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Newcomer Women and the Workforce: A Critical Policy Analysis of Employment and Labour Legislation in Ontario

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Newcomer Women and the Workforce:
A Critical Policy Analysis of Employment and Labour Legislation in Ontario

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Major Research Paper

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Abstract

This research aims to explore the potential impact of changes in Ontario labour legislation on newcomer women in the workforce, particularly with the changes to both the Employment Standards Act, 2000 and the Labour Relations Act, 1995, under the 2017 legislation of the Fair Workplaces, Better Jobs Act (Bill 148). The research stems from the concern that newcomer women are overrepresented in low wage, temporary, precarious employment, and is informed by studies about the issues newcomer women face in finding stable, secure employment, and the societal forces involved in shaping policy intended to address those issues. The purpose of the study is to uncover ways in which provincial policy can be redirected and improved such that it begins to dismantle contemporary racialized and gendered patterns of workforce participation in Ontario. The analysis of the legislative changes will be framed by a social reproduction feminist perspective, which emphasizes the significance of low-wage and unpaid care work as central to a market economy, and which sees the state as helping to organize the workforce along intersecting gendered and racialized lines.

Dedication

This MRP is dedicated to my mother, Thirumagal. Her lived experiences as a newcomer woman in the workforce in Canada inspired me to write my MRP on this topic and gave me the strength in this rigorous, and exhilarating moment in my academic career.

Acknowledgments

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Introduction

In Ontario, Labour policies such as the Employment Standards Act (ESA) and the Labour Relations Act (LRA) provide workers with the minimum standards for a fair and safe workplace and the means of enforcing these regulations in various organizations and employers. Despite being created to protect all workers' rights in the labour market, these policies have different impacts and outcomes on the lives of workers; particularly women, visible minorities, new immigrants and people with disabilities. Many workers in these groups are likely to be vulnerable to racism, sexism, ableism and other oppressions and to live in persistent poverty. They thus depend on labour regulations to a greater degree than other workers to protect them in the workplace.

While these regulations are set to provide workers with the basic standards of rights at work, immigrants, specifically immigrant women, often struggle with the realities of finding stable employment with decent pay, safe working conditions and fair job opportunities in the Ontario labour market. According to a Poverty and Employment Precarity in Southern Ontario (PEPSO) report, *Getting Left Behind* (2018), many newcomer women experience unique barriers to the labour market. As precarity has always been most prevalent among this group, they often turn to temporary help agencies as a means of making an income. In 2009, The Ministry of Labour reported that over 600,000 people in Ontario held temporary jobs, many through the approximately 1,000 temporary employment agencies currently operating in Ontario (Ministry of Labour, 2009). Newcomer women are pushed into agency work due to a variety of structural barriers to more secure and better-paid employment opportunities. The lack of rights associated with agency work leaves them particularly vulnerable to exploitation and poverty (Aujla, 2016).

The guiding question for this research is: Do the changes to the Employment Standards

Act, which resulted from the Fair Workplaces, Better Jobs Act (Bill 148), help newcomer women break out of the low-wage, precarious work in which they are traditionally overrepresented? And if not, why not? I approach this research in light of contemporary analyses of the neoliberal worker and the experiences of newcomer women as workers. I also contextualize it within an analysis of historical and current Ontario labour legislation.

These literatures address key questions pertinent to my research. Contemporary analyses of the neoliberal worker address questions such as: what does an “ideal worker” look like under neoliberal forms of capitalism? What is the difference between the sociological critique of labour as precarious, and industry’s promotion of flexible employment arrangements as something positive for the worker? In what ways are those differences experienced by newcomer women? How does the increasing presence of precarious work affect stable employment for newcomer women?

Studies of newcomer women in the workforce address the following questions: where do newcomer women find employment? Why do they end up in low-wage, temporary, and/or social reproductive work? And how does this affect their well-being?

Finally, I discuss the historical and present context of the Employment Standards Act (ESA), in order to learn how the ESA addressed newcomer women’s experiences in the labour market when the legislation was first introduced. This literature also addresses the questions: How are the changes significant to newcomer women and those experiences? What is the significance of the changes for workers, as well as for employers?

After reviewing the above literature, I summarize the primary theoretical approach that informs my research, social reproduction feminism. The social reproduction feminist lens is grounded in, and builds upon, a historical materialist understanding of society that analyzes the

social organization of work – of the labour people do to create society. It engages with and extends the critiques of neoliberal capitalist workforces. This perspective informs my methodology, which is a critical policy analysis. Along with reviewing past and current provincial labour legislation, the data for my analysis will also include written submissions to the policy-making process leading up to the passing of and granting of Royal Assent to Bill 148 on November 27, 2017.

I frame my analysis of this data in reference to the critiques of neoliberal workers, newcomer women in the workforce and the historical context of provincial labour legislation described above. Specifically, I ask if and/or how the issues facing newcomer women were addressed in earlier labour legislation; to what extent Bill 148 can be understood as an attempt to address these issues; and what the significance of the changes to the legislation is for workers as well as for employers? This will provide insight into how the changes to labour legislation impact the ways in which temporary employment service agencies work with newcomer and immigrant women.

My objective is to extend our current understanding of the issues newcomer women face in finding stable, secure employment. By assessing the degree to which the submissions to the policy-making process influenced the final legislation (or not), I hope to better understand the societal forces involved in shaping policy intended to address those issues. I also aim specifically to discover ways in which provincial policy can be redirected and improved such that it begins to dismantle contemporary racialized and gendered patterns of workforce participation in Ontario.

Literature Review

The following section will review the literature that pertains to the research on newcomer women and the workforce. It covers the following three topics: (i) the neoliberal worker, and what an “ideal worker” looks like under neoliberal forms of capitalism; (ii) the ways newcomer women access employment, with an emphasis on analyzing the low-wage, precarious nature of the employment they enter; and (iii) the provincial context of employment and labour legislation, with attention to how past changes to these legislations have related to newcomer women workers.

I follow this literature review with a discussion of the gaps in the existing literature and explain how my research contributes to the current scholarship on newcomer women and precarity in the workforce.

Theme 1: Neoliberal Forms of Capitalism in the Workplace:

In order to comprehend the current scholarship, it is vital to explore the historical context of the shift from the welfare to the neoliberal state in Ontario, and how this has resulted in the deregulation of the labour market, putting increased pressures and demands on workers. Neoliberalism emerged in the early 1970s, which greatly impacted the “social organization of work, labour relations, and labour market policies.” (Fanelli, 2011). In his article “Neoliberalism, Racialization, and Employment Standards” (2010), Mark Thomas examines the neoliberal strategies that were introduced to re-commodify labour power. Thomas refers to “re-commodifying” labour power as the process by which workers sell their labour in exchange for wages, where capitalism owns and has largely unhindered control of all means of production. Neoliberal policies allow for more intense exploitation, unlike the period following WWII when union contracts and state legislation intervened in the economy to improve conditions for

workers, the neoliberal period is characterized by significantly less state or union intervention.

He explains that:

Neoliberalism emerged in this conjuncture as a challenge to Keynesianism and as a prescription for a return to capitalist profit. Specific neoliberal strategies include the formulation of social policy on the basis of cost-saving measures, a re-orientation of macroeconomic policy to promote flexible innovation, and the skewing of labour relations. (79)

Neoliberal strategies were implemented in the workplace, therefore, to help create an (apparently) self-regulated market, with little state intervention to maintain or reinforce welfare measures for ordinary people. Thomas points to cost-saving measures, which include setting the conditions for more “flexible” employment. An example of this can be seen when temporary workers are hired on as workers in order to reduce long-term liabilities and costs, while maintaining flexibility and enabling employers to meet unforeseen demand (PEPSO, 2013). This scheme has allowed employers to shed one-time legally mandated obligations to their employees in the name of greater workplace flexibility (Sears, 2012).

The promotion of flexibility in the neoliberal labour market is further discussed in Leah Vosko’s ‘Promising 'Flexibility' and Delivering Precariousness: The Shape of the Contemporary Temporary Employment Relationship’. In this chapter of *Temporary Work: The Gendered Rise of a Precarious Employment Relationships* (2000), Vosko tracks the shift from the welfare state to the neoliberal state, relating it to the transition from the *standard* employment relationship (SER) to *temporary* employment relationship (TER). SERs are defined as: “The relationship between the worker and employer, where the worker has one employer, works full-time, year-round on the employer’s premises, enjoys extensive statutory benefits and entitlements and expects to be employed indefinitely” (Fudge 1997; Rogers 1989; Schellenberg and Clark 1996; Vosko 1997). According to Cranford, Vosko and Zukewich (2003), the SER is the model upon

which labour laws, legislation and policies, as well as union practices, are based. While unionized workers were at the forefront of the struggle to establish the SER, many other workers in the post-war period benefited because non-unionized industry and businesses competed for workers by extending similar benefits. At the same time, state legislation mandating maternity leave provisions, paid overtime and other benefits reinforced the SER for a broad group of workers as well.

However, with the election of neoliberal governments, many of those state protections were weakened. This is discussed in Thomas' *“Back to the Sixty hour week: Flexible employment standards for the New Economy”* (2009) where he discusses Mike Harris's intentions to modernize the Employment Standards Act in an effort to serve the needs of businesses which he pledged through his Common Sense Revolution platform (1997). According to the Harris government, the standards in place when he came to power were “ideologically driven and overregulating” (109) Harris's government aimed to integrate labour flexibility that would adapt to “meet the needs of the modern workplace” (114), and in doing so, normalized a labour market that created precarity and vulnerable workers.

The Harris government normalized a precarious workforce in the guise of flexibility for businesses. In doing so, temporary employment relationships became more common, with the percentage of jobs with temporary contracts increasing vis-a-vis permanent contract jobs. This created a more “flexible” workforce that is characteristic of neoliberal forms of capitalism. Flexibility in the workplace was supported through the use of temporary help industries (THI), as more companies started heavily relying on employment agencies that contracted out casual workers, reassigning the responsibilities placed on employees in the standard employment relationship in areas such as “hiring, administration of benefits and dismissal” (Vosko, 2000, 30).

Vosko emphasizes the role of the worker in the labour force with the emergence of the temporary help industry, as she states, “The success of the THI still rests on casting temporary help workers as commodities—bought, sold, and traded in the labour market.” (Vosko, 2000, 158). While this is true of all labourers under capitalism, Vosko is commenting on the stripping away of the conditions of the SER that acknowledged workers were more than things to be bought and sold on a labour market. Employees with SERs were still commodities, but their status as such was somewhat buffered by greater consideration of their needs as human beings too.

Employers often promote flexibility as a positive characteristic of their workplace -- something that allows employees to work while having a work-life balance. It is said to benefit, for instance, “Moms who are at home, who don’t want to be working on a permanent basis, but want a schedule that accommodates their family, and get out of the house for a couple of day” (Vosko, 2000). While this may be promoted as a choice, it is vital to acknowledge that flexibility is not always a choice. Flexibility disguises a precarious employment relationship, which neoliberal policies have fostered in the labour market. This precarious nature of the labour market has left many workers needing to hold multiple jobs as they cannot always manage on the wages of just one.

There are more negative impacts to a precarious labour market, as outlined in Poverty and Employment Precarity in Southern Ontario research group (PEPSO)’s report titled, “*The Precarity Penalty*” (2015). The report sets out to explore the negative effects of precarity and the promotion of neoliberal flexibility on individuals, households and communities. The report discusses many problems that occur due to precarious employment. some of these problems include: effects on household well-being, starting families and taking care of children, mental health of workers and their families, as well as moving into better opportunities. While

precarious employment is bad for everyone, it is important to address how race, gender and where you were born can make things worse for particular groups in society. Those who are often most severely impacted by precarious employment are non-white racialized women, who are pushed into the margins of the labour market. Although much of the current literature on this topic discusses the ways in which neoliberalism engenders precarity in the workforce, it is important to acknowledge that precarity has always existed for racialized, as well as for female, workers, and their experiences in the labour market should be recognized as there are diverse forms of experiences.

This important point is made by Nicole Bernhardt. In her article, “Racialized Precarious Employment and the Inadequacies of the Canadian Welfare State” (2015), she argues that the welfare state’s SER reinforced the racial and gendered divisions within the workforce. As a result, the solution to today’s precarious workforce cannot be found by looking backwards: “While neoliberalism has intensified the experience of precariousness and exclusion from the workforce for racialized Canadians, the solution to this exclusion cannot be found in advocating for a return to an inadequate system of moderate Keynesian policies that never challenged the racialized power structures” (Bernhardt, 2015, 1).

Instead, she argues, the solution lies in extending protections and benefits not just to those in SERs (including unionized workers), but to all (e.g., part-time, nonstandard, *flexible* workers). Bernhardt’s point is supported through the scholarship of Marilyn Carr and Martha Chen, who recommend, “the key policy objectives should be to extend labour standards and social protection measures to cover all workers, in both formal and informal employment” (Carr; Chen, 2004, 153).

While the critique of the precarious neoliberal worker informs the general direction of this project, I am mindful that the racialized and gendered pattern of precariousness run much deeper than neoliberalism. If the modifications to the Ontario labour legislation introduced in Bill 148 are to address these patterns, they need to extend the same protections workers are afforded in SERs to those in TERs, and/or provide pathways for newcomer women to move into more secure, well paid jobs.

Theme 2: Newcomer Women as Workers

Newcomer women have been confined to lower-paid, less secure positions in the Canadian labour market in large part because they have been funneled into the temporary employment industry where their opportunities for upward mobility are severely limited. This is in keeping with historical patterns. Racialized immigrants were at one point only permitted into Canada to fill specific gaps in the labour market – to be employed in industries that, for whatever reason, were subject to a labour shortage. Once here, racist and sexist policies reinforced discriminatory patterns, and excluded them from the mainstream labour market. For example, Chinese labourers, who were brought from China in the second half of the nineteenth century to complete construction work on the Canadian Pacific Railway were subject to a head tax. The tax, was placed to dissuade further Chinese people from emigrating to Canada after the completion of the railway (Lai, 1973, 34). While the Chinese labourers were men, newcomer women have also arrived in Canada on the same terms in the past as well. Canada outsourced jobs in the social reproductive sector to other countries where there are large and low cost reserves of labour. This is explored in Maiquetia Hibbert's dissertation on the impacts of precarious domestic work on Black Caribbean women. She writes:

It is important to highlight the fact that minority immigrants were welcomed to Canada because of the need to fill jobs after the preferred group had settled enough and gained a certain degree of economic sufficiency to move beyond having to take those jobs now considered menial although essential to the economy... These historical job assignments have created a stigma that racialized immigrants are suited for specific types of jobs and this stigma still exists today. (Hibbert, 2008, 13)

This stigma continues today helping to create a culture in the labour market that positions newcomers as well suited for precarious work – and positions newcomer *women* as well suited for precarious social reproductive work in particular. A popular rationale is that part-time, low paying jobs provide newcomers with valuable “work experience”. According to Vosko, employers often tell immigrants that they need Canadian experience. This has created a cycle of dependence of social assistance or temporary employment agencies. As well, these practices towards racialized immigrant women also maintain racist ideologies, stereotypes and practices that are normalized by employment industries. Immigrant women would be faced with more challenges while balancing both racialized and feminized division of labour practices.

This is also a prominent theme in Gillian Creese’s work in “*Racializing work/reproducing white privilege*” (2007), where she argues that the workplace continues to be a key site for reproducing gendered racial inequalities and white privilege in the Canadian workforce. Creese states that racialization in the labour market is not simply the result of individual prejudices and the attitudes of employers and workers, and contends that racialization is a “complex process that is deeply embedded in broader societal structures and power relations that privilege some, while hindering others”, such as immigrant women of colour who often deal with the ongoing growth of precariousness and marginalization in the labour market, while it displays the privilege of white people who benefit from the racialized patterns of the labour market. Creese concludes by stating her concerns that dismantling the gendered and racialized patterns of the labour market will be difficult without strong policy initiatives, employment

equity legislation as well as public support for stronger policies. Without stronger policies in place, there is no incentive for employers to change, as a “cheaper, yet highly skilled workforce” (204) is beneficial to them.

The temporary help industry thrives on the racialized feminization of employment, specifically those who are financially insecure and vulnerable to exploitation for lower pay. The norms that are attached to the roles that these women take on can be analyzed through a social reproductive framework, discussed in detail in the theory section below.

In, “Mostly Work, Little Play: Social Reproduction, Migration, and Paid Domestic Work in Montreal”, Carmen Teeple Hopkins studies the unpaid and paid domestic labour of migrant workers in Montreal. She discusses the significance of the overlap between their site of “home” and of employment. This is an important addition to the literature on migrant women and employment as it examines the different spheres that the domestic migrant workers inhabit, considering their lives as a whole, and not just as workers. As well, it provides insight into the relationship between reproductive work and productive work for migrant caregivers, as their site of “home” and employment overlap in ways that tend to disadvantage the domestic workers’ health and welfare. While spheres do not always overlap in all forms of labour newcomer women undertake, many do find jobs in the paid social reproductive sector, especially working on temporary employment contracts in nursing homes and/or hospitals. As a result, they are responsible for doing the typically difficult work of reproducing the Canadian-born working class - a job that often earns barely enough to pay for their own and their family’s social reproduction. And because, as women, they are generally responsible for the social reproductive labour of their own families, they also bear the extra burden that work entails when supported by insufficient wages.

The racialized feminization of employment is also exhibited in an undercover investigative piece titled: “*I went undercover in a Toronto Factory where a temp worker died. Here’s what I found*”, developed by Sara Mojtehdzadeh and Brennan Kennedy (2017) , who are Work and Wealth and investigative reporters for the *Toronto Star*. In this piece, the reporter goes undercover at one of Toronto’s largest industrial bakeries, Fiery Foods, where a young refugee woman named Amina Diaby was killed on site, where her hijab was caught in a machine, strangling her. The reporter sets to find out how precarious work affects the worker and employer relationship and how it is reshaping our current economy, through investigating health and safety concerns, as well as investigating company reliance on temporary agencies as a way to shift liability on the agencies if anything happened to anyone on the job. Mojtehdzadeh also acknowledges that the working conditions for temporary workers do not comply with legal standards, as workers were not given proper safety training upon arriving. The racialized feminization of precarious work is highlighted as many of the workers employed at the factory were racialized women, who were taking on this work as a means of survival and taking care of their families. Newcomer immigrant women tend to be overrepresented in harmful, precarious work, as Tania Das Gupta points out in her work, titled, “*Racism/anti-racism, precarious employment, and unions*” (2006). Das Gupta emphasizes how the precariousness of immigrants, people of colour, and Aboriginal workers, including women, in the labour market was produced by their precarious citizenship status in Canada—and that lack of citizenship was due, in turn, to their racialization, their gender, their immigration status, to all the legal and social locations they occupied (Das Gupta, 2006, 320). As was also exhibited in the investigative report, Das Gupta concludes that marginalized members of Canadian society such as racialized Canadians had limited social and employment options and were expected to perform under “subhuman working

conditions, at super-exploitative wages. They were viewed as threats to the nation by their otherness and as threats to the organized working class by their racialized capacity and supposed ‘willingness’ to work at wages below those paid to White workers” (321).

The different roles and labour – both emotional and physical – newcomer women take on have a notable impact on their well-being, health and other aspects of their lives. In a Ryerson University study, titled: “*Working so hard and still so poor!*” *A Public Health Crisis in the Making: The Health Impacts of Precarious Work on Racialized Refugee and Immigrant Women*”, the authors examine the health impacts of precarious work on newcomer and immigrant women in Ontario. The study concludes that the more precarious work a worker takes on, the more detriments to her health she experiences. Based on the findings, the authors determined that precarious work will “result in large costs for our economy and social fabric and in particular, public health, while keeping in mind that the challenge will be to rethink our public policies and to keep in mind the kind of changes that have been recommended by participants in this study (W. Ng, et al., 2016, 4).

Theme 3: Employment legislation in Ontario

In order to garner an understanding of Ontario’s labour market and its regulation, it is important to discuss when labour market legislation began, why it began, and how it addresses the diverse needs of workers. Ontario’s first comprehensive Employment Standards Act (ESA) was proclaimed in 1968, and implemented in 1969 when it replaced statutes such as: the Ontario Factories Act (1884), the Minimum Wage Act (1920) and the Hours of Work and Vacations with Pay Act (1944), combining these under one piece of legislation, which is what we know today as the Employment Standards Act (Ministry of Labour- Legislative History of ESA, 2016). The

fruition of the ESA was significant as it made "wider sets of social relations between states, markets and households" (Thomas, 2009, 8).

Mark Thomas' chapter, "The Origins of Flexible Employment Standards" (2009) reviews the history of the ESA and the Ontario government's approach to labour market policy in addressing certain gender inequities while still adhering to business interests. With the inauguration of the ESA in 1968, there was a focus on women workers' rights in the legislation, specifically with the right to equal pay with men. That focus was the result of women's organizing over many years for better working conditions. According to Thomas, many felt that the fight for women to have equal working conditions was a losing battle. They noted that,

Women are employed in low-wage industries, partly because of the comparatively short period during which a large number of them are at work, and the fact that they are not generally organized in unions for their own protection and therefore lack the bargaining power that unionism confers... and partly because many of them are satisfied to add something to the family income, thus endanger the wages of those wholly dependent on themselves. (Thomas, 2009, 43)

Gender segmentation in the labour force was a prominent issue that was debated at all stages of implementation in the ESA. Addressing gender as a workplace issue was considered detrimental to the interests of male workers for many reasons. Most significantly, men were viewed as family breadwinners, and including women's concerns about employment in the ESA was seen as a threat to men's opportunity for work that would allow them to adequately fulfill that role.

While the 1968 legislation made some limited progress in establishing equity for women workers, policy drafters failed to consider situations outside the norm, such as single mothers or women who were the breadwinners for their family. They saw working women primarily as temporary workers, and thus "premised [the] system of labour regulation on a model of social reproduction based on a highly gendered division of labour" (Thomas, 43).

Furthermore, the employment conditions of many women of colour were excluded from the initial Act because it did not regulate paid domestic work and homeworkers – jobs typically performed by black and other racialized women (Thomas 44). The labour market strategies implemented by Ontario thus exacerbated certain class, race and gender-based inequalities, and in these ways, largely served the needs of business owners, who were treated as priority stakeholders in the early iterations of the ESA. Business owners took full advantage of the ESA's neglect of race and gender issues and hired newcomer and immigrant women as cheaply acquired and exploitable workers. Labour market strategies were also deeply entangled with immigration policies, as if the need for cheap labour had not existed, there may have not been a possibility for newcomer women to come to Canada in the first place. As Sunera Thobani points out, this demonstrates that Canada's racist, classist and gender bias in not only the Canadian labour market, but in Canadian immigration policies as well (2000).

The Relation of this Research Study to the Existing Literature

Currently there is a diverse body of literature that explores how working class racialized women are represented in the labour market. My goal is to contribute to the existing work on this topic by applying some of the crucial insights of this literature to an area that is not yet thoroughly researched. I examine the recent changes in labour legislation in Ontario introduced in Bill 148 to assess the impact these changes do or do not have on established gendered and racialized patterns identified in the existing literature. My research will enrich the existing literature as well in that it will document which voices were, and were not, influential in shaping the new Employment Standards Act.

Scope of Research

My research draws on a wide array of literature that addresses different methods and research designs. While I believe that my research will add to the existing literature, specifically around the 2017 changes to the Fair Workplace, Better Jobs Act, it faces certain limits. Most significantly, I will not be including the voices of those directly addressed in my research: newcomer women. While that would have added nuance and perspective to my analysis as well as to existing scholarship more generally, I also am mindful of how I want my research to represent this community of women. In “R-Words: Refusing Research”, Tuck and Yang (2014) urge the decolonization of research in academia. Specifically, they criticize research that focuses on retold stories done by academics. While I am a daughter of an immigrant women and can speak from the perspective of witnessing my mother go through the challenges of neoliberal forms of capitalism in the workforce, I still would not be able to encompass the emotion and perspective that comes from being a newcomer to Canada and going through the labour market that is set up to exploit marginalized people.

Another limit of my research is its focus on the difficulties newcomer women face while paying less attention to the resilience that they have shown in the workforce, and how they organize in spaces regarding their worker rights. Tuck and Yang (2014) mention that often times when research is focused on marginalized communities, it is focused on understanding community members’ pain. Reading this text really put my thoughts in perspective, as I never wanted to centre my research solely on the struggles newcomer women face but, more so, I want to focus on how policy can and should improve if Ontario is to ensure fair workplace practices.

Theoretical Approach and Methodology

In order to uncover if the changes to the Employment Standards Act, which resulted from the Fair Workplaces, Better Jobs Act (Bill 148) help newcomer women break out of the low-wage, precarious work in which they are traditionally overrepresented, I have used a critical policy analysis guided by a social reproduction feminist theory framework. The social reproduction feminist lens is grounded in, and builds upon, a historical materialist understanding of society that analyzes the social organization of work – of the labour people do to create society. It engages with and extends the critiques of neoliberal capitalist workforces. This perspective informs my methodology, which is a critical policy analysis. Along with reviewing past and current provincial labour legislation, the data for my analysis will also include written submissions to the policy-making process leading up to the passing of and granting of Royal Assent to Bill 148 on November 27, 2017.

Theoretical Framework

The theoretical approach that I use to guide my research is a social reproduction feminist theory, which highlights the significance of low-wage and unpaid work as central to a market economy. Social Reproduction Feminism provides a useful lens when discussing how the labour necessary to a capitalist economy is situated not only at the workplace, but also within the private household organized according to gendered and sexist norms and relations. According to Sue Ferguson, capitalist labour encompasses both “the value-producing labor associated with the waged economy, and the domestic labor (typically performed by women) required to give birth to, feed and raise the current generation of workers, and the children who will comprise the future workforce” (2008, 44). Social reproduction feminist theory further proposes that all labour is organized in and through gendered and racialized relations. While the distinction of economic

and familial spheres was a focus in earlier Marxist feminist accounts, social reproduction feminist theory today looks beyond that to the many different ways and spaces in which labour power is reproduced.

The devaluation of social reproductive work can be attributed in large part to gendered and racialized relations of reproduction in both the private and public spheres. While capitalism may be – in theory – an equalizing system (one that just cares about getting value from a worker, whatever their gender, “race” or sexuality), in practice, it is deeply racist and sexist. The state, insofar as it helps to organize the social reproduction of workers for capital through immigration, social welfare policies and other measures, tends to uphold the social oppressions essential to keeping the costs of social reproduction low. It is only when people organize to fight back against racism, sexism and so on that the state and/or capital is called upon to devote resources to improving people’s lives. Thus, feminist social reproduction theory encompasses the many intersections that women navigate under capitalism in both public and private spheres, specifically race and gender. And it can help us understand the reasons why and the ways in which newcomer immigrant women tend to be overrepresented in low-wage, precarious work.

According to Sara Farris (2017), immigrant women represent a “reserve army of labor,” that can be called upon when the need for workers expands beyond the domestic population’s availability for work. Farris tracks how the cheap labour of these women has become essential for the reproduction of western European societies and economies (2017, 20). At the same time, racist attitudes about their integration into the West through employment are common. Immigrant women (and especially Muslim women) in the European countries she studies tend to be viewed as victims that need to be rescued, whose exploitation as social reproduction workers in the Western economy can help save them from the presumed patriarchal oppression they

experience in their native cultures. Farris points out that far from rescuing immigrant women, low-waged, insecure social reproductive work perpetuates a cycle of gendered, racialized devaluation and dehumanization.

Low-wage, precarious work is often performed by racialized working class women in Ontario as well. Through a social reproductive framework, I examine the ways that race, class, gender and – in the case of my research – citizenship and status interconnect in the labour market, promoting the overrepresentation and exploitation of newcomer and immigrant women workers.

Social reproduction theory develops in critical interaction with Marxist theory, which analyzes the role of class struggle and workers in capitalist society. While Marxism illuminates the role of paid labour in capitalist societies, it is important to acknowledge the limitations in Marxist theory. The dominant traditions within Marxism have tended to neglect conversations about how capitalism impacts gender and race. They have often dismissed such discussions by suggesting that the problems of sexism or racism will be sorted out after the revolution (Bhattacharya, 2013) as they are seen as a distraction in the fight of class struggle. This is problematic, as it further erases the struggle of oppressed groups against racism and other “non-economic” issues, and sidelines the importance of addressing the barriers racialized women face in accessing fair and decent employment. Beginning from, but developing further, a Marxist framework, social reproduction theory develops an understanding of the gendered and racialized ways in which labour power is produced, and how that is essential to capitalism while also posing a problem for capitalist profit-making.

The social reproduction theory framework also emphasizes that newcomer women are not just waged workers, but also unpaid domestic workers who face stresses of reproducing

themselves and their own families on meager wages and with little security. This impacts their health and well-being as well as the health and well-being of their children. Social reproduction theory tells us that the state plays a significant role in ensuring the reproduction of the working class. The ESA is one way in which it manages that reproduction, but, insofar as the state fails to adequately address the specific conditions newcomer women face in the labour market, the state is complicit in actively ensuring a low-wage, precarious reserve army of labour in immigrant/newcomer women. At the same time, it does ensure some standards so that a relatively healthy (or healthy enough) workforce can be available to capital/industry.

Methodology

The theoretical framework I use for my research informs my methodological approach. The methodological approach for investigating my research is a critical policy analysis, supported by a close reading of primary documents. A critical policy analysis involves interpreting policies in relation to an understanding of state policy's role in upholding capitalist social relations.

In Lesley Vidovich's (2007) "Removing policy from its pedestal: some theoretical framings and practical possibilities", Vidovich seeks to remove the power of policy analysis from a macro level, and make it more accessible by applying it to micro level policy analysis. Often times, policy analysis is restricted to the macro level of global and national policy and does not look at all levels of policy processes. That is, it tends to account for the influence of official government actors, while failing to consider how legislation responds to and impacts community level practices and policies. The article specifically looks at the ways educational policy can follow a hybridized model which can simultaneously draw on the strengths of both macro and micro approaches without privileging one form of explanation over the other. Overall,

Vidovich stresses the importance of the active engagement of participants in policy processes at all levels, but in particular, highlighting the importance of democratic empowerment, and harbouring policy analysis in school, classrooms and community engagement, as that is truly where people can participate in both policy interpretation and policy construction. Without being able to interpret policies, and construct them, you leave policies on a pedestal where only the interests of the elite are taken into account.

Vidovich draws from the works of Stephen Ball, who presents the idea of a policy cycle, which allows for the recontextualization of policy through three primary policy contexts: the context of influence (where interest groups struggle over construction of policy discourses); the context of policy text production (where texts represent policy, although they may contain inconsistencies and contradictions); and the context of practices/effects (where policy is subject to multiple interpretations and recreations) (Vidovich, 289, 2007). I will be using the policy cycle as a framework of analysis, focusing on the first two contexts in relation to the ESA. I focus first on primary documents that have been authored by the stakeholders in the policy-making process. I will also look at how those texts are (or are not) represented in the production of policy by examining the text of the new ESA. The final element of the paper would be to examine how the policy has been implemented, however that is not in the scope of research.

Using qualitative research methods, my data encompasses the following:

1. Ontario's provincial labour legislation (historical and current); including the 2017 Fair Workplaces, Better Jobs Act (Bill 148).

In order to gain an understanding of how labour legislations directly impact newcomer women and their experiences in the labour market, I review the 2017 Fair Workplaces, Better Jobs Act

(Bill 148) as a primary source of empirical data. I supplement this with historical accounts of past labour legislation that has shaped the current policy in Ontario.

The context of policy text production will come from the analysis of Bill 148 itself, and historical legislation; where I analyze how workers, specifically newcomer women, are protected in the labour market and how they were represented in legislation, historically. I practice integration policy practice from Vidovich's work, and analyze the production process of the final Act.

2. Submissions to the Standing Committee on Finance and Economic Affairs on Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts or the Fair Workplaces, Better Jobs Act, 2017.

In order to gain a deeper appreciation of the labour legislation, I will also examine the archived submissions to the Standing Committee on Finance and Economic Affairs on Bill 148. These submissions refer to the consultation period to amend the Employment Standards Act. In May 2015, a discussion paper, titled, "Guide to Consultations" was released to initiate the consultation process. The first phase of the submission process took place from May 2015 to September 2015, where submissions were considered for the first interim report, which was released in July of 2016. The Ministry of Labour then initiated the second phase of the consultation, where organizations, unions, and employers were encouraged to re-submit, based on the updated interim report. This process concluded in October of 2016.

The submissions provide a unique approach to the empirical data, as I am able to analyze the issues brought forward regarding the changing workplace review, and do a comparative analysis alongside the final report published after the submission consideration. Through this

analysis, I interrogate: who participated in the submission to the standing committee? What changes were presented by different submissions? And which submissions were reflected in the Fair Workplaces, Better Jobs Act?

The submissions to the Standing Committee are archived on the University of Toronto's Industrial Relations and Human Resources Library digital archives (<https://cirhr.library.utoronto.ca/digital-collections/ontario-changing-workplaces-review>), which holds a collection of data that pertains to the changes of the Employment Standards Act. The collection consists of submissions for Phase One and Phase Two, academic research projects, the interim report, a summary Report as well as the final report for the Ontario Changing Workplaces Review.

The CWR organized two phases of submissions: Phase One (May 2015 to September 2015) and Phase Two (July 2016 to October 2016). The latter included, many written submissions in response to the interim report that was published between the two phases. A total of 300 groups made submissions to both phases. Groups, which submitted to Phase One, were invited to re-submit to Phase Two (and respond to the discussion as it was developing), although not every group did so. The groups represent different stakeholders, as identified in Table 1 below:

Table 1

Groups	Phase One (Submissions)	Phase Two (Submissions)	Organizations that resubmitted
Labour Unions and Faculty & Employee Associations	71	28	27
Community Groups, including Advocacy & Anti-Poverty	41	22	12
Legal Services	10	25	10
Employer Associations	27	15	29
Employers	19	24	0
Miscellaneous	30	76	10

	198	190	88
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From this overall list, I selected submissions from those organizations and businesses that were most relevant to the experiences of newcomer women – either because the groups explicitly advocate for newcomer women’s interests as workers, or because they are employers who hire disproportionate numbers of newcomer women. As a result, the submissions I reviewed fall under the category Community Groups (including Advocacy & Anti-Poverty) and Employers/Employer Associations. Submissions in the latter category include employers or employer associations in the Temporary Help Industry (THI). The following submissions are as listed from Phase Two, as both groups directly respond to the interim report, released after Phase One:

Community Groups, including Advocacy and Anti-Poverty:

- Between the Lines, Toronto
- Chinese Workers Network, Toronto/York Region
- Colour of Change Network- Colour of Poverty Campaign, Toronto
- Guelph & Wellington Task Force for Poverty Elimination
- Hamilton Roundtable for Poverty Reduction
- Health Providers Against Poverty (HPAP), Toronto
- Injured Workers Action for Justice, Toronto
- ISARC Interfaith Social Assistance Reform Coalition, Toronto
- Niagara Workers' activist group
- Ontario Council Agency Serving Immigrants (OCASI), Province wide
- Ontario Campaign 2000, Toronto
- Ontario Coalition Against Replacement Employees - Sudbury
- Poverty Free Kitchener-Waterloo Action Group
- South Asian Legal Clinic (SALCO), Scarborough
- The Peterborough Workers Action Centre
- Toronto Workers' Health and Safety Legal Clinic
- United Way Toronto & York Region
- West Scarborough Community Legal Services
- Windsor Workers Education Centre
- Workers Action Centre, Toronto

Employees:

- Apple One, Toronto
- Calian, Ottawa

- IS2 Workforce Solutions Inc., Mississauga
- ManPower Group, Toronto

Employer Associations:

- The Association of Canadian Search, Employment & Staffing Services (ACSESS), Mississauga

In order to make sense of the archives, I approach the data by using qualitative policy discourse analysis. As discussed in the literature review, the temporary employment relationship (TER) replace full-time work with part-time, contract or temporary employment. The emergence of TERs created a reliance on the services provided by temporary employment agencies, allowing employers to renege on responsibilities to the worker. Because they are key employers of workers whose conditions of employment are highly precarious, it is crucial that I analyze the temporary employment industry's response and submissions to the committee. Examining the degree to which these submissions shape the ultimate policy direction allows me to assess newcomer women and their roles in the precarious work culture.

Community worker advocacy organizations have made outstanding contributions to the current body of research that addresses the needs, rights and support services of the worker in the labour market. In order to get a wide perspective, it is important to examine how they support workers that are taking on precarious employment, specifically what supports they have for newcomer women and their success in the labour market, as discussed in their submissions to the Bill 148 submission committee.

Interpreting the Data

Drawing from Carl V Patton's work, *Basic Methods of Policy Analysis and Planning* (1986), I identify and evaluate empirical data by first defining the research problem: overrepresentation of newcomer women in low-wage, temporary and precarious employment. While this is a general statement, I aim to address all facets of the problem by identifying the

economic, political and social dimensions of the issue. Next, I examine the ways that the policy may harm or benefit particular groups. The focus of my research is on newcomer women as workers, employers and stakeholders (which we will examine in the following section). The next part of my analysis identifies alternative policies, which may include consultations with newcomer women or representatives that work directly with newcomer women and their mobility in the workforce. My research does not involve consulting with newcomer women. However, I aim to identify the way future labour legislation can be improved and reflect the needs of newcomer women to be successful in the workplace. In order to identify alternative policies, I provide a comprehensive review of literature that uncovers the issues that newcomer women face.

I am guided by the principles of grounded theory, as outlined by Kathy Charmaz (2006) in *Constructing Grounded Theory*. According to Charmaz (2006), research investigators often feel the need to immerse themselves in the data in a way that embeds the narrative of the participants in the final research outcome. This immersion is played out through the use of coding language that is active in its intent and that “helps to keep that life in the foreground” (526). This can be accomplished by including raw data in the coding process to develop a framework for my research in my findings, as opposed to working around a hypothesis, limiting the important information and insight my data may offer. By using open coding methods I will be able to connect patterns and look at the themes that arise from this research. By using grounded theory, I will be able to make connections to other theories that may help frame my research.

Background to Contemporary Labour Legislation

In order to get a comprehensive understanding of the potential impact of changes made in Ontario labour legislation for newcomer women in the workforce, it is important to acknowledge how legislative changes in the recent past have played a role in producing patterns of labour market inequality, and the process put in place to provide more protection for workers in Ontario.

The purpose of the ESA is to provide minimum rights and responsibilities that apply to employees and employers in the Ontario workforce. The Act was first proclaimed in 1968, with a focus on hours of work, minimum wage entitlements and gender equality in the workforce. Although the Ontario government periodically amended the legislation, it did not conduct its first review of the Act until 2000. The ESA (2000) replaced the previous legislation and brought Ontario workplaces many changes, such as job-protected leave, requirements to post information about the ESA in the workplace, and regulation of overtime hours, to name a few. The ESA was further amended over the years, with significant changes such as: introducing provisions for family medical leave, regulating temporary help agencies, and mandating annual minimum wage adjustments. It is important to note that the last full review of the ESA prior to Bill 148 (2017) was in 2000.

As well as the Employment Standards Act, the Labour Relations Act (LRA) also regulates Ontario workplaces. The LRA was proclaimed in 1950 as a means of establishing the legal foundation for collective bargaining in the province. The LRA aims to regulate labour relations for most Ontario private and public sector workplaces. According to the Supreme Court of Canada, its purpose is to preserve “collective employee autonomy against the superior power of management and [by maintaining] equilibrium between the parties” (S.4.82). The Act was

significantly amended in the early 1990s, with its first review in 1995 which addressed changes in legislation such as replacing the card-based certification process by compulsory certification votes; lowering the threshold for employees to apply to decertify a bargaining agent; introducing requirements for strike and ratification votes, to name a few. Through the amendments in the early 1990s, the goal of the government was to “ensure that workers could freely exercise their right to organize” (Changing Workplace Review: Special Advisors’ interim Report, 47, 2016).

As mentioned in the literature review, there was little to no consideration for the protection of newcomer women in unionized and non-unionized workplaces in provincial legislation. The need to start a conversation about changing the labour legislation to make it inclusive and address these issues was clear.

The opportunity to begin that conversation came when the Ontario government commissioned an interim report in 2015 seeking recommendations to amend the ESA and the LRA. The interim report’s purpose was to “Advise Ontarians of the range of issues that have been identified and the options for change that they are being asked to consider” (Changing Workplaces Review: Special Advisors’ Interim Report, 2016) in regard to the workplace issues which are not reflected in either piece of legislation. An initial period of research and public consultation (hereafter referred to as Phase One) resulted in the 2016 publication of The Changing Workplaces Review Special Advisors' Interim Report. This interim report developed proposals, which were then discussed in Phase Two of the public consultation, which began in the fall of 2016. The final Changing Workplaces Review was then produced, and used to develop labour legislation amending the ESA and LRA, The Fair Workplaces, Better Jobs Act (Bill 148) was passed into law on November 22nd, 2017 (see timeline in Appendix A).

The 2016 interim report is important because it sets the terms of the discussion that follows, and which ultimately directly influences the changes to the legislation. According to this report, the review focuses on vulnerable workers in precarious jobs and the need for legislative amendments to address some of the issues facing these workers.

The interim report puts great emphasis on the issues those members of visible minorities (such as immigrant, racialized, women) face as vulnerable workers in the labour market, addressing issues such as language barriers and dependency on low wage precarious work to make ends meet. It states:

“New immigrants are particularly likely to be vulnerable in the workplace because language barriers may keep them from knowing and exercising their rights. New immigrants may be less likely to complain about employment standards violations because they are economically vulnerable and fear reprisals. They are also less likely to work in unionized industries where the working conditions tend to be better and to be policed.” (30)

The report also sheds light on the difficulty of immigrants and newcomers being able to integrate into the labour market, as they are unlikely to catch up to the earnings of domestic-born workers in Canada. The report acknowledges these realities as a key factor explaining the perennially high poverty rate amongst newly arrived immigrants in Ontario.

While the report makes an effort to address the issues faced by vulnerable workers, specifically immigrant and newcomer workers, it also emphasizes the importance of being mindful of the interests of employers, and the potential impact of any proposed changes on their business needs. This is important to note, as changes that address the issues faced by workers may well conflict with the interests of businesses and employers demands.

The interim report addresses many issues. However, the following are most relevant to the issues newcomer women face in the workforce:

Labour Relations Act, 1995:

According to research provided by the South Asian Legal Clinic of Ontario (SALCO), newcomer women in the workplace often come from non-unionized environments or sectors to which the Labour Relations Act (LRA) currently does not apply (SALCO, 2016). Therefore, my discussion does not focus much on the LRA.

Employment Standards Act, 2000:

- 5.2 – Scope and Coverage of ESA
- 5.3 – Standards
- 5.4 – Other standards and Requirements
- 5.5 – Enforcement and Administration

The data analyzed for this study will mainly focus on the existing and recommended standards and the enforcement of these standards.

Findings and Results

The purpose of this section is to discuss the data collected from the submissions to the Changing Workplaces Review, and to analyze this data in light of the final changes to the labour legislation, the Fair Workplaces, and Better Jobs Act (Bill 148). The data reveal two prominent themes: 1) the distinction between the sociological critique and the industry's promotion of the "flexible" worker; and 2) an industry preoccupation with economic growth at the expense of worker well-being. These themes are then tracked in the revised legislation, in an effort to assess which perspectives are conveyed in the final Bill. After presenting the results of this study, I conclude this paper with a discussion of how the legislation incorporates (or doesn't) these themes, and what that means for the possibility of improving the experiences of newcomer women in the workforce.

THEME 1: Flexible Labour Market vs. Precarious Labour Market

One of the recurring themes in the Employers/Employers Association submissions is the promotion of a flexible labour market. A flexible labour market can be defined as adapting to the fluctuations and changes in society, the economy or production of labour (Rodgers, 2, 2007). In the case of the THI submissions, the term refers to the supposedly positive condition that allows workers to have flexible options in the workforce, while also catering to the employer's needs. A flexible labour market is often promoted by employment agencies as advantageous. All five public submissions claim that a flexible labour market allows workers to get experience the opportunity to gain permanent employment.

In a study by The American Staffing Association (ASA) utilized by two submissions, the ASA gathered statistics on the temporary workforce in the United States on the presumption that statistics should roughly correspond to the situation in Canada:

- Most (76%) staffing employees work full time, comparable to the overall workforce (82%).
- Half (49%) of staffing employees say it's a way to get a permanent job.
- 9 out 10 said staffing work made them more employable.
- One-third (35%) were offered a permanent job by a client where they worked on an assignment, and two-thirds (66%) of those accepted the offers of permanent employment.

Agencies also mention that with the changes in the uncertain economy and labour market, workers will find it advantageous to seek temporary agencies for employment, as the agencies can place them in a different assignment if their current assignment is complete. According to a report created by the Montreal Economic Institute, for instance, "making labour markets more flexible allows for an easier integration of these people, who are often in non-standard employment situations involuntarily" (Chassin, 1, 2013).

All five temporary help agencies that made public submissions agreed that a flexible labour market would be both beneficial not only to the worker, but to their clients as well. The

Association of Canadian Search, Employment & Staffing Services (ACSESS) believes that flexibility and the means to respond to rapidly changing developments are crucial in this economy. ACSESS, an association that represents staffing agency recruiters across Canada, states that there are many misconceptions about the industry, pointing to a recurring dialogue that precarity is a direct outcome of contract work and temporary assignments. Calian's submission to the review objects to the worker advocacy groups' portrayal of temporary workers as people who experience "lower pay, difficulty understanding and exercising employment rights, job instability, deterioration of health and barriers to permanent employment" (2016). ManPowerGroup echoes this in its submission, arguing "Our industry serves a critical function in the workforce, offering clients the flexible workforce solutions to grow their businesses, while providing individuals with varied work experiences and an upward track into the workforce" (2016).

The flexible labour market debate is ignited by the interim report's recommendations that temporary agencies should operate to decrease the growing precarity in the industry for the workers. For example, the interim report addresses concerns about termination and severance pay provisions when a worker's (individual) assignment ends before the anticipated date. It proposes that agencies be required to:

Compensate assignment workers' termination and/or severance pay (as owed) based on individual assignment length versus the duration of employment with the agency (as is currently done). For example, if an assignment ends prematurely and without adequate notice provided but has been continuous for over 3 months or more, the assignment worker would be owed termination pay. (Changing Workplaces Review: Special Advisors' Interim Report, 2016)

In response, one agency, IS2 Workforce Solutions, argues that if a temporary worker was to get laid off every assignment they were given, they would receive more wages than a regular employee (2016). It also notes that the current regulation could work to the advantage of the

worker as it is in the agency's best interest to place the worker elsewhere as quickly as possible. Therefore, it concludes, the temporary worker is likely to have a greater opportunity to find gainful employment faster than "under the proposed change to the termination and severance provisions" (2016).

Many of the THI submissions are made in response to the submission by the Workers Action Centre (WAC) submission, titled "Still working on the Edge: Building Decent Jobs from the Ground up" (2015). The WAC submission points out that the THI contributes to precarity insofar as temporary worker agencies act as a "middle man" between the worker and their clients, building on the promise of providing short-term workers to industries at a low cost. In response, the THI submissions take a stance that their contract workers come into the industry voluntarily and enjoy the flexibility as it allows them the freedom to pursue other endeavours and aspects of life.

By contrast to the THI, WAC and other advocacy organizations emphasize the precarious nature of "flexibility". According to WAC, workers' experiences demonstrate how temporary jobs, erratic scheduling, insecurity regarding hours of work, and lack of permanence is creating income insecurity, limited access to benefits, and substantial challenges for workers and their families (2015). While some may enjoy a flexible labour market, it is important not to discredit the experiences of racialized, newcomer women. The Chinese Worker Network (CWN) highlights the hardships of marginalized workers. CWN claims that racialized Ontarians, including people of colour, women and newcomers, are all over-represented in minimum wage jobs. Meanwhile almost 40% of children in poverty are in families in which their parents have full time, full year work and yet they still live in poverty. The CWN submission points out further that racialized workers and communities face discrimination and racism every step of the

way, whether in applying for jobs or in hiring and promotion (2015). Between the Lines, a grassroots legal education initiative, reiterates this message, by adding that the flexible labour market does not benefit those who engage in precarious work and are impacted by systemic factors such as racism (and specifically, anti-Black racism and anti-Indigenous racism), and anti-immigrant/anti-refugee rhetoric. (2016).

The arguments put forward by the THI submissions are evidence of the extent to which that industry draws on the image of the neoliberal “flexible” worker as it argues for the continuation of insecure working conditions for its workforce. Whether or not the position it puts forward is correct – that the status quo truly does benefit workers in the ways it points out – is beside the point. The key finding of this study is that the THI clearly promotes the precarious conditions that are associated with a largely immigrant workforce. This is perhaps not surprising, given its profit-making mandate. More surprising, however, is the fact that there is so little discussion about newcomer women in the workforce. It is difficult to pinpoint the extent to which the THI submissions represent conditions of racialized and newcomer women as compared with all precarious workers, given that there is little mention of this in the submissions. Given the THI’s insistence that its position is consistent with the best interests of temporary workers, and given the fact that the workers who use their services are often racialized immigrant workers, this oversight is as mysterious as it is alarming.

The THI submissions only reference immigrants and newcomers to explain why a flexible labour market is beneficial to them *as workers*. ACSESS, for example, highlights the point that there are advantages that staffing agencies provide to immigrants as a group within Canada that experiences heightened levels of unemployment. These include allowing employers to evaluate the employee whose credentials may be otherwise difficult to validate, providing the

employee with experience in the Canadian job market, and allowing the employee to form contacts with employers (ACSESS, 2016). While there may be some truth in these claims, they paint a conveniently one-sided picture of their immigrant workforce, one that ignores the research of Vosko, Thomas and others who fill in this picture with a more critical evaluation of the sort that we see in the worker advocacy group submissions.

Vosko (2000) draws attention to the distinction between the sociological critique of flexible labour as precarious, and industry's promotion of flexible employment arrangements as advantageous to the worker. Drawing from a social reproduction perspective, she considers the worker not just in terms of their status as a worker but as an individual whose needs and challenges are met outside of the workplace as well as within. The industry, however, tends not to acknowledge such needs. Its promotion of flexible employment causes many long-term problems for the worker as it impacts wages, their well-being and health, as well as security. The argument that workers using temporary help agencies will reap the benefits mentioned above constructs the workers' interests narrowly, and in purely economic terms. Additionally, these issues severely impact immigrant women workers, who may also face the stresses of cultural displacement in a racist society. The flexible labour market's working arrangements keep workers from feeling secure and maintaining stable realms of social reproduction for themselves. This, in turn, reinforces their vulnerability, especially as racialized women. The solution lies in addressing the issues of precarity that temporary agencies contribute to in the labour market, and note that a flexible labour market serves the interests of employers, not the worker.

THEME 2: Industry Growth vs. Worker Well-being

In addition to the promotion of flexible labour market, the THI submissions prioritize the economic health of their sector. They do this primarily by pointing to their industry's growth in the current regulatory regime.

The current regulatory regime is defined, in part, by two recent amendments to the ESA. The Ontario government passed an amendment to the Employment Standards Act in 2009 known as Bill 139. It was put in place to protect temporary employees in the workforce, specifically concerning the regulation of the temporary help agencies. Bill 139 provides improved rights for workers in relation to severance pay, termination processes and public holidays. Five years later, in 2014, the government passed the Stronger Workplace for a Stronger Economy Act (Bill 18). This bill further strengthened worker protection in the ESA, adding provisions regarding shared liability for temporary agencies and clients in the workforce. Some of the key highlights from Bill 18 concern determining who has responsibility for paying workers' wages, as well as compensating workers for workplace injuries. As per Bill 18, the temporary help agency will be primarily responsible for paying wages to its employees. However, the ESA now mandates that a client of a temporary help agency can be held jointly and severally liable for outstanding wages owed to an assigned employee (Bill 18, ss3). Additionally, the client will have to face the full cost of the resulting compensation claim if there is an injury to a temporary worker (Bill 18, ss4b, i). The THI submissions point to these earlier amendments as a reason why further change is unwarranted. To that end, they emphasize the following two points: (i) minimize government regulation of their sector and (ii) protect or enhance the sector's economic success.

(i) Minimize government regulation of their sector

In response to the recommendations of the interim report, the THI submissions voice strong concerns about government interfering in business matters and consistently propose that the government simply maintain current regulations.

Many worker advocacy groups agree with the need to enforce current laws. However, in contrast to the THI submissions, they also want the law to do more. Too much of the burden of enforcement currently lies with the individual worker, as it is up to the worker to know their rights and to stand up for themselves, usually at great risk of retaliation from their employers (Niagara Workers Activist Group, 2016). Out of the 21 submissions, nine worker advocacy groups stressed the need for stronger anti-reprisal regulations that would prohibit employers from intimidating, dismissing, penalizing, or threatening their workers when requesting more information on their rights within the Employment Standards Act.

They recommend that employers (both the agencies and the businesses they serve) are given additional responsibilities in ensuring fair treatment of their workers. The Guelph and Wellington Task Force for Poverty Reduction, for example, proposes that:

- There should be no differential treatment in pay and working conditions for workers who are doing the same work but are classified differently, such as part time, contract, temporary, or casual (recommendation 2.4)
- THI agencies ensure that their workers receive the same wages, benefits and working conditions as workers hired directly by the client company (recommendation 2.6)
- Long-term temporary assignments be prohibited, and that agency workers become directly hired employees after working a cumulative total of six months for the same client company (recommendation 2.6)
- Paid vacation entitlement be increased to three weeks per year, and after five years of service, it should increase to four weeks per year (recommendation 3.6)
- All workers should receive a written contract on or before the first day of employment setting out terms and conditions, including expected hours of work (recommendation 3.8) (Guelph and Wellington Task force for Poverty reduction, 2016)

Similar recommendations are reiterated by other community advocacy groups. Temporary help agencies, on the other hand, stress in their submissions that the existing ESA and LRA adequately protect the needs of the workers, and that all temporary help agencies are already obliged to follow the ESA and its rules. Therefore, government regulators need to shift the focus to *maintaining* the rules, as opposed to making changes that generally would further impact the way the industry operates.

This logic presumes that the THI abides by the ESA and its laws. Yet, one study has shown that agencies in Ontario have broken the law. According to a 2015 inspection blitz by the Ministry of Labour, 75% of companies audited had broken the law (Mojtehdzadeh, 2015). Given the power imbalance (and given the widespread neglect of the regulations), workers can't be expected to stand up to the THI without strong protection and legislation backing them up. It is also important to highlight, how historically employment laws worked hand in hand with business needs, while putting worker rights as a low priority. Even the interim report-stresses that any changes will be “mindful of the interests of employers and the potential impact of any proposed change and will carefully consider changes being sought by employers that could impact employees” (Changing Workplaces Review: Special Advisors' Interim Report, 2015).

(ii) Protect or enhance the sector's economic success

A common theme presented in the THI submissions is the notion that the recommendations presented in the interim report, as well as in the Workers Action Centre's report (which many of the agencies vehemently oppose) will pose a negative impact on the bottom line of the temporary help industry – and by extension on the provincial economy. According to Calian, these changes

will “have an overall negative impact on the Ontario economy and on the \$7 billion of operating revenue that the temporary help sector is driving into the Ontario economy” (Calian, 2015).

The agencies prioritize their business interests, rejecting recommendations calling on regulations that directly impact their operating costs. Two of the main issues that agencies address are markup disclosure and required severance. Reparations for assignments that end abruptly would provide workers with greater ability to anticipate their income. Fifteen of the worker advocacy groups highlight this in their submissions as an important feature in the ESA, as workers can have access to compensation for job loss, as well as provide an opportunity for the worker to find a new job. According to the Toronto Workers’ Health & Safety Legal Clinic (2015), “The longer an individual has been out of the workforce, the more difficult it tends to be for them to secure new employment and to support themselves during the search for employment”. For this reason, providing vulnerable workers with severance pay and adequate notice for any termination of job is highlighted as a demand in their submissions.

Many community groups also call for the temporary help industries to disclose the amounts they charge their clients to the worker assigned to that client. According to the South Asian Legal Clinic (2016), for example, information on the mark-up should be open to the worker who forms an integral part of the contract that a temporary employment agency has with their client company. Since the client company is paying for the worker’s labour, the worker should know the ‘value’ of that work (2016). The THI submissions oppose these recommendations. Their discussion of severance, reviewed in the section above, appears to put the interests of their workers first. Their discussion of mark ups clearly prioritizes the economic interests of the agencies.

According to AppleOne:

Pricing is client specific [which is] based on a number of factors [such as] the volume of business, difficulty in recruiting, the location of clients, WSIB experience and other risk factors, as well as payment terms. As such there is no predetermined markup and each situation is handled on a case by case basis.

Providing pricing to temporary workers may be meaningless, as temporary workers may not understand the details of the temporary help industry and cost structure. In addition this information may be misleading and may give temporary workers the impression that Apple One, and other temporary help agencies are making more profit than in actuality. (2016)

Advocacy groups, on the other hand, suggest that labour legislation should put the interests of workers ahead of the economic health of the industry. There was no attention paid to advocating for a higher minimum wage in the THI submissions. Community groups, however, placed great emphasis on increasing the minimum wage: all 21 groups called for a \$15 minimum wage, an increase from the 2016 minimum wage. Today, as a result of the changes to the ESA, minimum wage in Ontario is \$14. (Although it is set to increase to \$15 in January 2019, the current government has indicated it will not follow through with that increase.) The advocacy groups believe a higher minimum wage will bring workers above the poverty line, create better morale and retention rates (which will lead to lower costs for staff training). And, they point out, it will put more money in the local economy as well as ensure workers can put food on the table and heat their homes. The \$15 and Fairness campaign (run by WAC) highlights the fact that there should be no exemptions to this minimum wage. Currently many groups of workers are exempted from this minimum wage including, students, liquor servers, and farm workers (including migrant farm workers), to name a few.

The Employers/Employer Associations do not address the issue of a higher minimum wage in their submissions. IS2 Workforce solutions was the only group to acknowledge that it is in favour of Ontario's commitment to an annual review and adjustment of the minimum wage. In

relation to wages, both IS2 Workforce Solutions and ACSESS believe wage parity with regular employees doing the same job temporary workers do should not be acted upon.

According to the submission provided by the West Scarborough Community Legal Services (2015) on behalf of six community legal services agencies in the Toronto East End, the Ontario government should explore strategies to reduce the overall usage of temporary agencies. It argues that the THI is thriving in the economy because of its business model that saves companies money by paying temporary workers less money than those companies would have to pay employees they hire directly. The East End Clinics Employment Law Project research explains that these lower wages are made possible because temporary employment agencies often classify their workers as independent contractors. As a result, they can more easily avoid providing workers with basic rights and protections, such as paying minimum and overtime wages, and providing other benefits and entitlements they are due.

Fair Workplaces, and Better Jobs Act (Bill 148)

The section outlines the details of the Fair Workplace and Better Jobs Act (Bill 148), (which was rendered to royal assent on November 22, 2017), based on the recommendations that came from the final Changing Workplaces review. This legislation makes a number of changes to both the Employment Standards Act (2000) and the Labour Relations Act (1995). The purpose of this summary is to acknowledge the changes that were developed through Bill 148, and analyze what themes that appear in the submissions are reflected in the new Act, and assess how the new Act corresponds to the priorities of the THI and the Community advocacy groups, as they pertain to newcomer women and their experiences in the Ontario workplace. According to the Ministry of Labour website, the main changes to the ESA are in relation to: i) Minimum wage, ii) Equal pay for equal work, iii) Temporary help agencies, iv) Scheduling, v) Vacation

time, vi) Personal emergency leave, vii) Domestic or sexual violence leave, viii) Employee misclassification.

i) Minimum wage

In subsection 23.1 and 23.2 of the Act titled Determination of minimum wage, it states that on January 1, 2018 but before January 1, 2019, employees not listed in subparagraphs i to iv (Students, Liquor Servers, Hunter/Fisher Guides, Homeworkers [employees who do paid work in their own home for an employer]) are set to receive \$14.00 per hour, whereas on or after January 1, 2019 but before October 1, 2019, the general amount set out for employers will increase to \$15.00 per hour. The backgrounder to the Bill states that any changes after January 1, 2019, will be tied to annual adjustments to Ontario's Consumer Price Index.

According to the Ministry of Labour website, the ministry will enforce the minimum wage changes by hiring up to 175 Employment Standards Officers in Ontario to investigate into any complaints or violations at the workplace that may pertain to earned wages, as well as launching a program to educate both employees and small- and medium-sized businesses about their rights and obligations under the ESA (Ministry of Labour - Minimum Wage increase, 2017).

ii) Equal pay for equal work

According to the ESA (2000) and the Ontario Human Rights Code, an employer cannot pay an employee at a rate of pay less than another employee on the basis of discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, disability, age, marital status, family status and record of offences (Section 24.1.s. 5). That is, if employers hire two people who regularly work the same number of hours or term of employment (such as permanent, temporary, seasonal,

casual or those who are hired through temporary agencies), they must pay them equally. As per the Bill, “The Part is amended to provide for an entitlement for equal pay from an employer regardless of a difference in employment status and an entitlement for equal pay for assignment employees of a temporary help agency who perform substantially the same work as an employee of the temporary help agencies’ client” (Part XII).

In addition to these changes, the legislation also bolsters enforcement mechanisms in an effort to protect workers who want to investigate if their employer is complying with the new Act’s provisions.

iii) Temporary help agencies

The Employment Standards Act saw more changes (in addition to the changes from Stronger Workplace for a Stronger Economy Act - Bill 18, where provisions regarding shared liability for temporary agencies and clients in the workforce were passed) when it came to rules regarding temporary help agencies and their requirements under the labour laws. Under new laws, employers in general are required to give their employees at least one week's written notice or pay in lieu of notice if an assignment, originally estimated to last three months or longer, ends early (Part XVIII.1). Employers, in other words, have to pay the worker wages that they would have been given if a week’s notice had been given, or they must offer the worker a different assignment that lasts at least one week.

However, the temporary help industry is excepted from this change in the legislation. THAs do not have to provide notice or pay in lieu of notice in all situations. As per the legislation, pay in lieu does not apply if (a) the assignment employee has been guilty of wilful misconduct, disobedience or wilful neglect of duty that is not trivial and has not been condoned by the THA or the client; (b) the assignment has become impossible to perform or has been

frustrated by a fortuitous or unforeseeable event or circumstance; or (c) the assignment is terminated during or as a result of a strike or lock-out at the location of the assignment (Section 74.10.4).

iv) Scheduling

The Bill sets out new regulations regarding fair scheduling rules, to which employers must comply. Under these new laws, workers will have the right to request any changes to their schedule or location after being employed for three months, without fear of reprisal. There are also many amendments to last minute scheduling changes, such as workers receiving a minimum of three hours' pay for shifts that are less than three hours, as well as, a minimum pay for being on call. Workers are also given a right to refuse requests or demands to work on a day that they are not scheduled to work with insufficient notice and they are entitled to pay for three hours of work in the event of cancellation with insufficient notice. While these are standard scheduling regulations, there are a number of exceptions to the new scheduling requirements that depend on a number of situations, such as emergencies and/or ensuring delivery of essential public services (Section 21.3 - 21.5).

v) Vacation time

Legislation regarding vacation time has been amended to provide a minimum of three weeks of vacation entitlement to employees whose period of employment is five years or more, beginning after the end of the employee's vacation entitlement year, as per section XI of the Bill.

vi) Personal emergency leave

According to Bill 148, (unpaid) personal emergency leave only applied to those who belong to a workplace with 50 or more employees. However, according to new legislation, all

employers are required to give all employees ten (10) personal emergency leave days each year, which includes two paid days if the employee has been employed for one week or longer (7 days). According to the Act, the changes to the Personal Emergency Leave include personal illness, injury or medical emergency for the worker, as well as death, illness, injury, medical emergency or urgent matter relating to family members. Employers retain the right to require evidence of entitlement to these days but are not permitted to require a certificate from a qualified health practitioner.

vii) Domestic or sexual violence leave

An employee who has been employed for at least 13 consecutive weeks will now be entitled to up to ten (10) days of leave and up to 15 weeks of leave if the worker or their child experiences domestic or sexual violence or the threat of domestic or sexual violence. The first five days of leave, each calendar year, will be paid, the rest will be unpaid (Section 49.7).

viii) Employee misclassification

According to the new legislation, employers are prohibited from misclassifying employees as "independent contractors". This is a significant section of the Bill, as independent contractors, volunteers, unpaid interns or any other type of worker that does not meet the definition of "employee" in the ESA are not protected under the minimum standards of the ESA, and many employers have classified their employees as independent contractors to avoid the costs of benefits, paid vacations, sick days, pensions and/or overtime pay, these minimum rights and standards set out in the ESA. As per subsection 122 (4), The onus of proof is to be placed on the employer or "alleged" employer to provide evidence that the individual is not an employee, and indeed a independent contractor, if an investigation by an employment standards officer were to take place.

Discussion

When I first started this research, I was particularly interested in the experiences immigrant and newcomer women have in the workplace, specifically based on my mother's experiences with temporary help agency work over the past 20 years of working in Ontario. My experiences of witnessing her struggles in finding decent work as a racialized woman in the labour market and workplace prompted me to believe that the labour legislation that is supposed to oversee the way employers treat employees, particularly low-income, racialized women workers is not adequate in addressing her situation, and has played a direct role in the exploitation of newcomer women, like my mother.

With the changes that were seen with the Fair Workplace, Better Jobs Act (Bill 148), there was an opportunity for the provincial government to address the changing workplace environment in Ontario, which includes the diverse needs of newcomer women. The CWR that took place prior to the royal assent of the Bill was an opportunity for businesses and community organizations to provide input about the support that Ontario workers' needs in order to achieve a fair workplace.

Through the analysis of the submissions provided from community groups—particularly worker advocacy groups, as well as temporary help agencies in Ontario, I found a diverse approach to addressing the needs of workers. Through my analysis of the submissions, I highlight the following themes which help me understand the findings of what both groups wish to see reflected in the final Bill: Flexible Labour Market vs. Precarious Labour Market and Industry Growth vs. Worker Well-being. My analysis of these themes in relation to the Fair workplace, Better Jobs Act (Bill 148) leads me to conclude that the policy was heavily influenced by the needs brought forward by Community Organizations, as advocacy surrounding

temporary agencies and precarious work was highlighted significantly throughout the changes to the Bill. Having said that, meeting business needs was also taken into consideration. Ultimately, the policy making process, had a focus on addressing worker needs, while trying not to interfere too much into regulating businesses and their operations.

Discussion: Flexible Labour Market vs. Precarious Labour Market

Through an analysis of the final rendition of Bill 148, the legislation reflects the recommendations and submissions provided by community organizations, who provided submissions arguing that the Bill must address issues of precarity in the workforce for its workers in Ontario.

To reflect on both groups' stances in the debate, temporary help agencies argue in their submissions that a flexible labour market is a positive condition that allows workers to have flexible options in the workforce, while also catering to the employer's needs. Meanwhile, community organizations stress the importance of addressing the issues of precarity that temporary agencies contribute to in the labour market, and note that a flexible labour market serves the interests of employers, not the worker.

Advocacy groups also point to the precarious workforce as gendered and racialized, drawing on vulnerable workers such as new immigrants. While the Bill does not directly address gender and race, there are many changes to the Bill that offer improvements. For instance, the Bill addresses sexual assault/harassment, which is important in addressing gender issues. The domestic/sexual violence leave (a new feature to the ESA), is an important legislation to workers well being in the workplace. As mentioned in SALCO's recommendations having a legislation that addresses domestic violence leave is important for workers, especially newcomer women in the workplace. Labour market disadvantages can contribute to immigrant women's vulnerability

to intimate partner violence, as financial abuse may be a concern among vulnerable workers and their families (Jayasuriya-Illesinghe, 2018). In the CWR, advisors also note that for those fleeing abuse, job-protected time away from work permits time to attend to more urgent matters such as finding shelter, ensuring children's safety, and seeking counselling (CWR, 2016).

The personal emergency leave amendments to the Bill are also advantageous to workers, specifically immigrant women who balance their responsibilities at home and in the workplace, and may need to take emergency time off for themselves or their families' members.

With these new additions (Domestic/Sexual violence Leave/ Personal emergency leave), this reiterates that the voices of advocacy groups had a significant role in the policy making process as they address the concerns that exist in the precarious labour market. While the Bill highlights the gendered aspect of the precarious labour market, there can be more of an effort to address the voices of racialized workers.

While the final Bill does not directly address what type of labour market works best for workers and employers, the provincial government understands that Ontario's economy has changed and work is different and, for many people, increasingly less secure. This is acknowledged in the press release for the Bill, where the government mentions that many workers struggle to support their families on part-time; contract or minimum-wage work, and many more don't have access to time off due to illness (Ministry of Labour - A plan for better jobs, 2017). With this acknowledgement from the government, one may argue that the government is aware of the precarious state of the labour market for workers in Ontario. However, through an analysis of the Bill, there is no direct discussion of, or remedy for the precarious labour market of vulnerable populations of workers. Instead, there are regulations proposed to minimize any exploitive practices in the workplace.

Another legislation change concerns regulating temporary agencies. The Bill passes a regulation that requires THA to give their employees notice and/or compensation if an assignment ends unexpectedly. Eleven (11) community organization submission enthusiastically advocated for this amendment to be considered in the final Bill, thus reiterating the influence that community organizations had in the legislation process.

While this regulation does not align with the submissions provided by temporary help agencies (who opposed this condition) they mentioned that if their workers' assignment ends, they are able to provide them with another assignment, if it exists. Therefore, the regulations reflected in the final Bill will be able to address this point, as THA have the option of paying in lieu of notice if an assignment ends early, or they provide the worker with another assignment, upholding their argument of being able to provide a worker with another assignment if it exists.

While the new regulations do not stop newcomer women from being pushed into low wage, precarious work, or address the root causes for why newcomer women often take on temporary agency work, they do regulate exploitive practices that newcomer women often experience, where assignments abruptly end due to business needs, leaving them jobless with no lieu of pay. Through the finalized legislation of the Act, the bill ultimately reflects the concerns brought up in by the community organizations regarding the regulation of temporary agencies, changing the landscape for assignment workers, as well regulating the way companies conduct hiring practices.

Discussion: Industry growth vs. Worker Well-being

One theme that was prevalent between both groups was industry growth for businesses and employers versus the well-being of workers in the workplace and their families. Through an analysis of the changes made, the legislation appears to have prioritized the recommendations

put forth by community advocacy groups, that address worker well-being. However, that being said, there are signs that it will balance against the influence of THA who advocate for business needs and industry growth of temporary help agencies. This can be seen through the minimum wage increase, changes to equal pay and equal work, and better enforcement rules.

One of the significant changes made to the ESA is the change to the minimum wage, which has been raised to 14 dollars as of January 1, 2018. According to WAC's 15 and Fairness campaign submission, the minimum wage (prior to January 1, 2018) left workers 16 percent below the poverty line (2016). It is alarming that many full-time workers live in poverty on the basis of a wage set by provincial employment standards. Many workers are constantly being squeezed to make tough decisions around rent, food, and childcare, thus the increase to the minimum wage is a victory for the many community organization submissions that called for it. That being said, with the new government, there may be a rollback on the promised \$15 minimum wage. The minimum wage increase exhibits the province's commitment to its workers, specifically racialized, women, newcomers and immigrants for whom this amendment would make a huge impact, especially considering that poverty has become racialized, with members of racialized communities being at least two to four times more likely to live in poverty (Colour of poverty, 2015). The Fair Workplaces, Better Jobs Act (Bill 148) can help newcomer women break out of the low-wage work, where they are able to work for wages that support them and their families. However, there is still more work that can be done by the government, especially since the \$1 increase is at risk.

THAs did not address minimum wage in their submissions, therefore the 15-dollar minimum wage increase is not explicitly stated as a detriment to the industry's growth, but it has been stated by the current Progressive Conservative government as hurtful to the province's economy,

particularly small businesses, who have complained about the increase from \$11.60 to \$14 per hour. Even though the THA submissions do not explicitly state a minimum wage increase as a problem, it does in fact impact their operations.

Another feature that the final Bill are the regulations concerning equal pay and equal work. The new Act mandates employers pay their workers the equal amount if they are doing the same job as their co-workers.

With the changes concerning equal pay, it appears that the legislation prioritizes the submissions that advocate for workers well-being, specifically when it comes to addressing the concerns about equal pay and equal work for workers, exhibiting that community organizations were able to influence the policy process in advocating for this change for workers. With that being said, not all significant recommendations put forth regarding equal pay and equal work are reflected in the Bill. In addition to the recommendations around equal pay, community organizations also advocated markup disclosure to have transparency around the breakdown of how wages are established. However this was not reflected in the final legislation. The government's silence on this issue indicates that policy makers are still protecting the needs of the employer, specifically the THI that is a hub for precarious employment among racialized women. The reason the THI thrives in the economy is because agencies pay temporary workers less money than companies would have to pay employees they hire directly.

The Bill highlights community organizations' concerns by promising more regulatory practices when it comes to the enforcement of the ESA in workplaces, especially anti-reprisal laws, where the Ministry of Labour states it will be hiring at least 75 Employment Standards Officers in Ontario to investigate any complaints or violations at the workplace that may pertain to earned wages. It therefore appears that the provincial government understands that reprisal is a

huge concern when it comes to workers exercising their rights outlined in the ESA, and it has created amendments to take this burden off of the workers.

The legislation prioritizes anti-reprisal regulations as an important feature, which reveals the government's commitment to workers well-being. Through anti-reprisal regulations, workers will be provided with the protection needs that try to enforce their rights. As a result of these regulations, this highlights the influence community organizations have had in the policy process around enforcement laws. These changes will ensure that workers are treated fairly, which then reflects their well-being in the workplace.

Conclusion

This concluding section of this MRP summarizes my findings and results, which address how the changes derived from the Fair Workplace, Better Jobs Act (Bill 148) were influenced by stakeholder input. I began this paper by seeking to investigate the policy changes addressed in Bill 148 and questioned if they were reflective of the needs of vulnerable workers, specifically newcomer women, who are overrepresented in the ranks of precarious workers. I study this through a critical policy analysis of stakeholder submissions that were proposed to the Changing Review Committee that put forth suggestions to the Ontario Government, and analyze to what degree they are (or not) reflected in the changes made to the policy. My research question: *Do the changes to the Employment Standards Act, which resulted from the Fair Workplaces, Better Jobs Act (Bill 148), help newcomer women break out of the low-wage, precarious work, in which they are traditionally overrepresented? And if not, why not?* This question has guided me in analyzing the submissions in understanding the rationale to the recent changes to the ESA by looking at stakeholder submissions and how the positions of the stakeholders (Community

Worker Advocacy groups and Temporary Help Industry) are reflected in the final rendition of the policy.

Through an analysis of the themes found in the submissions, my findings suggest that Community Worker Advocacy groups had great influence in the policy process of Bill 148 and shaping it to address the issues affecting the workplace, assessing how labour and employment law should address these trends and issues. The impact of these changes are very significant for how newcomer women will be able to navigate in the workplace. As vulnerable workers, they will be protected under the ESA from exploitative practices from employers, provided a livable wage that allows newcomer women to take care of themselves and their families, as well they are able to feel more comfortable exercising their rights in the workplace through government regulations without fear of reprisal. The changes have provided opportunities that allow newcomer women workers a fair workplace, in which they may not have seen before. That being said, there is always room for improvement, which is shown through my analysis.

After performing a critical policy analysis, which reviewed stakeholder submissions, as well as the final royal assent of Bill 148, my analysis found the following:

1. There is no direct discussion of what labour market is beneficial, or remedy for the precarious labour market of vulnerable populations of workers. Instead, there are regulations added to minimize any exploitive practices in the workplace.
2. The legislation prioritizes submissions that address workers well-being with regulations around fair pay for equal work, as well stronger regulations around anti-reprisal laws and enforcement of the ESA and LRA.
3. The policy makes an effort to address the needs of workers in Ontario, while trying not to interfere with business needs and operations of THI.

4. There is no direct discussion or regulations that would address systemic issues that precarious workers, such as newcomer women, would face in the labour market in Ontario. Newcomer women will always be seen as an option for ‘undesirable’ work. They only have regulations that minimize any working conditions that are deemed exploitative.

As a result of the findings, I conclude that the Fair Workplace, Better Jobs Act (Bill 148) does not directly assist newcomer women to break out of precarious work, in which they are often limited to devalued work, as the Bill sets its motives to assist all workers – which would include newcomer women. There is a need for more a more radical solution in order to get to the root of the crisis— the colonial, racist, patriarchal, capitalist system to address newcomer women’s needs in the workforce. I propose two areas that could improve policy outcomes for newcomer women workers:

1. As newcomer women are overrepresented in precarious work, the government needs to take steps in addressing this group and their needs in the labour market. Given the research derived from the literature review, as well as the statistics and research provided from the submissions, it is evident that there are patterns of racial and gendered labour embedded in precarious work, thus a serious look into the ways the government can address these issues through a policy process. By treating precarious workers as one group, the bill ignores the specific problems that newcomer women face as a result of precarious employment and the systemic issues that contribute to this. One way to address this would be to initiate a separate review that addresses the systemic issues that racialized immigrant women have always faced in the workforce, particularly in Ontario. In doing so, also ensuring that they are able to include racialized immigrant/newly

immigrated women voices, ensuring their direct voices influence the results of the review.

2. Many organizations that advocate on behalf of newcomer women and the barriers they have to decent work through a wide range of services which include advocacy/organizing, legal advice, training/career skills, and unions, to name a few. Newcomer women in the labour market are often supported by these services when it comes to the barriers they face at the workforce. This is a growing problem, as it shows that the government depends upon the labour of these organizations and the services they provide, without the proper support or funding to assist them. In order to relieve this, the government must work with these organizations to find long-term solutions on how to better support newcomer women in the workforce.

Ultimately, the changes made in Bill 148 are great in addressing the exploitive practices that Racialized Newcomer women often come across in precarious work. However, there is a lot of work to still be done. Given the state's role in social reproducing a healthy, but cheap, workforce; governments would only be likely to implement any changes if they were forced to do so from a social movement.

Submissions reviewed in the MRP

- Apple One (2016), Changing Workplaces Review Submission on the Interim Report. Toronto, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/AppleOne.pdf
- Between the Lines (2016), The Changing Workplaces Review: Special Advisors' Interim Report Response. Toronto, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/Between%20the%20Lines.pdf
- Calian (2016), [Untitled submission]. Ottawa, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/Calian.pdf
- Chinese Workers Network, (2015), Submission to Ministry of Labour, Government of Ontario Re the Changing Workplaces Review. Toronto, ON Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Chinese%20Workers%20Network.pdf
- Colour of Change Network- Colour of Poverty Campaign (2015), Submissions To The Ministry Of Labour's Changing Workplaces Review. Toronto, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Colour%20of%20Poverty-Colour%20of%20Change%20Network.pdf
- Guelph & Wellington Task Force for Poverty Elimination (2015) Changing Workplace Review Submission. Guelph, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Guelph%20&%20Wellington%20Task%20Force%20for%20Poverty%20Elimination.pdf
- Hamilton Roundtable for Poverty Reduction (2016) Changing Workplace Review Submission. Hamilton, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Hamilton%20Roundtable%20for%20Poverty%20Reduction.pdf
- Health Providers Against Poverty (2015) Changing Workplaces Review: Speaking Notes for HPAP, EMBER, and Health Justice Initiative. Toronto, ON. Retrieved from

https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Health%20Providers%20Against%20Poverty%20HPAP%20EMBER.pdf

Injured Workers Action for Justice (2015) Changing Workplaces Review Submission. Toronto, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Injured%20Workers%20Action%20for%20Justice.pdf

Interfaith Social Assistance Reform Coalition (2015) New Legislation and Enforcement Must Effectively Protect Workers Rights: Brief presented to the Changing Workplaces Review. Toronto, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/ISARC%20Interfaith%20Social%20Assistance%20Reform%20Coalition.pdf

IS2 Workforce Solutions Incorporated (2016), Special Advisors Interim Report – Ontario Changing Workplaces Review. Mississauga, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/IS2%20Workforce%20Solutions.pdf

ManPowerGroup (2016), Changing Workplaces Review: Letter in Response to the Interim Report of the Special Advisors. Toronto, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/ManpowerGroup.pdf

Niagara Workers' Activist Group (2015) Changing Workplaces Review Submission. Toronto, ON. Retrieved from https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Niagara%20Workers'%20Activist%20Group.pdf

Ontario Campaign 2000 (2016). Submission to the Changing Workplaces Review. Toronto, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/Ontario%20Campaign%202000%20%281%29.pdf

Ontario Coalition Against Replacement Employees (2015) Brief to the Changing Workplace Review. Sudbury, ON. Retrieved from:

https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/OntarioCoalitionAgainstReplacemetEmployees_Sudbury.pdf

Ontario Council Agency Serving Immigrants (2015) Presentation to Special Advisors on Changing Workplaces Review. Ontario, Canada. Retrieved from: http://ocasi.org/sites/default/files/OCASI_Presentation_Changing_Workplaces_Review_June_2015.pdf

Poverty Free Kitchener-Waterloo Action Group (2015), The Changing Workplace Review: Based on the Poverty Elimination Criteria Framework. Waterloo, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Poverty%20Free%20Kitchener-Waterloo%20Action%20Group.pdf

South Asian Legal Clinic (2015) Changing Workplaces Review: Response to the Special Advisors' Interim Report. Scarborough, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/South%20Asian%20Legal%20Clinic%20SALCO.pdf

The Association of Canadian Search, Employment & Staffing Services (2015), The Changing Workplaces Review: A Discussion Paper. Mississauga, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Association%20of%20Canadian%20Search,%20Employment%20and%20Staffing%20Services.pdf

The Peterborough Workers Action Centre (2016) Changing Workplace Review. Peterborough, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/ThePeterboroughWorkersActionCentre.pdf

Toronto Workers' Health And Safety Legal Clinic (2015) Submission To The Changing Workplace Review. Toronto, On. Retrieved From: https://Cirhr.Library.Utoronto.Ca/Sites/Cirhr.Library.Utoronto.Ca/Files/Ontario_workplace_review/Toronto%20workers'%20health%20&%20safety%20legal%20clinic.Pdf

United Way Toronto & York Region (2016), Changing Workplaces Review Public Consultation. Toronto, ON. Retrieved from:

https://cirhr.library.utoronto.ca/sites/cirhr-edit.library.utoronto.ca/files/ontario_workplace_review_phase2/United%20Way%20Toronto%20and%20York%20Region%20%282%29.pdf

West Scarborough Community Legal Services (2015), Changing Workplaces Review Submissions. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/West%20Scarborough%20Community%20Legal%20Services.pdf

Windsor Workers Education Centre (2015), WWEC Presentation to Changing Workplaces Review. Windsor, ON. Retrieved from: https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/ontario_workplace_review/Windsor%20Workers%20Education%20Centre.pdf

Workers' Action Centre (2015) "Still working on the edge: Building decent jobs from the ground up." Toronto, ON. Retrieved from http://www.workersactioncentre.org/wp-content/uploads/dlm_uploads/2015/03/StillWorkingOnTheEdge-WorkersActionCentre.pdf

References

- Aujla, N (2016). Temporary Employment Agencies in Ontario: Experiences of South Asian Immigrant Women. York University. Toronto, ON. Retrieved from https://yorkspace.library.yorku.ca/xmlui/bitstream/handle/10315/32737/Navneet_Aujla- Thesis FINAL.pdf?sequence=2&isAllowed=y
- Bernhardt, N. S. (2015). Racialized precarious employment and the inadequacies of the Canadian welfare state. *SAGE Open*, 5(2)
- Bhattacharya, T. (2017). Introduction: Mapping Social Reproduction Theory. In Vogel L. (Author) & Bhattacharya T. (Ed.), *Social Reproduction Theory: Remapping Class, Recentering Oppression* (pp. 1-20). London: Pluto Press. Retrieved from <http://www.jstor.org/stable/j.ctt1vz494j.5>
- Carr, M and Chen, M. (2004). Globalization, Social Exclusion and Work With Special Reference to Informal Employment and Gender, Policy Integration Department Working Paper No. 20 (Geneva: International Labour Office).
- Changing Workplaces Review: Final Report (Toronto: Ontario Ministry of Labour, 2017) Retrieved from: https://files.ontario.ca/books/mol_changing_workplace_report_eng_2_0.pdf
- Changing Workplaces Review: Guide to Consultations (Toronto: Ontario Ministry of Labour, 2015) Retrieved from: https://www.workplacesafetynorth.ca/sites/default/files/Changing_Workplaces_Review_Guide_-2015-MOL.pdf
- Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. London: Sage Publications.
- Cranford C, Vosko LF, Zukewich N. (2003). Precarious employment in the Canadian labour market: a statistical portrait. *Just Labour* 3:6–22
- Creese, G. (2007). Racializing Work/Reproducing White Privilege. In SHALLA V. & CLEMENT W. (Eds.), *Work in Tumultuous Times: Critical Perspectives*(pp. 192-226). Montreal; Kingston; London; Ithaca: McGill-Queen's University Press. Retrieved from <http://www.jstor.org/stable/j.ctt812zf.12>
- Das Gupta, T. (2006). Racism/anti-racism, precarious employment, and unions. In L. F. Vosko (Ed.), *Precarious employment: Understanding labour market insecurity in Canada* (pp. 333-349). Montreal, Québec, Canada: McGill–Queen’s University Press.
- Fair Workplaces, Better Jobs Act, 2017, S.O. 2017, c. 22 - Bill 148

- Fanelli, C, T, M (2011) Austerity, competitiveness and neoliberalism redux: Ontario responds to the great recession. *Socialist Studies* 7(1/2): 141–170.
- Farris, Sara R. *In the Name of Women's Rights: The Rise of Femonationalism*. Duke University Press, 2017.
- Ferguson, S. 2008. *Canadian Contributions to Social Reproduction Feminism, Race and Embodied Labor*.
- Fudge, J. (1997) *Precarious Work and Families*. Working Paper, Toronto: Centre for Research on Work and Society, York University .
- Hibbert, M. (2008) "Racialized Immigrants In Canada's Changing Labour Market: An Investigation Of The Effects Of Precarious Work On Black Caribbean Women". Theses and dissertations. Paper 94.
- Hopkins, C. (2017). *Mostly Work, Little Play: Social Reproduction, Migration, and Paid Domestic Work in Montreal*. In Vogel L. (Author) & Bhattacharya T. (Ed.), *Social Reproduction Theory: Remapping Class, Recentring Oppression* (pp. 131-147). London: Pluto Press.
- J.J. Douglas, 1974; David Chuen-Yan Lai, "Chinese Attempts to Discourage Emigration to Canada: Some Findings from the Chinese Archives in Victoria," *BC Studies*, 18, Summer. 1973, 33-49;
- Jayasuriya-Illesinghe, V. (2018). *Immigration Policies and Immigrant Women's Vulnerability to Intimate Partner Violence in Canada*. *Journal of International Migration and Integration*. 10.1007/s12134-018-0545-5.
- Ministry of Labour. 2009. "Temporary Help Agencies: FAQ." Retrieved from <http://www.labour.gov.on.ca/english/es/faqs/tha.php>.
- Mojtehdzadeh, S (2016). "Inspection blitz finds three-quarters of bosses breaking law" *Toronto Star*, 20 January. 2016. Retrieved from: <https://www.thestar.com/news/gta/2016/01/20/inspection-blitz-finds-three-quarters-of-bosses-breaking-law.html>
- Mojtehdzadeh, S., Kennedy, B (2017). "Undercover in Temp Nation: I Went Undercover in a Toronto Factory Where a Temp Worker Died. Here's What I Found." *Toronto Star*, 8 Sept. 2017. Retrieved from: projects.thestar.com/temp-employment-agencies
- Ng, W. et. al. (2016). "Working so hard and still so poor!" A Public Health Crisis in the Making: The Health Impacts of Precarious Work on Racialized Refugee and Immigrant Women. Retrieved from

[http://www.ryerson.ca/content/dam/clmr/publications/Final%20Report%20\(Precarious%20Work\).pdf](http://www.ryerson.ca/content/dam/clmr/publications/Final%20Report%20(Precarious%20Work).pdf)

- PEPSO (2013). It's more than poverty: employment precarity and household well-being. Retrieved from <https://pepsouwt.files.wordpress.com/2013/02/its-more-than-poverty-feb-2013.pdf>
- PEPSO (2015). The Precarity Penalty: The Impact Of Employment Precarity On Individuals, Households And Communities - And What To Do About It. Retrieved from: <https://pepsouwt.files.wordpress.com/2012/12/precarity-penalty-report-final-hires-trimmed.pdf>
- PEPSO (2018). Getting Left Behind. McMaster University & United Way Toronto. Retrieved from: https://pepso.ca/documents/pepso-glb-final-lores_2018-06-18_r4-for-website.pdf
- Rodgers, G (2007) "Labor Market Flexibility and Decent Work." UNDESA Working Paper No. 47. New York: United Nations.
- Rodgers, G. (1989) Precarious Work in Western Europe. In G. Rodgers and J. Rodgers (eds), *Precarious Jobs in Labour Market Regulation: The Growth of Atypical Employment in Western Europe*. Belgium: International Institute for Labour Studies, pp.1-16.
- Schellenberg, G. and C. Clarke (1996) *Temporary Employment in Canada: Profiles, Patterns and Policy Considerations*. Ottawa: CCSD.
- Sears, A. (2012). Educational struggles are breaking out all over. *New Socialist*. Retrieved from: <http://www.newsocialist.org/600-austerity-in-the-mind-factory>.
- Thobani, S. (2000). Closing the nation's doors to immigrant women: restructuring of Canadian immigration policy. *Atlantis*, 24(2), 16–26.
- Thomas, M. (2009) "Back to the Sixty Hour Work Week: Flexible Employment Standards for the 'New Economy'" in *Regulating Flexibility: The Political Economy of Employment Standards* (Montreal / Kingston: McGill-Queen's UP, 2009): 109-137.
- Thomas, M. (2010). "Neoliberalism, Racialization and Employment Standards". Pp. 68-89 in *Neoliberalism and Everyday Life*. Edited by Susan Braedley and Meg Luxton. Kingston: McGill-Queen's University Press.
- Tuck, E and Yang, W. "R-Words: Refusing Research." in *Humanizing Research: Decolonizing Qualitative Inquiry with Youth and Communities*. D. Paris and M.T. Winns. (Eds.) Thousand Oaks: SAGE Publications, 2014. Print. 223-247.

- Vidovich, L. (2007). Removing policy from its pedestal: some theoretical framings and practical possibilities, *Educational Review*, 59:3, 285-298.
- Vosko, L. "“Rights without Remedies”": Enforcing Employment Standards in Ontario by Maximizing Voice among Workers in Precarious Jobs." *Osgoode Hall Law Journal* 50.4 (2013) : 845-874.
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol50/iss4/4>
- Vosko, L. (1997). “Legitimizing the Triangular Employment Relationship: Emerging International Labour Standards from a Comparative Perspective. *Comparative Labour Law and Policy Journal*. 19 (Fall): 43-77.
- Vosko, L. (2000). *Temporary Work: The Gendered Rise of a Precarious Employment Relationship*. University of Toronto Press.

Appendix

Appendix A: Count of Stakeholder Submissions to the Changing Workplace Review

(Table created based on information retrieved from: <https://cirhr.library.utoronto.ca/digital-collection/changing-workplaces-review/public-submissions#overlay-context=> and; <https://cirhr.library.utoronto.ca/digital-collection/changing-workplaces-review/public-submissions-phase-two>)

Groups	Phase One (Submissions)	Phase Two (Submissions)	Organizations that resubmitted
Labour Unions and Faculty & Employee Associations	71	28	27
Community Groups, including Advocacy & Anti-Poverty	41	22	12
Legal Services	10	25	10
Employer Associations	27	15	29
Employers	19	24	0
Miscellaneous	30	76	10
	198	190	88

Appendix B: The timeline for the Changing Workplaces Review, leading to the Royal Assent of The Fair Workplaces, Better Jobs Act (Bill 148):

(Retrieved from https://files.ontario.ca/changing_workplace_review_english_summary.pdf)

February 2015	The Minister of Labour initiated the Changing Workplaces Review (Review) building on government commitments in the 2014 Throne Speech and the Minister of Labour's 2014 Mandate Letter.
May 1, 2015 - September 18, 2015	A discussion paper, titled, "Guide to Consultations" was released to initiate the review and consultation process. Special Advisors on the review examined academic and inter-jurisdictional research, and solicited input from the general public and stakeholders by holding consultation sessions and accepting written submissions. (Phase one of Submissions)
July 27, 2016	Reported back to the Minister of Labour with progress, and the Special Advisors published an Interim Report (the "Interim Report") summarizing input they had received so far, and seeking additional submissions.

July to October 2016	The second phase of consultation was initiated after the release of the Changing Workplace Review <i>Interim Report</i> .
May 23rd, 2017	The Government of Ontario released “The Changing Workplaces Review: An Agenda for Workplace Rights Final Report” (the “Final Report”). At 419 pages, the Final Report contains 173 recommendations to amend the ESA and LRA.
June 1, 2017	The Government introduces An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts, referred to as the “Fair Workplaces, Better Jobs Act, 2017” (“Bill 148”).
June 1, 2017.	Bill 148 automatically passes First Reading, moving on to second and third readings.
October 18, 2017	Bill 148, the Fair Workplaces, Better Jobs Act, 2017 passes second reading after debate in the Ontario Legislature.
November 27, 2017	The Fair Workplaces, Better Jobs Act (Bill 148) receives Royal Assent. This act is a direct response to the final report of the Changing Workplaces Review.