

## **OCASI Presentation to Special Advisors on Changing Workplaces Review (Ontario)**

**June 16, 2015**

OCASI – Ontario Council of Agencies Serving Immigrants thanks the Special Advisors for the opportunity to make a verbal presentation on the Changing Workplaces Review.

OCASI represents the collective voice of immigrant and refugee-serving organizations in Ontario. The Council was founded in 1978 and we now have 220 member agencies across the province that work with immigrants and refugees. Our member agencies help their clients to find jobs, and help them to deal with workplace problems by providing information and referrals.

We have shared the information about this review with our member agencies, and have asked them to participate.

For today's presentation to the Special Advisors we would like to focus on two major areas of concern for our sector, specifically a) Growing precarious and low-wage work; b) Vulnerability of certain workers.

a) Growing precarious and low-wage work

OCASI's 2012 study, 'Making Ontario Home', based on a province-wide survey of over 2,500 immigrants and supplemented by qualitative data from selected groups of immigrants, found that employment was the number one concern for the majority of the survey participants. More specifically, their biggest challenge was to find a job in their field, and one that is consistent with their education, training and experience.

We have heard from frontline immigrant settlement workers that a significant proportion of their clients find their first job in Canada through a temp agency. The jobs are typically in the local labour market including in food services, hospitality, retail, janitorial, warehousing, health services, social services and sometimes in financial services. While some jobs may lead to permanent employment most don't, and many jobs are precarious. Many immigrants are working in these types of employment situations for years because they cannot find stable, full-time and long-term employment - in any field, let alone their own.

The over-representation of immigrants and refugees in low-paid, precarious employment is also extensively documented in quantitative reports and qualitative research. The most recent, "A

Higher Standard” by Sheila Block, released yesterday by the Canadian Centre for Policy Alternatives” states, that according to available data, “racialized, new immigrant, and women workers are far more likely to work in low-paying jobs with fewer guarantees of paid leave, an unpredictable work schedule, and with less likelihood of union membership”.<sup>1</sup>

Ontario, as well as the rest of Canada will continue to rely on immigration for population growth for the foreseeable future. Given immigration trends and early reports from the federal government’s new immigrant selection platform, a significant proportion of future immigrants will be racialized – which continues existing patterns. Just as Ontario’s labour market has changed with more small and medium sized workplaces, more precarious jobs and fewer unionized workplaces, so has Ontario’s population changed. Federal immigration policies have resulted in a large population of low-wage migrant workers and a large and growing population of people without immigration status. They are all Ontario workers.

Most workers of immigrant background who are already in Ontario and those who will arrive in the future will be relying primarily on the Employment Standards Act for the minimum standards that will govern their employment conditions.

What we most often hear from frontline workers is that their clients are not paid wages, and they are not paid overtime or vacation pay. Workers are afraid to complain because they might lose the job – as many have. Workers with precarious immigration status – including migrant workers, refugee claimants, and workers without immigration status are the least likely and the least able to do anything about abuse and exploitation by the employer. These situations are documented extensively in the Workers Action Centre report released earlier this year, “Still Working on the Edge”.

Frontline workers have also said that their clients rarely seek redress or assistance for ESA violations. Fear of losing the current job or affecting future job prospects is a major factor, and as well there is tremendous pressure on immigrants to not complain.

Immigrant workers vulnerability and deep employment insecurity cannot be addressed only through better enforcement of existing laws. The current laws do not account for the broad variety of irregular employment situations that proliferate in our labour market. Many sectors, jobs and workers are excluded from existing laws. It is critical that Ontario adopts the

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<sup>1</sup> Block, Sheila. “A Higher Standard: The case for holding low-wage employers in Ontario to a higher standard” (2015). Canadian Centre for Policy Alternatives.

International Labour Organization principle of decent work, including fair wages as well as equal pay for equal work without any distinctions whatsoever – including distinctions of immigration status.

Ontario's enforcement model relies heavily on a complaints-driven mechanism, despite the fact that the workers have the least power. Certain workers are more vulnerable to employer exploitation and abuse because of characteristics such as immigration status, race, gender, age, ability, orientation and faith, and are among those the least likely to seek redress even if they are informed of their rights. We need stronger proactive enforcement of employment laws.

OCASI supports the 47 recommendations put forward by Workers Action Centre in 'Still Working on the Edge'<sup>2</sup> to strengthen employment and labour laws, and strengthen enforcement,

b) Vulnerability of certain workers

Migrant workers in all programs and categories are particularly vulnerable to abuse and exploitation. Even those migrant workers who have a pathway to permanent residency are vulnerable given the long processing delays by Citizenship and Immigration Canada. Ontario's complaints-based enforcement system fails to protect migrant workers, who are typically afraid to speak out because for them job loss can lead to loss of their work permit and lead to deportation.

Migrant workers in the agricultural sector are disproportionately impacted by the many exemptions in the ESA. As a basic principle, no worker should be exempt from basic rights and protections and all workers should have the same rights.

In conclusion, the right to organize and collectively bargain is a fundamental right that is recognized internationally, and specifically in Article 23 of the Universal Declaration of Human Rights. The Changing Workplace Review is a good opportunity to finally remove barriers that prevent migrant agricultural workers and domestic workers from unionizing in Ontario.

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<sup>2</sup> Still Working on the Edge. March 2015. Workers Action Centre, Toronto.