

**Submission to the Standing Committee on Social Policy
Review of Bill 27: Working for Workers Act, 2021**

OCASI – Ontario Council of Agencies Serving Immigrants

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OCASI – Ontario Council of Agencies Serving Immigrants is the umbrella organization for immigrant and refugee-serving agencies in Ontario. OCASI member agencies provide services for permanent and temporary residents, including assistance related to employment. We welcome the opportunity to provide these comments on Bill 27.

Schedule 1 and 2: Licensing Recruiters and Temporary Help Agencies

Recruitment agencies play a central role in the recruitment of migrant workers in a variety of sectors in Ontario's labour market. Exorbitant recruitment fees are highly prevalent in this sector – workers must often pay between \$4,000-\$10,000 representing up to two years earnings in the workers' home currency - and is well documented in research reports such as [Profiting from the Precarious](#) by Fay Faraday, published by the Metcalf Foundation.

Migrant workers are particularly vulnerable to exploitation and abuse by the recruiters, including the payment of illegal recruitment fees, and less likely to complain about their treatment. Enforcement of employment standards and occupational health and safety standards rely on individual complaints, and make enforcement more difficult since many workers are afraid to come forward.

Mandatory licensing of recruiters and temporary help agencies including a significant security deposit, and accepting anonymous complaints from workers can increase their protection.

We recommend the following changes to Bill 27:

- Employers of foreign nationals must be jointly and severally liable with recruiters for compliance under the Employment Protections for Foreign Nationals Act
- Migrant workers and temporary agency workers must be able to make anonymous complaints of any violations of the new licensing regime.
- In the event of complaints by migrant workers, the onus of proof should be reversed, that is recruiters must prove that fees were not paid.

Licensing

- Amend Bill 27 to require that a security be a condition of licensing. While the amount of security may be set by regulation, we recommend that the security be no less than \$25,000.
- Require labour broker licensees be issued only to resident nationals as well as being members of recognized associations of immigration consultants or members of the legal profession. This requirement allows for licensees to be held accountable for recruiting violations.
- Require licensees to have a good record of compliance to national and subnational labor standards.
- Make continuation of the license contingent on performance
- Enact legislation that limits fees that can be legally charged to migrants, differentiate fees by class of work or ensure the employer will pay the fees¹.
- Set a minimum automatic fine of \$15,000 for employers for failing to use a licensed agency directly or indirectly.
- Create a mandatory licensing system including a registry of employers.

¹ ["Re-regulating the private power of labour brokers"](#) 2015. Solidary Center

- The license should not be transferable or assignable. In the event of a change in ownership, a new license must be obtained.
- There must be a set fine of at least \$15,000 for a temporary agency's failure to obtain a license and for a client company's failure to use a licensed temporary agency.

Schedule 2 – Disconnecting from work

The intervention proposed in Bill 27 is limited to requiring an employer policy, and only for workplaces of a certain size. Approaches that rely on companies having a policy in place by statute have proven to be ineffective. For example, The Federal Jurisdiction Workplace Survey (2017) reports that in 2015 nearly two-thirds (63.7%) of federally regulated employers had no company policy on prevention of sexual harassment in the workplace, despite the statutory requirement to do so. Furthermore, a statutory requirement to have a policy does not ensure that employers will abide by the policy and that workers have a job-protected right to follow the policy.

Greater access to mobile devices and technology has contributed to the blurring of work time for some workers. To protect workers' autonomy, ability to enjoy personal and family life, and protect work-life balance, workers must have a job-protected right to disconnect – specifically the job-protected right to refuse overtime and work after the regular work day.

We recommend the following changes to Bill 27:

- Create a strong statutory right to refuse overtime. This includes time spent responding to, or being available to respond to, work-related e-communications.
- Ensure strong protections for workers' privacy and personal information and employees' right to be free of monitoring, surveillance and intrusion in their personal spaces and lives.

Schedule 3 - Amending Fair Access to Regulated Professions and Compulsory Trades Act 2006

“Canadian experience” has long served as a proxy for institutional and systemic xenophobia and discrimination based on a person's country of origin or training. It has been recognized as such by the Ontario Human Rights Commission in its 2013 [Policy on removing the 'Canadian experience' barrier](#). Prohibiting regulators from including “Canadian experience” as a bona fide qualification for registration, enabling grants and information supports, and addressing duplicative and costly language proficiency requirements are positive measures that are long overdue. Also needed are legislative and policy interventions to address racial and gender inequities in access to licensure in regulated professions and trades. Further, it is short sighted to limit these measures, particularly at this moment in the pandemic to just the skilled trades, as defined in the Building Opportunities in the Skilled Trades Act, 2021

We urge that the spirit and intent of Schedule 3 be expanded to include health-regulated professions. The pandemic's toll on Ontario's healthcare workforce is critical. Skilled, experienced, and extremely fatigued talent is leaving or planning to leave their workplaces in large numbers. Internationally educated Health professionals (IEHP) are already here. We urge you to expand the scope of this amendment to include health regulated professions.

We recommend the following changes to Bill 27:

- Expand Schedule 3 to include health-regulated professions
- Obligate regulatory bodies to guarantee timely assessments /registrations and occupational licensing within an appropriate timeframe.
- Convene multi-interest holder conversations or tables, that include, regulators, educational and training institutions, employers, unions, refugee and immigrant service organizations as well as impacted refugees and immigrants themselves.

Schedule 4 - Access to Personal Information in the Agri-food Sector

The Ministry of Agriculture, Food and Rural Affairs would be empowered to collect personal information of migrant agricultural workers. The Bill does not say what the information would be used for. The provision gives excessively broad powers to collect, use and disclose personal information. As migrant workers' precarious immigration status puts them in a vulnerable position, workers are concerned about what information would be gathered, who would have access to and where it would be used. In particular, workers would want to ensure that no information is shared with the Canada Border Services Agency or other federal immigration agencies.

We recommend the following change to Bill 27:

- Repeal schedule 4 as migrant workers' precarious immigration status puts them in a vulnerable position.

Schedule 5 - Requiring Business Owners to Permit Washroom Access for Delivery Workers

We support this amendment.

Schedule 6 - Distribution of WSIB surpluses to employers

Research [findings](#) from the Institute for Work and Health (IWH) has shown that newcomers are more likely than Canadian born workers to be employed in jobs with a high number of workplace health and safety hazards. Recent immigrants are also less likely to access compensation after a workplace injury.

Employers' WSIB premiums have already been reduced by over 50% since 2018. Reducing premiums and remitting surpluses to businesses is the wrong thing to do as we come out of COVID-19. Too many injured workers in Ontario are living in poverty. Many injured workers end up on ODSP because they cannot support themselves on WSIB or they have been denied benefits. We echo recommendations from Injured Workers Action for Justice submission to the Standing Committee on Social Policy.

We recommend the following change to Bill 27:

- Repeal Schedule 6 and its provisions that would allow WSIB surpluses to be distributed to businesses.