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Submission to the Standing Committee on Finance and Economic Affairs regarding Bill 47, Making Ontario Open for Business Act 2018

Via email: comm-financeaffairs@ola.org

Dear Standing Committee on Financial and Economic Affairs,

My name is Syed Hussan and I coordinate the Migrant Workers Alliance for Change, Canada's largest migrant worker rights coalition. The Migrant Workers Alliance for Change includes individuals as well as Alliance for South Asian Aids Prevention, Asian Community Aids Services, Butterfly (Asian and Migrant Sex Workers Support), Caregiver Connections Education and Support Organization, Caregivers Action Centre, Durham Region Migrant Solidarity Network, FCJ Refugee House, Fuerza Pwersa, GABRIELA Ontario, IAVGO Community Legal Clinic, Income Security Advocacy Centre, Justice for Migrant Workers, Migrante Ontario, No One Is Illegal – Toronto, Northumberland Community Legal Centre, OCASI – Ontario Council of Agencies Serving Immigrants, OHIP For All, PCLS Community Legal Clinic, SALCO Community Legal Clinic, Students Against Migrant Exploitation, Social Planning Toronto, UFCW, UNIFOR, and Workers United.

Together, our organizations come into daily contact with migrant and undocumented workers in Ontario - some of the most vulnerable, marginalized, low-wage racialized people here. We believe that a society is judged by the way its treats those most excluded. In part, Ontario's labour laws must be examined for their ability to protect the most disenfranchised, many of whom are our members.

Our members pay up two years of their salary in home country terms to come to Canada to work often in dangerous jobs. Many work in agriculture and are excluded from basic labour protections. Others are in-home Care Workers who aren't able to unionize. No migrant worker specific anti-reprisal protections exist, thus making it impossible for most to assert the few rights they do have because of the high likelihood of deportation resulting from speaking out against an employer.

In such a climate, the *Fair Workplaces, Better Jobs Act (Bill 148)* created a few but substantive incremental reforms to ensure decent work and dignity for our members. Bill 47, *Making Ontario Open for Business Act* aims to claw those back.

For our members, an increased minimum wage is the difference between getting a new home for their families back home, or being able to send their children to University. Equal pay for equal work provisions



would protect them from being paid less than their Canadian counterparts, and ensure that migrant and domestic workers are not pitted against each other. Guaranteed emergency leave days would mean that our members could visit their parents on their deathbed and not be worried about being losing their livelihood because of it. All of this now is back up for debate. And that's just not fair.

The Migrant Workers Alliance for Change full supports the the recommendations in the submission by the Workers' Action Centre and Parkdale Community Legal Services.

The Ontario government introduced Bill 47, *Making Ontario Open for Business Act*, on October 23, 2018. Bill 47 repeals most of the updates to the *Employment Standards Act* and *Labour Relations Act* that were passed in 2017 through the *Fair Workplaces, Better Jobs Act* (Bill 148). Unlike Bill 148, the government is pushing Bill 47 through with little consultation with those workers most reliant on our basic labour laws. The changes brought in by Bill 148 were modest, but crucial steps forward.

We strongly recommend the complete withdrawal of Bill 47.

We want to remind you that the first phase of the two-year long Changing Workplaces Review involved 12 public consultations across Ontario with over 200 presentations and 300 written submissions. The second phase of the Review involved stakeholder meetings, an academic advisory committee, 10 commissioned academic studies, and 280 written submissions leading to a 419-page final report with 173 recommendations. The Review involved substantial information and resources from the Ministry of Labour.

The Resulting Bill 148, *Fair Workplaces, Better Jobs Act*, underwent two rounds of Standing Committee Review including 11 public committee hearings across the province after first reading and three days of public hearings after second reading. The *Fair Workplaces, Better Jobs Act* took some modest steps in updating and modernizing Ontario's labour laws. The long-standing gaps in labour market regulation have left too many workers in low-waged and precarious work with little protection of wages and working conditions.

The provisions that Bill 47 seeks to repeal are not 'job killers'. Since the ESA was updated last November, Ontario's unemployment rate has dropped to the lowest level since 2000¹; 139,000 net jobs have been created year-over-year; and, job and wage growth outstripped the rest of Canada in low-wage sectors such as food and accommodation². In fact, market analysts from major banking institutions note that the persistence of strong sales and profits in a tight labour market makes the current economy quite capable of absorbing the minimum wage increase³.

¹ Source: Statistics Canada, Labour Force Survey, Table 14-10-0019-01, (seasonally adjusted data).

² See Ministry of Finance, Ontario Employment Report: Second Quarter of 2018. Online: <https://www.fin.gov.on.ca/en/economy/employment/>

³ Krishen Rangasamy (August 10, 2018) Canada Watch: Economics and Strategy. National Bank of Canada. Online: <https://www.nbc.ca/content/dam/bnc/en/rates-and-analysis/economic-analysis/hot-charts-180810.pdf>



The current government states that it is dedicated to efficient and effective government practices. However, rolling back the ESA and LRA is not efficient or effective government practice. Weakening labour standards will create upheaval for employers and employees. Over the past year, employers have spent considerable time updating their human resources policies and modernizing their employment practices. Employers and employees alike have already planned for the legislated increase in the minimum wage. The changes to the personal emergency leave provisions, including reducing access to paid and unpaid sick leave, will increase the spread of disease with increased costs to Ontario's health care system and to employers. Further, by re-introducing the red tape of doctor's notes, Bill 47 will result in significant additional costs that are unnecessary and wasteful.

We reiterate our strong recommendation that the government immediately withdraw Bill 47 in its entirety.

Sincerely,

Syed Hussan

Coordinator, Migrant Workers Alliance for Change