-Chair (Mr. Joe Dickson):** I would just take—you're at the end of your time, but I would wholeheartedly concur with you, having a wife who is an RN and has been for many years. So keep up the good work.

I would like to thank you, Ms. Pavlov and Ms. Bredin. I really appreciate your time here; we all do. We look forward to speaking to you again. Thank you.

**Ms. Emma Pavlov:** Thank you.

1530

MR. WEIGUANG WU

**The Vice-Chair (Mr. Joe Dickson):** Our next guests are—and I hope I can pronounce this correctly, but I'm sure if I don't, I will be corrected—Weiguang Wu. Am I close?

**Mr. Weiguang Wu:** You are right.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. And with you?

**Mr. Jian Zhang:** I am the friend on hand, just in case he doesn't understand the questions, so I can translate.

**The Vice-Chair (Mr. Joe Dickson):** Please be seated and make yourselves comfortable.

**Mr. Weiguang Wu:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** We welcome you, and we are under way. You have five minutes for your presentation.

**Mr. Weiguang Wu:** Dear members of the Standing Committee on General Government: My name is Weiguang Wu. I immigrated to Canada and settled in Toronto in 2002. I have had a lot of experience working for different temp agencies. It was not because I like to work for temp agencies. It was because I had no choice. I don't want other workers to go through the same experience. That is why I am here today to tell my story to you, who have the power to make a difference in ordinary people's lives.

I still remember clearly how hard I tried to find a job to support my family as soon as I settled in Toronto. I visited many factories and companies, asking if the companies were hiring workers. The answer was, "Yes, we are hiring workers now, but you have to sign a contract with our temp agency and cannot sign the contract directly with us." So I had to sign the contract with the temp agency in order to have this job, for survival.

I'll give you one example of my experience. In 2008, when my fellow workers and I did not get public holiday pay, we asked the temp agency why. The answer was, "Because the client company did not pay us for your holiday pay." Then we asked the client company. The answer was, "We have already paid the money we should pay to the temp agency." We got pushed around between the temp agency and the client company.

We worked every day at the client company, and everything for us at work is controlled by the client company.

It is very clear to me that in the relationship between temp workers, the temp agency and the client company, the real power is held in the hands of the client company.

Everyone knows that temp agency workers are paid less than the directly hired workers. I think temp agency workers should get paid the same wages and get the same benefits for doing the same work as directly hired workers.

Bill 18 suggests holding temp agencies and client companies both responsible for unpaid wages and unpaid overtime payments. It is a good start. However, it is not enough. It is reasonable and fair that a client company, which is the real employer, and the temp agency are jointly responsible for all violations of workers' rights under the labour law. This will help workers to get basic rights in the workplace.

My three suggestions for Bill 18 are as follows:

(1) Hold both the client company and the temp agency jointly responsible for all workers' rights, not just for unpaid wages and overtime payments. Every single right should be respected. Don't pick or choose.

(2) After a four-week qualifying period of working for the client company, the client company has to make a decision if this worker will be hired directly or leave the company for not qualifying.

(3) The client company cannot refuse a worker directly applying for the job by saying, "You have to sign a contract with the temp agency in order to get this job."

Thank you very much.

**The Vice-Chair (Mr. Joe Dickson):** Thank you. You still have 30 seconds. Would the gentleman with you care to make a comment?

**Mr. Weiguang Wu:** I still have 30 seconds?

**The Vice-Chair (Mr. Joe Dickson):** Well, now it's 20.

**Mr. Weiguang Wu:** Okay. I think the temp agency does not create social value. The workers, if they work for a temp agency—I think to some meaning—they are forced to donate money to the temp agency—

**The Vice-Chair (Mr. Joe Dickson):** I appreciate your comment. Now it's zero. Thank you for that.

We would go, number one, to the government side and comment: Mr. Dong.

**Mr. Han Dong:** Thank you, Mr. Chair.

Thank you, Mr. Wu. Wu Weiguang? Okay. Thank you for the presentation. I think that was very straightforward. I see that you got a little emotional at the end about that.

My question, first, is, have you had any experience that was unpaid, as a temp worker, or do you know anybody whose pay was taken away because of temp agency involvement?

**Mr. Weiguang Wu:** For myself and the other workers, when we worked for a temp agency, as I mentioned, I was not paid holiday payment at that time. When we asked both of them, with no results, I and the other

workers made a claim to the Ministry of Labour. In the first judgment, we were not entitled to get the holiday payment. Then only two of us made appeals, and then we won. We got the money back.

**Mr. Han Dong:** On that note, how much money were you making and how much money were you owed? Do you remember?

**Mr. Weiguang Wu:** For me, it was more than \$700.

**Mr. Han Dong:** How much did you get back?

**Mr. Weiguang Wu:** I got the total back.

**Mr. Han Dong:** You got the total back. Okay. My next question is, do you believe that this Bill 18 that we're proposing—had Bill 18 existed back then, would that have helped your situation?

**Mr. Jian Zhang:** *Remarks in Mandarin.*

**Mr. Weiguang Wu:** *Remarks in Mandarin.*

**Mr. Han Dong:** Okay.

**Mr. Weiguang Wu:** Yes.

**Mr. Han Dong:** Okay. That's good.

**The Vice-Chair (Mr. Joe Dickson):** Thank you. Did I see another question there? Ms. Hoggarth?

**Ms. Ann Hoggarth:** Yes. Thank you very much for your presentation. I do know, having been involved with labour before as a union leader, how difficult it is, particularly for people who do not have full-time jobs, to come forward and tell about what has happened to them, and particularly to make a complaint against an employer, because if they are bad employers, there may be retribution.

The good thing about this bill is that we are going to try to deal with people who seek reprisal against their employees for complaints. I hope that is made better.

**The Vice-Chair (Mr. Joe Dickson):** Ten seconds.

**Ms. Ann Hoggarth:** In regard to holiday pay, I've heard several deputations asking for holiday pay, and I believe that it would be a good idea—

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. I appreciate that.

We will now go on to our second speaker: Mr. Pettapiece, from the PC Party.

**Mr. Randy Pettapiece:** Thanks for coming out today. It's great that you chose to come out and give your opinions.

On the second point in your letter, when you read the sentence, I believe you added a little bit to that sentence with a couple of words that weren't there. Did you add something to it after "company?"

**Mr. Jian Zhang:** *Remarks in Mandarin.*

**Mr. Weiguang Wu:** I just added "for not qualifying" at the last.

**Mr. Randy Pettapiece:** Was it "...the company and for not qualifying"?

**Mr. Weiguang Wu:** The whole sentence would be like this: "...if this worker will be hired directly or leave the company for not qualifying."

I think one month—

**Mr. Randy Pettapiece:** It's point 2 that I'm after here, number 2.

**Mr. Weiguang Wu:** Point 2?

**Mr. Randy Pettapiece:** Point 2 on the back.

**Mr. Weiguang Wu:** The last page, point 2—right?

**Mr. Randy Pettapiece:** Yes. You added something after “company.”

**Mr. Weiguang Wu:** Yes, I added “for not qualifying.”

**Mr. Randy Pettapiece:** “For not qualifying”?

**Mr. Weiguang Wu:** Yes, “for not qualifying.”

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**Mr. Randy Pettapiece:** Okay. That’s all, Chair.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. We will now go to Mr. Natyshak—I’m sorry about that error before, Taras—of the NDP. You will have three minutes.

**Mr. Taras Natyshak:** Okay. Thank you, Chair.

Mr. Wu, thank you very much for your presentation. I appreciate it. What is your profession? What industry do you work in?

**Mr. Weiguang Wu:** You mean now—

**Mr. Taras Natyshak:** Yes.

**Mr. Weiguang Wu:** —or before? Now, I’m self-employed.

**Mr. Taras Natyshak:** What do you do?

**Mr. Weiguang Wu:** I do international trade between China and Canada.

**Mr. Taras Natyshak:** Interesting.

**Mr. Weiguang Wu:** But I had a long time to work only for the temp agency, because I had no other choice. It took me nearly five or six years, and then I realized I should start my own business. But now, the new immigrants, when they arrive, they still repeat my story of yesterday.

**Mr. Taras Natyshak:** So it’s very common? Your story continues with other new immigrants?

**Mr. Weiguang Wu:** Yes. From generation to generation, and that’s why I came here.

**Mr. Taras Natyshak:** How long have you been in Ontario?

**Mr. Weiguang Wu:** In Ontario, 12 years.

**Mr. Taras Natyshak:** How many different temp agencies or employers have you worked for through temp agencies?

**Mr. Weiguang Wu:** Let me see: More than four or five.

**Mr. Taras Natyshak:** What is the longest you’ve ever worked with a temp agency?

**Mr. Weiguang Wu:** The longest one is from July 2007 to 2010. But for the temp agency, from July 2007 to—

**Mr. Taras Natyshak:** So 2007 to 2010 with one employer?

**Mr. Weiguang Wu:** Oh, sorry, to nearly the end of 2008. Then, when I asked for holiday payment, then the client company hired me directly. Then I worked to 2010.

**Mr. Taras Natyshak:** When you asked for holiday payment, they hired you directly?

**Mr. Weiguang Wu:** Yes, yes.

**Mr. Taras Natyshak:** That’s interesting. We don’t often hear of that, but I congratulate them for taking you on full-time.

**Mr. Weiguang Wu:** Because if I had not asked for holiday payment, they still would—

**Mr. Taras Natyshak:** Would not have paid it.

**Mr. Weiguang Wu:** —would not hire me.

**Mr. Taras Natyshak:** How many other of your colleagues in the same workplace were going—

**Mr. Weiguang Wu:** Yes. The same group, seven, all of us, altogether, hired.

**Mr. Taras Natyshak:** So when you stood up for yourself and your rights and what was justly owed to you, not only did you ultimately benefit, but your colleagues also were hired on?

**Mr. Weiguang Wu:** The whole of my colleagues were hired, not only me. Seven of us formed together to make a claim to the Ministry of Labour at first. But the first time we lost and five of them withdrew. Only two of us made an appeal, and then we won.

**Mr. Taras Natyshak:** So you had to appeal?

**Mr. Weiguang Wu:** Yes.

**Mr. Taras Natyshak:** Wow. Was that a difficult process for you, to appeal that?

**Mr. Weiguang Wu:** For me to—because of the language, yes.

**Mr. Taras Natyshak:** Of course. Did you receive any—

**The Vice-Chair (Mr. Joe Dickson):** You have 20 seconds. Go ahead, sir.

**Mr. Taras Natyshak:** I really appreciate your story. It’s clear. It’s in black and white. You presented it here to us very clearly. You attempted to recover wages that were owed to you, they pushed you around, they bounced it around between employer agency and temp agency. We need clarification, we need certainty, and workers deserve that. I applaud you and thank you very much for your testimony today.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, gentlemen. Thank you, Mr. Wu, and thank you to your associate for being with you. I appreciate you coming today.

MR. AMAR BHATIA

**The Vice-Chair (Mr. Joe Dickson):** Our next presenter will be Amar Bhatia. How are you, sir?

**Mr. Amar Bhatia:** Good. How are you doing?

**The Vice-Chair (Mr. Joe Dickson):** Good, thank you. You’re free to proceed. You have five minutes for your presentation. Thank you very much.

**Mr. Amar Bhatia:** Thank you, Vice-Chair and members of the committee. My name is Amar Bhatia and I am an assistant professor of law at Osgoode Hall Law School—

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** Excuse me. I just want to be able to hear. Members, I would like to be able to hear the presenter.

**Mr. Amar Bhatia:** Thank you.

I'm an assistant professor of law at Osgoode Hall Law School at York University, and I have experience in immigration and refugee law, labour and employment law, and the law and policy of transnational migrant work.

I'm here today to talk about schedule 1 of Bill 18. I first want to start by saying that I'm in agreement with the briefs presented by the Workers' Action Centre and the Migrant Workers Alliance for Change, especially because they're informed by the lived experiences of migrant workers here in Ontario. I do think that it's helpful, what the bill is doing, by extending the Employment Protection for Foreign Nationals Act from caregivers to all migrant workers. But I also am mindful that the success of this extension depends on the most vulnerable people in the system, from which we are all benefiting, especially given the fees paid and the debts incurred by migrant workers to come and work in Ontario, as well as the fees paid once they're here, as we've heard in the case of immigrant workers. Their precarious status is one that falls short of permanent residency. I think that putting the success of this bill and the schedule of the bill on their complaints, to put it in the nicest way, lacks in evidence. This is borne out in recent reports by the Metcalf Foundation on migrant recruitment, and also in community group surveys such as the Caregivers' Action Centre, which I believe you'll hear from later today.

At the least, I think the bill should be amended to allow migrant workers a minimum of up to five years to file complaints about recruitment fees and other violations. I think that this kind of amendment would show an appreciation for the fact that migrant workers are capped at a four-year stay in Canada and also that their work permits are tied to their employers during that time. Since the Law Commission of Ontario and the Ministry of Labour in Ontario have both shown that the majority of Canadian workers only make complaints at work after they have secured new employment, because they feel nervous during the current employment, I think that you can understand why migrant workers would be especially reluctant to make complaints during the term of a closed work permit.

I also think that the lack of protection from reprisals from employers and recruiters is a pressing issue and it's not, I think, as strongly reflected in this bill as it could be. In part, this would require further amendments, but also it would require co-operation with the federal government.

Ultimately, I think the best system is one that is in line with the best practices in international law and also with other practices across the country—in Manitoba and Saskatchewan. These include licensing recruiters, registering employers, joint responsibility between these two groups, security deposits, third party complaints and fast-track investigations. I think this would also be the best option for migrant workers but also, frankly, for employers. The Premier's mandate to the Minister of Labour, in fact, mentions the need to create good jobs and build more security for every person in this province. It doesn't say every Canadian, it doesn't say every permanent

resident; it says everyone in Ontario. I think this mandate also mentions working with Ontario's Minister of Citizenship and Immigration to better protect migrant workers here. This is the type of co-operation that's necessary with the lack of permanent residence status and also in the face of, again, reprisals, recruiter abuse and a situation where federal immigration status would trump someone's ability to exercise their rights in provincial labour, human rights and employment law.

Beyond the scope of the bill, I think the best option is for migrant workers to arrive with permanent status in Canada rather than being in a permanent situation where these abuses are prone to happen. Again, that's beyond the scope of this bill, but I also want to note here two leading studies in Canada that are available online freely: one by the labour lawyer Fay Faraday in the Metcalf Foundation report, which I've already mentioned, and also one by the Saskatchewan labour standards director of legal and education services, Daniel Parrott. That deals with looking at the rise of both temporary foreign workers in the western provinces and how the best practice has been dealt with in the western provinces. Since you have no shortage of things to read, just to cut a long story short, both Faraday and Parrott recommend adopting the proactive model if not identical to, then very similar to, what is the case in Manitoba.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Mr. Bhatia.

**Mr. Amar Bhatia:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** We will now go to the first speaker, Mr. Pettapiece, from the PC Party. Sir?

**Mr. Randy Pettapiece:** Thank you, Chair. Just a few remarks: Your submission is very close to what we've been hearing today—a few changes. What can you see as the most important thing? I know sometimes it's hard to delegate things in importance because you probably want them all, but what would you feel is one of the most important points that you'd like to make here today?

**Mr. Amar Bhatia:** I think the most important point is not to rely on workers who are the most vulnerable to make the complaints but to actually have a proactive system that I think is both effective legally and cost-effective, in the case of Manitoba.

**Mr. Randy Pettapiece:** Okay. Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you. Further, sir? Okay, thank you, Mr. Pettapiece.

I would then go to Mr. Natyshak from the NDP.

**Mr. Taras Natyshak:** Thanks again, Chair.

1550

**The Vice-Chair (Mr. Joe Dickson):** Am I close?

**Mr. Taras Natyshak:** You're not even close. It's okay.

Thank you very much for your presentation. So the bill proposes that every employer shall provide each of his or her employees with a copy of the most recent published poster by the ministry under this section. How do you think that the government is going to get those to the right people and in the right hands? What's that

mechanism? I don't know—just flooding, air drop or something? Would you not think that it would be proactive and prudent for the government to know where migrant workers are through a registry, as is in the proposal in this bill to register temp agencies in a similar fashion? Is there an imbalance there, or am I just losing it?

**Mr. Amar Bhatia:** I think having information is important, and information rights is one component of best practices internationally. But giving leaflets and posters—you could have all the international conventions and all the laws in Canada posted in every workplace, and I don't think it's going to make a difference if there aren't resources to enforce them. Having a proactive registry is the better practice.

**Mr. Taras Natyshak:** I need your help on this. Let's assume that this bill is passed, receives royal assent, and we get an incidence of a violation under the new provisions here. Do you believe that the punitive aspect or the measures that are associated with them are strong enough? Or are there any? What is it? Will it be enough of a deterrent to stop some of the issues that the bill attempts to address?

**Mr. Amar Bhatia:** I don't know if it will be enough deterrent. A survey I'm aware of from the Caregivers' Action Centre and the freedom-of-information request in the Metcalf report both show that there are fees still being charged in Ontario and beyond Ontario. So I don't think it's a deterrent.

Conversely, in Manitoba they're basically down to 12 licenced recruiters, and the practices have been pushed out of the province, from all of the evidence I've seen. The problem is, of course, people who are charging fees in other provinces and beyond. But one thing they've done is sort of make the federal labour opinion reliant on licensing with the province. That way they've incentivized employers to do the right thing in the whole supply chain of recruitment.

Also, if they're using unlicensed recruiters, then the employer will be liable for that—

**The Vice-Chair (Mr. Joe Dickson):** Twenty seconds.

**Mr. Amar Bhatia:** That's another incentive for the employer to use somebody who has been approved by the government and is registered.

**Mr. Taras Natyshak:** Thank you so much for your presentation. I appreciate it.

**The Vice-Chair (Mr. Joe Dickson):** I will now go to the government side. We'll go to Mrs. Mangat first and then Mr. Colle.

**Mrs. Amrit Mangat:** Thank you, Mr. Bhatia, for your presentation. It's a great presentation.

**Mr. Amar Bhatia:** Thank you.

**Mrs. Amrit Mangat:** During your presentation, you spoke about the permanent residency of temporary foreign workers. My understanding is that the province of Ontario has no control over that. It falls within the purview of the federal government. Can you throw some light on it?

**Mr. Amar Bhatia:** Sure. Traditionally that's the case, but the government has been increasingly moving to de-

volving the federal immigration power to provinces indirectly through employers and also directly with the Canada-Ontario Immigration Agreement. These agreements span the country with different provinces and territories.

So, for instance, Opportunities Ontario, Ontario's provincial nominee program, Ontario's new immigration act and immigration strategy—these are all ways that the federal government is providing immigration-like powers to the provinces that, for instance, Quebec has long had historically.

I guess part of the problem in this context is that so-called low-skilled migrant workers, who are often just de-skilled, don't have any pathways to permanent residence under this new Ontario provincial nominee program and immigration power.

**Mrs. Amrit Mangat:** Yes, but the provincial PNP program is totally different from the Temporary Foreign Worker Program. My understanding is that the government has not given any powers to the province of Ontario so far.

**Mr. Amar Bhatia:** My argument is that they're not completely distinct because it's a matter of the skill designation.

**Mrs. Amrit Mangat:** But they haven't done anything, the federal government. They have not given any powers to the province of Ontario. So how can we talk about that issue?

**Mr. Amar Bhatia:** Well, the Canada-Ontario Immigration Agreement, which I think is being renegotiated, is an example of where the powers have been given.

**Mrs. Amrit Mangat:** No. No. I don't think so. Those powers have not been given yet.

**Mr. Amar Bhatia:** Okay.

**The Vice-Chair (Mr. Joe Dickson):** Thank you. Mr. Colle.

**Mr. Mike Colle:** Just briefly, there are 130,000 migrant workers in Ontario. How many are there in Manitoba?

**Mr. Amar Bhatia:** The question of scale is one that has been brought up in terms of why the Manitoba program wouldn't work in Ontario, but I think that you have to look at the economic costs—

**Mr. Mike Colle:** How many, though, are there in Manitoba?

**Mr. Amar Bhatia:** In Manitoba? Honestly, I'd have to check.

**Mr. Mike Colle:** The point I'm making is that it is a huge problem, and most Ontarians don't realize there are 130,000 people coming from Jamaica and Mexico who put food on our table. The general population doesn't appreciate that, just like they don't appreciate the work of farmers who do all this work to put food on the table, and they want cheap farm products; they want cheap labour. Then, here we are, as a government, trying to protect these workers who are working in anonymity, in silence on these farms under incredible conditions.

The middlemen are scamming them back home. How can we control the scammers who are back in Jamaica, back in Mexico? Even if we put anti-recruitment laws

and register them here, they'll be scamming the families back home.

**Mr. Amar Bhatia:** Right—

**The Vice-Chair (Mr. Joe Dickson):** Thank you.

**Mr. Mike Colle:** Sorry.

**The Vice-Chair (Mr. Joe Dickson):** It's a great question. Unfortunately, you'll have to come back to give us the answer.

**Mr. Amar Bhatia:** Okay.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Mr. Bhatia. We appreciate your time here, sir. It's good to have you.

**Mr. Amar Bhatia:** Thanks.

#### ONTARIO FEDERATION OF LABOUR

**The Vice-Chair (Mr. Joe Dickson):** Our next speaker is from the Ontario Federation of Labour: Mr. Sid Ryan, the president. Good to see you, Mr. Ryan.

**Mr. Sid Ryan:** Good seeing you, too, Joe. Thank you to the committee for giving us an opportunity to say a few words about this bill.

I've been coming here for a lot of years, and I've made presentations to literally dozens of panels and committees over the years. I've got to say, I don't get the opportunity very often to come and say, "Kudos for bringing this bill forward." We've been working and representing workers, of course. That's what we do for a living. But we've seen an explosion in the use of temporary foreign workers, migrant workers, temp agency workers—extremely vulnerable, precarious work. We've been asking for quite some time to see this kind of legislation come forward, which protects the most vulnerable of workers. I just want to commend the government up front for taking the initiative to introduce this bill.

Now, like all bills, of course, it's not perfect, and there are some changes that we can make. Hopefully we'll make a few suggestions today—and I'm sure you've heard them from other folks. But the overall thrust of this is, it's certainly in the right direction.

I heard the discussion a few moments ago about temporary foreign workers and registrations, and we've put that as well in presentations we've previously made to the government. There are other issues, which I will say are kind of what we regard as out of scope for this particular piece of legislation. Hopefully we're going to be dealing with it underneath labour law changes, which is card checks, successor rights in the contract sector, first-contract arbitration and, of course, reinstatement during organizing campaigns. So those are areas that we will talk about not here today, but that is coming.

The piece that's in here that I just briefly want to touch upon again, of course, is the minimum wage. I want to again commend the government for moving in the direction that they have, certainly around the indexation. We don't like the fact that it's \$11. We do think you ought to be moving to the standard across North America which people are shooting for now: \$15. Thank God Mulcair from the NDP is now talking about that as well.

That's a direction I think that we need to be going in, but certainly indexing it to inflation and moving it from where it was is a good first step.

There are two areas we would like to take a look at, particularly with respect to this bill. One is that Bill 18 should be amended to make client companies and temporary help agencies liable not just for unpaid wages and unpaid overtime, but for all employment standards entitlements. In the alternative, Bill 18 should be amended to require that the agency and client be jointly and severally liable for unpaid wages, unpaid overtime and unpaid public holiday pay, entitlement to job-protected emergency medical leave—for example, unpaid sick days—and vacations.

Why are we saying this? Well, the Ministry of Labour inspection blitz of temporary help agencies found that 70% of employers had monetary violations. The most common violation was unpaid public holiday pay. So that's a change that we would dearly love to see in this bill, to strengthen it and make it a little bit better than what it is. As a matter of fact, the government's 2009 Bill 139—remember that one?—on temporary help agencies was supposed to ensure that temp workers got public holiday pay. But it didn't because it failed to make client companies that control schedules and pay for public holidays jointly responsible with the agencies. So clearly this is a change that we would like to see.

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The second change would be that Bill 18 should be amended to remove the six-month implementation delay on removing the \$10,000 cap on unpaid wages recoverable under the ESA and the implementation of the two-year claims period. Workers should not have to waste an additional six months before they can start claiming the full amount of their unpaid wages. Six extra months of limited liability for unpaid wages allows some employers to undercut their competitors by not paying their workers.

These are a couple of the changes that we would like to see, those two areas. Again, overall, I do commend the government for taking on this initiative and moving us in this direction; it's desperately needed.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much for your presentation, sir. I will go now to—and I will pronounce it differently this time—Mr. Natyshak.

**Mr. Taras Natyshak:** That's exactly right. That's exactly right, Chair.

**The Vice-Chair (Mr. Joe Dickson):** The floor is yours, sir.

**Mr. Taras Natyshak:** Thanks, Sid, for being here today. I know you had a busy day this morning. You were at the OHCOW celebration for their 25th anniversary, and yesterday we recognized the 100th anniversary of the Workmen's Compensation Act and its successors, the WSIB and WSIA, as well as the 35th anniversary of the Occupational Health and Safety Act.

So in that light, there are some changes that involve WSIB coverage. Can you expand on those? Did you hear the testimony from the Ontario Hospital Association and some of their concerns about the WSIB when it relates to interns? Maybe if you could—

**Mr. Sid Ryan:** I didn't. I'm sure I'd be horrified by it, but I didn't see it, no.

**Mr. Taras Natyshak:** Okay. Well, I have some concerns about it, regardless. But did you want to talk about some of the provisions under the WSIB in this bill?

**Mr. Sid Ryan:** In terms of what's not covered?

**Mr. Taras Natyshak:** Yes. Unpaid workers, the prevalence of interns, why they should be covered—the floor is yours.

**Mr. Sid Ryan:** Well, jeez. I don't know if you want to get too specific about why, other than that any worker who puts in a full day's pay should be paid compensation that's commensurate with the job that they're doing, particularly if they're in a workplace where—for example, with the temp agencies, we know that the average temp-agency worker earns 40% less than the workers doing similar work who they're working beside, in some cases, I believe. There was somebody here today who said they were working for 15 years for minimum wage. Obviously, in those kinds of situations, we need to absolutely make certain that they receive a wage that's commensurate with what their fellow folks in the workplace are receiving.

In terms of interns, if you're talking about unpaid work, it's a national disgrace that anybody would be asked to come into a workplace to receive some form of skills training and not receive compensation in return. That just turns the whole employment standards system on its head.

I came through an apprenticeship system, for example, where I recognized the principle that in the first, second, third and fourth years of your apprenticeship, you earn a lot less money than the journeyperson does, but you're learning a skill, and eventually you're going to find yourself a job that earns good wages. The principle of saying to somebody, "Come on in just to get the experience, and we're not going to pay you anything," is nothing but the exploitation of workers. That should be covered.

**Mr. Taras Natyshak:** The enforcement side: Are you concerned about the lack of enforcement or any qualified metrics there?

**Mr. Sid Ryan:** Just today you heard my presentation to the OHCOV clinics. I'm concerned about the enforcement of health and safety. I'm concerned about the enforcement of workers' compensation. Obviously here you need to have the enforcement—

**The Vice-Chair (Mr. Joe Dickson):** Thank you for your comments, sir. We appreciate that. We will now go to the government side. The speaker will be Mr. Colle.

**Mr. Mike Colle:** Thank you, Mr. Ryan. By the way, I just want to, on the record, thank you and the Ontario Federation of Labour for supporting health and safety for gas station attendants. Gas station attendants all over this province risk their lives to work for minimum wage, and the oil companies can't seem to afford to pay gas station attendants more. By the way, the two persons who were the accused killers of those two gas station attendants in Toronto are still loose.

**Mr. Sid Ryan:** I was going to ask you that question. That's disgraceful.

**Mr. Mike Colle:** Yes, they're still out there and they haven't been caught.

The families are living in poverty, after the one was killed in Mississauga, and the one here in my riding. I want to thank you guys for standing up with them.

I guess the question I had is, in terms of these temporary foreign workers and the migrant workers and the temp agencies, how can we get to the point where these temp agencies are not able to use that foreign loophole whereby they can do their recruiting, they can charge their fees back home, put those families into debt—they do it to caregivers. It's still going on, even though there's caregiver protection legislation, which is under the Ontario Ministry of Labour. How can we ensure that they're not being basically gouged back home when they have to—the families come together with their life savings to get people over here to work.

**Mr. Sid Ryan:** That's a really difficult question to answer. The way we approached it is that we believe that everybody who comes into Canada to work should find, somehow, a pathway to citizenship, to prevent this exploitation of workers where, in some cases, they're withholding their passports. In other cases, they're just basically threatening them: If they don't perform X, Y or Z, they'll be deported. I do think that giving people a pathway to citizenship is the way to stop the exploitation of workers.

It's an underground railway here, almost, that we've got in terms of—you talked about putting the food on the tables of Canadians. We expect to see the food and get it as cheaply as possible, but we forget that there are workers being exploited in the system to make that happen.

Giving them full access—

**Mr. Mike Colle:** Yes. I just want to put this out there. I remember running into a farm worker there in the Niagara Peninsula. The farmer told me that this Jamaican migrant worker has been at the family farm for 18 years. The farmer said, "If it wasn't for this Jamaican migrant worker, I'd be out of business."

**The Vice-Chair (Mr. Joe Dickson):** Twenty seconds.

**Mr. Mike Colle:** Why shouldn't that Jamaican worker be allowed to seek citizenship after 16, 18 years of working?

**Mr. Sid Ryan:** That's the way to stop the exploitation. Once you become a citizen, then you get full access to all of the laws that govern everybody else.

Every law, all the employment standards—somebody a few moments ago talked about the Temporary Foreign Worker Program—

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much for your comments, sir. We will now go to the PC Party, and that is Mr. Pettapiece.

**Mr. Randy Pettapiece:** Thank you, sir.

**The Vice-Chair (Mr. Joe Dickson):** Okay, sir. Thank you.

**Mr. Randy Pettapiece:** Good afternoon, Mr. Ryan.

**Mr. Sid Ryan:** Good afternoon.

**Mr. Randy Pettapiece:** You made a comment that there was an explosion, and I didn't understand whether

that was an explosion of migrant workers in this country or an explosion of problems—

**Mr. Sid Ryan:** Precarious work. Right now, we're being turned into essentially a service industry. Most of the good manufacturing jobs are disappearing or have disappeared. What's replacing them are these \$10-an-hour, \$12-an-hour-type jobs. If you work in the hotel industry, for example, you have your hours of work cut. Instead of having a 40-hour work week, you're called in to work maybe 16 hours a week, and it's maybe spread over four or five days, and possibly even two or three hours at different times of the day.

**Mr. Randy Pettapiece:** I see.

**Mr. Sid Ryan:** It's that kind of explosion of the exploitation of workers. We call it precarious work. A lot of the jobs that this Bill 18 is covering fall into that category as well.

**Mr. Randy Pettapiece:** Precarious? Okay. I wonder, sir—I can't write that fast—

**Mr. Sid Ryan:** I'm a fast speaker. Sorry.

**Mr. Randy Pettapiece:** I was trying to jot down—would you have something written?

**Mr. Sid Ryan:** I will have. I just got notice of this yesterday and pulled this together on very short notice, but we will be sending a presentation in to the committee.

**Mr. Randy Pettapiece:** All right, thanks very much. That's all I have.

**Mr. Sid Ryan:** Okay.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, sir. Thank you, Mr. Ryan.

**Mr. Sid Ryan:** This is the easiest go I've ever had of it. Anyway, thank you.

**The Vice-Chair (Mr. Joe Dickson):** It's very nice to have you here, and we look forward to seeing you again.

MS. LORRAINE FERNS

**The Vice-Chair (Mr. Joe Dickson):** Our next presenter is Lorraine Ferns. Come on forward, Lorraine. Make yourself comfortable.

I should warn everybody that our Clerk—and I will pronounce her name and I'm sure she will set the record straight. Ms. Przewdziecki: Am I close?

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** Close.

**The Vice-Chair (Mr. Joe Dickson):** Close. We're just waiting for a potential vote. You'll start to see the lights flashing and the bells will go, which will take us away from here for approximately 15 minutes. But the Clerk will be here, staff will be here, and we will continue on immediately after.

Please go ahead. It's very nice to have you here.

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**Ms. Lorraine Ferns:** My name is Lorraine. I came here today to thank you for the important changes included in Bill 18. I was pleased to hear this because of my own experience with temp agencies. I have worked for a few temp agencies, and, sadly, I have to say that these experiences were not very pleasant. This bill is

extremely important in order to better protect many workers, such as making the client company jointly responsible for all employment standards. Wages, overtime, health and safety: These are very important to me, but it's not enough.

For example, I worked for a client company for a year and had a lot of problems getting my holiday pay. I occasionally got it, and then I didn't. I was confused about this, so I asked my boss at the temp agency. She replied, "You are elect-to-work." I thought, "No, I don't think so." I was going to work nine to five, nine to five, for about a year. I thought, "This is not possible." I decided to pursue this matter and eventually got the holiday pay owed me; I received a cheque for almost \$600. That is a lot of money for someone who earned just above minimum wage. But of course, I coincidentally didn't get any more work. I guess I was fired for asking about my rights.

Now, you have to realize that when you work for a temp agency, you have two different bosses, because you work for two different companies. However, the client company sets the hours and the dress code; they make all the rules but have absolutely no responsibility. I mean, you work completely under their roof, at their location, but there is very little responsibility for temp workers. For me, that's just not right. For day-to-day issues, the temp agency is not there. They are an absentee employer. In fact, you never see them. You have barely any contact with them.

One time, one of my client company bosses forgot to sign my pay slip and it didn't get faxed to the temp agency in time for our payroll, so I didn't get paid that week. This shows that nothing happens without the approval of the client company. I had to wait until the following week for my pay. This happened at the end of the month. My rent was due. The flippant attitude about this was kind of shocking.

You're not allowed to discuss any workplace issues with the client company and yet they are the ones that make all the workplace decisions, not the temp agency. The workers seem to be the ones who always get stuck right in the middle, but we are the most important cog in the wheel. Without workers, both of these companies would not succeed. So I ask: Why are we not better protected?

Also, the attitude towards employees is very biased. We are "the temps" and are sometimes not included in certain meetings or even celebrations where there might be cake—I love cake. It depends on the company if you get to join in or are excluded. I think that if the company was jointly responsible for all workplace standards, there would be a different attitude towards temporary workers.

Why do workers have to wait six months before the wage theft changes come into effect? I don't get this. I am confused about this. Again, it feels like the employee is being punished.

I hope you will do the right thing and think really hard about why workers are not better protected. I think it is very unjust that you have a worker who goes where they

are told and works really hard and yet does not get the respect and dignity that they deserve as a worker and as a human being. That's it.

**The Vice-Chair (Mr. Joe Dickson):** Sorry.

**Ms. Lorraine Ferns:** That's it.

**The Vice-Chair (Mr. Joe Dickson):** That's it? My gosh. Thank you for that.

I'm now going to move to the government side for a question. Ms. Hoggarth, you were cut short with Mr. Colle.

**Ms. Ann Hoggarth:** Hi, Lorraine.

**Ms. Lorraine Ferns:** Hello.

**Ms. Ann Hoggarth:** Where are you from?

**Ms. Lorraine Ferns:** You mean originally?

**Ms. Ann Hoggarth:** Yes, originally.

**Ms. Lorraine Ferns:** Originally, I'm British. I've been here for 25-odd years.

**Ms. Ann Hoggarth:** Great. Well, you're a great addition to Ontario's workforce.

Unfortunately, what you have told us does not seem fair. We have heard time and time again today about the holiday pay issue. I'm glad to see that you were strong enough to fight for it. I don't think it was any coincidence that you didn't get any more work there, but you were probably better off gone from there anyway. As I said, I've heard from many of the people in the room and who've been through this room today that they have a great concern about holiday pay, and so do I.

I also think that people should be paid for what they do as soon as possible after they do it. That's only fair. You have bills to pay.

In regard to the bill, though, are you feeling good that this is moving quite a bit in the right direction?

**Ms. Lorraine Ferns:** Definitely. I just don't understand why there is that six months. I think that if you've been cheated, it's yours. It seems like, again, the worker is the one who is getting stuck. They're made to wait six months. They're the ones who were cheated, and they're the ones who did all the work. So they get stuck, and somebody else is making money off them.

**Ms. Ann Hoggarth:** That's why we're here today: to hear what everyone has to say and take it under advisement.

Thank you for your presentation.

**The Vice-Chair (Mr. Joe Dickson):** We will now go to Mr. Pettapiece from the Progressive Conservative Party.

**Mr. Randy Pettapiece:** Thank you for coming. Certainly, your story is very similar to what we've already heard today. It's too bad these things have to happen.

This has been a real learning experience for me, and you're helping to educate me. In my part of the country, temp agencies are just getting started, so it's something to have some indication as to what could happen with these agencies.

I really don't have any questions, Chair. I just wanted to put my thoughts on the record as to what I'm doing here today and what I'm learning about.

We would be more than happy to accept any other submissions that you might come up with in the future and send our way.

**Ms. Lorraine Ferns:** Can I just say that temp agencies are growing? Right now, again, I'm looking for a job. I actually don't want to work for a temp agency, but I don't have a choice. Whether it's factory, retail or especially office, it just seems that every time I go to Workopolis, I click "temp agency." I just don't want to work for a temp agency. It's a different experience. You aren't treated as an equal—I had a friend who worked for a temp agency, and the guy would not even call her by name. She's sitting right there: "The temp will do it." There's just this disregard. It's not the greatest experience. People want a job. They just want to work and get on with their lives. Some jobs are stressful enough. You have two bosses, so it's not the greatest thing for people.

Personally, I don't agree with them growing. I could go out right now and start a temp agency and charge you or the next person and make a little extra money. I know a guy who had a full-time job, who started a temp agency so he could make some extra money.

**Mr. Randy Pettapiece:** But I bet you'd be fair.

**Ms. Lorraine Ferns:** Yes.

Am I allowed to make a comment about something that you brought up about internships?

**Mr. Taras Natyshak:** You can say whatever you want.

**Ms. Lorraine Ferns:** Okay. I would like to get into writing. I came across an internship that was for six months. You know how you see jobs with a list like an arm and a leg: this, this, this, this, this, this—unpaid for six months. The only person who could do that is somebody who has really rich parents, or who is going to put themselves into major debt just to get a bit of experience. And there's no guarantee of a job.

Internships are growing, because they're catching on. It's free labour. This is ridiculous. Again, workers are being exploited, as far as I'm concerned. Internship for a week or two—even then—but six months—

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Ms. Ferns.

**Ms. Lorraine Ferns:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** No, don't move. We so much enjoy your company. I'd like you to stay and proceed.

I'm going to practise on this, Taras, so forgive me if—

**Mr. Taras Natyshak:** Well, you know what?

**The Vice-Chair (Mr. Joe Dickson):** It's Natyshak—from the NDP.

**Mr. Taras Natyshak:** You've got the last name correct. The first name is Taras. I'm going to give you some leeway on that "Taras." I don't even want to start on that one.

Chair, this is not cutting into my three minutes, right? We're just joking around here. Thank you, Chair. We're having fun. It adds some levity to the discussion, which is funny.

Lorraine, thank you very much for being here today. Thank you for your presentation. How many jobs have you had through temp agencies in your life?

**Ms. Lorraine Ferns:** I've done quite a few.

**Mr. Taras Natyshak:** How many have ended on the 89th day?

**Ms. Lorraine Ferns:** The 89th day?

**Mr. Taras Natyshak:** Have they ever terminated your contract prior to 90 days?

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**Ms. Lorraine Ferns:** No, because I didn't always have a job that long.

**Mr. Taras Natyshak:** So sometimes less than 90 days.

**Ms. Lorraine Ferns:** I had a job for a day one time because—

**Mr. Taras Natyshak:** A day one time.

**Ms. Lorraine Ferns:** No, I didn't have a job—

**Mr. Taras Natyshak:** Would you call that precarious work?

**Ms. Lorraine Ferns:** Definitely.

**Mr. Taras Natyshak:** And you're seeing a higher prevalence of that in Ontario?

**Ms. Lorraine Ferns:** Oh, yes.

**Mr. Taras Natyshak:** Growing everywhere?

**Ms. Lorraine Ferns:** Oh, yes.

**Mr. Taras Natyshak:** Why?

**Ms. Lorraine Ferns:** Well, what it is, there are a lot of companies—it takes time to interview people. Also, they don't have to pay—part-time, precarious—they don't have to pay you the extras. They're saving money for themselves. They don't care about the worker. It's just money. Right?

**Mr. Taras Natyshak:** I like your statement and the clarification from your perspective and your experience that nothing happens without the approval of the client company. Can you give us some more examples? Or say that again. I think it was an important point to focus on.

**Ms. Lorraine Ferns:** When you're at the work, whatever happens, say—maybe you have a bad day or something. I'll give you an example of what happened; I don't know if this answers it. I had a job at a retail store, and we were told by the temp agency that we had—they told them that we had a lot of work ahead of us. I think it was on a Thursday or Friday. The guy who worked there, I also knew him. He said to me, "Oh, we don't have a job as of tomorrow because the client company decided they don't want us anymore." We were not told by our agency, and I was so angry I phoned them up and had a rip-roaring argument, and she was so rude. She said, "Who's the big mouth? He wasn't supposed to tell you." The client company decided, bang: "We don't want them. We're going to get students."

Whatever happens when you're on the work—they don't know what happens. I worked in a place where two guys watched me and a woman this size carry 30-pound boxes and were pissed off at us because we weren't fast enough. If we were treated more as employees, they'd be over there so fast, but we're the temps. We're just temps.

I can't go back and report that to my temp agency because, "Oh, she's complaining all the time." If you were to see that, as a person, you would help.

**The Vice-Chair (Mr. Joe Dickson):** Seven seconds.

**Mr. Taras Natyshak:** Thank you, thank you, thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very, very much for being with us, Lorraine. I can tell you, I love that accent so much that I'd let you sit here all afternoon, except I'd have to learn how to pronounce Taras's name correctly.

**Ms. Lorraine Ferns:** Okay. Thank you for your time.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. We appreciate you being here.

**Ms. Lorraine Ferns:** I hope you think about it good and hard and help us out.

#### ONTARIO BUSINESS COALITION

**The Vice-Chair (Mr. Joe Dickson):** Our next presenters, ladies and gentlemen, are the Ontario Business Coalition. Welcome, lady and gentlemen. Please introduce yourselves.

**Mr. Ian Cunningham:** Good afternoon, Chairman. My name is Ian Cunningham. Most of you know me as the president of the Council of Ontario Construction Associations, but I'm here today wearing a different hat, that of the chair of the Ontario Business Coalition.

With me today is Rosa Fiorentino. Rosa is a senior executive with Imperial Oil who is responsible for travelling the country and dealing with workers' compensation issues across Canada.

To my left is Ted Nixon. Ted is an actuary with considerable expertise in workers' compensation. He's worked for North American Life and Mercer. He loves to talk about one of his favourite clients, the OFL. He used to be responsible for their pension plan. Ted may tell you in his remarks that the things that keep him up at night are improprieties in the management of the WSIB.

**The Vice-Chair (Mr. Joe Dickson):** I welcome your introduction, sir. I just caution you: You have a five-minute platform.

**Mr. Ian Cunningham:** Gotcha.

**The Vice-Chair (Mr. Joe Dickson):** The floor is yours, sir.

**Mr. Ian Cunningham:** The Ontario Business Coalition is Ontario's largest group of employer organizations that focuses exclusively on workers' compensation issues. We're here today to speak exclusively about schedule 5 in the bill.

We are very sympathetic to the kinds of issues that were raised by the last speaker. Schedule 5 may be well intentioned, but is poorly thought out. It proposes a Workplace Safety and Insurance Act solution to issues that are largely Employment Standards Act and Occupational Health and Safety Act related.

There's no doubt that there are probably non-compliant temporary agencies out there. We would suggest they're a small percentage and that the non-compliers, the

unscrupulous actors, ought to be prosecuted with the fullness of the law.

Schedule 5 is not aligned with the basic principles that guide the development and management of group insurance and workers compensation schemes, and the WSIB is about to embark on major reforms that will improve and modernize Ontario's workers' compensation system. We would recommend that one-off features not be introduced at this time which would corrupt and add unnecessary complication to the system.

At this time I'd like to turn it over to Ted, who I also should mention is a member of the WSIB chair's actuarial advisory committee. Ted, do you want to make some comments?

**Mr. Ted Nixon:** Yes, I will. I'll be fairly direct on this. There is a letter in your package that I wrote which explains it.

Subsection 83(4) introduces the concept of having one employer pay the premium but the claims on those employees who he is paying for—the claim costs are going to be assigned to various other employers. This section deals with experience rating, in other words, the refinement of premium based on your experience.

So we've got premium paid in one—premium is the expression of expected costs. Okay? Actual costs are capitalized—the benefit payments etc. Any time you're going to refine premium pay you are comparing actual to expected. It doesn't matter where you are or what kind of insurance—actual to expected. But you have to have the actual and the expected in the same place. You can't have the expected here and the actual over here. What are you going to compare?

If you think of the temporary provider, he pays the premium at the moment. That's the expected cost. The way this law is written, legally there would be no claims assessed to his account in respect of those temporary workers—none. So he gets the maximum refund or discount. I don't think that's what we really want. I could also argue with great logic that I think his premium is zero.

Look over here to the workplace employer, who has no premium in respect of these workers registered on his account, in other words, no expected costs, but if any of the workers have actual costs, they're going to go on his record.

**The Vice-Chair (Mr. Joe Dickson):** Thirty seconds.

**Mr. Ted Nixon:** So when we go to compare actual to expected, there's zero for the expected and \$1 of actual generates a surcharge, when in fact the real expected would maybe be \$1,000. The problem with the way it's written is, it doesn't work. It doesn't work under insurance principles. You have to go back, take it back and figure out what you're trying to do. It doesn't matter to me as the actuary. You could put all the claims and all the premium on the temporary provider's account or you can make the workplace employer pay the premiums and all the claims now on his account. As the actuary or pricing person it doesn't matter to me. Other people might have a different opinion—

**The Vice-Chair (Mr. Joe Dickson):** Thank you. Our first speaker is Mr. Natyshak.

**Mr. Taras Natyshak:** Thank you, Chair. Thank you for attending. Thanks for submitting and thanks for coming here. I'm fluent in both French and English and I don't understand a word that you just said. Maybe I don't understand actuarial terms—

**Mr. Ted Nixon:** Gee, I just tried that on a young lady who never finished high school and she got it.

**Mr. Taras Natyshak:** I know. I know you tried to dumb it down for me and I still don't get it. I'm going to give you all the time to expand on it, but what I believe the bill does is it clarifies who is responsible for that portion, specifically under WSIB, when a worker is injured on the job.

**Mr. Ted Nixon:** No, it doesn't.

**Mr. Taras Natyshak:** Okay, you can explain that.

**Mr. Ted Nixon:** Okay.

**Mr. Taras Natyshak:** But as far as I'm concerned, that worker being injured in that workplace then, I believe, as far as I see it, the employer of that workplace should then be jointly and severely liable for the WSIB premiums.

**Mr. Ted Nixon:** Okay, let's take that. Then that employer has to pay the premium.

**Mr. Taras Natyshak:** Okay.

**Mr. Ted Nixon:** He doesn't now. The temporary help provider pays the premium.

**Mr. Taras Natyshak:** Okay. And what are you saying? Do you want—

**Mr. Ted Nixon:** It doesn't matter to me, the actuary, but other people will care from the employment law viewpoint.

**Mr. Taras Natyshak:** Tell me why other people are going to care. Because of added costs?

**Mr. Ted Nixon:** That's not my area of expertise.

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**Mr. Taras Natyshak:** I just don't—what are you warning us of?

**Mr. Ted Nixon:** You see, the section that we're amending only talks about refining premiums that are paid. It doesn't move—it doesn't make the premium itself payable by the workplace employer. It doesn't do that.

**Mr. Taras Natyshak:** Okay.

**Mr. Ted Nixon:** If you want to have all the claims assessed at the workplace employer's account, he has to be the one who has the premiums that were paid on his account. One way or another, they have to be put on his account. Okay?

**Mr. Taras Natyshak:** Okay.

**Mr. Ted Nixon:** When you go to compare actual to expected costs, you've got nothing there for expected, because he didn't pay any premium. Okay?

**Mr. Taras Natyshak:** Almost.

**Mr. Ted Nixon:** Okay, play it back to me.

**Mr. Taras Natyshak:** Come up to my office afterwards, and we'll spend two more hours to figure this out.

**Mr. Ted Nixon:** All right. Okay.

**Mr. Ian Cunningham:** The premium that an employer pays is based on the expected claims cost. Then, at the end of a year, the actual cost is compared to the expected cost and premium refinements are made; either surcharges or refunds are given. In this case, the temp agency, as the employer, pays the premium, and the workplace employer or the client employer is assessed the surcharges or the premiums. The net effect is that you would reduce the temp agency's premium to zero. It would reduce his costs of operation.

**The Vice-Chair (Mr. Joe Dickson):** Ten seconds.

**Mr. Ian Cunningham:** In effect, you're reducing his costs, and it has the opposite effect that I think you want to have, which is to—

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much for your comments. I will now go to the government side, and the speaker is Ms. Mangat. Thank you.

**Mrs. Amrit Mangat:** Thank you, Chair. Thank you, Mr. Nixon, for your presentation. You said that non-compliers should be prosecuted.

**Mr. Ted Nixon:** I didn't say that.

**Mrs. Amrit Mangat:** Oh, maybe Ian said it.

**Mr. Ian Cunningham:** I said that, yes.

**Mrs. Amrit Mangat:** Okay, then maybe I can ask that question to him. What do you think should be the penalties, in your opinion? What kind of penalties do you suggest?

**Mr. Ian Cunningham:** As I said in my remarks, I think these issues—and they've been well described. I sat through the hearings this morning as well. They've been well described: the non-payment of holiday pay, and some of these kinds of Employment Standards Act issues. These unscrupulous temporary agencies ought to be prosecuted to the full extent of the Employment Standards Act.

**Mrs. Amrit Mangat:** No, no, that's fine. But what kind of penalties do you suggest for the temp agencies so that they behave in an appropriate manner in the future, so that it can help the workers?

**Mr. Ian Cunningham:** Go ahead.

**Ms. Rosa Fiorentino:** We actually were talking about this. We believe in fairness and equity amongst all our workers. One example that the government may want to look at is setting up a rating system, very similar to what we're proposing in the Occupational Health and Safety Act, where you accredit employers based on how well they're doing. Therefore, people will only want to do business with those good performers, the ones that protect their workers. You can do the same thing for agencies, as an example. Those are the types of things we'd like to see.

But doing what was just proposed now—and hopefully, you understood it a bit better, with what Mr. Nixon was trying to explain. What is being proposed right now under schedule 5 is going to have the opposite effect. You're actually going to be rewarding these temporary agencies with more money—

**The Vice-Chair (Mr. Joe Dickson):** Ten seconds.

**Ms. Rosa Fiorentino:** —and not having to pay any premiums. We're just saying to be very careful. We'd

like you to re-look at that and review that proposal, but we actually are recommending that you rescind it.

**The Vice-Chair (Mr. Joe Dickson):** My apologies. It was one minute and 10 seconds. One of you?

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** I think Ms. Hoggarth had a question. Did you?

**Ms. Ann Hoggarth:** Okay. Hi. Just to clarify something, because there are a lot of confused people: Basically, what you're worried about is that one agency is going to pay the insurance premiums and the other agency is going to pay for the injury.

**Mr. Ian Cunningham:** It's going to be assigned all the costs.

**Ms. Ann Hoggarth:** Yes, okay. So what you want is that one agency would both pay the premiums and be assigned all the costs?

**Mr. Ian Cunningham:** Correct.

**Ms. Ann Hoggarth:** Okay, and let me guess: Who would you like the group to be that would be doing that: the temporary agency or the client agency?

**Mr. Ian Cunningham:** We don't see any reason to change it from the temp agency—

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. I appreciate that. We will now go to the Progressive Conservative Party.

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** Excuse me.

We will now go to the Progressive Conservatives: Mr. Pettapiece, please.

**Mr. Randy Pettapiece:** Thanks for coming in today. I'm going to try to get my brain around this thing. If I am an employer, and I hire a temp agency to supply me with folks, I pay a fee for that, and in that fee is workers' compensation?

**Mr. Ian Cunningham:** Correct.

**Mr. Randy Pettapiece:** As an employer right now, as it stands, I don't pay workers' compensation fees.

**Mr. Ian Cunningham:** For workers that you engage through a temp agency.

**Mr. Randy Pettapiece:** Okay. That's correct.

**Mr. Ian Cunningham:** Correct.

**Mr. Randy Pettapiece:** But if a worker is hurt working for me, what this bill wants to do is shift that onto me, as the employer. Is that correct?

**Mr. Ian Cunningham:** Correct. The cost.

**Mr. Randy Pettapiece:** The costs.

**Mr. Ian Cunningham:** The costs, onto your WSIB account.

**Mr. Randy Pettapiece:** Yes. So I can understand why the temp agencies' premiums would go down like that.

**Mr. Ian Cunningham:** They would get a surcharge, and they would pay zero, because they'd have no claims costs.

**Mr. Randy Pettapiece:** Because, as a business owner, if we're good and haven't had any claims for a while, we do get lower rates all the time. So I think I can understand what you're saying right here: It's not going to be a fair system of people paying these things.

**Mr. Ted Nixon:** It can't work. Two plus two doesn't equal five. It's as wrong as that.

**Ms. Rosa Fiorentino:** And currently the system, the Workers' Compensation Act, does allow for transferring those costs. So if an employer is negligent and doesn't protect that worker, and they're negligent, the temp agency could transfer the costs of that claim to the employer. That's already in the act right now. I'm not sure if you're aware of that section of the act, but there are those abilities if you can find negligence in the workplace that caused that injury or incident.

**Mr. Randy Pettapiece:** Thanks.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. I'd like to thank the combination of you being here this afternoon, Mr. Cunningham, Ms. Fiorentino and Mr. Nixon. Thank you for presenting, and we look forward to seeing you again.

#### MS. DENISE MARTINS

**The Vice-Chair (Mr. Joe Dickson):** Our next presenter is Denise Martins. Denise, welcome. The floor is yours, and you have five minutes.

**Ms. Denise Martins:** Hi, everyone. My name is Denise Martins, and I'm happy to be here today, because this bill means a lot to me. It means a lot to me as a Latin American immigrant, it means a lot to me as a young worker, and it means a lot to me as a person with a lot of student debt.

I am here today, however, to speak to you about the wage-theft aspect of the bill. In these short five minutes, I'm hoping to give you a glimpse of my life. My parents came to this country in search of something better for us and worked hard to see that their efforts did not go to waste. I worked hard, and they did too.

I did everything right in high school. I got good grades and got into a decent university, the University of Guelph. I even took time off between high school and university in order to get a job to ensure that I was starting off on a good financial footing. Little did I know that a full-time job at Tim Hortons could barely offset the cost of my first laptop and bicycle, let alone my textbooks for the year. I continued this hard work while in university, at one point holding as many as three separate part-time jobs along with my part-time studies. That being said, as most of you have heard today, school is expensive, thus my efforts to create any kind of dent in my student loan were in vain.

Again, I did everything I was supposed to do. I followed all the steps you've set before me, yet upon graduation, I not only had a massive debt load, I also entered a world of both unemployment and underemployment. The only job I was able to acquire after four months of searching—four months after my degree—was at a Tim Hortons an hour outside my city, which I drove to every morning, and back after work.

I worked full-time at this location for five months until finally deciding to relocate to Toronto in hope of a better job market. After two months of searching, I got an interview at a fast-food sandwich store in downtown Toronto.

It was at this July interview that I was informed that the first 12 hours of work were going to be considered training and therefore were not going to be paid until I completed my probationary period.

With bills piling up and collection agencies hunting me down every single day, I needed this job more than ever before, so that decision was simple. I did not flinch, as I know how difficult it is to find a job, and apparently agreeing to this rule was all it took to get that job. Little did I know that training in fact meant working and just trying to keep up for 12 hours. And so I began the worst job I have ever had in my 24 years of life.

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People at this location were not allowed to take real breaks. Even when you worked 10 hours straight, all you were allowed to have were 10 minutes in which you could not leave the restaurant—that's important—and were expected to quickly return to work if more than two customers entered the store. So sometimes you'd have a five-minute break, have to go back to work, then get to sit down for another five minutes, and then you were expected to complete your shift. For example, I asked my employer if I could please leave the restaurant on pay day as my shift ended after the bank closed and I needed the money deposited in order to pay bills. I was denied that request.

Of course, I knew that something wasn't right about this, about how this employer conducted herself. At my job, we all knew that a lot of what took place was wrong and unjust. We all knew that the owner taking money from the tip jar and placing it in the till was wrong, but we also knew that there was nothing we could do about it. We considered ourselves lucky. Potential new hires walked in every single day, resumé in hand, each one more qualified than the next. Who were we to question the owner of this store, the person who determined how many hours you worked next week and the person who determined whether you got to stay on or whether you were fired the next day?

There is a clear power imbalance at any workplace. I am pleased to see the new provisions being put forth regarding wage theft. It is a long time coming. Workers shouldn't have to wait another six months after the bill becomes law for the new wage-theft provisions to take effect, however. Four months ago, I worked 12 hours for free. I am only now in a position to do something about this, and only in the last 24 hours have I begun conjuring up the confidence to take this on, but my time is almost up. Six months is not nearly enough to make a complaint. Why is it that my employer can get away with it as long as I don't figure out the ESA in time? If someone like me, who has a post-secondary degree, speaks and writes English fairly well and has some confidence in standing up for myself, cannot stand up to my employer—if I can't do that, how can we possibly expect that individuals for whom this is their livelihood will do so?

**The Vice-Chair (Mr. Joe Dickson):** Twenty seconds.

**Ms. Denise Martins:** Sure. Oh, man. Okay. Skip, skip, skip. My request of this committee—you have it in front of you.

My request of this committee is that these wage-theft provisions be made effective upon ratification of the bill. It is completely unfair that even after the new law is passed, workers may still have to forfeit their stolen wages because they missed a six-month deadline. Theft is theft, and we need to hold employers accountable.

**The Vice-Chair (Mr. Joe Dickson):** Thank you. We will now go to the NDP, Mr. Natyshak.

**Mr. Taras Natyshak:** Thank you very much, Chair.

**The Vice-Chair (Mr. Joe Dickson):** A pleasure, sir.

**Mr. Taras Natyshak:** Thank you very much for your presentation. You stated at the beginning that you're pleased, you're happy that this bill is coming forward because you believe that it could address—or hopefully avoid workers such as yourself, people such as yourself, young workers, being victimized, taken advantage of at work. Is that what your belief is, and is that why you're here today?

**Ms. Denise Martins:** I believe that it's a start. I think the reason that you're having panels today is to hear what people have to say, where you can go further.

**Mr. Taras Natyshak:** I'm interested to know what you're doing now.

**Ms. Denise Martins:** Now? I actually got a good job.

**Mr. Taras Natyshak:** Let's hear it. What is it?

**Ms. Denise Martins:** Right now, I'm working for the faculty association at the University of Ontario Institute of Technology.

**Mr. Taras Natyshak:** Cool.

**Ms. Denise Martins:** But this is a month now, and I'm still in a probationary status and part time. But it's still okay. It's better than Quiznos.

**Mr. Taras Natyshak:** Whoever that is.

**Ms. Denise Martins:** Sandwich store.

**Mr. Taras Natyshak:** They're lucky to have you.

What we ultimately are doing here, as you are aware, is that we are creating law. With any good law, I think, in essence, it needs to have good enforcement. We've got stop signs all around the province in our communities, and people still blow through them once in a while. It's only when we have a cop who's on the corner who witnesses them going through a stop sign that we're able to levy a fine and enforce that law.

Do you have any thoughts around how we make sure that we protect the workers this bill is meant to protect? What do you think about the level of enforcement—obviously, you were in vulnerable positions before, even under the current Employment Standards Act. How do we make it stronger?

**Ms. Denise Martins:** Yes, the extensive experience I've had where workers feel like they cannot stand up to the employer—at one point, I did see the Ministry of Labour come into my job, and I was really excited, but they were just doing some polling of our employer, so they didn't even talk to us. I think it would be really interesting to have a way for the Ministry of Labour to directly communicate with the workers at these places, to monitor these places to ensure that there are breaks. It

wouldn't be difficult to find out if these places are having breaks.

**Mr. Taras Natyshak:** You know, you've got a powerful sentence in here. You talk about how you're confident, you're educated, you have a post-secondary degree, you speak and write English well—of course we see that—and you didn't feel comfortable standing up for yourself. I think that's all too common in many workplaces across the province, and I commend you for standing up for yourself, for your colleagues, and for coming here today and educating us as legislators so that we can do our job better. Thank you very much for being here.

**The Vice-Chair (Mr. Joe Dickson):** You can respond if you wish.

**Ms. Denise Martins:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. It will now go to the government's side and the first person to put up their—

**Ms. Eleanor McMahon:** Ms. McMahon.

**The Vice-Chair (Mr. Joe Dickson):** Ms. McMahon.

**Ms. Eleanor McMahon:** Thank you, Chair.

I apologize, my voice is extraordinarily bad.

**Ms. Denise Martins:** It's forgiven.

**Ms. Eleanor McMahon:** Thank you for coming today. You're an extraordinarily articulate young woman and very courageous. We're impressed with your intelligence and your passion.

A couple of things I have to ask you: I'm stunned that you were treated in this way and I'm sorry, on behalf of all of us, that you received this kind of treatment. It's incredibly disrespectful. I was a young person once many years ago, and I had some difficult employee experiences too, but nothing like what you went through.

Can you leave me with some ideas and help all of us on how the young people in your workplace—or the people who you worked with; maybe some of them weren't young—might have felt more confident about standing up and understanding what their rights were? Because they have them, yet they didn't feel comfortable.

Secondly, do think we might institute a hotline or some kind of mechanism by which these kinds of infractions could be reported in a way that keeps people safe so that they feel comfortable, that they don't feel like they're going to lose their job by complaining? Just to have your thoughts on that.

**Ms. Denise Martins:** First I wanted to start and thank you for commending me, but to emphasize, I worked for three separate minimum wage employers. This is not a one-off; this has happened continuously. Tips—I always used to balance tills in many, many restaurants, so it's not just me.

In terms of what we can do to empower people, I think the importance I'm trying to put here is about time. I am able to file a complaint right now because I'm no longer under the employer's thumb. If we have a six-month period where people are allowed to only claim back six months, most of my co-workers have been working there for years, so they are not going to file a complaint against

their employer—there are four people in this restaurant. It's clear who the person is going to be. As soon as you raise a flag, as soon as you ask the manager a question and then you go and file a complaint with the Ministry of Labour—there are repercussions to this. Right?

I don't understand why there is any timeline to begin with. Yes, it's great that it's being increased to two years, but I don't understand how someone could steal \$10,000 from you and then it's no longer a thing two years from now. It's just forgiven and the employer gets away with it. That's something I completely don't understand.

Hotline: I like it. It's an idea. I am astonished sometimes at the fact that most people don't know what happens in fast food restaurants or minimum wage places. No offence to you all, and I understand that some of you might have worked that in the past, but you don't have that knowledge of what is going on in these places, so maybe that will give you a link to understand and get more of an idea of what's happening.

**The Vice-Chair (Mr. Joe Dickson):** Ten seconds.

**Ms. Denise Martins:** Maybe it's a start, listening to these workers.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. I will now go to the Progressive Conservative Party. Mr. Pettapiece, please.

**Mr. Randy Pettapiece:** Thank you for coming in today. This is quite a report you wrote up. How long ago did you start studying this? How long ago were you aware of this act that the government was proposing?

**Ms. Denise Martins:** Bill 18? About a week.

**Mr. Randy Pettapiece:** About a week?

**Ms. Denise Martins:** Yes.

**Mr. Randy Pettapiece:** You're a fast learner.

**Ms. Denise Martins:** Yes.

**Mr. Randy Pettapiece:** Our researcher—

**Ms. Denise Martins:** Yes, and a lot of googling took place.

**Mr. Randy Pettapiece:** So you have started another position now which is working out better for you?

**Ms. Denise Martins:** Yes.

**Mr. Randy Pettapiece:** In your chosen field?

**Ms. Denise Martins:** Yes.

**Mr. Randy Pettapiece:** Okay. That's great news.

I know the fast food industry is a hard job, especially when it's busy and you're flying around. There's a lot of responsibility put on the people who work there to get the orders right and get them there on time and everything else.

I wonder, while you were doing this, how were you able to work at these places when you've come here and said that you were under so much pressure about your paycheques or being fired or stuff like that? How do you do that?

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**Ms. Denise Martins:** When you need money, you've got to work. That's how it has always been. I think I'm not understanding your question.

**Mr. Randy Pettapiece:** Well, my point is this: I'm from a different part of the province than here, and

maybe I didn't have to go through some of the things that you did, because I could always go mow hay or something at somebody's place if I didn't like this farm. I'm from an agricultural background. Maybe I didn't go through some of the things that you're talking about, because most of the people we worked for—if I happened to work for another farmer—understood the hardness of the work, and we were treated fairly. So I sometimes have a hard time understanding. I know you needed the money, but it must have been awfully hard on you going through this type of thing that you claim to have gone through.

**Ms. Denise Martins:** I loved working at Tim Hortons. It was great. There were great people who I worked with—amazing women with lots of amazing stories. The only thing that was hard about it was the fact that I was earning below poverty wages. That was the most difficult part about it.

At Tim Hortons, at least they respected the breaks. We had a half-hour break, where we got to sit down for half an hour, which is great if you're standing for eight or 10 hours straight.

So I think my biggest beef with those jobs is not the work itself. I don't mind hard work. It's just how it's compensated and when you're not treated as a human being.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Ms. Martins. Well done. We appreciate your time here today.

#### TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

**The Vice-Chair (Mr. Joe Dickson):** The next delegation is from Toronto Workers' Health and Safety Legal Clinic.

Welcome, Ms. Vannucci and Mr. Bartolomeo. You have five minutes.

**Ms. Linda Vannucci:** Thank you. I'm Linda Vannucci. I'm the lawyer/director at Toronto Workers' Health and Safety Legal Clinic. To my right is John Bartolomeo. He's a staff lawyer at the clinic.

The clinic has existed for 25 years. We act for low-wage workers. The clinic is a legal aid clinic, so they have to qualify financially. These are workers who earn less than \$15 an hour for the most part, and they're workers who are fired for raising health and safety concerns in their workplaces. We act for them at the Ontario Labour Relations Board to help them get their lost wages back and their jobs back, in cases where they want their jobs back. We also assist workers who have workers' compensation claims in getting their benefits, and we do some human rights work and employment standards work, as well.

I want to start by saying that we endorse the joint brief submitted by our colleagues at the Workers' Action Centre and at Parkdale Community Legal Services.

I want to say that we act for a lot of people—you've heard other stories today—who work through temporary

agencies, who are fired merely for saying that they're going to call an inspector.

I remember a case of a film editor, at one point, who was an assignment worker, a temporary worker, working next to people earning 50% more than he was. He saw a health and safety issue and said that he was going to call an inspector. When he appeared for work the next day, the gate was locked. He was called by his agency. He called back in. "You can't work there anymore." He was a complaint before the Ontario Labour Relations Board. So these are the kinds of things that I've been watching go on for 25 years through the increased use of temporary help agencies.

We are very much in favour of Bill 18 and the steps it has taken to reduce the negative impact of temporary help agencies on workers.

Concerning the poster requirement: We think it's a great requirement that employers provide workers with the poster laying out their rights under the Employment Standards Act, and that the poster be available in languages. But we do think that provision should be broadened to require the employer to actually give the workers a list of languages that the poster is available in and then offer to provide them with one. As it's currently written, it requires a worker to speak up and say, for example, "Do you have the poster in Spanish?" If people are fired for saying, "I'm going to call an inspector," I think it might raise the possibility of reprisals, if a worker has to ask for a poster in another language instead of just having it offered to them.

We're certainly in favour of the monetary limit being eliminated—the \$10,000. We think that that should be implemented as soon as possible—don't know why that should be delayed—and the extension of the time limit from six months to two years. We've met numerous workers who have come to us after they're out of time—it's just money lost for them—and also lots of workers who were longer-term workers whose claims were greater than \$10,000; basically the employer got off the hook for the additional amount because of that \$10,000 limit.

In schedule 4, concerning the Occupational Health and Safety Act, we think that the "worker" definition should be expanded. If you're going to include unpaid work, I think it should be expanded to include people who are not students but are instead—for example, we've seen foreign-trained professionals who are simply looking for work experience. We're not training them; they're looking for some Canadian experience to place on their resumé, and I think they should be included as well.

I think that people in that position—certainly we are not endorsing or in favour of unpaid work, by any means, but those individuals, since they're not being paid, have less to lose if they report health and safety hazards or employment standards violations to the Ministry of Labour, so these certainly should be covered by the Occupational Health and Safety Act.

I'm going to turn it over now to my colleague.

**Mr. John Bartolomeo:** We've provided a written brief, but the focus I'd like to address today—

**The Vice-Chair (Mr. Joe Dickson):** Thirty seconds.

**Mr. John Bartolomeo:** —is schedule 5. We endorse the costs being assigned to the client employer; however, we suggest expanding the requirement to include return-to-work provisions, so that the worker is required to return to the client employer rather than being shuffled off to an office they've had no connection with to do what we see in our day-to-day work: filing and other make-work tasks.

**The Vice-Chair (Mr. Joe Dickson):** Thank you. We will now go to the government side for the first question. I don't want all three of you ladies to raise your hand at once.

**Ms. Ann Hoggarth:** Apparently it's me. My light's on.

**The Vice-Chair (Mr. Joe Dickson):** Did you want to pass?

**Ms. Ann Hoggarth:** Thank you very much for your presentation. I understand that you believe that there are areas of this bill that you support, and there are areas that you think need to be amended. However, I believe that, with all bills, we're not all happy with them when they're first passed. Do you believe that there are many things in here that are good?

**Mr. John Bartolomeo:** I think we described it, in conclusion, that it is the first step toward the excellence that we hope to see in workplaces in the province. With the employment standards, we question the need for any delay in implementing the extension to the time limit and the elimination of the cap to recovery. With respect to the workplace safety and insurance provisions, we support the notion that we make client employers responsible for the costs, but they should be responsible for the accident and they should be responsible for the worker.

Return-to-work, which is what we are all striving for, should be with that client employer, and not with the temp agency, which is essentially a cover, or what we see as a method of avoiding dangerous tasks by the client employer and giving someone else the dangerous jobs.

**Ms. Ann Hoggarth:** So do you believe that the temp agency pays the WSIB deduction—that they should be responsible for the injury?

**Mr. John Bartolomeo:** The client employer is where the injury took place. The client employer has the occupational health and safety obligations, in addition to the temporary help agency. Why not make the client employer responsible for the entirety of the situation? They get to shuffle this worker off, never to be seen or heard from again, and has the accident been truly addressed? Has the health and safety concern been addressed? No.

**Ms. Ann Hoggarth:** So you believe that the temporary agency has no responsibility?

**Mr. John Bartolomeo:** The responsibility of the temporary agency is to act as payroll, not to have that worker on the books of the client agency. They can pay the costs while there are no accidents.

**Ms. Ann Hoggarth:** Okay. Thank you.

**The Vice-Chair (Mr. Joe Dickson):** You have 40 seconds.

**Mr. Han Dong:** I appreciate the presentation I just heard—I just want to jump in for a second—but the temp agency does have the ability to assess and to select which client employers are safer or more in compliance with the standards. Is that correct?

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**Mr. John Bartolomeo:** If I'm not mistaken, I think the Institute for Work and Health study on temporary help agencies found that temporary help agencies weren't inclined to disturb a relationship if it was financially beneficial to them.

**Mr. Han Dong:** You didn't answer my question. Do they have the ability to assess which one is safer or more in compliance with the standards?

**Mr. John Bartolomeo:** My response is, they do not exercise that responsibility.

**The Vice-Chair (Mr. Joe Dickson):** That is the time on those questions. We will now defer to the Progressive Conservative Party. Mr. Pettapiece.

**Mr. Randy Pettapiece:** Thank you, Chair. I just got confused here. I thought I had this thing settled in my mind on this workers' compensation business. The temp agency, you're saying, does not have to pay premiums to workers' compensation?

**Mr. John Bartolomeo:** Let me rephrase for you: Every employer pays premiums.

**Mr. Randy Pettapiece:** Right.

**Mr. John Bartolomeo:** When you have an accident, your premiums are likely adjusted. The way the act is written, the adjustment for the accident would be transferred to the client employer. I can understand that the client employer would say, "Well, wait a minute. Why am I suddenly being lumbered with this?" You're paying your premiums, in a sense, up front. All of a sudden, you're hit with an extra-large bill—

**Mr. Randy Pettapiece:** All of a sudden what?

**Mr. John Bartolomeo:** You're hit with a bill essentially for the premium costs of the accident. But the accident was at your workplace. The accident was through whatever work was being done at the client agency. What the bill does is transfer those costs to where the accident happened.

The temporary agency would, if the proposed legislation is not passed, pay those costs. What we're suggesting is the client employer pay those costs and, as well, assume the responsibility for return to work, which is another aspect of workers' compensation.

**Ms. Linda Vannucci:** Could I just add one thing to that? We want to de-incentivize employers from contracting the dangerous jobs out to temporary agencies, when it's the location employer, the client employer, that has the dangerous work conditions that can be corrected. Therefore, they should assume the costs of workers' compensation premiums, of the accident and of returning the permanently impaired worker to work.

**Mr. Randy Pettapiece:** I can understand that. In fact, I think it's not fair to send workers into a dangerous—if it's too dangerous for them to work, or they don't know what is, they shouldn't be there, and they have a right actually to refuse that. But my point is this: As I under-

stand it, when I hire a temp agency to supply me with workers, they have paid a premium already on workers' comp?

**Mr. John Bartolomeo:** Yes.

**Ms. Linda Vannucci:** Yes.

**Mr. Randy Pettapiece:** So the worker gets hurt on my job site. The premium has already been paid. Why should I get whacked with a premium? We are also told that there are some rules there, and I hope I'm getting this right, that can assess damage to an employer, not the temp agency but the employer, if he's found negligent or whatever else. Is that true?

**Ms. Linda Vannucci:** A little-used rule. You should be the responsible party, sir, because it's your workplace that has the dangerous conditions that caused the accident—

**Mr. Randy Pettapiece:** But the premium—no, no, no—

**Ms. Linda Vannucci:** —and the increase in the premium is going to cause you to correct those dangerous conditions theoretically.

**Mr. Randy Pettapiece:** No, I never said "dangerous conditions." I said workers should not be thrown into dangerous conditions. If he or she gets hurt—trips over in a mud puddle or something and sprains their ankle, or whatever, something like that—the premiums have already been paid—

**The Vice-Chair (Mr. Joe Dickson):** Thank you for your comments. We will now go on to Mr. Natyshak from the NDP for his questions.

**Mr. Taras Natyshak:** Thanks for clarifying that with me because one of the previous presenters had a completely different version, or I guess opinion, as to who should be liable.

Maybe I'll just give you the opportunity, because it's only three minutes—the three minutes for deputations was decided by the government, which I don't believe is long enough. We should give you 10 minutes, five minutes—I don't know. There are lots of people that want to speak.

The rest of the floor I hand to you to talk about the bill, its effects and what you'd like to see more out of this government.

**Ms. Linda Vannucci:** Well, one thing that we haven't mentioned is the enforcement of the bill, which I think is very important. What good is the law if it isn't enforced? We see that often with occupational health and safety laws, that a worker has to complain in order to get an inspection of their workplace. We're in favour of proactive inspections and proactive enforcement, and would hope that this bill, if and when passed, would be enforced in a proactive manner, and not have to have workers place their livelihood on the line in order to get the laws enforced in their workplace, which is what making a complaint does. So—

*Interjections.*

**Mr. Taras Natyshak:** Just pardon me. Chair, I can't hear—I can hear the government side talking. Even though you're whispering, you're whispering—

*Interruption.*

**Mr. Taras Natyshak:** Thanks for dropping the hammer, Chair.

Please?

**Mr. John Bartolomeo:** With respect, I think we've addressed the concerns we have with regards to client agencies and workers' comp. But it's important to consider where the accident happened and whose responsibility is the accident. It's our view that it remains solely with the client employers with respect to the inclusion to the definition of workers and our proposal to expand it to include work experience.

Cognizant of that, again, enforcement: We've proposed a change to the Labour Relations Act to allow a vice-chair of the Labour Relations Board to find more proactive and more expansive ways to right the wrongs. That goes against workers who are trainees or students or co-op placements, because the way the act is written it's questionable whether or not they can get the recourse they need.

**Mr. Taras Natyshak:** That proposal is in your submission?

**Mr. John Bartolomeo:** It is, yes.

**Mr. Taras Natyshak:** We've made amendments and many of them have been ruled out of order for one reason or another. I'm not really certain around the mechanics of that or not, but I'd love to expand on that and potentially try to slide it into another bill at some point and see where it would be in order, because I think that's an integral part of making workplaces safer, fairer and more equitable for workers in the province of Ontario.

I appreciate your submission today. Thank you very much for the representation that you give to workers and vulnerable workers in Toronto. I commend you on the work. Thanks for being here.

**Mr. John Bartolomeo:** Thank you.

**Ms. Linda Vannucci:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** I gave you eight extra seconds.

**Mr. Taras Natyshak:** Thanks, Chair.

**The Vice-Chair (Mr. Joe Dickson):** I'd like to thank you very, very much. I appreciate your presentation and look forward to seeing you again. Have a wonderful, sunny afternoon.

**Mr. Mike Colle:** The sun has already set.

#### CAREGIVERS' ACTION CENTRE

**The Vice-Chair (Mr. Joe Dickson):** I'd like to call on the Caregivers' Action Centre and Ms. Draman. How are you today? Welcome. Make yourself comfortable. As soon as it's quiet, you'll start. You'll start now.

**Ms. Liza Draman:** Good afternoon, everyone. Thank you for the opportunity to speak with you this afternoon. My name is Liza Draman, from the Caregivers' Action Centre, a former full-time live-in caregiver, part of Canada's Temporary Foreign Worker Program—work for an elderly.

The Caregivers' Action Centre is a grassroots organization of former and current live-in caregivers advocating

and lobbying for fair employment, immigration status and access to settlement services through self-organizing, research and education. The Caregivers' Action Centre is a member of the Migrant Workers Alliance for Change.

Today I would like to talk about recruitment fees from the perspective of caregivers, and that is part of Bill 18.

Many caregivers come to Canada through recruitment agencies and are asked to pay a placement fee of \$3,000 up to as much as \$4,000 on an installment basis. The first payment is usually done in the Philippines or in Hong Kong before processing; the second payment is after we have received our initial documents; and the final payment when we sign a work contract with a Canadian employer. Payments are made outside Canada or through money remittance like Western Union. Many caregivers have to acquire a loan through moneylenders with high interest just to pay the recruitment fee. As a consequence, entire families will go into debt.

Oftentimes when caregivers like me arrive here, work conditions and wages are not as they were promised or agreed to. With families back home in debt we are afraid to complain about ill treatment of bad bosses here. Our temporary work status hinders us further from complaining.

In 2009, due to advocacy by CAC members and other support organizations, issues with the recruitment agencies came under public scrutiny. As a result, Bill 210, called the Employment Protection for Foreign Nationals Act, was introduced and adopted. It became illegal for recruiters and recruitment agencies to charge a fee for finding work. It became illegal for an employer or recruiter to take possession of documents like passports or other property. It became illegal for an employer or recruiter to penalize caregivers who enforce their rights under the law.

**1710**

Today, you are discussing expanding EPFNA from caregivers to all temporary foreign workers. That is a good thing, but it's not enough. Based on the survey conducted by us at CAC at the end of 2013, two thirds of caregivers are still forced to pay a recruitment fee, even though it's against the law. On average, the caregivers we surveyed had paid \$3,300, and this is after the law was passed.

In most cases, payments were made without receipt and from abroad. After three years of EPFNA, based on documents from the Ministry of Labour, caregivers have only recovered \$12,000. Bill 210 was supposed to stop recruitment fees, but caregivers are still paying fees and the fees are getting higher.

Bill 210 doesn't work, because it requires caregivers to come forward and file complaints. They cannot do that, because they can't take a risk. The recruiters in home countries, or the employers here, can retaliate either against our families or because of immigration status.

**The Vice-Chair (Mr. Joe Dickson):** Ten seconds.

**Ms. Liza Draman:** The decision to expand EPFNA to all workers rather than just caregivers shows that the

government realizes that recruiters are a major concern. All workers should be protected, and to make sure that protection is effective—

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Ms. Draman. We will now go to the Progressive Conservative Party to speak with our guest.

**Mr. Randy Pettapiece:** Can you tell me something about this organization you work with, the Caregivers' Action Centre?

**Ms. Liza Draman:** The Caregivers' Action Centre is an organization of all caregivers, former caregivers and current caregivers. We organize ourselves to help other caregivers and make them aware that their rights are protected under the Employment Standards Act of Ontario.

**Mr. Randy Pettapiece:** So you would help people who maybe can't understand the rules and regulations, or whatever, of certain laws. You would help them out, to explain these things to them?

**Ms. Liza Draman:** That's correct. In our conversations with a lot of caregivers—they suffer a lot of abuse in the workplace, so with their status as temporary workers, they are afraid to file a complaint.

**Mr. Randy Pettapiece:** These are temporary workers you're talking—

**Ms. Liza Draman:** Because they are temporary workers. We are temporary workers. We are tied with immigration requirements. We need to fulfill 24 months for us to be qualified to apply for permanent residence. We are bound with that, and we don't want to jeopardize our application in the future. So, many caregivers stay quiet or stay silent.

**Mr. Randy Pettapiece:** Okay. So that's what your organization does. It just helps these people work through the system and gives them reassurance that they can do it as long as they follow certain rules. But you're also finding that some of them are afraid to speak up, because they don't want to lose their chance of citizenship in this country?

**Ms. Liza Draman:** That's part of it.

**Mr. Randy Pettapiece:** All right. Thank you, Chair.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. I apologize. I went out of sequence, so I might as well maintain that inconsistency and stay out of sequence.

The next speaker, if you would: Mr. Natyshak, from the NDP party.

**Mr. Taras Natyshak:** Thank you for your presentation—very clearly articulated, very well laid out.

**Ms. Liza Draman:** Thank you.

**Mr. Taras Natyshak:** My question is that somehow the message is not getting out to potential caregivers in other countries that Ontario has adopted a new law that prohibits the collecting of recruitment fees. Do you think the government of Ontario could do better in explaining, expanding, connecting with people considering working in Ontario, even before they get here, to know their rights so we save people money at the beginning? Do you think we could do a better job at that, or at least do something? Or do we do anything? I don't even know if we do anything. Do we?

**Ms. Liza Draman:** That is very nice to do. It would be nice if we spread that news. Registration of employers and licensing of agencies would help in that matter, because if I am an applicant, I can go online and if these recruitment agencies were registered and legitimate, then I am confident that I can apply to this agency. Since the application is free, then I don't need to worry, because that is a thing that is already accepted in Ontario. That would be a great help.

**Mr. Taras Natyshak:** That makes so much sense to me. It's a matter of fairness and humanity. So your testimony here today informs us at this committee and the government side. It will be up to them to make that decision, to implement that measure of fairness. I hope they take your testimony very seriously and under very deep consideration, because if we are intent on fixing the issue and providing fairness and equality, then that's an important measure. It has to be enacted; it has to be brought forward. We will lose the effect of the bill if we don't send a strong message that compliance and fairness has to be the measure of the matter here in the province.

That's all for my comments. I appreciate your testimony. Thank you very much.

**Ms. Liza Draman:** Thank you. That would help the caregivers and other migrant workers.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. I will now go to the government side. The first speaker is Ms. Hoggarth.

**Ms. Ann Hoggarth:** Thank you, Chair.

Thank you for your presentation. Just to remind you: There are 107 members of this government, and Mr. Natyshak, you're one of them.

**Mr. Taras Natyshak:** Yes. You're the majority, though.

**Ms. Ann Hoggarth:** In regard to what you said, I don't know how our government could stop recruitment fees that are paid in another country, unless there was some kind of policy that was done on the federal level with all countries in order for that to be enforced. Currently, when you get here, as of this bill, there cannot be recruitment fees charged. However, do you have any idea how we could stop recruitment fees from being charged before you get here?

**Ms. Liza Draman:** Like I've said, and it may have been discussed earlier, licensing of recruitment agencies would help a lot, because these recruitment agencies are like a hunting knife with a double blade: They are charging fees from the employer and they are charging fees from the applicant. That is what they look like. If you are an employer, why do I need to pay? And at the same time, the applicant will also pay. Why does this applicant need to pay?

**The Vice-Chair (Mr. Joe Dickson):** Thank you. The next speaker will be Mr. Colle.

**Mr. Mike Colle:** Are you aware of my private member's bill that was the precursor to Bill 2, the caregivers' protection act in 2009?

**Ms. Liza Draman:** Bill 2?

**Mr. Mike Colle:** My law that brought about the change for Bill 2: Are you aware of that?

**Ms. Liza Draman:** Do you mind to mention that, please?

**Mr. Mike Colle:** I was involved in bringing about the caregivers' protection act. I produced the private member's bill that eventually pushed the government to adopt Bill 2. You're not aware of that bill that I had?

**Ms. Liza Draman:** In my knowledge, I am not, unless you can mention some—

**Mr. Mike Colle:** Mr. Chair, the researcher—I don't expect you to know that because I've been at this a long time, but I appreciate you coming and helping—could you get all members of the committee a copy of my private member's bill and compare it to Bill 2, which is now in effect, so that the members can have that bill to compare with what's in effect now? My bill was called the caregivers' protection act, Bill 160.

**The Vice-Chair (Mr. Joe Dickson):** Do you have Ms. Draman's address?

We will get your address, Ms. Draman, so you can get that answer.

**Ms. Liza Draman:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** I do have two more scheduled delegations. We don't see Social Planning Toronto as yet, but as a courtesy—I think it's premature by your time, which is right.

*Interjection.*

**The Chair (Mr. Joe Dickson):** It's 5:21; they're scheduled for 5:30. Let's give them 10 minutes. That leaves Health Providers Against Poverty. Again, why don't we give them an extra 10 minutes.

**Ms. Ann Hoggarth:** Just a point of order.

**The Vice-Chair (Mr. Joe Dickson):** Certainly.

**Ms. Ann Hoggarth:** Mr. Pinto has already made a presentation. Are you allowed to make two presentations?

**The Vice-Chair (Mr. Joe Dickson):** There are two different gentlemen with—

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** Two gentlemen with the same name or one gentleman—two names?

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** One is a lawyer and one is a doctor, and we might send both of them up to interview you, Mr. Colle.

**Mr. Taras Natyshak:** Is the last Andrew Pinto here in the crowd?

**The Vice-Chair (Mr. Joe Dickson):** We just checked, but they have a couple of moments before they're scheduled to be on.

*Interjections.*

**Mr. Taras Natyshak:** Nor is John Campey from Social Planning Toronto?

**Interjection:** No.

**Mr. Taras Natyshak:** So they're not here.

**The Vice-Chair (Mr. Joe Dickson):** It's 5:23 and they're scheduled for 5:30. As a courtesy, I think the appropriate thing would be to give them seven more minutes.

**Mr. Taras Natyshak:** I think so, too, Chair, but I would say whoever shows up first gets to go first.

**Mr. Mike Colle:** I don't know if this is a different Pinto. I think it's the same one.

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** Would one of you like to recommend a recess for five minutes? Is that appropriate with all, informally? Thank you.

*The committee recessed from 1723 to 1729.*

**The Vice-Chair (Mr. Joe Dickson):** Ladies and gentlemen, I wonder if we could reconvene, please. Would somebody be good enough to check the door to the outside and ask any members to come in?

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** It all depends on you, Mr. Colle, whether we finish on time or not.

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** Four minutes ago, Mr. Natyshak said he'd be back in three minutes. I'm prepared—

**Mr. Mike Colle:** I think we've got to get started, because we've got a decreasing amount of time.

**The Vice-Chair (Mr. Joe Dickson):** There he is. We're ready to start again. Good to have you back, sir.

**Mr. Taras Natyshak:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Ladies and gentlemen, we will start again. By the way, you know that, by legislation, we must end at 6 o'clock—

**Mr. Mike Colle:** Okay, let's get started, then. Come on.

**The Vice-Chair (Mr. Joe Dickson):** —and as soon as people stop interfering, we'll get finished that much faster.

#### SOCIAL PLANNING TORONTO

**The Vice-Chair (Mr. Joe Dickson):** I would ask Mr. Campey, executive director of the social planning council of Toronto, to come forward. Welcome, sir. Welcome to both of you gentlemen. The floor is yours. You have five minutes.

**Mr. John Campey:** Thank you very much for the opportunity to speak to you today. My name is John Campey. I'm the executive director of Social Planning Toronto. I'd like to introduce my colleague Mohamed Araf, who is a newly minted researcher with Social Planning Toronto.

**The Vice-Chair (Mr. Joe Dickson):** Mr. Araf and Mr. Campey. Thank you.

**Mr. John Campey:** Social Planning Toronto, for those of you who aren't familiar with our work, is a non-profit organization that engages in research and advocacy, with a view to improving the quality of life of all residents of Toronto. I am also speaking today on behalf of the Social Planning Network of Ontario, which is the province-wide network of 15 social planning councils in different cities and communities spread across the province.

As an organization committed to social and economic justice and equity, we'd like to strongly endorse the Workers' Action Centre's submission on Bill 18, the Strong Workplaces for a Stronger Economy Act. We're very pleased that you've brought to the table the need for better protections for workers. We strongly support the several amendments to the bill being proposed by the Worker's Action Centre, and would like to talk specifically about two of them.

The rise of precarious temporary employment is a disturbing trend in Ontario's labour market. Precarious jobs are often unstable, low-paid, involve poor working conditions and provide no health benefits, sick pay or pensions. Over 500,000 people in Ontario have temporary jobs, many of which are provided through temporary help agencies.

Precarious employment is even more prevalent in the greater Toronto area and Hamilton. According to the Poverty and Employment Precarity in Southern Ontario, or PEPSO, report, there has been a 50% increase in precarious employment in the GTA and Hamilton area over the past decade or so. A large number of these jobs are held by racialized people, newcomers, women and young people who struggle with poverty and often work two or three jobs through a temporary agency to pay their bills and support their families.

On average, a worker hired through a temporary agency earns 40% less than a regular employee who does the same job. In many cases, temporary agency workers continue to be deprived of their basic employment rights such as holiday pay, sick days and vacations. Many have to fight for their unpaid wages, and go back and forth between temp agencies and client companies in an attempt to recover their unpaid wages.

Precarious employment also has negative effects on many workers' lives. The PEPSO report suggests that many precarious workers report anxiety, and problems paying for basic needs, finding child care and being engaged in civic activities. We believe that laws to better protect these workers can promote social and economic justice and equity for all residents of our province.

Bill 18 is a positive step toward providing better protections for temp agency workers. However, we believe that more needs to be done to ensure fairness in workplaces. The bill introduces joint liability between temporary help agencies and their client companies, making both responsible for unpaid regular wages and unpaid overtime under the Employment Standards Act. This is an important step as it recognizes the fact that many temp workers face unpaid wages. Secondly, it holds responsible not only the temp agency but also client companies who, in fact, determine job duties, train workers, supervise them and set hours of work. Joint liability can provide an incentive for client companies to comply with employment standards for workers.

While we believe an introduction of joint liability can ensure better protections for temp agency workers and fairness at workplaces, we support the Workers' Action Centre's proposed amendment that joint liability should

extend beyond unpaid wages and overtime pay to include all employment standards rights, including public holiday pay. A Ministry of Labour inspection blitz of temporary help agencies discovered in 2013 that 70% of employers had monetary violations, the most common violation having been unpaid public holiday pay. We believe that unless joint liability is extended to all employment standards, temporary workers will continue to face violations of their rights.

Currently, many workers are unable to file complaints to recover their unpaid wages within a six-month claims period. We are glad that Bill 18 extends the claims period from six months to two years and removes the \$10,000 limit on the amount of unpaid wages that workers are allowed to claim. However, we echo the concern of the Workers' Action Centre that this legislation, if passed, will not be implemented until after a six-month grace period for employers. Agencies and employers continue to take advantage—

**The Vice-Chair (Mr. Joe Dickson):** Ten seconds.

**Mr. John Campey:** —of the limited cap on the amount of unpaid wages and the short claims period. This must be stopped, and we urge you to enforce the legislation immediately if it's passed. Thank you very much for the opportunity to speak to you today.

**The Vice-Chair (Mr. Joe Dickson):** Thank you, sir. I will immediately go to the NDP. Mr. Natyshak.

**Mr. Taras Natyshak:** Thank you, sir. Thank you very much for your submission, Mr. Campey. Also, congratulations, Mr. Araf, for your new position. I'm going to give you a chance at the wheel here pretty soon, in a second.

The New Democrats will be proposing amendments to the bill, and they address the concerns which you just raised.

Specifically:

"Amounts for which the client may be liable

"(3) The amounts for which a temporary help agency and clients of the agency are jointly and severally liable under subsections (1) and (2) are the following:

"1. Regular wages earned during the relevant pay period.

"2. Overtime pay earned during the relevant pay period.

"3. Public holiday pay earned during the relevant pay period.

"4. Vacation pay earned during the relevant pay period.

"5. Any other wages, pay, remuneration or other compensation earned during the relevant pay period."

As was pointed out by my colleague on the government side, I am a member of this House, apparently, and I was duly elected as such. But the fact is, the government is in a majority position. They have a majority on this committee. This amendment will come before the committee and it will be incumbent upon them to actually pass these amendments if they want to strengthen the bill and listen to the concerns of the Workers' Action Centre and other folks that have come before us today to provide the exact same testimony.

So I will point that out and I hope that they do the right thing. It will be up to them. I will continue to do my job to push them forward.

That being said, I want to give Mr. Araf the ability to take up the rest of the time and tell us what you think about the bill. Thank you very much.

**Mr. Mohamed Araf:** I believe that the amendments that the Workers' Action Centre is proposing are really important to ensure that workplaces are fair and treat workers fairly. I also echo the same concerns that the Workers' Action Centre has, especially on the immediate implementation of the changes and the cap on the amount of wages that could be recovered by a worker and also the extension of the claims period from six months to two years. I believe that this is very important, and we need to move forward immediately with that.

**Mr. Taras Natyshak:** Very good.

Would you like to continue with this train of thought?

**Mr. John Campey:** I think just a quick comment that in terms of the amendments that are being suggested, the government has stated that it wants to be a fair, open and inclusive government. I believe that the amendments are entirely consistent with the commitments that the Premier and the government have made around issues of fairness. It seems that if you—

**The Vice-Chair (Mr. Joe Dickson):** Thank you.

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**Mr. Taras Natyshak:** Let's hope so. Thank you very much.

**The Vice-Chair (Mr. Joe Dickson):** The next speakers are on the government side. The speaker is—do we have a speaker? Mr. Colle.

**Mr. Mike Colle:** Yes. In terms of the increase in the number of what you call precarious workers, what do you think that is precipitated by?

**Mr. John Campey:** I think there is a broad range of issues that have led to that. Part of it is globalization; part of it is the decline in unionization in the private sector; and again, there is a decrease in protection for workers and a demand for more just-in-time delivery of a range of services. I think there's a broad range of actions, some of which are beyond the purview of the province, but many of which the province could act on and, I think, has acted on a number. We'd like to see further action around things like better access to collective bargaining. The increases in the minimum wage and setting those on a regular schedule adjusted to inflation are important steps, but there are many other things the province could do to address precariousness.

**Mr. Mike Colle:** Don't you think this is also partly due to the fact that the average consumer—some of them, in fact, are in low-paying jobs themselves—will not be aware of the fact that there are so many people being literally brought in as temporary workers, foreign workers, migrant workers, and yet they wonder why their wages are low and their benefits are low? Yet basically the population as a whole tolerates all these workers who are here with low wages and with no protection, because I guess the public wants to go to Walmart. They don't

want to shop locally. They want to buy imported Chinese products from people working minimum wage, and they don't see the connection.

**Mr. John Campey:** And I think this is one of the important places where collective action on the part of governments can actually make the changes that, in general, people would agree with. I think the population of Ontario and of Canada wants to see people paid a decent wage and doesn't want to see people working full-time still living in poverty.

**The Vice-Chair (Mr. Joe Dickson):** Twenty seconds.

**Mr. John Campey:** But those decisions, when you're trading that off against your personal economic decisions, it's hard for one person to make those differences. I think we look collectively to government to take a leadership role there.

**Mr. Han Dong:** I just want to—

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. Sorry, we will have to go on to the next speaker, and that will be Mr. Pettapiece.

**Mr. Han Dong:** That wasn't 20 seconds; that was like 15 seconds.

**The Vice-Chair (Mr. Joe Dickson):** I'm sorry. I have a—

**Mr. Mike Colle:** Don't challenge the Chair.

**Mr. Randy Pettapiece:** Thank you, Mr. Chair, for your fair judgment and—

**The Vice-Chair (Mr. Joe Dickson):** You're just using up your time, sir.

**Mr. Randy Pettapiece:** Yes, I know that.

In the first paragraph, you have: "Over 500,000 people in Ontario have temporary jobs." There are many reasons for this happening, not just one or two. Would you suggest or tell me what you think of this kind of phenomenon—temporary jobs—and why it's growing so fast?

**Mr. John Campey:** I think there is a range of reasons. Part of it, as I said, is the change through globalization to the economy. I think there is also a strong incentive for many employers to hire part-time workers. That is a way to avoid having to pay benefits to take people on staff permanently. Part of that is just trying to drive down your costs; part of that is because there are some precarious employers as well who can't afford to hire a full-time person.

When the economy is in a state of a flux, as it is now, it's often a challenge—the decision employers make as to whether they should hire a full-time person or a part-time person. There are many factors that lead into that, but again, it's one of those things that government action can, in fact, promote and encourage employers to hire into permanent positions.

**Mr. Randy Pettapiece:** It's difficult, though—I think you might agree with this—when the economy is in a state of flux, for a government to legislate prosperity. I think that's where we're kind of at. Since 2008, we've lost all kinds of manufacturing jobs, and these were the good-paying jobs. Now we've got an economy that's come back and trying to employ those workers at times, and they go, "We'll employ you, but we're just going to

have a few lower wages here,” and this has maybe helped with the growth of these temporary agencies.

You used the words “fair and inclusive,” which the Premier has used many times. In fact, many members in the government used that term “fair and inclusive.” We’ve talked about minimum wage quite a bit here today—

**The Vice-Chair (Mr. Joe Dickson):** Twenty seconds.

**Mr. Randy Pettapiece:** What are your thoughts on where the minimum wage is or is going to?

**Mr. John Campey:** I believe the minimum wage should be set so that a person working full-time is lifted above the poverty line. So there is still a way to go from the existing minimum wage, and it does need to be indexed.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Mr. Campey. Thank you very much, Mr. Araf. We appreciate your time.

**Mr. John Campey:** Thank you for your time.

#### HEALTH PROVIDERS AGAINST POVERTY

**The Vice-Chair (Mr. Joe Dickson):** The next speaker is Mr. Andrew Pinto from Health Providers Against Poverty. The clock is on, sir. Welcome. It’s good to have you here.

**Dr. Andrew Pinto:** Thanks so much for having me. It’s a real honour. My name is Andrew Pinto. I guess I’m the second one today.

**Mr. Randy Pettapiece:** You don’t look like the other guy, though.

**Dr. Andrew Pinto:** Not at all.

I’m a family physician and public health and preventive medicine specialist at St. Mike’s hospital here in Toronto. I’m a research fellow with a focus in health economics and on addressing social determinants of health, which are really the conditions in which we are born, grow, live and age. That’s what brings me here today.

I’m speaking on behalf of a group called Health Providers Against Poverty, which is made up of physicians, nurses, nurse practitioners, occupational therapists and others who are working on the front lines of health care in Ontario. We believe that poverty is a serious and reversible threat to the health of Ontarians and we work from a very well-accepted understanding that poverty is one of the most powerful risk factors for ill health.

So clearly an enormous determinant of poverty is whether or not someone has a job. If they do have a job, how much does that job pay and what are the conditions of their work? Just to give you a sense of this, let me tell you about a few cases from my clinic and from my practice that I see.

I’m thinking of a patient of mine who I have known for a number of years who is in her early fifties and who is recovering from depression and post-traumatic stress disorder related to an abusive partner who was also financially abusive. She has been able to emerge from that situation, and she’s now working full-time at a

coffee shop and making minimum wage. She struggles each month with making ends meet and with paying her bills. It affects her depression and her insomnia and her symptoms because of this stress.

I think about another patient of mine who is another example of being affected by this legislation. He’s in his fifties and he was fired from his job when he had a heart attack and he required a cardiac procedure and he was admitted to hospital. His job was very low-paying—he worked delivering pizza—and he had very little job security. But now he has really been unable to re-enter the workforce. He is on ODSP and his savings are slowly dwindling. It really affects his health that he basically stays at home and is unable to engage with the rest of society.

Then I think about another patient of mine who is in his late forties, very hard-working, who was let go of his job during the recession; he has been able to regain work in the hospitality industry, but he really struggles with enormous irregularity in his hours. He’ll get two or three days of 12-hour shifts and then he’ll be off for quite a while. What he finds is that having such intense work hours exacerbates his lower-back pain and his tendinitis. But it also makes him very worried about complaining, because if he complains he’s worried he won’t get many shifts, and he’s just struggling to get by right now.

Clearly these examples all illustrate the power of employment and working conditions and how they influence health, and I’m sure this is nothing new to you. I won’t go into detail. The handout that I’ve provided is from colleagues at Access Alliance health centre and it just pictorially represents some of the impacts on health of these conditions and really why a physician is speaking to you today.

I want to just highlight that first it’s really important that many of the changes in this bill—and I want to congratulate you that it is going forward with a number of very important things that will help working conditions for my patients. But I wanted to highlight a few things. Similar to others, I do agree with and support the amendments proposed by the Workers’ Action Centre; specifically, the importance around temp agencies. I don’t see any rationale why the bill wouldn’t be amended to include that all companies are jointly responsible for all conditions under the Employment Standards Act.

Secondly, the issue around wage theft. Why allow a six-month grace period? Why not enact it immediately with the passage of the bill so that workers can really benefit from this?

**1750**

Just to conclude: The health of my patients and the health and well-being of families are really in your hands as you shape this legislation.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Mr. Pinto. I appreciate your presentation.

We will now go to the government side, Mr. Colle.

**Mr. Mike Colle:** I just want to thank you, Doctor. I know the incredible work that the doctors at St. Michael’s Hospital do. I have a friend who is the head of pediatrics

there, Dr. Anthony Barozzino, and I know he's been working on a special project with children who are high-risk births. Like I tell my colleagues, if you want to see the connection between the social determinants of health and our health care system and the impact and the cost, just sit for a few hours in emergency at St. Mike's. You'll see real, live economics and medicine at work there. I just want to commend all the men and women and nurses and everybody who does incredible work at St. Michael's Hospital.

Thank you so much for bringing this forward.

I want to also thank Access Alliance. They said when the digital economy and the digital world came, we would be paperless. That's what they promised us. As you know, consequently, we have more paper than we ever had before. Sometimes a table like this is much more effective than a huge, thick binder of information, so I want to thank the people at Access Alliance for making this available. I think it's the type of thing that would really help clarify a lot of these complex issues. So thank you for that.

**Dr. Andrew Pinto:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you, Mr. Colle. We have time for one short question, Mr. Dong.

**Mr. Han Dong:** Thank you, Doctor, for your presentation. I noticed that you mentioned that there are a lot of jobs that affect people's lives and quality of life. In my mind, it doesn't matter the type of job, someone still has to do it. The difference is, if the output is the same—it doesn't matter if it's a foreign worker or temporary worker—the compensation should be kept on the same level. Do you believe that this bill captures the essence of fairness?

**Dr. Andrew Pinto:** Thanks for that question. I think that there are aspects of this bill that do impose a sense of fairness to treat workers in the same way. A good example is the joint responsibility for client companies and temp agencies for wages and overtime. That's starting to make it seem that temp workers do have some of the same rights as other, non-temp workers.

**The Vice-Chair (Mr. Joe Dickson):** Twenty seconds.

**Dr. Andrew Pinto:** But I do think that it needs to go a little bit further, particularly around this idea of just being selective around just the wages and overtime. I don't understand why it would be. Why not treat all workers in the province the same and give them the same sort of protections?

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much. Thank you, Doctor.

I will now go to the PC Party, Mr. Pettapiece, please.

**Mr. Randy Pettapiece:** Thank you, Chair. Welcome, Doctor. Thanks for coming out today.

I'm reading over your chart as this has gone on: One in seven Canadian wage workers are in temp jobs and one in five Canadian wage workers are in part-time jobs. There are only, what, 30 million people in Canada or somewhere around there. These numbers are interesting. Do you have any insight into why this is happening or what's going on here?

**Dr. Andrew Pinto:** Yes, thank you for that question. In some ways, it's similar to the previous speaker. What's really underlying a lot of this? The reality is, there is an increase in precarity for workers, and the issues that are driving that are an enormous number of factors, including what was mentioned previously: the decrease in unionized positions, so workers are not protected by collective action and collective bargaining; there is a shift away from manufacturing in the province, which we all know and which was mentioned as well, and that's changing the types of jobs that people are working in as well.

But what I think this legislation is trying to do is trying to catch up, trying to say, "We're in this new world and let's try to make sure that the laws are protecting workers." I think there are a few amendments that could advance that just a little bit further to help protect workers and their families.

**Mr. Randy Pettapiece:** I would suggest, too, that a lot of those good union jobs, the high-paying jobs, were gone when the manufacturing industry started to leave this province.

Do you have any suggestions you'd like to see, any amendments that are number one in your mind—one or two that you would like to see done?

**Dr. Andrew Pinto:** Other than the ones I mentioned, I did want to bring up, if I have the time, something that I'm sure you've talked about a lot in this room—

**The Vice-Chair (Mr. Joe Dickson):** You have 30 seconds.

**Dr. Andrew Pinto:** —and it's around the minimum wage. It is a positive step that, after many years of being frozen, it was increased to \$11 and now there's an effort to index it. But I still think—and we can all do the math—that working at \$11 an hour full-time still keeps someone below the low-income cut-off, the poverty line in Canada. Health Providers Against Poverty has spoken out, asking that that be increased so that someone working full-time in this province is not living in poverty.

**Mr. Randy Pettapiece:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Doctor. Thank you very much, Mr. Pettapiece.

**Dr. Andrew Pinto:** Thank you.

**The Vice-Chair (Mr. Joe Dickson):** I now go to—sorry, Doctor, one more. We waited for him to come back, so you want to hear from him.

**Mr. Taras Natyshak:** Thank you, Chair.

Dr. Pinto, thank you for your testimony here today. I agree with everything you said, so thanks very much. I think you're right on the money—

*Interjections.*

**Mr. Taras Natyshak:** If I may, Chair. You're going to want to hear this.

I think it's an important conclusion to today's hearing: the effect, the link between insecurity, precariousness and the social determinants of a person's health when they are found in that position.

You began your remarks by saying that poverty is reversible, did you not?

**Dr. Andrew Pinto:** Yes.

**Mr. Taras Natyshak:** We've been searching for: What's the reason here? We've mentioned globalization. Damn right it's globalization. It's free trade. It's deregulation of the financial sector in the United States. It's privatization. It's outsourcing. It's all of those things that have been promoted by successive federal governments and provincial governments, and that have hindered any growth from the bottom up. It's an economic model that is like a zombie: It refuses to die. Those policies refuse to die. This sounds like a rant, and it is.

It's similar to what we're doing around climate change right now. The talk around climate change—the science is out; we know it's here, we know it's coming. We're now talking about mitigation. Because of the policies we've enacted for the last 100 years, now we figure, "You know what? We can't do anything about it, so let's build big walls and fortresses and try to elevate our plots of land so we don't float away."

Well, we have the opportunity here, and I implore the government to take substantial moves not only on this issue but, as you've mentioned, access to organization to organize labour and collective agreements, those important foundational aspects of a civil and cohesive society that we have examples of in other countries and that

make that economic model work. I see it, you see it, the vast majority of the people who have given testimony here today see it. I hope someone in government sees it too.

I cede the floor to you for any remaining time. Thanks for your testimony here today. I appreciate it.

**The Vice-Chair (Mr. Joe Dickson):** Thank you very much, Doctor.

Thank you to all the presenters; I thank you for all the legislators who are here today.

I just want to make you aware that the deadline for filing amendments to the bill with the Clerk of the committee shall be 1 o'clock on Friday, October 31, 2014, and that the committee shall be authorized to meet on Monday, November 3, 2014, during its regular meeting times, for the purpose of clause-by-clause consideration of the bill.

I would also move and second—

**Mr. Mike Colle:** Wait a second. Can we have a clock back in this room? It has been taken out, and since we work with the clock—

**The Vice-Chair (Mr. Joe Dickson):** That's an issue we can deal with after. The meeting is over.

*The committee adjourned at 1759.*



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