



FAITH COMMUNITIES IN
ACTION AGAINST POVERTY

Submission on Bill 149

Working for Workers Four Act 2023

To the Standing Committee on Social Policy

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For more than three decades the Interfaith Social Assistance Reform Coalition (ISARC) has participated in Government consultations on social assistance, affordable housing, and rights for precarious workers, among other issues. Our involvement in these proceedings stems from the role our member faith communities play in serving people on the margins, people relying on social assistance or low-wage work and struggling to find or maintain housing, people who cannot afford to buy groceries.

Businesses operate to make a profit. One mechanism to increase business profits is to keep labour costs as low as possible. It is understandable that businesses will seek out and use loopholes in the law to accomplish this purpose. The law allows businesses to exploit workers who are not considered “employees” under the Employment Standards Act and the Labour Relations Act. This way those workers who are not treated as “employees” are denied basic rights such as minimum wage, paid holidays, paid vacations and the right to engage in collective bargaining. The loophole in these statutes is found in the provisions that identify dependent workers as “employees”. This allows businesses to claim that the persons conducting the work that generates the business’ revenues are independent as opposed to

dependent contractors. However most workers who are treated as independent contractors are in a position of economic dependence on their employer. The problem is that the burden of proof to establish their dependence is on the worker while it is the Employer who has the legal and financial resources to litigate any such dispute. Currently there is no reverse onus requiring the Employer to prove that the worker does not in fact meet the test of being an “employee”.

Bill 149 in part is promoted as improving the rights of some of the workers who are not recognized as dependent contractors – namely digital platform workers. The main justification given by businesses for treating digital platform and similar type workers as independent contractors is the claim that this is the only way to respect the desires of such workers to unilaterally indicate when they wish to work even though the business does not guarantee that work will be available at that time.

Bill 149 only tinkers around the edges of working conditions for these workers and this approach to such workers is not necessary to respect the desire of such workers to unilaterally indicate when they wish to work.

For decades in the health care sector in Ontario, workers, whether they be nurses or personal support workers or others, have had this right to

choose to indicate where and when they would like to work. Those choosing this approach are classified as “casual employees”. They are covered by the Employment Standards Act and the Labour Relations Act in the same way these statutes set out rights for full-time and regular part-time workers. The workers classified as casuals get the same hourly pay and most of the benefits received by other workers.

Schedule 2 of the Bill already contains an amendment to the Employment Standards Act. The real solution to protect the right of digital platform and similar workers is to **broaden Schedule 2 to amend the Employment Standards Act to require all persons supplying goods and services be treated as “employees” unless the business is able to satisfy the Ontario Labour Relations Board that the such worker is truly an independent contractor with bargaining power to meaningfully negotiate the terms of their contract with the business as well as the right of this worker to delegate the performance of the work to another person.**

It is time to end the prejudicial treatment of digital platform and similar workers and provide them with the same tools to ensure they are treated fairly and with respect as other workers in this Province.

The Bill in Schedule 4 amends the Workplace Safety and Insurance Act to expand the rights of firefighters. Unfortunately that Act does not

sufficiently cover employees of Retirement Homes. Operators of such Homes have the option of declining to cover their employees under this Act and instead secure private liability insurance. Most of the private carriers only provide employees with income protection in the event of injury and not in the event of illness.

The widespread outbreaks of COVID in Retirement Homes infected not just residents but also workers and those workers were denied the benefits of income support, medical treatment and rehabilitation available to other workers. Given the expectation of future outbreaks of COVID and other infectious diseases, it is no longer acceptable to deny workers in these homes the full scope of benefits under the WSIA. **Schedule 4 should be expanded to amend the WSIA to fully cover these workers.**

Appendix

ISARC Values

Human Dignity. The right of all people and their communities to be treated with justice, love, compassion, and respect, and their responsibility to treat others likewise.

Mutual Responsibility. The obligation of communities to care and share with their people, ensuring that basic needs are met.

Social Equity. The right of all people to adequate access to basic resources, to full participation in the life and decision-making of their communities.

Economic Equity. The right of all people and communities to adequate access to the resources necessary for full lives, including access to worthwhile work, fair employment considerations, and our communal responsibilities to use such resources responsibly.

Fiscal Fairness. The right of all people, communities, and institutions to fair fiscal treatment and the responsibility of all to contribute fairly for the well-being of all.

Ecological Sustainability. The obligation of communities to practice responsible stewardship of the earth and its environment, so that creation might be preserved for generations to come.

ISARC represents Christian, Jewish, Muslim and other faith communities across Ontario, including the Anglican Diocese of Toronto, the Anglican Provincial Synod of Ontario, the Assembly of Catholic Bishops of Ontario, the Canadian Unitarian Council, Catholic Charities of the Archdiocese of Toronto, the Council of Imams, the Council of Canadian Hindus, the Eastern Synod of the Evangelical Lutheran Church in Canada, the Eastern Ontario District of the Pentecostal Assemblies of Canada, the Islamic Humanitarian Service, Mennonite Central Committee Ontario, the Presbyterian Church in Canada, the Society of St. Vincent de Paul, the Toronto Board of Rabbis, and the United Church of Canada.