

# Proposed Legislation Protecting Precarious Workers In Ontario



 Ontario government proposes legislation for more accountability for precarious workers

According to a study from McMaster University and the United Way released earlier this year, 50% of Ontario workers (at all income levels) are engaged in precarious work as defined. The term, “precarious work” refers to unstable, often low-paying work, with no benefits and few protections.

## **Who are precarious workers?**

According to studies, precarious workers are more likely to experience negative impacts on their physical and mental health, their ability to build relationships and establish roots in their communities. Many precarious workers are new immigrants and students just starting out. Precarious workers are of any age, education and level of experience, however. These workers are increasingly vulnerable because they lack enough work to make ends meet, have little ability to save for the future, and rarely have access to health benefits. While some of these workers have the benefit of a second job or a partner with a steady job, many don’t, and are struggling.

It is not only farm workers, live-in-nannies, and restaurant staff who are precarious workers. Precarious workers are faculty members at colleges and universities, employees in hospitals, government agencies, non-profits, and more. Some of these workers may be employed through temporary agencies, and some may be working contract to contract. Precarious workers are employed by temporary jobs for weeks and even years at a time and they are more likely to suffer from wage theft and other workplace abuses with little protections.

## **Organizations will be more accountable to temporary workers**

With the shift in the Canadian economy to a more precarious workforce, the Ontario Liberal party decided it was time to take a look at the case of the precarious worker. On Wednesday, December 4<sup>th</sup> Ontario Labour Minister Yasir Naqvi was expected to announce new labour legislation that would offer more protection to many precarious workers including those working through temporary agencies.

Under the proposed legislation companies who hire temporary agencies to supply them with staffing would become liable themselves for any unpaid wages, severance pay or any Employment Standards Act violations experienced by the people working in their organizations. This would make Ontario the first Province in Canada to enact this ‘joint and several liability’ statute.

This proposed legislation would allow workers to file complaints for unpaid wages for up to two years after their wages have been unpaid. Workers would be able to recoup wages back for 6 months in arrears and beyond the current \$10,000 limit.

These protections for temp agency workers are not the only reforms expected in the new legislation. The Legislation would also extend workplace health and safety protection to the growing number of

unpaid interns among other things.

### **What are the implications for employers?**

Hiring a temporary worker may still bring financial benefits to an organization but an organization will need to carefully vet the temporary agency they are working with to ensure they can pay their employees. The organization may also have to be prepared to set aside money to ensure they are able to pay their temporary workers in the event the temporary agency fails in their responsibility.

Will employers incur more costs for hiring temporary workers? It is a good bet that they will. However in general everyone should benefit by a workforce that has more protections and access to better and more equitable working conditions

### **Resources**

[McMaster University and the United Way Study 'It's more than poverty report from PEPSO'](#)

[Toronto Star: New Ontario Law Would Protect 'Precarious Workers'](#)

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