



February 13, 2024

Dear Sir/Madam/Mx:

**Submission to the Standing Committee on Social Policy Regarding Bill 149
Working for Workers Four Act, 2023**

The Mobile Legal & Social Justice Initiative (MLSJI) is a program funded by Legal Aid Ontario and operated by Mississauga Community Legal Services. The goal of the MLSJI is to increase employment law services for low income individuals in Ontario's Southwest region. The employment lawyer serves Grey and Bruce counties, Guelph and Wellington County, Waterloo Region and the City of Mississauga.

The MLSJI lawyer provides summary advice, advocacy, and representation to workers as well as public legal education, law reform, and community outreach to support workers' rights, inform and educate, and bring attention to emerging workers' issues.

Our work on a daily basis is meeting with, advising, supporting, advocating for, and learning from workers in our communities who are in precarious work and who are amongst those most affected by current employment laws and those changes Bill 149 proposes to implement. We occupy a unique position within our communities and believe we can and should provide our comments and lend support to our colleagues who have made submissions on Bill 149. We take this opportunity to address the Standing Committee on Social Policy and to endorse the submissions made by our community partners.

Similar to the previous omnibus *Working for Workers Acts, 2021, 2022, and 2023*, Bill 149 makes many changes to Ontario's employment laws without meaningfully contributing to workers' rights and entitlements. That is why Mississauga Community Legal Services fully supports the recommendations in the joint submission of Parkdale Community Legal Services (PCLS) and the Workers' Action Centre (WAC).

In many respects, the proposed changes restate protections for workers which are already in the existing legislation, or create weak disclosure requirements for employers. It is our opinion that most of the new measures proposed in Bill 149 provide a veneer of transparency and protection, but do not actually make it easier for workers to access or enforce their rights in the workplace.

The Minister has said that Bill 149 will "ensure workers keep their hard-earned money", but the more expedient way to do this, and to promote equity and diversity in the workplace, would be to enforce the employment standards that already exist in the

Employment Standards Act, 2000, the *Employment Protections for Foreign Nationals Act*, and the *Human Rights Code*. Without meaningful protections from reprisal, funding for proactive enforcement, robust collections and penalty mechanisms, employers will continue to breach minimum employment standards laws because they know they can get away with it.

Without needing to pass further legislation, the Minister could also improve the lives of working people in Ontario by bringing into effect laws which have already been passed by the legislature but have yet to be brought into force, such as the *Pay Transparency Act*, and the temporary help agency licensing regime that was established by Bill 27, the *Working for Workers Act, 2021*. Both these laws include important accountability mechanisms that this government could be using to curb workplace exploitation and inequality.

Conversely, the government enacted the *Digital Platform Workers' Rights Act (DPWRA)* in April 2022 but, fortunately, has yet to bring it into effect. The *DPWRA* requires platform companies to provide information on pay, tips, and removal of a worker from the company platform among other things. Platform workers have rightly condemned the *Act* because it carves workers out of protections under the *ESA* for minimum wage, hours of work, and termination notice. The *DPWRA* is fundamentally flawed. The government has the opportunity for sober second thought on the *Digital Platform Workers' Rights Act*, and should take this opportunity to repeal the act or risk further enabling large platform companies in providing substandard work conditions.

Finally, new technologies are rapidly changing the world of work. Gig work, worker surveillance, and AI human resource tools are widely used already. Our regulatory apparatuses are playing catch up. Ontario should be listening to workers and relying on their input when shaping policy toward new technology and digital platform employment practices. However, that is not what we see from this legislation.

For all these reasons, we support the submissions of the Workers Action Centre and Parkdale Community Legal Services and urge the government to put in place the following recommendations:

- **Recommendation 1:** Implement the Recruiter Licensing Regime promised in the *Working for Workers Act, 2021* without further amendments or further delay;
- **Recommendation 2:** Increase the proactive enforcement of the *Employment Standards Act, 2000 (ESA)* and the *Employment Protection for Foreign Nationals Act (EPFNA)* and start actually prosecuting and fining employers who violate these acts;
- **Recommendation 3:** Implement concerted activity protection measures so that non-unionized employees have job protection when they collaborate and take action to enforce their *ESA* rights at work;

- **Recommendation 4:** Curb employer reprisals of workers who stand up for their rights by introducing wrongful dismissal protection under the *ESA*;
- **Recommendation 5:** Move immediately to bring the *Pay Transparency Act* into effect;
- **Recommendation 6:** Increase funding to the Human Rights Tribunal of Ontario to speed up claim processing time and address the backlog of cases at the Tribunal;
- **Recommendation 7:** Create proactive enforcement mechanisms to enforce the *Human Rights Code*, particularly in relation to hiring and job application processes;
- **Recommendation 8:** Create other deterrence mechanisms, such as reporting requirements and fines, instead of relying solely on complaints-based enforcement systems for the *Human Rights Code*;
- **Recommendation 9:** Repeal the Digital Platform workers' Rights Act, 2022;
- **Recommendation 10:** Order the WSIB to comply with section 49(1) of WSIA and annually index benefits based on the previous 12-month CPI, as opposed to averaging over a longer period.

All of which is respectfully submitted.

Sincerely,

MISSISSAUGA COMMUNITY LEGAL SERVICES



Nancy Mukhija
On behalf of the MCLS Board



Joanna Mullen
On behalf of the MCLS Staff