

January 28, 2021

Via email

TemporaryHelpAgencyConsultations@ontario.ca

Temporary Help Agency Consultations
Employment and Labour Policy Branch
400 University Avenue, 15th Floor, Suite 1502
Toronto, ON M7A 1T7

To whom it may concern:

RE: Improving Compliance with the Employment Standards Act in the Temporary Help Sector

On behalf of Unifor's 162,000 members across Ontario, we would like to relay our support and endorsement for the establishment of a provincial temporary help agency registry, as well as additional recommendations that will enhance agency compliance around basic employment standards. These measures will help improve working conditions for vulnerable and precarious workers across the province, including for migrant and undocumented workers.

Unifor has been a longstanding proponent for greater protections for temporary agency workers in recognition that migrants, students, low-income workers, women and workers of colour are often targeted by predatory agencies that operate in communities where these workers live. Our union continues to identify opportunities that will help workers who often have few avenues in which to exercise their basic rights. Through our Toronto East End Community Chapter program, for instance, we have worked closely with the South Asian Women's Rights Organization (SAWRO), to help newcomer and racialized women who are often only able to find work through (illegitimate) temporary help agencies.

Through this work, we have heard firsthand how the current deregulated nature of employment agency operations and sub-contracting has only exacerbated exploitation, harassment and discrimination, further entrenched low-pay precarious work and jeopardized health and safety – all for the benefit of employers looking to decrease costs and absolve themselves of any legal obligations or liability. We also know that these working conditions have only worsened and become more dangerous due to the COVID-19 pandemic. Despite our efforts, we know that our work alone will not be able to resolve these deep systemic issues.

It requires robust government intervention and strong pro-active enforcement mechanisms to ensure that a level playing field is created and this tiered system of those that follow the rules and those who do not, is not reinforced.

We believe that introducing a comprehensive temporary help agency regulatory and licensing system, in conjunction with additional key actions that target the entire employment supply chain, from client companies, recruiters and agencies, is the only effective way to enhance safety, reduce exploitation and raise employment standards and conditions for marginalized workers.

As such, Unifor fully supports the recommendations proposed in the joint submission developed by our allies at Parkdale Community Legal Services (PCLS), Workers' Action Centre (WAC) and the Migrant Workers Alliance for Change (MWAC). We have also appended these recommendations at the end of this letter.

Compared to other provinces, Ontario severely lags behind in efforts to regulate the employment agency sector. It is time that we do our part to protect vulnerable workers and strengthen our ability to enforce basic rights and standards. Please do not hesitate in contacting us should you require further details. We thank you for your time and attention on this urgent matter.

Sincerely,



Naureen Rizvi
Ontario Regional Director, Unifor

cope343NR:NS:ld

Appended Recommendations

Recommendation 1: We strongly recommend that the regulations set out under the *Workplace Safety and Insurance Act (WSIA)* s 83(4) be brought into effect immediately.

Recommendation 2: Ontario should follow Quebec, British Columbia and Alberta in requiring that both temporary agencies and agencies that recruit migrant workers be required to obtain a license from the Ministry of Labour, Training and Skills Development to operate in Ontario. Licenses should be separate, require names of all individuals and corporate entities associated with the operation seeking licensing and be valid for one year.

Recommendation 3: We recommend that Ontario follow the lead of British Columbia and make agencies liable for any violations by partners, affiliates or agents of the recruiter and the temporary help agency.

Recommendation 4: TFW and recruitment agencies must provide a security deposit in order to obtain a license.

Recommendation 5: A public list of recruiters and temporary agencies must be created.

Recommendation 6: Client companies should be required to maintain records of all temporary agencies and their assignment employees under contract for up to two years (ESA limitation period).

Recommendation 7: In addition to the general licensing requirements, Ontario should consider restricting the pool of people that can become licensed as recruiters of migrant workers, as is the case in Manitoba.

Recommendation 8: There should be a mandatory registry of employers.

Recommendation 9: Enforcement must include:

- Full disclosure along the recruitment process and subcontracting supply chain.
- Joint liability along that supply chain. Client companies and temporary help agencies are already jointly liable for reprisals, unpaid wages, overtime and holiday pay. This must be extended to include joint liability among subcontracted agencies for licensing. This is necessary to stop client companies and agencies from evading the licensing system by subcontracting to smaller and more informal temporary agencies that are not licensed and that operate under the radar. Similarly, recruiters must be liable for any illegal fees charged to workers along the supply chain whether that takes place in or outside of Canada.
- Temporary help agency employees and migrant workers must be able to make anonymous complaints of any violations of the new licensing system.

Recommendation 10: We recommend that the security deposit be no less than \$25,000.

Recommendation 11: There should be a minimum set (automatic) fine of \$15,000 for failing to use a licensed agency directly or indirectly.

Recommendation 12: We recommend that mandatory licensing be brought into effect six (6) months after enabling legislation has been passed.