Good Idea: A provincial workforce development strategy that will reduce poverty and address the mismatch between skills and jobs in Ontario.

For at least a decade our investment in training has been focused on preparing just-in-time workers with just-in-time training to do just-in-time work. As Ontario stumbles out of the recession, it’s time to shift the focus and change the pattern from tinkering with people’s resumes to providing skills training and upgrading that will prepare people not only for today’s workforce, but for assuming and mastering tomorrow’s jobs so that they may have a sustainable and satisfying attachment to the labour force.

Whereas “entry-level” once described a job that was a foot in the door — a low rung on a career ladder that would lead to increasingly better paid, higher skilled, more responsible, and more rewarding employment, today entry-level jobs are often dead-end jobs — low-level, low-skilled, poorly paid jobs with little job security and no opportunity for advancement. This is a part of the growing polarization of occupations into two distinct categories — higher paid knowledge work and lower-paid entry-level jobs that has contributed to the growing polarization of income and wealth in our society.  

It’s time to invest in the workforce by creating career pathways and ensuring job mobility.

Ontario continues to lag in innovation and productivity at the same time as many qualified and interested workers are unable to find a place in the labour market. Since the year 2000, economists have attributed our low productivity growth to a mismatch between the skills of those in the labour force and the skills many new jobs require. This mismatch hinders Ontario’s growth and economic prosperity and leads to greater poverty and social disparity.

One reason for this mismatch of skills is that Ontario lacks an integrated approach to workforce development that brings together both sides of the labour market — the supply of workers and the demand for workers. Such an integrated workforce development approach would increase productivity by better utilizing the existing skills and talents of the workforce. It would also bring together economic and social development goals by bringing people into the workforce through an integrated system of training/employment services for those receiving Employment Insurance (EI) and those receiving social assistance.

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1 Tom Zizys, Working Better Creating a High-Performing Labour Market in Ontario (Toronto: Metcalf Foundation, 2011)
There is widespread support for a more coordinated approach to workforce development that combines employers’ needs with workers’ potential through a systemic approach to training and/or upgrading. A recent paper by the Ontario Municipal Social Services Association states, “An Ontario in which local labour market and workforce development strategies are the source for creating prosperity for communities and the individuals within those communities must be the goal for any economic security system within the province.”

A 2008 OECD paper, More Than Just Jobs, notes that human resources are important drivers of local growth, specifically in four areas: skills, innovation, entrepreneurship and social cohesion. The paper goes on to say that to maximize the skills available in the workforce, labour market and training institutions have to focus on “not only youth but also on low-skilled workers and those who have been made redundant by the downsizing and closure of local enterprises.” The growing dependency on technology demands that not only workers develop new skills, but that local economies develop strategies to support workers in acquiring the necessary skills to meet employers’ needs and expectations.

Barriers

Key barriers to an effective workforce development strategy that prepares people for both today’s jobs and the jobs of the future, satisfies employers’ needs, and helps to reduce poverty are:

1. Inadequate research and analysis of Ontario’s labour market trends.

   Effective employment and training strategies must be predicated upon objective research and analysis that is, at present, scarce.

2. A disconnect between social and economic development policy.

   Currently, workforce development (economic development) as a policy and program area within the provincial government is divorced from social development (poverty reduction) as a policy and program area. Rather than working together to collectively address economic and social priorities, they are led by different ministries that may have competing, rather than complementary, interests.

3. A mismatch between needed skills and available training.

   The employment/training system is plagued by the fact that the skills and qualifications employers identify as lacking are not the skills and competencies that

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4 Ontario Municipal Employees Association, Climbing the ladder of self-sufficiency: How Ontario can use local workforce development to transform social assistance, provide economic security, and create community prosperity, 2010 www.omssa.com/lib/db2file.asp?fileid=36838

training programs are able to provide. In many instances, this leads to people finishing programs and still being unable to find employment.

4. Insufficient and inaccessible training/upgrading opportunities.

The Second Career program is a good example of a program developed to move people from unemployment to satisfying careers. It supports training for longer periods of time, training is geared to labour market needs, and it provides income support during training. However, the demand for Second Career training far outstrips the funding that is available. It also has limitations based on eligibility; for the most part, only those receiving Employment Insurance are able to access the Second Career program. Many Ontarians receiving social assistance who might want to retrain for employment are ineligible for the Second Career program—which is consistent with the approach in many of the programs available to those on social assistance that aim to funnel people into entry-level, low paid service jobs and don’t connect people with career opportunities beyond that.

Solutions

The Employment Ontario (EO) transformation presents an opportunity to reconfigure employment/training service delivery planning. The EO transformation has changed the service delivery sector from small, focused, delivery agencies seeing a specific client group to larger, multifaceted agencies all delivering the same “menu” of services. It also has set expectations that all service providers will participate in local service delivery networks to improve access, coordination and quality of service delivery.

1. The provincial government should adopt an integrated, coordinated approach to workforce development.

An integrated, coordinated, coherent, and community-wide workforce development approach, that not only combines skills development with economic development but brings together all the players involved in ensuring community or local prosperity is a key tool for Ontario.

Such an approach would contribute to a long-term, sustainable strategy for economic growth, boost productivity, spur innovation and reduce poverty. It would ensure that people looking for an attachment to the labour force—including those receiving social assistance — are equipped with the appropriate skills and training that would allow them to find employment. At the same time, it would address the needs of employers who often report that they can’t find qualified workers and don’t know where to look. It must also take into account, however, that employment is not the solution for everyone and other supports will always be necessary.

The new integrated, coordinated approach should be multi-faceted, targeted not only to the needs of the supply side of the labour market, but also targeted to meet the needs and demands of employers. It is therefore critical that employers be engaged in the development of the strategy.
The integrated, coordinated approach would involve identifying gaps in the workforce, predicting skill needs, working with business to develop programs, consulting with education providers to ensure that training programs match employers’ skill needs, analyzing the workforce to define skills and/or career pathways, and developing templates to recognize credentials, experience and transferable skills gained outside of Canada. This type of strategy could effectively merge programs for those on social assistance with programs for those receiving other income supports (such as Employment Insurance).

A successful example of this kind of planning was the Saskatchewan Labour Market Commission. It was formed in 2007 to “achieve labour market planning and coordination through partnerships between labour, business, education and training institutes, government and other stakeholders.” It had an industry focus and provided advice to the Minister on provincial, regional and sectoral labour market issues, trends and strategies; established linkages and fostered co-operation between key stakeholders and regional/sectoral planning bodies, conducted research and policy analysis, consultations and communications with key stakeholders. It was co-chaired by business and labour.6

2. Integrate economic and social programs and policy.

The success of a workforce development strategy depends on bringing economic development policy, programs, and planning together with social development to identify the needs of the labour market and create programs that meet those needs. This approach demands removing the program and policy silos now in place that separate economic and social development and requires more coordination across ministries and departments.

Creating an integrated approach that merges social and economic development and has a local perspective would maximize both the potential of the employment/training system and the skills and abilities of workers.

3. Create community planning groups led by local labour market intermediaries.

During the Employment Ontario transformation process, integrated approaches to local labour market planning were piloted in seven local areas; Peterborough, Niagara, Durham, Windsor, Thunder Bay, Brantford and Ottawa. These experiments were successful for the most part in bringing communities together to develop a “big picture approach” to workforce development that had the potential to include all groups of job seekers, including those on social assistance. In some areas (Niagara and Peterborough, for example) local labour market planning committees, led by the local Workforce Development Boards, have initiated and implemented projects that go far beyond service delivery.

The province provided pilot funding of $100,000 to workforce planning/development boards to do this work. This community based planning

6 See Saskatchewan Labour Market Commission website: http://www.enterprisesaskatchewan.ca/sasklmc
could be supported across the province in each of the 25 planning areas with an annual investment of $2.5 million.

In addition to learning from its own successful pilot projects, Ontario could learn from examples of community labour market planning implemented elsewhere. The United States, for example, has a legislated framework of local workforce investment boards. The membership on these boards must reflect the business community together with social actors and representatives of civil society. Many areas in Europe have similar approaches to workforce development, such as the Netherlands and the United Kingdom.

4. Match training and upgrading programs and levels of funding to labour market needs.

While the Second Career program is quite successful, it does not accommodate all of those who want to upgrade their skills, change careers, or enter or re-enter the labour market. More funding is required, and programs are needed that are able to help potential workers identify their skills, define their transferable skills, make informed career/employment choices and achieve a successful labour market attachment.

Programs that meet or match the needs of employers are the most successful in terms of labour market attachment. For example, the Toronto Financial Services Alliance (TFSA) identifies human resources gaps in the financial services sector and works with training/education institutions to address those gaps. It is driven by industry, which means that the training and education programs and tools that are developed match the needs that the industry identifies, thereby training and educating people for jobs that either exist or are predicted to exist in the near future. The TFSA is developing programs with Ryerson and other universities and colleges, and creating an excellent website that helps people choose careers in the financial services sector and match their skill-sets to job profiles that are developed by the industry.7

5. Support more comprehensive, timely, and useful labour market information and analysis.

On a regional level, the Niagara Workforce Planning Board coordinated Niagara's Integrated Local Labour Market Plan (ILLMP). ILLMP was a coordinated approach to developing a labour market plan that supports the local economic base, linking education and training programs to support growing and emerging occupations. A local labour market planning committee, made up of representatives from the local chamber of commerce, local colleges and universities, the regional municipality and economic development, analyzed demographic information, business patterns, labour force demand trends and developed an action plan to guide employment/training investment.8

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7 See Toronto Financial Services Alliance website: http://www.tfsa.ca/
8 See Niagara Workforce Planning Board website: http://www.niagaraworkforceboard.ca
An integrated, coordinated approach to workforce planning would provide the research and evaluation that is needed to determine what is the best use of funds, and how they could be redirected, and/or supplemented to invest in programs that will ensure that workers have access to both short-term and long-term training and upgrading opportunities, and that families are given an adequate living allowance during the training and upgrading period.

www.talkingaboutjobs.ca

The majority of Ontario’s over six million workers, employed in more than 370,000 workplaces, rely on employment standards to protect their rights.¹

Employment standards set minimum terms and conditions of work related to wages, hours, vacations, leaves of absence or sick leave, and termination and severance of employment. These standards reflect society’s norms and expectations for our jobs and the labour market — norms and expectations related to things such as the ability to earn a liveable wage, to enjoy decent working conditions, and to achieve a good work-life balance.² The purpose of employment standards is to establish a minimum floor of acceptable standards that employers are legally required to comply with so that those workers with the least ability to negotiate fair wages and working conditions for themselves are protected from having to endure working conditions deemed unacceptable by the majority of society.

Over the last three decades, changes in the organization of work and labour market deregulation have eroded employment standards protections.³ As a result, today’s jobs are leaving too many workers and their families struggling with job insecurity and poverty. More people are working part time or on contract, often juggling two or three jobs. Workers face more difficulty planning their daily lives and supporting families. Hours and schedules are increasingly unpredictable. Many jobs today fail to provide supplemental health benefits, sick pay or pensions. In 2008, Statistics Canada found that recent immigrants were more likely than Canadian-born workers to be forced into temporary or part-time jobs, end up in jobs for which they were overqualified, and be paid lower wages.⁴ Workers in low-wage and precarious work are least able to negotiate fair wages and working conditions with their employer.

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¹ In 2008 there were 371,533 firms. Source: Statistics Canada. Canadian Business Patterns Database, December 2008. “Number of Establishments by Type and Region: “December 2008 Canadian Economy (NAICS 11-91)”


When employers shift work beyond the reach of regulation to avoid having to comply with minimum standards, workers, families and our local communities and economy suffer. When the floor of labour standards is driven down or dismantled altogether, all of us – not just those at the very bottom – are affected.5

Not only is the Employment Standards Act (ESA) a central feature of labour market regulation, it is also an important social policy tool to fight poverty. The Ontario government has stated that poverty reduction is a key goal of the employment standards program. Poverty reduction will be aided by improving “the protection of vulnerable workers and [ensuring] fair workplaces by getting tough on employers who contravene employment standards legislation and regulations.”6

**Barriers**

Key barriers to all Ontario workers being able to enjoy decent working conditions are:

1. The Employment Standards Act’s current system of individual complaints-based enforcement and inadequate protections for workers trying to enforce their rights.

   Our current system of labour market regulation relies on workers whose rights have been violated to enforce standards through an individual complaint-driven system.

   All too many workers, however, don’t try to enforce their rights at work or contact the Ministry of Labour because they fear retaliation and employer reprisals. Other workers may not know or understand their employment rights or how to enforce them. Individual claims do little to protect others who are suffering from violations in the same workplace or to ensure employer compliance.

   An individual claims-based approach also doesn’t leverage existing violations to expose and enhance enforcement in vast areas of our labour market where employment standards are routinely violated (for example, unpaid hours of work and overtime).

2. The misclassification of employees by employers.

   Misclassification of employees as independent contractors results in workers losing statutory benefits and shouldering an unfair share of the costs of doing business.

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A century ago, work was let through the “sweating system.” Today, employers are again using this strategy, now called “subcontracting,” to reduce labour costs and shift liabilities.


Less than 1 percent of workplaces are inspected for ESA violations, so there is little risk of detection. The only real risk of being found in violation of ESA standards is if an employee files a complaint for unpaid wages. Employers that are caught in violation of this standard only have to pay wages they should have paid in the first place. That is, if the violation is not settled for less than that amount. Just over 2 percent of employers found in violation of the ESA pay a penalty, generally a ticket for $360. With little risk of detection and little risk of penalty, employers face little deterrence from practices that violate the ESA.

4. The inaccessibility of the Employment Standards claims process and the lack of support for workers making claims.

Recent immigrant communities face the lowest incomes and are more likely to be forced into temporary, part time and precarious jobs. It is these workers, often facing language barriers, who are most in need of employment standards protection and assistance in accessing these rights.

The Employment Standards Act is the only worker protection legislation without government or quasi-government funded assistance for workers who believe their rights have been violated. As a result, the employment standards complaints process relies heavily on individual workers’ ability to learn what their legal entitlements are, interpret how legal rights relate to their particular experience, gather evidence and write a submission arguing their case.

For the most part, access to the claims process is only available online, a significant barrier for many of those who are likely to need it. There is a digital divide when it comes to the accessibility of internet access that is tied to factors such as income, education and age; if you are poor, older, have less formal education, live in a rural community and/or were born elsewhere, you are less likely to use or have use of the internet.

The claims process itself is cumbersome. For example, workers making claims are required to go back and forth between the ESA guide (over 100 pages), the guide to the claim form, and the claim form itself, often going through the three documents on the Ministry of Labour website.

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7 The government provides direct and indirect funding for information, education and legal support in areas of Health and Safety, Workplace Safety and Insurance and Human Rights, (e.g., Occupational Health Clinics for Ontario Workers, Office of the Workers Advisor, Human Rights Legal Support Centre).

8 Although those immigrants arriving in the last 10 years that live in urban centres are slightly more likely to use the internet than Canadians as a whole. Statistics Canada (2008)
5. Gaps in employment standards that leave many workers unprotected.

Many workers are deprived of employment rights, benefits and protections because their work arrangements don’t conform to the standard employment model underlying labour standards, policies and practices.

For example, employers in some industries are passing business costs on to workers—cleaners are being required to purchase their own cleaning supplies and couriers are being required to pay for their own gas and vehicle maintenance. Such practices push these workers into a grey area of employment status.

6. Many full-time workers are still living in poverty.

The government has made good progress in increasing the minimum wage, increasing it by 50 percent over the last seven years.\(^9\) However, working full time, full year will still leave your income below the low-income cut off in large urban centres. The minimum wage is not indexed, so the gains over the last seven years can be eroded in the future.

**Solutions**

1. Develop strategic enforcement priorities and proactively target employers in industries with high violations and substandard practices.

   Effective, multi-pronged enforcement strategies are required that target high-violation industries and practices. The $10 million committed by the provincial government in its 2009 Poverty Reduction Plan should be used to fund a strategic proactive enforcement strategy.

   The government should consult with groups working with low-wage workers who have knowledge of violation practices. Labour market practices should be mapped (including previous cases of employer violations, new forms of work organization, concentrations of young workers, recent immigrants, women, racialized workers and other indicators of high rates of employer violations) to inform the development of a strategic plan for inspections and year-by-year targets.

\(^9\) Ontario Ministry of Labour, “2011 Minimum Wage Rate Set - Highest of Canadian Provinces”
Allowing anonymous complaints and third party complaints would assist the Ministry in uncovering workplaces for inspection and violations. Where an individual claim has confirmed violations, the investigation should be extended to protect the rest of the employees in that workplace.

2. The Ministry of Labour should work with workers’ advocates and community stakeholders to target companies and industries where wages go unpaid.

Various states in the United States have undertaken innovative programs to combat wage violations through collaborations with workers’ advocates.

The Ministry of Labour should partner with organizations working directly with precarious workers (e.g., workers centres, community legal clinics, unions, immigrant serving agencies) to identify where violations are occurring and what investigative strategies will best to uncover employer tactics to evade or disguise violations.

3. Target practices such as misclassification of employees as “independent contractors” and sub-contracting.

Coordinate with other government agencies and stakeholders to address enforcement of subcontracting and misclassification of employees.

Employers who misclassify workers as independent contractors should be identified and held accountable for employment standards violations.

Increasingly, the employment function is being shared among corporate entities. Enforcement must hold related employers accountable for employment standards violations.

4. The Ministry of Labour should enhance protections for workers who make claims.

Workers need real protection from employer reprisal; stiff penalties that punish employers who retaliate against workers who come forward to assert their rights should be established.

The efforts of workers trying to enforce their rights on the job should also be supported. Protection against unjust dismissal for all workers, with an expedited investigation process with interim reinstatement, should be established. In cases

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10 The government has recognized the importance of anonymous complaints in uncovering violations as demonstrated in the introduction of Bill 210 to protect live-in caregivers whereby ESOs will be authorized to act on tips to conduct proactive investigations and audits. Similarly, Health and Safety officers regularly investigate workplaces on the basis of anonymous complaints.

11 For example in 2009, the New York State Department of Labor, under the Wage and Hour Watch program, has entered a formal partnership with six community organizations to conduct oversight in specific geographic areas with heavy concentrations of low-wage employers. In 2006, California’s Division of Labor Standards Enforcement established its Janitorial Enforcement Team, which works closely with Maintenance Cooperation Trust Fund, a janitorial watchdog organization established in 1999 by Local #1877 of the Service Employees International Union following revelations of persistent violations in the janitorial Industry. See Janice Fine and Jennifer Gordon, “Strengthening Labor Standards Enforcement through Partnerships with Workers’ Organizations,” Politics & Society 38, no. 4 (2010): 552–585.
where reinstatement is not feasible, compensation of workers who have been penalized for attempting to enforce their rights (including all lost wages and costs of employer retaliation) should be fast-tracked.

5. Establish deterrence that will be effective in stopping employers from violating employment standards.

The current use of Part I tickets ($350 or less) does not provide employers with adequate motivation to comply with the law. Fines doubling or tripling the amount owed (such as those provided for in New York State’s Wage Theft Protection Act) would provide a better deterrent. Monies collected as fines could be used to expand proactive inspections and extend investigations and collection activities.\(^\text{12}\)

Further, workers should receive interest on all unpaid wages owing.

Prosecution policy should be made simple and transparent. Each repeat violation or non-payment of orders should be prosecuted under Part III provincial offences.

6. Support workers’ efforts to make employment standards claims.

One of the most effective strategies for streamlining the claims process and reducing the backlog would be to provide as a first step in the claims process, assistance to workers in preparing their claim so that investigators would be able to expeditiously adjudicate the matter.

7. Expand scope of the Employment Standards Act so that all workers are protected.

The scope of the ESA should be expanded to include all precarious forms of employment. This is necessary to improve regulatory effectiveness in our changing labour market. The starting point should be that all workers are entitled to minimum labour standards. The definition of “employee” should be broadened along the lines of Ontario’s Health and Safety Act, which defines a worker as a “person who is paid to perform work or supply services.”

Contracting and subcontracting employers must be made accountable for employment standards violations. Employers who enter into contracts with subcontractors and other intermediaries, either directly or indirectly, must be liable both separately and together for money owed and statutory entitlements under the ESA and its regulations. This would bring Ontario in line with Québec’s Act, Respecting Labour Standards. There should be a reverse onus in which a worker is presumed to be an employee unless the employer can provide proof to the contrary.


Exemptions from provisions of the ESA create a patchwork of rights and entitlements separate from basic, minimum standards.

\(^{12}\) Monies from fines and prosecutions currently go in to the provinces general revenues fund.
For example, information technology workers are excluded from hours of work and overtime protections, resulting in workplace conditions that involve excessive overtime with no right to refuse. This practice contravenes the purposes of the ESA, which are to establish a floor of minimum standards.

9. Ensure workers are paid equally for equal work.

There should be no difference in pay or working conditions for workers doing the same work but which is classified differently, such as part-time, contract, temporary, or self-employed.

The ESA has a role in establishing a framework for equality among workers doing comparable work. The government should not enable employers to impose inferior conditions on workers (who end up being primarily women, racialized workers, immigrant workers and young workers) simply because of the form of employment or employment status. This measure would help bring the ESA in line with the Ontario Human Rights code.

10. Update time limitations and monetary caps to reduce barriers to employment standards remedies.

The increase in minimum wage combined with barriers to enforcing employment standards leaves many workers owed substantially more than the $10,000 cap on monies recoverable under the ESA.

ESA limitation periods and amount of wages recoverable should be brought in line with Ontario’s small claims court. The monetary limit on monies that can be recovered should be extended to $25,000 and the time limit should be extended to two years to recover wages and entitlements.


Many provisions of the ESA date back over 40 years. It is time that these basic standards on hours of work, vacations, leaves and termination are updated. For example, there are already six jurisdictions within Canada that provide a 40-hour work week, with overtime payable thereafter. It is time that Ontario catches up with the common Canadian practice of overtime pay after 40 hours of work in a week. Ontario still only provides two weeks of paid vacation after one year of employment, paling in comparison to many European countries that average more than five weeks of annual paid leave to help balance work and family life.

The provincial government should commit to consulting workers’ advocates and community groups on how basic standards of hours of work, vacations, sick days, leaves and terminations should be updated.

The Ministry of Labour should also close the gaps in employment standards that leave workers without protection against wage theft.

12. Increase the minimum wage to bring workers out of poverty.
The minimum wage should be based on the principle that a person working full-time, all year, should at least earn enough to be at or above the poverty line. Further, a fair minimum wage policy should ensure protection against inflation. An annual cost-of-living increase would provide a basic level of financial stability for Ontario’s lowest paid workers. Ensure the minimum wage brings workers out of poverty and increases annually.

www.talkingaboutjobs.ca
Good Idea: Workplace-based learning partnerships.

The majority of adults with low levels of basic skills or second language issues are employed. However, these adults generally find themselves trapped in largely low-wage, precarious work, their talent, drive and enthusiasm no match for the barriers they face in acquiring the necessary training to move beyond mere survival jobs.

Between 1989 and 1998, the Ontario government provided millions of dollars in funding for infrastructure that delivered basic skills and second language training in the workplace to thousands of vulnerable workers across the province. The program was known as BEST: Basic Education for Skills Training. The BEST office and staff provided the capacity essential to maintain established programs and initiate the start-up of new ones.

In 1997, the government announced that literacy and basic skills training provided in the workplace or organized through the workplace, would no longer be eligible for funding. Without this critical support from the BEST program, few of the workplace-based learning programs survived. Those that did, were largely driven by unions where contract provisions for workplace-based training had been negotiated into collective agreements, or where there was sufficient capacity within the union to continue.

Workers’ experiences during the recession have reinforced the importance of restoring and rebuilding the crucial infrastructure needed to accelerate workplace-based literacy and language training on a larger scale. Workers who lost their jobs and did not complete grade 12 now find it exceptionally difficult to find new employment. Others, lacking language proficiencies, continue to be at an extreme disadvantage in finding employment. Helping workers improve their skills in the workplace can be a pathway to more secure employment, improved earnings and—crucially—will ensure that they are better equipped to cope in the event of another economic downturn.

Recently, the Ontario government provided modest funding for a small number of workplace-based pilot projects. All of these projects have been successful. Coordinated by the Ontario Literacy Coalition in partnership with provincial employer and labour organizations as well as literacy advocates, these pilots produced results across the province and demonstrated the enormous appetite among all partners for workplace-based programs; for every training dollar invested by the Ministry of Training, Colleges and Universities, employers contributed $2.40.

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1 In national testing, of the adults who scored at the absolute lowest level of literacy, 62 percent were employed.
2 Ontario Literacy Coalition calculations.
the form of paid time for workers involved in training, class space and some on-site resources.

Where successful workplace-based programs have been developed, employers are unanimous in their support, citing significant gains such as better team performance, improved quality of work, better health and safety records, increased productivity (including improved output and lower margins of error), cost savings through reduced waste, improved employee retention rates, better problem solving skills, increased confidence among employees, improved customer relations and increased profitability.³

As Craig Alexander, Vice-President and Chief Economist of TD Bank Financial Group states, “Higher literacy can boost the economic and financial success of individuals and the economy as a whole. It can reduce poverty, improve health, lift community engagement and lead to a higher standards of living. In fact, it is hard to identify any other single issue that can have such a large payoff to individuals, the economy and society.”⁴ In its 2010 report, How Canada Performs: Education & Skills, The Conference Board of Canada concluded that, “Much more needs to be done in the workplace in order to improve Canada’s adult literacy rate.”⁵

The evidence shows that employers are interested in developing workplace-based training programs, but too often lack the tools, resources and necessary expertise to be able to launch successful programs. In today’s tight economy, however, many employers simply do not have the time required to pull all the pieces together, even if they know where to start. And unfortunately, as a result of more than a decade of neglect, we are losing the pool of expertise that can successfully implement and deliver these unique programs.

**Barriers**

Key barriers to ensuring that workers are able to access the literacy and basic skills training that will improve both their on-the-job performance and their job mobility are:

1. Inaccessibility of education and training opportunities.

   Precarious employment is characterized by low wages, part-time hours, irregular shift work, and other flexibility requirements. Workers must be ready and willing to work whenever they are called. In addition to juggling the demands of precarious work, many workers are the primary caregivers for children, parents and extended family.

   It is not surprising that the very workers who would benefit most from second language and basic skills training are simply unable to access the programs offered through regular classes and existing government programs. For too many

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workers, the additional costs of transportation, childcare, books, computers, along with the time commitment required all conspire to make it impossible to meaningfully pursue a program of learning.

This is why workplace-based learning is such a critical component of any workforce development strategy: workers have a better chance of accessing learning opportunities offered at or near the workplace that include a portion of paid time.

2. Lack of funding for workplace-based basic skills and second language training.

As noted by the Conference Board of Canada, while Canadians need to have access to education and skills outside the traditional school system, currently, Canadian employers are notably low investors in workplace training programs. Of what they do invest, less than 2 percent goes to basic literacy skills.⁶

Solutions

1. Local, provincial and federal workplace-based education partnerships, supported by adequate provincial government funding.

Partnerships are key to implementing meaningful strategies to improving the basic skills and second language assets of the existing workforce. The Ontario government should bring the key partners to the table on a province-wide basis. This body would include employers, labour, literacy organizations and the relevant government departments. At the local worksite, it is critical that programs be informed by the input of the employees that the program is intended to reach if the program is to be successful.

From the employer who provides at least some paid time to its employees and makes learning facilities available, to the worker who gives some of their own time and commits to the program, to the literacy agencies who work through the appropriate public bodies to deliver relevant curricula, it is essential that every partner makes a contribution. But the glue that holds these partnerships together is adequate government funding, which functions to anchor the partnerships and resource the workplace-based program.

The provincial government should unveil a new vision for workplace-based training that includes adequate funding for the requisite partnerships and for the delivery of workplace-based literacy and language programs. As Perrin Beatty, then-President and CEO of Canadian Manufacturers and Exporters, stated, “Canadian employers need a strong signal from government to finally begin a new era of workforce learning.”⁷ Even a modest investment of $20 million — the equivalent of less than one-quarter of 1 percent of the Ontario Budget — could

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provide the necessary infrastructure for the delivery of workplace-based learning initiatives across the province. One-off pilot projects and isolated projects cannot function as adequate substitutes for permanent infrastructure—the human and physical resources—that can kick-start workplace learning where it is wanted and needed.

It is the provincial government’s responsibility to ensure that the thousands of Ontario workers in need of literacy and basic skills education get it. By taking the lead and providing ongoing infrastructure for the program, the Ontario government has the opportunity to ensure that those thousands of Ontario workers get access to the workplace learning they need to face the future with confidence.

www.talkingaboutjobs.ca
Good Idea: The right job for internationally trained professionals.¹

Each year, more than 40 percent of all immigrants to Canada settle in Ontario.² On average, they have higher levels of education and training than their Canadian-born counterparts and often arrive with significant work experience. Immigrants’ skills and experience are crucial to the economic success of the province and local economies, yet evidence shows that even when the economy is strong, the skills and experiences immigrants bring are not used to their full potential.³ The recession has made a bad situation worse; like youth, recent graduates and Aboriginal people, immigrants have been disproportionately affected.

Despite the recession and high unemployment levels, employers report difficulties hiring qualified individuals for particular occupations. While governments have invested significantly in the delivery of employment and training services to prepare skilled immigrants for the Canadian labour market and to assist them in connecting with employers, there has not yet been a parallel investment in programs targeting employers specifically. Many employers do not have the capacity to take advantage of government initiatives aimed at job creation, such as wage subsidies for underemployed groups.

Employers will often reach out to hire skilled immigrants through intermediaries such as government or non-profit organizations, either for co-op positions or for permanent employment. Employers can find this to be a fragmented, time-consuming and frustrating experience. Employers are often confronted by dozens of organizations, each with multiple clients, while they might be hiring for only one position. Current funding structures for immigrant-serving agencies and non-profit organizations have them compete for limited funds, and therefore do not facilitate cooperation. Employers (especially small and medium-sized employers) become overwhelmed by this process and are discouraged from tapping unconventional talent pools.

Overcoming the employment obstacles facing internationally trained and educated individuals is critical to the future of this province; the success of our province is tied to

² Over the last 10 years, the percentage of immigrants settling in Ontario has decreased steadily from 59% in 2001 to 42% in 2010.
how well we are able to coordinate efforts to connect people to jobs, increase productivity, and create opportunity for everyone in Ontario.

Barriers

Key barriers to internationally trained immigrants finding jobs in the fields that they were trained for and to employers finding qualified candidates are:

1. Immigrants’ lack of “Canadian experience.”

   In their job search, skilled immigrants routinely face the barrier of lacking the “Canadian experience” that employers demand. Furthermore, lacking this experience limits immigrants’ ability to network and develop the kind of connections needed to secure meaningful employment.

2. Insufficient supports for employers.

   Immigrant labour market programs have traditionally focused on remediating the immigrants’ perceived deficits in language, credentials, and work culture, and with only modest success. In recent years, more successful programs have recognized that there are shared deficits; employers also need help with their human resource practices if they are to be able to take advantage of the skilled labour pool immigrants offer.

Solutions

To mitigate the impact of the current recession, avoid de-skilling, and ensure that immigrants are able to connect with and integrate into local labour markets across Ontario, there is a need to invest strategically in the newly arrived (less than 5 years) and recently arrived (5-10 years) categories of skilled immigrants.

Governments should be collaborating more effectively with employers; facilitating direct contact between immigrants and employers can have a direct and lasting positive effect on the employability of immigrants.

1. Connect skilled immigrants to the labour market by encouraging the creation of paid internships.

   Paid internship programs have proven to be an effective strategy to help skilled immigrants get a foot in the door and gain valuable work experience in their field. These programs benefit both the employer and the intern; employers reach a new talent pool and can test an employee without making a commitment, while interns have the opportunity to demonstrate their abilities and to gain “Canadian experience.”

   The Career Bridge program (operated by Career Edge) is an excellent example of a successful internship program for internationally educated professionals. It coordinates paid internships for mid-level, internationally educated professionals. On average, about 80 percent of interns find full-time work in their field after
completing their internships. As an employer, the Government of Ontario has welcomed more than 500 skilled immigrant interns in the past four years.

The Ontario government has been an employer leader in providing internship opportunities to skilled immigrants. It should expand the impact of this initiative and provide incentives to its agencies to provide internships. Small and medium-sized employers, which may have less capacity and fewer resources, should also be encouraged through subsidies and tax credits to participate in internship programs.

2. Establish a provincial mentorship program to help immigrants build social capital.

Immigrants’ lack of local social networks is another barrier to their employment, as these networks can be a critical support for tapping into hidden job markets. Occupational mentoring programs for skilled immigrants operate in a number of cities across Ontario. Some programs are more mature, such as the Mentoring Partnership in Toronto, while others are just getting started.

The community agencies operating many of these programs face challenges in accessing high quality mentors, assuring consistent program standards, promoting their programs, and coordinating with other agencies that have similar programs. Moreover, they lack reliable, stable funding to ensure their growth and success.

The provincial government should establish a provincial mentoring program. A provincial mentoring program would support the development of new programs, could expand the reach (i.e. into regulated professions), enhance program quality and consistency, and ensure funding predictability. It could also ensure that skilled immigrants in smaller and mid-sized communities have access to mentorship opportunities, and that the regulated professions are represented.

The province of Ontario should also position itself as an employer leader in mentoring. While the province has come on board as a partner in The Mentoring Partnership, it has the opportunity to do so on a larger scale, and across the province if a provincial program were operational.

3. Help employers connect with skilled workers by creating an “employer gateway” to help employers find talent.

Simplifying and coordinating employer access to skilled talent presents tremendous value, both for employers and for organizations seeking greater access to employment opportunities for their clients. The Government of Ontario should support the creation of an “employer gateway” to help employers find talent. There is need for a simplified employer interface that will create social outcomes for the labour market – it could and should cut across target populations (i.e. youth, immigrants, people with disabilities, Aboriginal peoples).
4. Develop and provide programs and supports for employers.

There is a strong and growing demand from employers for support in recruiting, assessing, integrating, and retaining skilled immigrants. Employers should be viewed as a client group and programs should be developed to support their efforts. In particular, small and medium-sized employers who do not have large human resource departments could benefit from these services. Programs and supports should be developed and provided for employers, especially small and medium sized enterprises, that do not have the capacity to take advantage of government initiatives aimed at job creation (such as wage subsidies for underemployed groups).

www.talkingaboutjobs.ca
Good Idea: Give Ontarians the right to choose: 21st century labour law for a 21st century labour market.

Ontarians would likely agree that people should be able to decide whether or not they want to join a union. The Labour Relations Act was written to allow workers to join a union if they wanted to. Changes in the labour market, along with changes in government policies and increasing opposition from employers, have made it harder for workers who need the protection of a union most to join one.

Joining a union is an important way that workers can turn bad jobs into good jobs.¹ The history of Ontario’s manufacturing and mining sectors includes workers coming together and unionizing to improve poorly paid and dangerous jobs. Over time, unionized workers in these industries were able to increase wages and benefits, fairness at work, and safety on the job, turning bad jobs into good jobs.

This generation of workers should have the same opportunity to improve their working lives by joining unions. Workers in low-paid, precarious jobs are more likely to have their legislated rights – to health and safety or to payment for the work they do – violated. Our 20th century labour legislation, however, makes it much harder for workers in the 21st century to join unions.

The Labour Relations Act was written in and for an era of large workplaces (like those of the mining and manufacturing industries) where most employees were long-term, commonly spending their entire working lives with the same employer. Workplaces have changed. Today, workers are more likely to be working in the service sector, in smaller workplaces, and have shorter job tenure. Workers may be geographically disparate in a number of different locations, they may not report to the traditional workplace on a regular basis like one would in an office or a factory. Often working two or three jobs, employees are less likely to know each other and may not be proficient in a common language.

In the legislation, the basic building block of a union is a single workplace with a single geographic location. That is a building block that better describes General Motors than it does Wal-Mart or McDonald’s, making it much harder for this generation of workers to exercise their rights.

These changes in the labour market, along with government policies and decisions that have resulted in a shift in power from employees to employers, means that union density in the private sector has been falling. As a result, the share of unionized workers in the private sector has dropped, from 19 percent in 1997 to 15 percent in 2010. In 2009, union density in the goods producing sector was almost twice as high as in the service sector. However, the service sector accounted for a much larger share of total employment — 53 percent of total employees in Ontario as compared with the goods-producing sector’s 21 percent of Ontario employees.

Barriers

Key barriers to vulnerable workers’ ability to choose to join a union are:

1. Lack of access to card-based certification outside of the construction industry.

   For almost five decades in Ontario, having a clear majority of employees at a workplace sign union membership cards was considered sufficient evidence of their desire to join a union. In 1995, the legislation was changed so that a repetitive, two-stage process is now required. First, workers must sign union membership cards and second, they have to participate in a secret ballot vote where they cast ballots in support of or against union representation.

   While we often think of a secret ballot vote as the most democratic way of making a decision, there are important differences between our democratic model for government elections and a union representation vote that serve to impede the unionization process:

   Access to voters: In a union representation vote, one of the parties involved in the vote (the union) is only given access to a list of eligible voters a mere two days before the vote is held. Even then, the voters list is what the employer (the other party) says it is, unless the union can provide evidence to the contrary. Given the way work is organized in the precarious economy – a highly transient workforce, working irregular hours and shifts, often in a geographically decentralized workplace, with little opportunity for workers to get to know each other, let alone gathering to discuss forming a union — this makes campaigning/organizing in advance of the vote extremely difficult.

   Unequal power between the parties: the greatest power differential in a union representation vote is the power over people’s livelihoods, which lies exclusively with the employer. In a government election, this situation would be akin to one political party having the right to impose a large penalty on someone who publicly supported another party.

   Access to communicating in the workplace: another difference is that employers control the means of communication among employees (internal email systems,

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2 Statistics Canada, Labour Force Survey, Cansim Table 282-0078
websites, mailings to employees’ homes, workplace bulletin boards and common spaces such as lunch rooms, etc.) and have the ability to post or distribute information using those vehicles and in those common spaces. One of the most common tactics used by employers to oppose employees’ union organizing efforts is the “captive audience meeting” held during paid working time, during which employees are compelled to listen to the message of the employer, with no legitimate chance of free debate or rebuttal. This is analogous to an all-candidates’ debate during a government election where only one party is allowed to make a presentation, the entire electorate is forced to attend, and no contrary point of view may be expressed.

Access to and control of the polling place: this is one of the most dramatic differences between a government election and a union representation vote. In a union representation vote, employers control the flow of employees to the poll, often escorting employees to and from the polling place. The only space that the Labour Board (which conducts the vote) controls on the day of the vote is the polling place itself; surveillance and campaign messaging by the employer in other parts of the workplace is common.

Empirical research shows that mandatory votes make it harder for workers in more vulnerable employee groups (such as part-time workers, difficult to organize industries, private sector workers, and smaller proposed bargaining units) to organize. These barriers to access to unionization were more pronounced in the private sector than in the public sector.

2. Successor rights for contractors are missing from the Labour Relations Act.

In the twenty-first century labour market, a much larger share of work is done by employees working for businesses that provide services for other businesses. In the Act, these companies are called “contractors.”

Workers who work for employers that are contracted to provide security, cleaning, food or other services to businesses can lose their union representation more easily than other workers. If their employer loses its contract to another service provider, these workers lose their union representation rights. When this happens, it is often the same workers, doing the same jobs, in the same workplaces, but for a different contractor. However, they have to start the process of gaining the protection of a union all over again.

3. Insufficient protection for workers from unfair treatment by employers during union organizing campaigns.

When workers in Ontario are fired because of their lawful support for joining a union, the most they can expect from the Labour Relations Board is reinstatement at their job with back pay. At first glance, this seems fair. However, due to delays at the Labour Relations Board, it can take up to a year for such a worker to be reinstated to their job and to receive that back pay. In the meantime, the worker and her family have lost their source of income and financial security. This is damage that cannot be undone with the eventual payment of back pay. This situation creates a chilling effect within the employee’s workplace and at other workplaces, discouraging other workers from exercising their legal rights. There are no real consequences for employers, since the Board is limited to correcting the situation rather than issuing penalties.

4. Unfair Labour Practice certification is too restrictive.

Unfair Labour Practice union certification is the ability of the Labour Relations Board to certify a union as a result of employer misconduct without first requiring a vote. This form of union certification is important in maintaining fairness for workers trying to organize, it is a strong incentive for employers to comply with the law, and it is a meaningful signal to workers that their rights will be protected. This part of the legislation was removed in 1998, and only partially reinstated in 2005.

The current legislation is very restrictive. To obtain union certification as a result of employer misconduct, it is necessary in most cases to demonstrate that, as a result of the misconduct, the true wishes of the employees have not been reflected in a union representation vote and that no other remedy would be sufficient to remedy the contravention. These requirements are very difficult to meet; it is difficult to establish what might have hypothetically happened if the employer had not committed the particular misconduct or to predict its effect on a vote or to predict whether other remedies are adequate.

Solutions

1. Bring back card-based certification.

In 2005, the current government addressed, in part, the lack of fairness in the system when it brought back card-based certification for workers in the construction industry. This was an important step forward, however, the right to union card-based certification should be returned as a fundamental right for all workers.

2. Make union certification votes more democratic.
Even with card-based certification, representation votes may sometimes occur. Given the changing nature of workplaces and the fundamental power imbalance between employers and employees, voting processes should be updated to reflect those changes and to deal with that power imbalance.

Employees should have easy access in the workplace to information about their rights under the Labour Relations Act, including their right to join a union of their choice and participate in its lawful activities. Employers should be required to post such information. Such postings should use language that is standard and easy to understand. The postings should make it clear what actions by employers are illegal. These postings should be mandatory in all workplaces and should be made available in the languages of employees in the workplace where appropriate. Failure to post the required notice in an area where it would come to the attention of employees should be recognized as an unfair labour practice.

Workers seeking to unionize should have access to timely and current information if they can demonstrate a minimum level of support for unionization in their workplace. This would make it easier for employees who are union supporters to work with a union of their choice and to communicate with their co-workers about their rights and answer any questions they may have. Employers should be required to update information as the campaign continues. Employees’ privacy concerns can be addressed by imposing a requirement on the union and union supporters that the information would be used only for campaign purposes.

A fair vote system would give unions the same rights as employers to communicate with employees electronically and by mail during an organizing campaign. This would update the current legislation’s “right to communicate” to adequately reflect the complexity of a twenty-first century workplace. The “right to communicate” would be triggered by a minimum show of support for unionization, i.e. approximately 20 percent.

Voters should also be permitted to vote from home electronically and over a period of at least a few days to permit reasonable access to voting. Workers should be permitted to vote in a location that is neutral and free from the employer’s disproportionate influence. Even in traditional workplaces, votes should be held at neutral third-party locations.

3. The threshold required for a vote should be reduced.

Given that a vote requires that employees seeking to unionize demonstrate majority support at the ballot box before being certified, the requirement that a union prove that it has close to majority support before being allowed to have a vote in the first place is redundant.

4. Eliminate unfair sections of the Labour Relations Act.

Section 8.1 of the Ontario Labour Relations Act permits employers to challenge the union’s estimate of the number of employees in the proposed bargaining unit.
If a Section 8.1 challenge is made, the vote will go ahead, but the ballot box may be sealed pending a decision about the union’s actual level of support when the application was filed. If the Board determines that the union did not have 40 percent membership support when the application was filed, the union’s application will be dismissed. This could result in a situation where, despite the fact that the union has majority support in the bargaining unit, it will not be certified to represent the unit because it did not have 40 percent support when the application was filed. This section of the Act should be repealed.

Currently, the Act also provides that if a union fails to obtain majority support in a union representation vote, all unions are barred from applying to represent that bargaining unit/workplace for one year. This denies workers the right to seek to be represented by a trade union of their choice within the one-year period, whether that is another union or the same union. If the Legislature is concerned about repeated applications for certification and the Labour Relations Board is satisfied that the repeated applications are frivolous, the Board, at its discretion, should be permitted to bar a union (or unions) from repeatedly applying for certification.

6. Enhance protection for workers from unfair treatment during organizing campaigns.

While, some employers will be willing to incur significant financial costs to clamp down on workers who choose to join a union, stronger financial penalties against employers that contravene the Act would help make it clear that denying employees’ basic legal rights will be taken seriously in Ontario.

7. Amend automatic certification provisions.

The Labour Relations Board should have the ability to order automatic certification in serious circumstances at its discretion, such as when employees are fired, harassed, or free speech rights are infringed upon.

8. Provide all workers with successor rights in the Labour Relations Act.

Workers in more stable employment situations are able to maintain the protection of their union through “successorship rights” provisions in the Act. These rights make sure that union representation and collective agreements are maintained even if the company changes ownership. Workers who are employed by contractors do not have this right. Successorship rights provisions should therefore be extended to all workers, including those employed by contractors.
Good Idea: Better protection for migrant workers

Over the past decade, the federal Temporary Foreign Worker Program, Live-in Caregiver Program, and Seasonal Agricultural Worker Program have greatly expanded in size and scope. In 2008, the number of temporary migrant workers in Canada surpassed the number of permanent residents who entered the country that year. Ontario has the greatest number of migrant workers of all Canadian provinces; in 2009, there were 94,750 migrant workers in Ontario – an increase of nearly 32 percent from 2006.¹

![Graph](Migrant workers and permanent residents, 2000-2010*, Canada)

*preliminary numbers for 2010

Through the three programs, migrant workers are brought into the country to work in a variety of industries — from jobs on farms and nanny/caregiver work to construction, service sector and hospitality jobs. Many of these workers are racialized; for many, English is not their first language.

The rapid growth of these migrant worker programs has resulted in the expansion of a workforce in Canada that is considered cheap and disposable. Migrant workers have fewer rights than other Canadian workers and they often work in industries that are exempt from protections and rights under the Employment Standards Act and Labour Relations Act. It is also extremely difficult for migrant workers to exercise the rights that they do have.

Migrant workers face unnecessarily difficult working conditions; they are sometimes required to pay exorbitant recruitment and work-placement fees and legislation makes it a requirement for some to live with their employer, while others must contribute to Employment Insurance and Canada Pension Plan even though they are ineligible for benefits. In addition, these workers are often subject to discrimination and exploitation; media reports of migrant workers being exploited for low or unpaid wages or abused at the hands of employers and recruiters have become commonplace.\(^2\)

In March of 2010 the Ontario Ministry of Labour introduced the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others) in response to growing pressure from community and advocacy groups. Some of the key features of this Bill include:

- a prohibition on recruiters charging fees to live-in caregivers, either directly or indirectly;
- a prohibition on employers recovering placement costs from live-in caregivers;
- and a prohibition on employers and recruiters taking a live-in caregiver’s property, including personal documents such as work permits and passports.

While a positive step, these new protections only apply to migrant workers in the Live-in Caregiver Program—Seasonal Agricultural Workers and Temporary Foreign Workers are still subject to the same problematic conditions.

Workers often receive insufficient information regarding the rights and protections they do have under existing employment legislation. Even if migrant workers are aware of their rights, exercising them is difficult as many migrant workers are not in a position to make an individual claim to their employer for fear they will lose their job, be deported, or not be asked to return once their permit has expired. Because their work permits are tied to individual employers, many migrant workers are deported when they try and exercise their rights. Current anti-reprisals protections do little for temporary migrant workers or those without regularized status.

Furthermore, migrant workers have few avenues in which to gain permanent immigration status in Canada and the protections and entitlements that come along with such status. Currently, only Live-in Caregivers can apply for residency after meeting certain eligibility criteria. Employers can also nominate migrant workers for permanent residency through the Ontario Provincial Nominee Program (PNP), however, this option is only open to highly skilled workers — “low-skilled” workers and farm workers are ineligible and therefore do not have the opportunity to build a life for themselves and their families in Canada.

**Barriers**

Key barriers to migrant workers being treated fairly and with the dignity and respect afforded to other workers in the province are:

1. A lack of proper labour protections.
2. Migrant worker programs that leave too much discretionary power to employers.
3. Inadequate enforcement of provincial labour laws.

While many of the reforms needed to ensure that migrant workers are better protected are at the federal level, there is a key role for the provincial government to play in ensuring that migrant workers are treated fairly and with dignity and respect.

Solutions

1. Expand the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others) to include all workers, especially other classes of migrant workers and embed these protections in the Employment Standards Act.

   While the Ontario Ministry of Labour’s introduction of the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others) is a positive step forward, more protection for all migrant workers is needed. The prohibition of fees for work or charging workers for recruitment costs should cover all workers, not just live-in caregivers, as temporary foreign workers are currently facing agency fees of $5,000 to $10,000 for placement in employment under the Temporary Foreign Workers Program. All workers should be able to retain their property and documents.

   Embedding these protections into the Employment Standards Act, rather than having them contained in a separate Act, would make it more difficult for future governments to alter or revoke the legislation. Further, embedding changes to protect migrant workers in the ESA integrates such protections into the ongoing administration and enforcement of employment standards in the province.

2. Ensure employers and recruitment agencies are jointly liable for any prohibited direct or indirect fee charged to workers.

   It is imperative that workers are not charged recruitment or placement fees either in Canada or in their home country. Employers must bear responsibility for ensuring that recruitment agencies they contract are complying with the law. This measure will also facilitate migrant workers’ recovering of fees.

3. Prohibit employers and other parties from repatriating (deporting) migrant workers who are attempting to enforce their rights under the Employment Protection for Foreign Nationals Act, Employment Standards Act (ESA), or other labour legislation.

   Workers already in a vulnerable position must be able to better protect themselves without fear of reprisal. Ontario and the federal government should establish a program that would grant open work permits in cases where workers make
complaints about labour law violations (ESA, OHRC and WH&SA, WSIB\(^3\)) to ensure equal recourse to labour laws.

4. Improve enforcement of the *Employment Standards Act*.

   The government must allocate resources towards proactive enforcement and targeted inspections of workplaces and recruitment agencies. More stringent fines and penalties need to be imposed on employers and recruiters found to be in violation of labour legislation.

5. Undertake comprehensive immigration reform that includes granting permanent residency status to workers under the Temporary Foreign Workers Program upon arrival in Canada and an inclusive regularization program for people without status.

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\(^3\) Employment Standards Act, Ontario Human Rights Code, Workplace Health and Safety Act, and Workplace Safety and Insurance Board