

research snapshot

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Changes to the Ontario Employment Standards Act Leave Workers in Precarious Jobs Prone to Exploitation

What is this research about?

The government of Ontario has made changes to the Employment Standards Act (ESA) in the interest of businesses. However, the purpose of the ESA is to protect the rights of vulnerable workers in the labour force. These workers already face social inequalities based on gender and race, but the enforcement of the ESA is not strong enough to achieve fairness for workers. In fact, changes have also been made to the way worker complaints are processed, which make it more difficult for workers to claim their rights. The responsibility of settling issues is placed as a burden on workers themselves, even though they lack sufficient resources.

What did the research do?

The researchers reviewed many phases of employment standards (ES) policy development between 2002 and 2010. They also analyzed the new ES enforcement rules made under the Open for Business Act (OBA) and how it impacts workers.

What did the research find?

The Ontario provincial government introduced the OBA in October 2010 as a way to 'modernize' government. The OBA changes many laws to create 'simpler, better and faster' dealings between business and the government. One of these laws is Ontario's ESA, which has been reformed by the OBA to help resolve the backlog of 14,000 claims. These claims were made by workers who have been

What you need to know:

Reforms to employment standards cause disadvantages for vulnerable workers.

treated unfairly by their employer, such as those who were owed unpaid wages. The government needed stronger enforcement mechanisms to protect vulnerable workers and thereby reduce the numbers of violations of workplace standards. However, the government has made reforms to ES under the OBA that make it easier for employers to violate workers' rights without being penalized.

The following changes were made to the processing of complaints, which had adverse effects on workers

- Workers must complete a complex set of claims forms before their file can even be opened.
- Workers must raise ES complaints with their employer before submitting a claim.
- Staffing cuts in the ES enforcement branch of the Ministry of Labour.

These changes have adverse effects on employees' rights. Employees often need help understanding complex legal information on the forms or they may not have access to a computer and internet. Instead of assisting these individuals, the Ministry of Labour made it difficult for them to claim their rights by dismissing forms that are not filled out completely.

The condition that workers must settle with their employers on their own disregards the obvious imbalance of power between worker and employer. In most cases workers have already left their job when they file a claim, making it hard to go back and confront their employer because that relationship no longer exists. Further, workers risk being fired if they were to confront their employer while they are still employed. Workers are again at a clear disadvantage in arranging a settlement because they don't have a lawyer to represent them.

The staffing cuts are an issue because it reduces the number of proactive inspections conducted at workplaces to ensure that employers are not violating the ESA. If employers have fewer chances of being caught, there will likely be more violations and unaddressed claims.

Instead of proactively enforcing the ESA to minimize a future buildup of claims, the government has acted in a way that leaves workers more vulnerable to exploitation.

How can you use this research?

This research may be used by policymakers in the fields of labour and social services. It provides insight on how policy changes directly impact those in society with the least political power. Policymakers may use this research to proactively enforce minimum ES and also amend the processing of claims so that workers can benefit.

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