

**POLICY
RECOMMENDATIONS
REPORT**

**MOVING TOWARDS
DECENT EMPLOYMENT
FOR **SOUTH ASIAN**
IMMIGRANTS IN
TORONTO**



PREPARED BY:



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COUNCIL OF AGENCIES SERVING SOUTH ASIANS (CASSA)

The Council of Agencies Serving South Asians (CASSA) is an umbrella organization of agencies, groups, and individuals that provide services to South Asian communities. CASSA envisions and strives for a Canada free from all forms of discrimination in which all communities are free from marginalization and are fully empowered to participate in defining Canadian society. CASSA's mission is to facilitate the economic, social, political, and cultural empowerment of South Asians by serving as a resource for information, research, mobilization, coordination, and leadership on social justice issues affecting South Asian populations. CASSA works to create social change by building alliances and working collaboratively with those who share a vision of empowering all communities to participate in defining Canada's future. There are six values that CASSA follows as guidelines for conduct when implementing projects and these include social justice, anti-racism, anti-oppression and anti-homophobia, responsiveness, diversity, collaboration, solidarity, and accountability.

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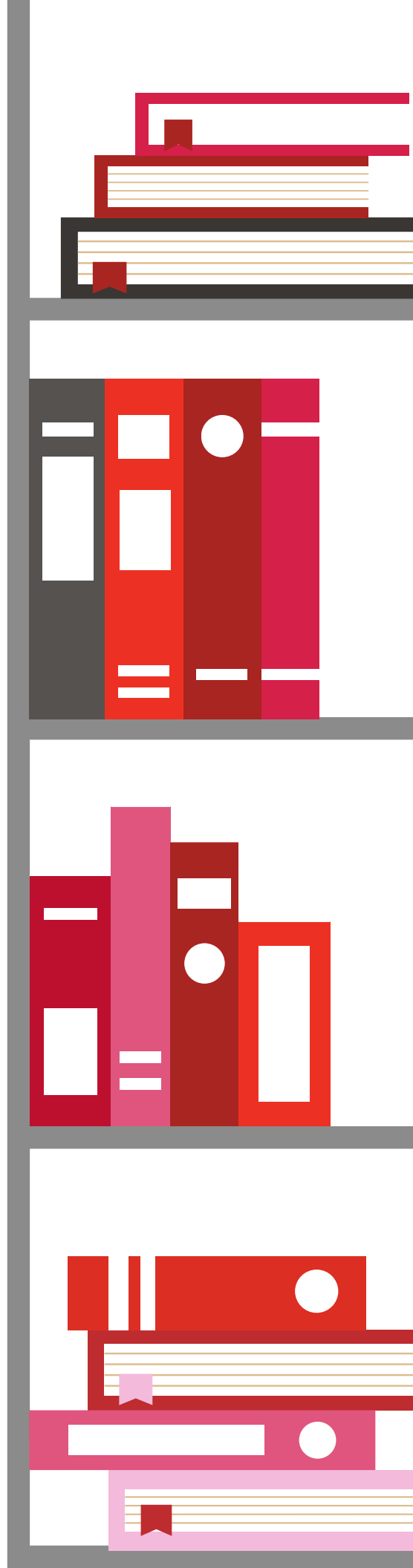
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INTRODUCTION

In Ontario, the labour force and nature of work is rapidly changing. More individuals are experiencing un- or under-employment, which is defined by the Organization for Economic Cooperation and Development as where an individual is working less than what they would like or working in a field that does not match their capabilities or skills.¹ Some workers are increasingly experiencing less job security, have lower wages, limited or no employment benefits, and a lower degree of control over their working conditions.^{2,3} Such work arrangements are often described as non-standard employment. As a result, there are increasing efforts to advocate for decent work.⁴ For the purpose of this research, the definition of decent employment has been adopted from the International Labour Organization (ILO). According to ILO, decent employment “involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men”.⁵ While many across Ontario experience barriers to decent work, the barriers are disproportionately experienced by disadvantaged groups, namely low-income workers and their families, women, people with disabilities, racialized communities, Indigenous people, youth, and immigrants.⁶

While the labour market is becoming increasingly racialized, persistent inequities in the wage gap are reported between non-racialized/non-immigrants workers and racialized immigrant workers. This discrepancy exists not because of differences in educational levels or language skills, but due to racial discrimination in hiring practices and systemic racism.⁷ In 2019, the Canadian Centre for Policy Alternatives⁸ reported that differences in labour market outcomes are not just a result of factors related to immigration as non-racialized immigrants fare better in the labour market than racialized immigrants. This inequality continues to persist in second and third generations. These differences in labour market outcomes call for targeted labour market policy approaches that are tailored to supporting racialized immigrants.

In addition to being a human rights issue, employment inequities and precarious work are important to address because there is a strong link between labour policies and health outcomes.⁹ Wages, benefits, and working conditions can impact physical and mental health. For example, low-wage employment and poverty can lead to greater daily health risks, less likelihood of accessing health services, and shorter lifespan for low-wage workers.¹⁰ Poor working conditions can also increase

1. Paterson, A., & Dumulon-Lauziere, C. (2013, August). It's not unemployment, it's underemployment. Canada 2020. <https://canada2020.ca/its-not-unemployment-its-underemployment/>

2. Law Commission of Ontario (2012). *Vulnerable Workers and Precarious Work*. Toronto.

3. Workers' Action Centre (2015). *Still Working on the Edge: Building Decent Jobs from the Ground Up*. Toronto: Workers' Action Centre.

4. Block, S. (2013). *Rising inequality, declining health: health outcomes and the working poor*. Toronto: Wellesley Institute.

5. Decent work. <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>.

6. Avendano, M. & Berkman, L. (2014). Labor markets, employment policies, and health. In L.F. Berkman, I Kawachi & M.M. Glymour (Eds.), *Social Epidemiology* (2nd ed.), (pp.182-233). New York: Oxford University Press.

7. Block, S., Galabuzi, G. E., & Tranjan, R. (2019). *Canada's Colour Coded Income Inequality*. Canadian Centre for Policy Alternatives.

8. Block, S., Galabuzi, G. E., & Tranjan, R., 2019.

9. Block, S. (2013). *Rising inequality, declining health: health outcomes and the working poor*. Toronto: Wellesley Institute.

10. Health Quality Ontario. (2016). (rep.). *Income and Health: Opportunities to achieve health equity in Ontario*. Retrieved from <http://www.hqontario.ca/portals/0/documents/system-performance/health-equity-report-en.pdf>.

risk of job injury, disease, and hazardous exposures.^{11, 12, 13} Research conducted by the [Council of Agencies Serving South Asians](#) (CASSA) suggests that there is a critical opportunity to reform employment legislation and develop proactive programs, whereby government and employers can better protect and promote both the economic and health outcomes of the working population. Given this intention, CASSA, an organization committed to facilitating the economic, social, political and cultural empowerment of South Asians through community leadership, undertook a three-year research study, called Research on Employment Equity of South Asian Immigrant Communities in Toronto (REESAICT), on the employment needs, barriers, and recommendations for employment equity for South Asian immigrants in Toronto. The geographic boundaries of the study was the City of Toronto and the community of focus were South Asian immigrants. However, CASSA's research shows that these recommendations can also be applicable to other municipalities in the Province of Ontario with large populations of racialized immigrant communities. The three-year multi-method research study was funded by United Way Greater Toronto.

In the first stage of the project, a needs assessment was conducted to identify the needs and barriers specific to South Asians in gaining meaningful employment. Approximately 250 South Asian immigrants in Toronto and 30 stakeholders were consulted through interviews, focus groups and surveys. In the second stage of the project, this policy paper was commissioned to develop recommendations for public policy changes and recommendations to help meet the needs and alleviate the barriers highlighted by South Asian immigrant communities in the Needs Assessment Report. The last stage is to engage with stakeholders in advocacy groups, regulatory bodies, policy makers, and employers to disseminate research findings. CASSA intends to also engage with South Asian and other racialized immigrant communities to disseminate findings and advocate to address public policy changes needed to eliminate barriers to meaningful employment and advocate for sector-wide changes.

CASSA supports policy and regulatory changes that improve upward mobility for racialized immigrants in the workforce and create conditions for decent employment that is commensurate to qualifications and experience. The long-term goals of the REESAICT study is to lead to better paying and decent employment for South Asian immigrants, which will play a significant role in helping them improve their health outcomes, socio-economic status and not be in or at risk of poverty.¹⁴

This policy paper offers the contexts for policy reforms as a pathway to decent employment for racialized immigrant workers by reviewing relevant legislations and recent policy developments. It also presents three policy goals identified in the needs assessment. These goals include: proactive labour market policies to help recent immigrants integrate into the employment sector; proactive labour market policies to ensure immigrants' job security after settlement; and ensure non-standard employment has the same hourly pay, benefits, and protections as permanent, full-time employment. This paper then provides policy recommendations for the federal Ministry of Immigration, Refugees and Citizenship, and the provincial Ministry of Labour, Training and Skills Development, to improve the economic and interconnected health outcomes for the racialized immigrants.

11. McIntosh, CN, Fines P, Wilkins R & Wolfson, MC. (2009). Income disparities in health-adjusted life expectancy for Canadian adults, 1991 to 2001, *Health Reports*, 20(4).

12. Quinlan, M., Mayhew, C. & Philip, B. (2001). The global Expansion of Precarious Employment, Work Disorganization, and Consequences for Occupational Health: A Review of Recent Research. *International Journal of Health Services*, 31(2): 335-414.

13. Lewchuk, W., De Wolff, A., King, A., & Polanyi, M. (2005). The hidden costs of precarious employment: Health and the Employment Relationship, In: Vosko L, editor, *Precarious Work: Understanding labour market insecurity in Canada*, Montreal: McGill-Queen's University Press, p.141-62, 397-8, 409-53.

14. Health Quality Ontario, 2016

REESA ICT TIMELINE

2018

Literature Report:
outlining the objectives and reasoning behind this study

Collecting data on the barriers that South Asian communities living in Toronto face

YEAR 1

Needs Assessment Study:
identify the needs and barriers that South Asian immigrant communities face in their search for meaningful employment

YEAR 2

Data and input were collected from community members, subject matter experts, employers, employment equity groups, and South Asian advocacy groups on recommendations for public policy changes

2019

Developing a comprehensive **policy report** which highlights suggested public policy changes and recommendations for business process improvements

2020

Advocacy Campaign:
engaging with the South Asian immigrant communities in Toronto in advocacy efforts targeted to all three levels of government, regulatory bodies, and employers to advocate for sector wide changes

YEAR 4

Adapt campaign efforts to be COVID-19 mindful

Use social media, print media, ethnic media, webinars, virtual events, etc.

CURRENT LEGISLATION THAT PROTECT BASIC WORKERS' RIGHTS

In Ontario, the Ministry of Labour, Training and Skills Development oversees the legal framework that regulates workplaces. However, provincial laws exist in tandem with federal labour market policies and legislation as well as common law. At the federal and provincial level, nine important pieces of legislation ensure that the employment sector protects the basic rights of workers and outline the obligations of employers. These legislations include:

- 1) The [Ontario Human Rights Code](#) (OHRC) (1990)¹⁵, is provincial legislation that protects Ontarians from discrimination on the grounds of race, colour, ancestry, creed (religion), place of origin, ethnic origin, citizenship, sex (including pregnancy, gender identity), sexual orientation, age, marital status, family status, disability and receipt of public assistance. The five social areas in which the OHRC protects individuals based on one or more grounds are employment, housing, services, unions, and vocational associations and contracts.

- 2) The [Employment Standards Act](#) (ESA) (2000)¹⁶, is provincial legislation central to Ontario's employment and labour law sector that establishes basic rights for workers in most workplaces. The Act sets out provisions to assist employees with familial responsibilities (e.g. parental leave), increases flexibility in work arrangements, ensures compliance and enforcement, outlines termination of employment, amongst many other employees' rights and employers' obligations. The Employment Standards Act does not apply to individuals and organizations that fall under the federal employment law jurisdiction, employees of the Crown, police officers, and individuals who hold political, judicial, religious or elected trade union offices, among others.

- 3) The [Employment Equity Act](#) (1995)¹⁷, is federal legislation, which aims "to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits".¹⁸ The Employment Equity Act protects four groups: women, people with disabilities, Indigenous people (Status Indians, non-status Indians, Metis, and Inuit), and visible minorities. It intends to combat discrimination and disadvantages faced by marginalized communities in their employment experiences and stresses the principle that employment equity means allocating "special measures and the accommodation of differences"¹⁹ for an equitable work environment. The Employment Equity Act is limited to certain industries. The industries regulated through the legislation include federal banks, broadcasters, telecommunication companies, railroads, airlines, private businesses in contract with the federal government, transportation companies, and federal crown organizations. As a result, the federal Employment Equity Legislation covers roughly only 1.15 million workers out of a workforce of 18 million.²⁰ Due to the limited scope of the Employment Equity Act, the vast majority of employers including retailers and manufacturing companies are not within its jurisdiction. Since racialized immigrants are overrepresented in precarious work²¹, this means that the majority of racialized immigrants working in precarious jobs are not protected under the federal Employment Equity Act.



15. Human Rights Code, R.S.O. 1990, c. H.19. Retrieved from <https://www.ontario.ca/laws/statute/90h19>

16. Employment Standards Act, S.O 2000, c. 41. Retrieved from <https://www.ontario.ca/laws/statute/00e41>

17. Employment Equity Act, S.C. 1995, c. 44. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/E-5.401/>

18. Employment Equity Act, S.C. 1995, c. 44.

19. Employment Equity Act, S.C. 1995, c. 44.

20. Canadian Human Rights Commission. (2015). Framework for Compliance Audits Under the Employment Equity Act. <https://www.chrc-ccdp.gc.ca/eng/content/framework-compliance-audits-under-employment-equity-act-0>

21. Colour of Poverty. (2019). Racialized Poverty in Employment [Fact Sheet]. Colour of Poverty. <https://colourofpoverty.ca/wp-content/uploads/2019/03/cop-coc-fact-sheet-5-racialized-poverty-in-employment-2.pdf>

4) The [Canadian Human Rights Act](#) (CHRA) (1985)²², is federal legislation that intends to ensure equal opportunity to individuals who may be victims of discrimination on protected grounds such as “race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or a record suspension has been ordered.”²³ The areas in which the CHRA applies includes employment, the provision of goods, services, facilities or accommodation, and employment applications and advertisements. While the Act applies throughout Canada, it is only applicable to organizations and industries regulated by the federal government. The CHRA and Ontario Human Rights Code are mutually exclusive, if the CHRA applies to certain organizations, the OHRC does not apply.

5) [Employment Protection for Foreign Nationals Act](#) (2009)²⁴, is provincial legislation that protects foreign nationals “who work or are seeking work in Ontario pursuant to an immigration or foreign temporary employee program.”²⁵ This legislation is applicable only to foreign nationals. It protects them from being exploited by recruiters and employers charging any fees, employers taking their property such as passport or work permit, and requires recruiters to inform the foreign nationals of their rights under this legislation and the relevant provisions of the Employment Standards Act, 2000. A recruiter or employer cannot ask the foreign national to sign a contract waiving any or all rights under this legislation.

6) [Canada Labour Code](#) (CLC) (1985)²⁶, is a federal act that consolidates all federal statutes that govern any work, undertaking or business that fall under federal jurisdiction.²⁷ The CLC controls regulation related to collective bargaining, trade unions, and settlement agreements.

7) [Fair Access to Regulated Professions and Compulsory Trades Act](#) (2006)²⁸, helps ensure that registration practices are “transparent, objective, impartial, and fair”²⁹ for regulated professions and compulsory trades in Ontario for individuals applying for registration. They achieve this by requiring that regulated professions and compulsory trades in Ontario submit a yearly [Fair Registration Practices Reports](#) and implement the Ontario Fairness Commissioner’s recommendations to improve registration practices.

8) [Occupational Health and Safety Act](#) (1990)³⁰, acts as a legal framework that highlights the “rights and duties of all parties in the workplace”³¹. It also acts as a tool to deal with workplace hazards and provides enforcement of the law when voluntary compliance has not been provided by workplace parties. The Act puts the onus on employers to ensure that the workplace is compliant with health and safety requirements.

9) [Workplace Safety and Insurance Act](#) (1997)³², is provincial legislation ensuring the health and safety of workers in workplaces. Workers are considered “any person employed under a contract of service.” Apart from safety, it also facilitates the safe return and recovery of a worker who has sustained personal injury during their course of employment or due to an occupational disease. Compensation and other benefits are also provided to workers and to the survivors of deceased workers.

22. Canada Human Rights Act, R.S.C. 1985, c. H-6. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html>

23. Canada Human Rights Act, R.S.C. 1985, c. H-6.

24. Employment Protection for Foreign Nationals Act, S.O. 2009, c. 22. Retrieved from <https://www.ontario.ca/laws/statute/09e32>

25. Employment Protection for Foreign Nationals Act, S.O. 2009, c. 22.

26. Canada Labour Code, R.S.C. 1985, c. 22. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/L-2/page-1.html>

27. Canada Labour Code, R.S.C. 1985, c. 22.

28. Fair Access to Regulated Professions and Compulsory Trades Act, S.O. 2006, c. 8 Retrieved from <https://www.ontario.ca/laws/statute/06f31>.

29. Fair Access to Regulated Professions and Compulsory Trades Act, S.O. 2006, c. 8.

30. Occupational Health and Safety Act, R.S.O. 1990, c. 0.1. Retrieved from <https://www.ontario.ca/laws/statute/90o01>.

31. Occupational Health and Safety Act, R.S.O. 1990, c. 0.1.

32. Workplace Safety and Insurance Act, .S.O. 1997, c. 16. Retrieved from <https://www.ontario.ca/laws/statute/97w16>

33. Workplace Safety and Insurance Act, .S.O. 1997, c. 16.

KEY POLICY GOALS AND RECOMMENDATIONS

Despite the existence of the aforementioned legislations, there is still a need for bolder policies with enforcement mechanisms to address persistent employment income inequities experienced by racialized immigrant communities. The province of Ontario has a labour force of 8 million workers, the majority of whom are not protected by the federal Employment Equity Act. A Toronto study highlights the intersecting negative impacts that working in precarious employment, living in poverty, and experiencing racism and/or other forms of social exclusion has on racialized and immigrant communities.³⁴ As a result, this policy paper encourages all levels of government to coordinate a broad range of policies and programs to promote decent work and equitable labour market conditions.

Bolder policies and practices should be informed by principles of decent work. The International [Covenant on Economic, Social and Cultural Rights](#) (1976)³⁵, also ratified in Canada, puts forward fundamental principles of decent work such as fair wages and equal pay for equal work without any distinction to support workers and their families.³⁶ These principles were also incorporated in the [Harry Arthurs review of Part III of the Canada Labour Code](#).³⁷ Although the Arthurs review only applied to unionized workers in federally regulated industries, the principles of labour standards can be adapted for all workers. There is an appetite for these principles in Canada, some of its features are documented below:

LABOUR STANDARDS SHOULD ENSURE THAT NO MATTER HOW LIMITED HIS OR HER BARGAINING POWER, NO WORKER [...] IS OFFERED, ACCEPTS OR WORKS UNDER CONDITIONS THAT CANADIANS WOULD NOT REGARD AS "DECENT." NO WORKER SHOULD THEREFORE RECEIVE A WAGE THAT IS INSUFFICIENT TO LIVE ON; BE DEPRIVED OF THE PAYMENT OF WAGES OR BENEFITS TO WHICH THEY ARE ENTITLED; BE SUBJECT TO COERCION, DISCRIMINATION, INDIGNITY OR UNWARRANTED DANGER IN THE WORKPLACE; OR BE REQUIRED TO WORK SO MANY HOURS THAT HE OR SHE IS EFFECTIVELY DENIED A PERSONAL OR CIVIC LIFE.

However, there needs to be widespread adoption of the principles of decent work, not just in policy but also in employment practices. The remaining sections of this paper will discuss the challenges with non-standard forms of employment as identified through the Needs Assessment. The following three policy goals were identified: proactive labour market policies to help recent immigrants integrate into the employment sector; proactive labour market policies to ensure immigrants' job security after settlement; and policies to ensure workers in non-standard employment have the same hourly pay, benefits, and protections as those in permanent, full-time employment

34. Toronto Public Health (2013). *Racialization and Health Inequities in Toronto*. Toronto: City of Toronto.

35. United Nations Human Rights. *International Covenant on Economic, Social and Cultural Rights*. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

36. United Nations Human Rights. *International Covenant on Economic, Social and Cultural Rights*. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

37. Federal Labour Standards Review Commission (2006). *Fairness at work: Federal Labour Standards for 21st Century*. http://www.labour.gc.ca/eng/standards_equity/st/pubs_st/fls/page00.shtml

38. Harry Arthurs (2006) *Fairness at Work*. Gatineau: Human Resources Skills Development.

IMPACT OF COVID-19 ON RECOMMENDATIONS

Although the majority of the research for this study and resulting recommendations were developed prior to the COVID-19 pandemic, the research team at the Council of Agencies Serving South Asians (CASSA) consulted with subject matter experts from July to October 2020 and built in economic recovery recommendations into this report. South Asian communities, among other racialized communities, particularly in the Greater Toronto Area have been disproportionately impacted by the virus, both economically and in terms of infection rates^{39, 40}. In fact, a national survey by the Association for Canadian Studies, released on April 13th, 2020 indicated that **75%** of South Asians surveyed reported that the economic crisis was a threat to their personal finances⁴¹. In this report, South Asians were ranked as one of the most economically vulnerable racialized communities in Canada⁴². In terms of unemployment rates, in August 2020, Statistics Canada compared the general unemployment rate in Canada at **10.2%** with specific racialized communities⁴³. The rate of unemployment for South Asians was **17.8%**, Arabs **17.3%**, and Black Canadians **16.8%**⁴⁴. Many South Asian immigrants in precarious work or with precarious immigration status have been unemployed since the beginning of the pandemic in March 2020-. Many South Asian immigrants were and continue to survive on their own without access to income supports and benefits⁴⁵. Many of the recommendations in this report have considered these disparities in economic outcomes for South Asian and other racialized immigrant communities during the pandemic.

1. PROACTIVE LABOUR MARKET POLICIES TO HELP RECENT IMMIGRANTS INTEGRATE INTO THE EMPLOYMENT SECTOR

In order to promote proactive labour market policies, it is important to examine why racialized immigrants, including South Asians, are disproportionately employed in precarious jobs. Evidence shows the primary causes are a disconnect between public immigration policy and hiring practices at the workforce level, and systemic racism in hiring practices⁴⁶. Many economic immigrants are encouraged to move to Canada through aggressive immigration policy. However, upon arrival, racialized economic immigrants face numerous barriers to securing employment in jobs commensurate to their qualifications⁴⁷. Although there is competition to attract and retain highly qualified new immigrants to support economic growth and innovation⁴⁸, the reality of the actual labour market outcomes for racialized immigrants is very different, which causes a great deal of

39. Ontario Agency for Health Protection and Promotion (Public Health Ontario). COVID-19 in Ontario - A Focus on Diversity: January 15, 2020 to May 14, 2020 Toronto, ON: Queen's Printer for Ontario; 2020.

40. Region of Peel (Peel Public Health). COVID-19 and the Social Determinants of Health: Race and Occupation. April 13, 2020 to July 15, 2020 Toronto, ON.

41. Jedwab, J. (2020). Canadian Opinion on the Coronavirus - Economic Vulnerability Score for Selected Visible Minorities and the Effects of COVID-19. Association for Canadian Studies.

42. Jedwab, J., 2020.

43. Statistics Canada. (2020). Labour Force Survey, August 2020. Government of Ontario. <https://www150.statcan.gc.ca/n1/daily-quotidien/200904/dq200904a-eng.htm>

44. Lim, J. (2020, August 7). Survey of labour force shows racialized unemployment gap due to Covid-19. IPolitics. <https://ipolitics.ca/2020/08/07/july-labour-force-survey-shows-racialized-gap-in-unemployment-due-to-covid-19/>

45. CASSA, SALCO, SAWRO. (2020). The Impact of COVID-19 on South Asians in Canada. Council of Agencies Serving South Asians. [Link](#).

46. Haq, A. (2009). Ontario's South Asian Transnationals: Unlocking the Potential of an Untapped Resource. Martin Prosperity Institute.

47. Haq, A, 2009.

48. Florida, Richard. (2002) The Rise of the Creative Class and How It's Transforming Work Leisure and Everyday Life. New York: Basic Books.

stress and shock to them. Employment outcomes for racialized immigrants are exacerbated by discrimination and racism they face in the labour market and the 'hire Canadian only' ethos by employers⁴⁹. Thus, the lack of 'Canadian experience' and/or 'Canadian credentials' especially introduces barriers for racialized new immigrants to enter competitive jobs commensurate to experience and education⁵⁰. The negative outcomes of these barriers are evident in the wage gap between racialized and non-racialized immigrants. Racialized immigrants earn \$0.71 (women) and \$0.79 (men) for every dollar earned by non-racialized immigrants⁵¹. It is critical for the federal and provincial governments to provide prospective immigrants transparent information about immigration and employment. Concurrently, the federal and provincial governments need to develop legislation to combat systemic racism in employment and regulate employers to ensure they comply with employment regulations to provide equal opportunity to racialized immigrants.

With the introduction of the [2020-2022 Immigration Levels Plan](#), it is timely to review the progress of existing government policies, such as the Canada Ontario Immigration Agreement and the non-operational Breaking Down Barriers Plan implemented in 2007, to make positive changes for immigrant integration. It is worth noting that 13 years later, racialized immigrants continue to face the same and additional barriers to decent employment. In particular, two contributions of Ontario's Breaking Down Barriers Plan are important to highlight: 1) the passage of the [Fair Access to Regulated Professions and Compulsory Trades Act legislation](#) (2006)⁵², which requires Ontario's 34 regulated professions to standardize their licensing process in an open, fair, and clear manner to quickly assess foreign qualifications of internationally trained applicants; and 2) the establishment of a one-stop information and referral service: Global Experience Ontario, which has since become non-operational. The Global Experience Ontario used to help internationally trained individuals understand how to apply to a regulatory body to become licensed or certified to work in a regulated profession or skilled trade.⁵³

RECOMMENDATION 1: The provincial Ministry of Labour, Training and Skills Development should implement an integrated, coordinated Workforce Hiring Strategy, in partnership with the federal and municipal governments, employers and community partners, to hire recent immigrants commensurate to their qualifications and experience. This hiring strategy should have measurable indicators and accountability measures to ensure pay transparency, guidelines, and employer incentives for utilizing equitable hiring practices.

RECOMMENDATION 2: The Workforce Hiring Strategy in Recommendation 1 should have a strong and comprehensive component to educate and train employers on diverse, inclusive, and anti-racist workplaces. This component should include consultations from community members who are subject matter experts in anti-racism and anti-oppression strategies as well as the Anti-racism Directorate. Through this strategy the provincial Ministry of Labour, Training and Skills Development and the Anti-racism Directorate should provide ongoing support and resources especially to small, medium, and large sized employers on diversity, inclusion, and anti-racism in the workplace.

49. Citizenship and Immigration. (2017) Facts and Figures: Immigration Overview of Permanent and Temporary Residents. Catalogue no. Ci1-8/2006E, pp. 37-47. [Link](#)

50. Pendakur, Krishna, and Simon Woodcock. (2008) Glass Ceilings or Glass Doors? Wage Disparity Within and Between Firms. Simon Fraser University.

51. Block, S., Galabuzi, G. E., & Tranjan, R., 2019.

52. Fair Access to Regulated Professions and Compulsory Trades Act, S.O. 2006, c. 31.

53. Global Experience Ontario. (2007) Breaking Down Barriers: Ontario's Comprehensive Plan for Newcomers. Ontario Immigration.

RECOMMENDATION 3: The provincial Ministry of Labour, Training and Skills Development should provide adequate resources to the Office of the Fairness Commissioner to track progress of the re-training and re-accreditation process of new immigrants with an annual reporting mechanism and with data available for the public on employment experiences of racialized immigrants.

RECOMMENDATION 4: The federal Ministry of Immigration, Refugees and Citizenship should provide adequate resources to build the capacity of settlement agencies in Canada to play a greater role in providing pre-arrival resources and information to potential immigrants. Government funded pre-arrival services outside of Canada and settlement agencies in Canada should proactively provide information on the recertification process, job requirements, and current labour market prospects to support mental health and settlement planning of potential immigrants. This will curb the misinformation that private immigration consultants may be providing in many 'top sending countries.

RECOMMENDATION 5: Upon arrival, the Federal Ministry of Immigration, Refugees and Citizenship should expand the information and resources for landed immigrants about settlement agencies to include grassroots organizations and support groups in their community who can provide mentorship and support in the languages of the newcomers.



2. PROACTIVE LABOUR MARKET POLICIES TO ENSURE IMMIGRANTS' JOB SECURITY AFTER SETTLEMENT

Proactive policies to support economic immigrants integrate into the labour market is not enough on its own. Similar efforts and resources to support and ensure job opportunities for non-economic racialized immigrants (i.e. family classes, humanitarian classes, permit holders, and migrant workers) should also be provided. Job insecurity has become a widespread concern, as permanent employment is not the norm in Ontario⁵⁴. Instead, non-standard forms of employment, such as part-time, temporary, and contract work; self-employment; and full-time work without benefits or pathways to long-term employment has become commonplace.⁵⁵

While all workers are impacted by the changing nature of work, recent racialized immigrants are uniquely vulnerable. Given this concern, the Ontario government needs to recognize the role of job training programs as one part of the strategy to support the upward mobility of recent immigrants to better quality, higher paying jobs⁵⁶. Workers in precarious, non-standard employment often do not have access to employer-funded training and it is burdensome to put the onus on workers to pay out-of-pocket for such training⁵⁷. Therefore, implementing policies and programs to encourage employers to invest in employee skill development to enable workers to advance in organizations and secure better-quality jobs is necessary. However, the success of these policies and program development requires the buy-in of employers, education and training institutes, various governments, and other stakeholders⁵⁸. Training alone does not void the governments' role to enforce policies that influence the length, continuity and conditions of employment that also contribute to job insecurity.⁵⁹

Job insecurity has several impacts on workers and their families. For the worker, there are health risks associated with precarious employment due to the lack of control over their work conditions and being possibly excluded from statutory regulations such as the [Employment Standards Act](#)⁶⁰. Research studies from Ontario reported that outsourcing and contracting work negatively affected workers due to the increased stress associated with reduced hours and erratic schedules, which caused long-term anxiety and depression⁶¹. Another Canadian study showed that workers in insecure jobs were at a higher risk of self-reported poor health and to work in pain, than those in secure employment in similar roles⁶². Further, workers in precarious employment are more likely to experience work-related anxiety that interferes with their family life and household responsibilities, such as raising children. For example, taking a caregiving leave can interrupt workers' earning

54. Parkinson, D. (2019, May 1). Non-standard workers make up 31 per cent of Canada's workforce. *Globe and Mail*.

<https://www.theglobeandmail.com/business/commentary/article-non-standard-workers-make-up-31-per-cent-of-canadas-workforce/>

55. United Way and McMaster University (2015). *The Precarity Penalty: The impact of employment precarity on individuals, households and communities – and what to do about it*

56. Metcalf Foundation (2014). *Good Jobs: The Path to Better Jobs is Through Employers*.

57. United Way and McMaster University (2015). *The Precarity Penalty: The impact of employment precarity on individuals, households and communities – and what to do about it*.

58. United Way and McMaster University, 2015

59. United Way and McMaster University, 2015

60. Benach, J., Vives, A., Amable, M., Vanroelen, C., Tarafa, G. & Muntaner, C. (2014). Precarious employment: understanding an emerging social determinant of health. *Annual Review of Public Health*, 35, 229-253.

61. Roche, B., Block, S., & Abban, V. (2015). *Contracting Out at the City: Effects on Workers' Health*. Toronto: Wellesley Institute.

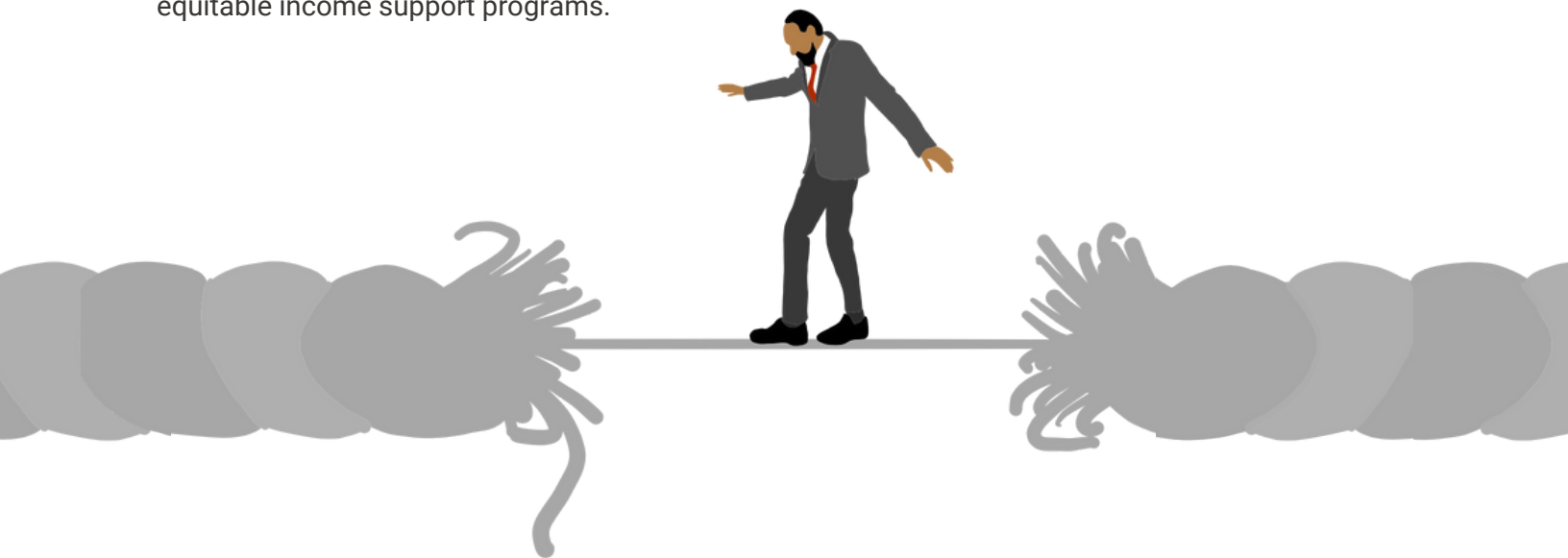
62. Roche, B., Block, S., & Abban, V., 2015.

potential because non-standard forms of employment do not provide a secure job to return to⁶³. In addition to barriers of systemic racism, language, and inaccessible support and resources, racialized immigrant women are further disproportionately affected due to responsibilities associated with motherhood, and child and family caregiving. The Colour of Poverty 'Racialized Poverty in Employment' Fact Sheet highlights that racialized women are **43%** more likely to be unemployed compared to non-racialized men.⁶⁴

Job insecurity has negative long-term and intergenerational impacts. Precarious employment is a major barrier to poverty reduction in Toronto's designated 'Neighbourhood Improvement Areas,' which are primarily populated by residents who are racialized, low-income, and/or immigrants.⁶⁵ Further, the income inequality experienced by racialized immigrant workers extends beyond the immigrant experience to affect second and third generations⁶⁶. Ensuring barrier-free access and opportunity to decent work will have intergenerational impacts as racialized immigrant families can access resources to strengthen their capacity, enhance their quality of life and support upward mobility in their own careers.

Implementing policies and programs to support job security is not enough, the provincial Ministry of Labour, Training and Skills Development should also monitor its progress. This requires investment in disaggregated population level raced-based data collection on Ontario's labour market trends that is coordinated with immigration data, as well as administering evaluations of employment policies and legislation.

The Ontario government should also work with the federal government to advocate for equitable income support programs such as employment insurance, especially because precarious and non-standard employment is on the rise. A revised employment insurance strategy is important to ensure more people qualify for income support with flexible eligibility criteria for precarious workers. During the onset of the COVID-19 pandemic, some of these barriers were eliminated and the rate of employment insurance increased to \$2000/month, therefore⁶⁷ it is possible to work towards equitable income support programs.



63. Roche, B., Block, S., & Abban, V., 2015.

64. Colour of Poverty., 2019.

65. Hulchanski, David. (2007) The Three Cities Within Toronto: Income Polarization Among Toronto's Neighbourhoods, 1970–2000. University of Toronto, pp. 1-12.

66. Block, S., & Galabuzi, G.E., 2011.

67. Canada Emergency Response Benefit (CERB), 2020. Retrieved from <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>

RECOMMENDATION 6: The provincial Ministry of Labour, Training and Skills Development should create and enforce mandatory employment equity legislation at the provincial level to coincide with federal employment equity legislation.

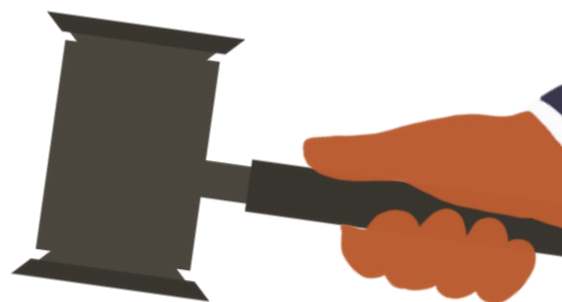
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RECOMMENDATION 8: The provincial Ministry of Labour, Training and Skills Development should update the [Employment Standards Act](#) to disincentivize ongoing short-term temporary contracts and encourage employers to develop pathways for temporary workers to be hired permanently after working for a set period of time. The [Employment Standards Act](#) should also require employers to offer available hours of work to those working less than full time before new workers performing similar work are hired. In fulfilling equitable hiring practices, these employers should be incentivized through financial resources for training and development.

RECOMMENDATION 9: The provincial Ministry of Labour, Training and Skills Development should work with the federal government and Statistics Canada to develop new tools to collect disaggregated race-based data on labour market trends that are coordinated with immigration data. Based on analysis of this data and consultations from those impacted, appropriate changes to labour market program and legislation should be implemented. Mandatory data collection should include information about how many workers are newly hired across sectors, in what jobs types (part-time, full-time, temporary, or permanent), and whether pay rates are comparable to others in similar roles.

RECOMMENDATION 10: The Ontario government should work with the federal government for fair access to income support programs to provide more inclusive eligibility to prioritize low-income, newcomer, and racialized communities. In particular, the eligibility criteria should not penalize precarious employees, who were unable to pay into the EI program due to the type of jobs they have held (e.g. contract and consultant work) or for not being able to work the required hours to qualify. Both levels of government should also remove any barriers to income support that are predicated on immigration status.

RECOMMENDATION 11: The provincial Ministry of Labour, Training and Skills Development, in partnership with other Ministries and levels of government, should develop a cross-sectoral support program in recognition that part of securing full-time employment requires simultaneous support in affordable housing, transit and childcare.



3) ENSURE NON-STANDARD EMPLOYMENT HAS SAME HOURLY PAY, BENEFITS, AND PROTECTIONS AS PERMANENT, FULL-TIME EMPLOYMENT

Part-time and temporary workers often earn lower wages, between **30%** and **40%** less on average, compared to full-time, permanent workers for comparable work in the same workplace⁶⁸. Although flexible staffing through non-standard forms of employment keeps labour costs down for employers, there are negative consequences for the sector and workers. For the employment sector, the growth of temporary, part-time employment has overshadowed the growth of full-time permanent jobs⁶⁹. For workers, flexible hiring practices means lost job prospects for full-time and permanent employment and limited or no health benefits⁷⁰. Further, through independent contract hires, the legal liability employers generally have for their employees shift to intermediaries such as temporary help agencies⁷¹. The legal liability can be further shifted to workers, who are then exempt from the [Employment Standards Act](#) entitlements. Studies report that low-wage workers in sectors such as cleaning, trucking, food delivery, construction, courier, and other business services are often misclassified as independent contractors⁷². These work arrangements are problematic because it leaves precarious workers, who are often racialized, low-income and recent immigrants, without legal entitlements⁷³. As a result, if employers hire contract workers, employers should be held jointly responsible with subcontractors for the employment conditions. Thus, the Ontario government needs a more developed enforcement mechanism to prevent violations of the [Employment Standards Act](#) entitlements through contracting out and misclassification of work. Migrant workers should get the same protection from the ESA as they are the most vulnerable due to their precarious immigration status.

Non-standard forms of employment generally do not provide sufficient health benefits⁷⁴. A Canadian study reported that only **27%** of part-time workers had employer-provided medical benefits, while **73%** of full-time workers had access to such benefits⁷⁵. Limited access to health, dental and drug benefits can contribute to poor health outcomes for workers over time. Further, people with low income (income lower than the Low Income Measure (LIM)) are less likely to access prescription drugs than those with higher income (income higher than the LIM) if they are required to pay out of pocket⁷⁶. This access inequity is problematic because precarious work itself poses additional barriers to good health. Adequate health benefit coverage is necessary to prevent workers and their families from avoiding or delaying seeking timely care to essential services. There are international policy interventions where casual and temporary workers can access health benefits through a benefits bank or mandatory short-term contract premiums⁷⁷. Similar innovations can be adopted in Ontario through discussions with the provincial Ministry of Labour, Training, and Skills Development, other governments, and organizations.

68. Toronto Star (2015). Too many Ontario workers exploited; laws need quick overhaul, study urges. By Sara Mojtahedzadeh. Published on Mar 31 2015. <http://www.thestar.com/news/gta/2015/03/31/toomany-ontario-workers-exploited-laws-need-quick-overhaul-study-urges.html>

69. Block, S. (2015). A higher standard: the case for holding low-wage employers in Ontario to a higher standard. Toronto: Canadian Centre for Policy Alternatives Ontario Office.

70. Tiessen, K. (2014). Seismic Shift. Canadian Centre for Policy Alternatives.

71. United Way and McMaster University., 2015.

72. United Way and McMaster University., 2015.

73. ILO. (2011). (rep.). Policies and Regulations to Combat Precarious Employment. International Labour Organization.

74. Employment and Social Development Canada. (2019). Benefits: Access and Portability. Secretariat to the Expert Panel on Modern Federal Labour Standards. [Link](#).

75. Barnes, S. (2015). Low earnings, unfilled prescriptions: Employer-provided health benefit coverage in Canada. Wellesley Institute.

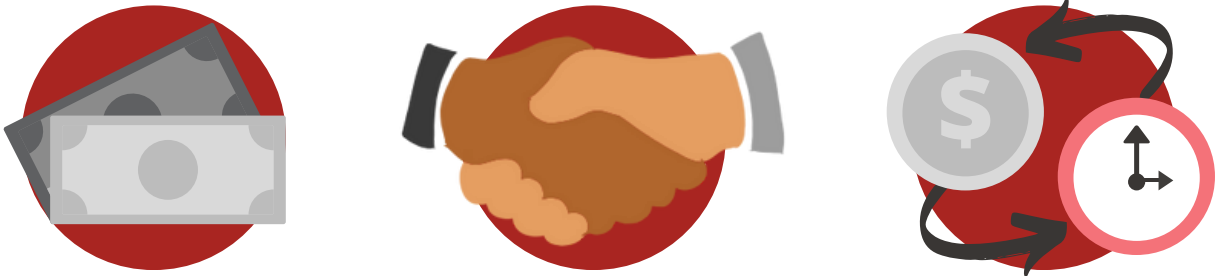
76. Zhong, H. Equity in Pharmaceutical Utilization in Ontario: A Cross-Section and Over Time Analysis. Canadian Public Policy 33, no. 4 (2007); Dana P Goldman, Geoffrey F Joyce, and Yuhui Zheng, Prescription Drug Cost Sharing: Associations with Medication and Medical Utilization and Spending and Health, Journal of American Medical Association 298, no. 1 (2007).

77. Employment and Social Development Canada., 2019.

Under the [Employment Standards Act](#), Bill 148 introduced new forms of unpaid, job-protected time-off from work on January 1, 2019⁷⁸. The 2019 amendments to the Act removed ten unpaid personal emergency days off per year for illness, injury, medical emergency, bereavement or urgent matters related to the individual worker or close relatives. Employers are now required to give two paid days off per year if the employee has been employed for over a week⁷⁹. In addition, personal emergency leave has been removed and the two additional paid days that previously existed have not been replaced with new paid leave days⁸⁰.

To safely restart the economies and make Canada more resilient to a possible resurgence of COVID-19, the federal government has announced the [The Safe Restart Agreement \(SRA\)](#)⁸¹. To encourage workers to stay at home if they are showing symptoms of COVID-19, the federal government will fund a new temporary income support program⁸². Workers who do not already have access to paid sick leave will be included in this and will be eligible to take up to 10 days of sick leave if related to COVID-19⁸³. Paid leave provisions for all workers; especially low-income workers, is critical because they may not be able to afford unpaid leave even when they are sick. Although this is a special provision created due to the pandemic, such paid sick leave should always be available to all workers regardless of the temporary nature of their employment for their safety and safety of their colleagues. Similar innovations can be adopted in Ontario through discussions with the Ministry of Labour, other governments, and organizations.

From a public health standpoint, the lack of personal emergency leave protections has consequences for preventative care, spread of infections, and increased use of acute health care services⁸⁴. Further, the current provision is only applicable to workers in organizations with at least 50 employees. Therefore, employees working in smaller organizations may not access personal emergency leave and already be vulnerable to other inequitable work conditions such as lower wage and inflexible hours. In the event of an emergency or in a pandemic such as the, COVID-19 pandemic, workers may have no choice but to continue working and compromise their own health or that of their families. It is important to extend access to job-protected time off work to all workers, even those in non-standard forms of employment and those working in organizations with less than 50 employees.



78. A plan for fair workplaces and better jobs (Bill 148). 2019. Retrieved from <https://www.ontario.ca/page/plan-fair-workplaces-and-better-jobs-bill-148>

79. A plan for fair workplaces and better jobs (Bill 148). 2019.

80. A plan for fair workplaces and better jobs (Bill 148). 2019.

81. Safe Restart Agreement. 2020. Retrieved from <https://www.canada.ca/en/intergovernmental-affairs/services/safe-restart-agreement.html>

82. Safe Restart Agreement. 2020.

83. Safe Restart Agreement. 2020.

84. American Public Health Association (2013). Support for Paid Sick Leave and Family Leave Policies. <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/16/11/05/support-for-paid-sick-leave-and-family-leave-policies>

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RECOMMENDATION 13: The provincial Ministry of Labour, Training and Skills Development should update the [Employment Standards Act](#) to ensure that employees in non-standard forms of employment are paid the same hourly rate as permanent, full-time employees in equivalent positions proportionately.

RECOMMENDATION 14: Employers, temporary help agencies and other intermediaries should be held jointly liable (through fines and higher taxes) imposed by the provincial Ministry of Labour, Training and Skills Development. Employers should also be responsible for wages owed, wage discrimination, and other statutory entitlements under the [Employment Standards Act](#) and its regulations.

RECOMMENDATION 15: The provincial Ministry of Labour, Training and Skills Development should develop a strategy to proactively inspect workplaces as a key component of the enforcement system of the ESA along with the claim-based investigations of individual cases⁸⁵. As part of this ESA enforcement strategy, consultations should be done with organizations providing direct support to precarious workers (e.g., workers centres, community legal clinics, unions, immigrant serving agencies) to identify where violations are occurring and investigate them promptly.

RECOMMENDATION 16: The provincial Ministry of Labour, Training and Skills Development should implement a public provision of an extended benefits program through partnerships with insurance companies to provide precarious workers access to extended health benefits.

RECOMMENDATION 17: The provincial Ministry of Labour, Training and Skills Development should update the [Employment Standards Act](#) to extend job-protected time off work to workplaces with fewer than 50 employees and those in non-standard forms of employment. Paid leave should be proportionate to what permanent, full-time employees receive.

RECOMMENDATION 18: The income cut-off for low income tax credits for individuals in Ontario is an annual income below \$38,500⁸⁶. The Government of Ontario should increase the hourly minimum wage in Ontario to at least reflect the low income cut off level to support low income workers achieve upwards economic mobility and in some cases, rise out of poverty.

85. Metro Toronto Chinese & Southeast Asian Legal Clinic. (2016). Sweet & Sour: The Struggles of Chinese Restaurant Workers.

86. Low-income Individuals and Families Tax Credit. 2020. Retrieved from <https://www.ontario.ca/page/low-income-individuals-and-families-tax-credit#:~:text=you%20must%20owe%20Ontario%20personal,year%20must%20be%20below%20%2468%2C500>

CONCLUSION

Given the changing nature of work, reform of employment legislations and proactive programs to target systemic racism in hiring practices are necessary. It is equally important to ensure protective standards are widely enforced, monitored and applicable to all workers in Ontario. In particular, the entitlement gaps identified in the **Employment Standards Act** for workers in non-standard forms of employment should be closed. These gaps have disproportionate negative impacts on women, people with disabilities, racialized individuals, Indigenous people, youth and immigrants who are more likely to be employed in precarious work. Further, public policy consideration should go beyond protecting workers' rights in workplace settings to redress long-lasting and intergenerational impacts that precarious work has on household well-being and community connections. Reform of employment legislations should better protect individuals marginalized in the current labour market so that all workers can reach their full potential in employment and other aspects of their lives.

South Asian immigrants face a plethora of barriers and challenges in finding decent and meaningful employment in Canada despite having academic credentials, skills, experience and certifications. With improved employment legislation, enforcement mechanisms, and dedicated resources for education and training of employees and employers; with a focus on accessibility and inclusivity of racialized immigrants, South Asian and other racialized immigrants can find relevant employment and experience upward socio-economic mobility.



APPENDIX - RECOMMENDATIONS 1-18

Recommendation 1: The provincial Ministry of Labour, Training and Skills Development should implement an integrated, coordinated Workforce Hiring Strategy, in partnership with the federal and municipal governments, employers and community partners, to hire recent immigrants commensurate to their qualifications and experience. This hiring strategy should have measurable indicators and accountability measures to ensure pay transparency, guidelines, and employer incentives for utilizing equitable hiring practices.

Recommendation 2: The Workforce Hiring Strategy in Recommendation 1 should have a strong and comprehensive component to educate and train employers on diverse, inclusive, and anti-racist workplaces. This component should include consultations from community members who are subject matter experts in anti-racism and anti-oppression strategies as well as the Anti-racism Directorate. Through this strategy the provincial Ministry of Labour, Training and Skills Development and the Anti-racism Directorate should provide ongoing support and resources especially to small, medium, and large sized employers on diversity, inclusion, and anti-racism in the workplace.

Recommendation 3: The provincial Ministry of Labour, Training and Skills Development should provide adequate resources to the Office of the Fairness Commissioner to track progress of the re-training and re-accreditation process of new immigrants with an annual reporting mechanism and with data available for the public on employment experiences of racialized immigrants.

Recommendation 4: The federal Ministry of Immigration, Refugees and Citizenship should provide adequate resources to build the capacity of settlement agencies in Canada to play a greater role in providing pre-arrival resources and information to potential immigrants. Government funded pre-arrival services outside of Canada and settlement agencies in Canada should proactively provide information on the recertification process, job requirements, and current labour market prospects to support mental health and settlement planning of potential immigrants. This will curb the misinformation that private immigration consultants may be providing in many 'top sending countries.

Recommendation 5: Upon arrival, the Federal Ministry of Immigration, Refugees and Citizenship should expand the information and resources for landed immigrants about settlement agencies to include grassroots organizations and support groups in their community who can provide mentorship and support in the languages of the newcomers. Recommendation 6: The provincial Ministry of Labour, Training and Skills Development should create and enforce mandatory employment equity legislation at the provincial level to coincide with federal employment equity legislation.

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