

Analysis of Bill 18, an Act to Amend Various Statutes with Respect to Employment and Labour

Based on Criteria of the Dignity and Respect for All Poverty Elimination Criteria Framework

Prepared by Poverty Free Kitchener-Waterloo Action Group

Ensure Adequate Income

- The Waterloo Region living wage calculation has been announced on October 16th and it shows that the cost of living requires \$16, a higher hourly wage than the current minimum wage \$11/hr¹.

To ensure that no low wage worker working full time, full year, is living in poverty, minimum wage must be increased to at least 10% above the Low Income Measure.

Minimum wage should not be considered 'adequate' merely because it has reached a set number, it should be considered 'adequate' only when it reflects the required purchasing power to bring people out of poverty.

Support All Low-income People for a Range of Needs

We agree that employers should not "recover" recruitment or employment costs from migrant workers, and furthermore, if there are expenses for food and lodging that employers provide to migrant workers, those should be done through a different agreement distinct and separate from the employment contract between the employer and employee. Thus these additional agreements would be subject to the appropriate legislation, such as the Ontario Landlord and Tenant Act, and not be tied to fair employment practices.

Ensure Respect for Human Rights

We question why the revised Act has no reference to the AODA Employment Standard. It would seem pertinent to the updated legislation and an important step in harmonizing similar legal requirements and provide similar requirements and remedies for those who have a disability and encounter employment or workplace issues.

¹ Calculating a Living Wage for the Waterloo Region, Bruijns L. and Butcher L., Canadian Centre for Policy Alternatives-Ontario, October 2014



Providing an avenue for employment standards officers to enforce the Act and to follow up on complaints seems most appropriate and more so than having to undertake a human rights complaint. Furthermore, in another section of this document, it is proposed that non-profit third party organizations be supported by the Government of Ontario to ensure local support to any worker, including those with a disability, for labour or workplace concerns.

Greater Accessibility to and Navigation of the Support System

We are certain that foreign nationals, migrant workers and immigrants are not the only workers that would be considered “vulnerable”. In a labour market which lacks strong legislation and effective government enforcement, every non-unionized worker is “vulnerable”.

Protection systems based on employer self-audits or complaint-based enforcement are proven inadequate and ineffective. The same goes for providing and translating information about employee rights. Making those accessible does not help in navigation of the system, providing resources to follow through on complaints or supports to withstand pressure while remaining in the workplace after filing a complaint. We are aware of only one Worker’s Action Centre in the province that is providing affordable and consistent support to non-unionized workers.

- All sections of the act should have options for third party intervention and for recognizing the role of non-profit information and advocacy supports for those who may need this assistance to ensure equal treatment and respect of the rights for many that would not jeopardize their sole source of income by complaining against their
- Further to this, the Ontario government can proactively support this measure by setting standards for, and providing funding to, non-profit third party organizations that are accountable to their local community through an elected board of directors, similar to community legal clinics that currently exist across the province.

Fair Employment Practices and Policies

We support the Worker’s Action Centre recommendations on strengthening legislation and enforcement regarding wage theft and temporary agencies. In addition, we think there are many other practices that should be addressed through government regulation.

- Enable union organizing instead of further eroding collective bargaining capacity
- Set a limit to how long employers can keep employees on short term contracts and avoid contributing adding them to employee benefit and pension plans



- Better enforce provisions such as the continuation of work where an employer sells the business and lays off workers without compensation and in other ways impacts employees' status
- Integrate the Employment Standard under the Accessibility for Ontarians with Disabilities Act (AODA) into the employment and labour regulation

Integrate Systems and Appropriate Investment by all Levels of Government

Part of the Poverty Reduction Strategy requires local solutions and collaboration among all levels of government with community partners. Besides the most obvious intermediaries such as Workforce Planning Boards, Employer-Education Partnerships, Labour Councils and unions², we strongly recommend supporting the emergence of community based partners like workers action centre and legal aid clinics that would be speaking on behalf of the non-unionized workers.

The Underlying Assumptions of System Plans and Reforms are not Blaming or Punitive

Most directions from the current Government of Ontario aim to solve poverty through employment. This raises concerns, especially if we consider persons, such as those with disabilities, who are not able to work or who would require considerable flexibility in the workplace. We need to integrate AODA standards into employment regulations and update hours of work and rates for different types of employees, particularly for persons with disabilities.

Based on our long standing work in community development, we know that everyone can make invaluable contributions to the society through their work as members of the community and volunteers. We suggest that long term economic development planning includes non-monetary contributions to the economy.

There is Meaningful Participation

We would support the recommendation of the Metcalf Foundation report "Better Work"³ calling for "a consultative process engaging the widest array of stakeholders" in overcoming the current values and norms in the labour market. We would extend this call to consultations regarding Bill 18 to all local community players, particularly grassroots groups that are filling the void in absence of established labour organizations or legal supports for no-unionised workers. Otherwise, many workers' voices will not be included in the much needed transformation of the values and norms for development of strong work and economic environment.

² "Better Work", Tom Zizys, Metcalf Foundation, October 2014

³ Ibid.

