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Mr. Eric Rennie

Clerk of the Standing Committee on Finance and Economic Affairs
Room 1405, Whitney Block
Queen's Park, Toronto, Ontario M7A 1A2

By e-mail: comm-financeaffairs@ola.org

Dear Mr Rennie,

Submission to the Standing Committee on Finance and Economic Affairs regarding Bill 148: Fair Workplaces, Better Jobs Act, 2017

The Migrant Workers Alliance for Change Canada and Ontario's largest migrant worker alliance. The Alliance includes individuals as well as Alliance for South Asian AIDS Prevention, Butterfly (Asian and Migrant Sex Workers Support), Caregiver Connections Education and Support Organization, Caregivers Action Centre, FCJ Refugee House, Fuerza Puwersa, GABRIELA Ontario, IAVGO Community Legal Clinic, Income Security Advocacy Centre, Justice for Migrant Workers, Migrante Ontario, No One is Illegal – Toronto, Northumberland Community Legal Centre, Ontario Coalition of Agencies Serving Immigrants - OCASI, OHIP For All, Parkdale Community Legal Services, South Asian Legal Clinic of Ontario, Students Against Migrant Exploitation, Social Planning Toronto, UFCS, UNIFOR, Workers Action Centre and Workers United.

The Fair Workplaces, Better Jobs Act, 2017 (Bill 148) introduces many important changes to address Ontario's outdated labour laws. The proposed changes in Bill 148 to the *Employment Standards Act* (ESA) and *Labour Relations Act* (LRA) provide a good start to addressing precarious work to deal with changing workplace practices.

However, we join with the Workers Action Centre and Parkdale Community Legal Services in calling for amendments to Bill 148 to ensure it can close the gaps and raise the floor of minimum standards for the highest possible number of workers in Ontario. In particular, we call on the Committee to make the necessary amendments to ensure that workers have notice of their schedules and are compensated when the shift is cancelled at the last minute, and to ensure that the equal pay provisions can meet their goal of alleviating the unfair treatment of part-time and temporary agency workers.

At the same time we urge the government of Ontario to take this opportunity to address the following areas:

- **End employment standards exemptions:** Only one quarter of workers in Ontario are completely covered by the minimum standards due to a complex web of exemptions. The proposed legislation does not



address these exemptions, instead leaving the issue to a recently announced and separate process. Many migrant workers fall within these exemptions. The *Employment Standards Act* sets the floor for the most basic workers' rights – all workers should enjoy these rights and Bill 148 should simply eliminate exemptions that apply to migrant workers. In the alternative, Bill 148 should be amended to include a narrow definition of the circumstances in which an exemption will be available in order to better guide the separate review of exemptions.

● **Stop illegal recruitment fees:** In 2009, the provincial government took an important step by prohibiting recruitment fees. However, there are ongoing reports of recruiters demanding exorbitant and illegal fees from migrant workers. Effective enforcement and mandatory registration for recruiters and employers is required to ensure that migrant workers can take home their pay.

● **Effective enforcement requires protection from repatriation for migrant workers:** The important gains in the proposed legislation will be illusory unless enforcement is strengthened. MWAC welcomes government announcements about significant increases to enforcement resources. We urge the government to consider the particular vulnerabilities faced by migrant workers, who face immediate repatriation by unscrupulous employers if they complain. Working with the federal government to issue open work permits when complaints are made and allowing anonymous complaints would alleviate some barriers to enforcement for migrant workers.

● **Caregivers and agricultural workers must have equal rights to unionize:** Unions are the most effective way to ensure fairness and democracy in workplaces. Yet agricultural workers and caregivers – two industries that are rife with abuse – are excluded from the *Labour Relations Act* and thus have no effective way to unionize. We urge government to accept the recommendations of the Special Advisors and end these unfair exemptions. There is no reason to delay this step to a separate “exemptions review” process.

Millions of workers (and their families) in this province are waiting to see how your committee will pave the way to strengthen Ontario's archaic labour laws. We are calling on you to reject suggestions that will make work more precarious, under the guise of enabling flexibility for the kind of business practices that continue to exert downward pressure on the wages and working conditions of all of us.

The bulk of evidence shows that decent work is the foundation of a strong economy, better health outcomes, and reduced inequality.

The Migrant Workers Alliance for Change also fully supports the recommendations and amendments put forward in the submissions by: the Workers' Action Centre, Parkdale Community Legal Services, and the Ontario Federation of Labour as part of the Fight for \$15 and Fairness.

Sincerely,

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Coordinator

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