

# WORKING PAPER 11: HOW TO ENSURE EMPLOYMENT STANDARD RIGHTS ARE ADEQUATE\*†

## 1. Key challenge & overview

People in precarious employment who are covered by employment standards, are covered by standards that are often inadequate.‡

Employment standards are the regulations that cover working conditions. These regulations include time, income, record keeping, and termination of notice and pay. These regulations were primarily designed for employees in standard employment relationships. Those precarious workers who are covered with limitations, such as temporary workers, subcontractors, and part-time workers, are often covered by standards that are not appropriate for their working relationships. **Thus, policy options address improving standards in general, and improving standards such as working time and working conditions for those in precarious employment.** It should be noted that policy options that address adequacy from the perspective of scope are taken up in a separate paper.

## 2. Evidence from PEPSO

Employment Standards are the minimum standards by which employers and employees have to abide. They are used to protect employees by regulating working conditions.§ ¹ However, working conditions have shifted since the time that employment standards were designed. The PEPSO *It's More than Poverty* report\*\* found that precarious employment has grown by 50% in the past twenty years.² Due in part to this growth in precarious employment, some regulations that may have been adequate in the past are not adequate for those in precarious employment now.

## 3. Context/current situation

Employment standards cover a wide range of rights and responsibilities that govern different aspects of working conditions, such as:

- **Time** (working hours, rest periods, vacation time and pay, public holidays, leaves of absence).
- **Income** (payment of wages, overtime pay, minimum wage, termination pay).

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† This Policy Options Working Paper is one in a series of 16 working papers that explore the range of policy options that have been proposed to reduce or mitigate the impacts of precarious employment. Each of these papers must be read in tandem with the paper titled "PEPSO Policy Options Working Papers: Introduction". The full reference list is contained in a separate bibliography document.

‡ This paper is one in a series of three papers on employment standards. The other two working papers cover employment standards coverage & awareness and employment standards enforcement.

§ Though employment standards include protections for employers, this paper will focus on protections for workers.

\*\* PEPSO's *It's More than Poverty* report refers to the report that was published in February 2013 that was based on the main survey conducted by PEPSO. In these working papers this report will be called the PEPSO report or the PEPSO survey. This is only appropriate for these working papers as there are other PEPSO reports that will be published by the six case studies.

- **Record keeping** (payroll records).
- **Termination notice and pay.**

These rights and responsibilities are legally enforceable, and workers covered under employment standards legislation have legal recourse if an employer does not respect them.

Part III of the Canada Labour Code (CLC) covers workers under federal jurisdiction. Only 6% of non-public administration jobs in Canada fall into this category, and more than 300,000 of these workers are in Ontario.<sup>3</sup> In general, these workers tend to have better working conditions than the Canadian norm.<sup>4</sup> Workers who are covered by these labour standards must be employees; self-employed workers and independent contractors are not covered.<sup>5</sup> The Code does not distinguish between full-time, part-time, and casual employees.<sup>6</sup>

The CLC has mostly stayed the same for the past forty years.<sup>††</sup> <sup>7</sup> The federal government, through the Minister of Labour, commissioned a thorough review of Part III in 2004, which was published in 2006 as *Fairness at Work: Federal Labour Standards in the 21<sup>st</sup> Century*. In 2009, the federal Minister of Labour announced consultations based on this review. However, no information is available on the outcomes.

In Ontario, most other workers who are covered by employment standards legislation are covered by the *Employment Standards Act of 2000 (ESA)*. Workers who are covered under the *ESA* must be employees.<sup>††</sup> The following groups have limitations in their coverage:

- **Not covered:** Self-employed individuals, independent contractors, and employees who have been misclassified by their employers as independent contractors.
- **Covered with limitations/ exemptions:** temporary workers, subcontracted workers, and part-time workers have limitations to their coverage. In part, this is due to a lack of clarity as to whether the employer is the agency/ contractor or the client business. In part, this is because some standards require a single employer, or a certain tenure, to be accessed, putting them out of the reach of many temporary, subcontracted and part-time workers.<sup>8</sup> For example, vacation time can be taken after 12 consecutive months of work.<sup>9</sup> In addition, there are some exemptions based on workplace size and occupation.

Updates to *ESA* legislation include *The Employment Standards Amendment Act (Temporary Help Agencies), 2009* which changed certain provisions regarding workers with temporary help agencies. In December 2013, the Ontario Minister of Labour introduced Bill 146: *Stronger Workplaces for a Stronger Economy Act, 2013*, which is currently at second reading. Bill 146 is designed, in part, to increase the scope of some elements of the *ESA*.

The federal and provincial Ministries of Labour are responsible for education and training initiatives that are intended to build awareness. The federal Ministry of Labour's Labour Program is charged with creating voluntary compliance through education and awareness building.<sup>10</sup> In Ontario, the Education, Outreach, and Partnerships branch of the Ministry of Labour is responsible for fostering an environment wherein both employers and employees understand the *ESA*, and encouraging compliance by developing resources and tools for employers.<sup>11</sup>

## 4. Policy options

The policy options listed below are associated with three streams of recommendations:

- **CLC Part III improvements.**

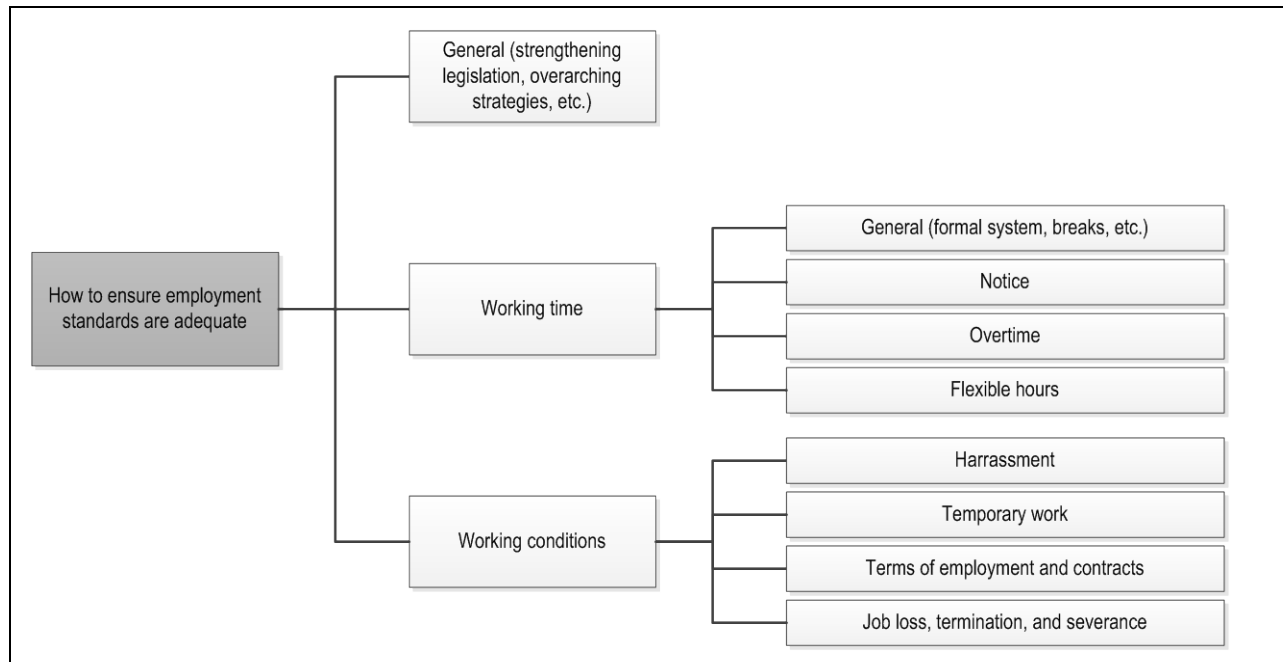
<sup>††</sup> Bill C-45, *the Jobs and Growth Act, 2012*, did make some amendments to the Canada Labour Code.

<sup>††</sup> For a full list of employees who are not covered or covered differently, see: [https://www.labour.gov.on.ca/english/es/pubs/factsheets/fs\\_general.php](https://www.labour.gov.on.ca/english/es/pubs/factsheets/fs_general.php)

- **ESA** improvements.
- **General** improvements, which include general references to employment standards as well as recommendations from other jurisdictions.

While certain recommendations apply specifically to the CLC or *ESA*, the policy options have been intentionally organized to stimulate thinking on how to improve employment standards across different spheres. For example, some recommendations for the CLC could be beneficially applied to the *ESA*, and vice versa. However, if policies were raised specifically for the CLC or *ESA*, this is noted. Some policies may also have been generally proposed or proposed in other jurisdictions.

Not all areas of employment standards legislation are covered. Only standards that were raised in the literature reviewed are covered in the policy options below.



## 4.1 General options

In general, policy options concerning employment standards recommend **strengthening legislation**<sup>12</sup> and **raising labour standards**,<sup>13</sup> which could impact those who are covered with limitations by raising the bar for everyone. High-level options include:

- **Codifying a commitment** to basic employment rights within the *ESA*.<sup>14</sup>
- Increasing **funding** for the *ESA* to ensure temp workers see the benefits of legislative changes.<sup>15</sup>
- Ensuring the CLC and informal workplace practices **align** with the *Canadian Human Rights Act*.<sup>16</sup>
- Strengthening the ability of the federal Labour Program<sup>§§</sup> to **coordinate policies** with other departments.<sup>17</sup>
- Building the **research and analysis capacity** of the federal government in regard to labour standards.<sup>18</sup>

This broadly includes developing different **processes for guiding changes**, such as:

<sup>§§</sup> The Labour Program is under the jurisdiction of the Federal Minister of Labour and is used to administer labour laws such as the Canada Labour Code.

- Undertaking a full **legislative review** of the *ESA*.<sup>19</sup>
- Holding **outside consultations**, which could include a conference of affected parties and appointed chair (CLC);<sup>20</sup> roundtable discussions on specific issues such as temporary employment agencies;<sup>21</sup> or consultation with others, such as workers' advocates and community groups.<sup>22</sup>
- This also includes options for developing **overarching strategies**, and targeting these strategies toward non-standard work,<sup>23</sup> vulnerable workers,<sup>24</sup> and casual workers<sup>25</sup> and for the CLC to small-to-medium-sized enterprises (SMEs).<sup>26</sup>

## 4.2 Adequacy of employment standards on working time

The next area of policy options deals with improving the existing set of employment standards to maximize their usefulness for workers in general and for those workers in precarious employment. At times, raising employment standards for everyone can be one way to also improve employment standards for those in precarious employment. One area of recommendations deals with working time. In part, these recommendations address rules and regulations governing how long workers spend on the job. They also address the needs of workers in precarious employment who could benefit from more control over their own schedules.

### 4.2.1 General

**General** policy recommendations on working time aim to ensure that there are laws that govern **working time** overall.<sup>27</sup> Other general options for workers include:

- Using a formal system to record hours worked,<sup>28</sup> or monitoring working time for federal workers.<sup>29</sup>
- Clarifying the definition of managers in the CLC so that workers understand whether they are excluded from legislation on working hours.<sup>30</sup>
- Developing sector-specific conferences for federal jurisdiction workers to address any regulatory changes in working time.<sup>31</sup>

**Another area of general recommendations concerns regulation on the statutory standard of hours worked, which establishes standard and maximum hours for the week, as well as breaks.** These recommendations could increase worker control over their schedules and could impact when overtime pay begins. These include:

- Establishing a **40-hour work week in the *ESA***,<sup>32</sup> which compares to the current 44-hour work week, and the average paid work week of 35 hours in France.<sup>33</sup>
- **Simplifying and consolidating provisions that authorize variations in the statutory standard** (standard and maximum hours worked) in the CLC,<sup>34</sup> and developing a consultation process for making changes.<sup>35</sup>
- **Instituting two paid coffee breaks and ½ hour unpaid lunch** for every five hours worked under the *ESA* and CLC.<sup>36</sup>
- **Instituting breaks for employees who are breastfeeding** under the CLC,<sup>37</sup> (which is not currently in the CLC or *ESA*.)
- Developing **short medical breaks** for federal jurisdiction employees who need them.<sup>38</sup>

### 4.2.2 Notice

**One area of recommendations looks at ways to give workers with irregular schedules more notice and therefore more control over their time.** These options include:

- Giving workers **more notice of scheduling** ahead of time,<sup>39</sup> which could be at least 24 hours under the CLC,<sup>40</sup> or at least two weeks under the CLC or *ESA*.<sup>41</sup>

- **Instituting minimum hours for certain groups** such as minimum shift hours for part-time workers,<sup>42</sup> or three-hour shifts for scheduled shifts;<sup>43</sup> and minimum weekly hours for temp agency workers.<sup>44</sup>
- **Discouraging short notice** by paying a premium to those workers who undertake work at short notice,<sup>45</sup> and expanding the definition of “emergency work” in the CLC to ensure only non-foreseeable events.<sup>46</sup>
- **Establishing regulations** stating that employers must tell part-time workers of any available hours before new workers under the CLC and *ESA*.<sup>47</sup>

### 4.2.3 Overtime

Another set of policies examines the ways that we could change existing legislation on overtime, which could give workers more control over their time. These options could have an impact on temporary and subcontracted workers. These options include:

- Developing systems of “**banked**” overtime for federal workers,<sup>48</sup> (as is the case for workers under the *ESA*), which allows workers to take 1.5 hours of paid time off in lieu of overtime pay; and governing the use and payout of banked overtime by Workplace Consultative Committee or collective agreement under the CLC.<sup>49</sup>
- **Reviewing overtime permits** and ensuring workers can still refuse overtime under a permit, both under the *ESA* and CLC<sup>50</sup>
- **Preventing employers from creating excessive overtime**,<sup>51</sup> which could be done by publicizing the names of companies with excessive overtime permits and the duration of permits under the CLC.<sup>52</sup>
- **Stopping the policy of overtime averaging** under the CLC and *ESA*,<sup>53</sup> which averages hours worked over sets of consecutive weeks.
- **Establishing the right to refuse overtime beyond 40 hours (*ESA*),<sup>54</sup> or 48 hours (CLC)<sup>55</sup> especially due to conflicts with another job,<sup>56</sup> or certain cases of familial or other obligations.<sup>57</sup>**

### 4.2.4 Flexible hours

Another set of policy options aims to give greater control over work schedules to individual workers by allowing for more flexible hours. These options include:

- **Allowing employees with 12 months continuous service or all employees requests to change hours or form of employment**<sup>58</sup> and changes in hours, so that employees can choose these forms of work, as is common practice in the Netherlands or Germany.<sup>59</sup>
- Allowing federal jurisdiction employees to **request to work excess hours to compensate for other time taken**,<sup>60</sup> and allowing employers to accept these requests from employees for modified work schedules.<sup>61</sup>
- **Mandating that federal jurisdiction employers keep records** of all individualized arrangements.<sup>62</sup>
- **Treating coercion or misleading** of federal jurisdiction employees in connection with requests for changes in working time, as an **unfair labour practice**.<sup>63</sup>

## 4.3 Working conditions

Another policy area deals with improving general working conditions through employment standards.

### 4.3.1 Harassment

This set of policies focuses on working conditions, with particular attention to **harassment** in the workplace and protecting the right to be free from harassment at work.<sup>64</sup> These options include:

- Considering the expansion of sexual harassment provisions to **other types of harassment** in the CLC.<sup>65</sup>

- Defining **bullying, abuse or harassment** as occupational hazards and taking greater steps to forestall and respond to these issues;<sup>66</sup> for example, by including serious harassment, bullying, and abuse in the federal government's pending regulations on workplace violence.<sup>67</sup>
- Protecting from **psychological harassment** in the CLC<sup>68</sup> and introducing a Quebec-style act into the *ESA* to deal with psychological harassment.<sup>69</sup>

### 4.3.2 Temp work

One area of policy options focuses on improving working conditions for temp workers in particular. These options include:

- Introducing **federal protections for temp workers**.<sup>70</sup>
- Mandating that **workers agree to be placed on assignment**, which exists in some EU countries.<sup>71</sup>
- Ensuring that **workers are not mandated into job search services/ processing**.<sup>72</sup>
- Developing a **licensing and registry system for agencies**, which exists in the Netherlands, Denmark, Ireland, Germany, France, U.K. to monitor temp agency work and enforce minimum standards.<sup>73</sup>
- **Extending *ESA* temp agency coverage provisions to employment agencies that find workers permanent staffing placement**,<sup>74</sup> as some workers use employment agencies to find permanent jobs not just temporary jobs.
- Applying **seniority to temp workers** when workers are hired directly by the company.<sup>75</sup>

Some of the options related to temporary work agencies look at **limiting the fees charged to employers and employees that may discourage the path to permanence**. These include:

- **Prohibiting employment agencies from charging employees any type of fee**,<sup>76</sup> such as direct fees,<sup>77</sup> including buy-out fees to client companies who want to hire a worker directly,<sup>78</sup> fees for placing a worker on assignment,<sup>79</sup> and registration fees.<sup>80</sup>
- **Reducing fees charged to employees**,<sup>81</sup> such as registration fees.<sup>82</sup>
- **Regulating the 'mark-up' fee** that is paid by client businesses to temp agencies for workers.<sup>83</sup>

### 4.3.3 Terms of employment & contracts

**Contracts are the written and formalized form of workers' terms of employment.** They outline, and provide a legal backing for, the duties, rights and responsibilities of the employer and employee (which cannot fall below minimum employment standards). **While important for all workers, they are especially so for those who are temporary or subcontracted workers, as they are one of the primary ways for such workers to gain more control and to understand their rights and treatment.**

In general, policy options to enhance workers' **rights through contracts** include:

- **Giving terms of employment to all provincial jurisdiction workers**, including giving independent contractors their employment status and their terms of employment/ contract.<sup>84</sup>
- Ensuring and enforcing that **signed contracts exist** between temp agency and worker;<sup>85</sup> temp agency and client business;<sup>86</sup> or temp agency, business, and temp worker<sup>87</sup> — but always with a copy received by the temp worker.<sup>88</sup>
- **Including the "mark-up" fee amount paid to temporary agencies** by client businesses in the contract.<sup>89</sup>
- **Ensuring employers have any changes made by management in writing**.<sup>90</sup>
- Providing a **sample form of employment terms for employers**,<sup>91</sup> that includes the definition of employee vs. self-employed.<sup>92</sup> If written notice can't be produced, presume the federal jurisdiction employees' account is correct.<sup>93</sup>

Some options are designed to regulate contracts so as to establish a path for non-permanent workers to become permanent.<sup>94</sup> These options include:

- **Limiting contract renewals<sup>95</sup> or duration,<sup>96</sup>** to enable workers to be deemed permanent.
- **Converting contract positions to permanent positions within two years** and stipulating that if the position is not converted within that timeframe, employers should pay worker severance payments (in place in Slovenia).<sup>97</sup>
- **Including the time worked as a temp agency placement when a worker becomes permanent.**<sup>98</sup>
- **Removing the exception in the *ESA* that says that client businesses have to pay a fee if a worker becomes permanent in less than six months.**<sup>99</sup>

Other options that regard terms of employment focus on including the following information in those terms:

- Terms of contract;<sup>100</sup> legal and operating names of the agency and contact information;<sup>101</sup> start<sup>102</sup> and end dates<sup>103</sup> or anticipated duration (CLC),<sup>104</sup> client company signature and date.<sup>\*\*\* 105</sup> Status,<sup>106</sup> nature of relationship (CLC),<sup>107</sup> who has liability,<sup>108</sup> rates of pay (CLC),<sup>109</sup> pay period,<sup>110</sup> hours of work,<sup>111</sup> holidays (CLC),<sup>112</sup> vacations (CLC),<sup>113</sup> conditions of work (CLC),<sup>114</sup> and description of work to be done.<sup>115</sup>
- **Conditions under which federal jurisdiction employees may be considered for permanent employment.**<sup>116</sup>

#### 4.3.4 Job loss, termination and severance

**The final area of scope deals with job loss, termination, and severance.** One set of policy options deals with **unjust dismissal** and in general focuses on enforcing protection against unjust dismissal for all workers.<sup>117</sup> These include:

- **Expanding protections against unjust dismissal beyond the current duration of service,<sup>118</sup> and clarifying offences for unjust dismissal.**<sup>119</sup>
- **Enabling complaints of unjust dismissal to be referred to an appropriate court or tribunal for federal jurisdiction workers.**<sup>120</sup>
- **Applying just cause protection to temp workers** to support renewal and transition into employment under the *ESA*.<sup>121</sup>
- **Providing just cause protection to contract workers** if, at the end of a new contract, a newly hired or another contract worker is doing the work that the worker had been doing under the CLC.<sup>122</sup>

**Termination pay is given by an employer in lieu of the required notice of termination of employment.** Policy options addressing **termination** and how it occurs include:

- Extending the enforcement of the notice of termination to temporary workers under the CLC.<sup>123</sup>
- Establishing the **timeframe for notice** as two weeks for employees under the CLC;<sup>124</sup> or notice of dismissal or pay in lieu of notice to be two weeks with an increase of one week for every year of service to a maximum of eight years.<sup>125</sup>

**Severance pay is compensation that an employer pays a worker in recognition of the loss of seniority and job-related benefits.** These benefits are not available to workers on fixed-term contracts because termination, or non-renewal of contract, in these cases is not considered a dismissal.<sup>126</sup> However, some workers such as some part-time workers or workers in workplaces with 50 or more people may also be eligible. The options that have been proposed for the CLC include:

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\*\*\* Some of this (agency's legal name, contact information, hourly or other wage rate of commission and benefits, hours of work, and general description of work) is required of temp agencies through the 2009 *ESA* update.



- **Clarifying the rate of severance** in the CLC.<sup>127</sup> This could include changing the accumulation rate for severance in the CLC to three days per year for workers with over 10 years of continuous service,<sup>128</sup> or to one week's severance for every year of service.<sup>129</sup>
- **Allowing federal jurisdiction workers who have been terminated to retain severance pay if they quit after being given notice of termination or layoff, but before the expiration of notice.**<sup>130</sup>

## 5. Questions for discussion

1. Which policy options in this paper could have the most impact on the lives of those in precarious employment?
2. Which policy options in this paper can we realistically move forward on, given the current political, economic, and social climates?
3. Which policy options are missing from this paper, but require attention?

## 6. Endnotes

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<sup>1</sup> Vosko, 2013

<sup>2</sup> PEPSO, 2013

<sup>3</sup> Human Resources and Skills Development Canada, 2011

<sup>4</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>5</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>6</sup> Labour Program, 2013a

<sup>7</sup> Government of Canada, 2009a

<sup>8</sup> Vosko, 2013

<sup>9</sup> Ontario Ministry of Labour, 2011a

<sup>10</sup> Labour Program, 2013b

<sup>11</sup> Ontario Ministry of Labour, 2013a

<sup>12</sup> Toronto Workforce Innovation Group, 2010; Colour of Poverty, 2013; Benach, Muntaner, & Santana 2007 - citing the WHO

<sup>13</sup> Jackson, 2006; Broadbent Institute, 2012; Access Alliance, 2011

<sup>14</sup> Law Commission of Ontario, 2012

<sup>15</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008

<sup>16</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>17</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>18</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>19</sup> CivicAction, 2011a

<sup>20</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>21</sup> Bernier, Vaae, & Jobin (Quebec Ministère du Travail), 2003

<sup>22</sup> Wellesley Institute, 2011a

<sup>23</sup> Canadian Centre for Policy Alternatives, 2009

<sup>24</sup> Law Commission of Ontario, 2012

<sup>25</sup> Pocock, Processer & Bridge, 2004

<sup>26</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>27</sup> Kalleberg, 2009

<sup>28</sup> Lewchuk, Clarke, & De Wolff, 2011

<sup>29</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>30</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>31</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>32</sup> Workers' Action Centre, 2007; Ng et al, 2013; Access Alliance, 2011

<sup>33</sup> Kodar, 2004

<sup>34</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>35</sup> Arthurs (Human Resources and Skills Development Canada), 2006

<sup>36</sup> Workers' Action Centre, 2007; Workers' Action Centre & Employment Standards Work Group, 2005



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- <sup>37</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>38</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>39</sup> Upjohn Institute, 2012; Lewchuk, Clarke, & De Wolff, 2011; Workers' Action Centre & Employment Standards Work Group, 2005; Lambert, S.J., Haley-Lock, A., & Henly, J.R. (2012). Schedule flexibility in hourly jobs: unanticipated consequences and promising directions. *Community, Work, and Family* 15(3), 293-315.
- <sup>40</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>41</sup> Workers' Action Centre & Employment Standards Work Group, 2005; Workers' Action Centre, 2007
- <sup>42</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>43</sup> Workers' Action Centre & Employment Standards Work Group, 2005; Workers' Action Centre, 2007
- <sup>44</sup> Ng et al, 2013
- <sup>45</sup> Lewchuk, Clarke, & De Wolff, 2011
- <sup>46</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>47</sup> Workers' Action Centre & Employment Standards Work Group, 2005; Workers' Action Centre, 2007
- <sup>48</sup> Arthurs (Human Resources and Skills Development Canada), 2006; Workers' Action Centre & Employment Standards Work Group, 2005; Hallock, 2009
- <sup>49</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>50</sup> Workers' Action Centre, 2007; Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>51</sup> Access Alliance, 2011
- <sup>52</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>53</sup> Workers' Action Centre, 2007; Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>54</sup> Workers' Action Centre, 2007; Bernier, Valee, & Jobin (Quebec Ministere du Travail), 2003
- <sup>55</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>56</sup> Bernier, Valee, & Jobin (Quebec Ministere du Travail), 2003
- <sup>57</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>58</sup> ILO, 2011; Arthurs (Human Resources and Skills Development Canada), 2006; Vosko, 2010
- <sup>59</sup> Kodar, 2004
- <sup>60</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>61</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>62</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>63</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>64</sup> NDP, 2013
- <sup>65</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>66</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>67</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>68</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>69</sup> Workers' Action Centre, 2007
- <sup>70</sup> Canadian Centre for Policy Alternatives, 2013; Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>71</sup> Vosko, 2010
- <sup>72</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008
- <sup>73</sup> Vosko, 2010
- <sup>74</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>75</sup> Workers' Action Centre, 2007
- <sup>76</sup> West Coast Domestic Workers' Association, 2013 (context for temporary foreign worker programs); Workers' Action Centre & Parkdale Community Legal Services, 2008; Workers' Action Centre & Parkdale Community Legal Services, 2009; Workers' Action Centre, 2007
- <sup>77</sup> Vosko, 2010
- <sup>78</sup> Global Union Research Network, 2009; Workers' Action Centre, 2007
- <sup>79</sup> Workers' Action Centre & Employment Standards Work Group, 2005; Workers' Action Centre & Parkdale Community Legal Services, 2008
- <sup>80</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008
- <sup>81</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>82</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>83</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008
- <sup>84</sup> Law Commission of Ontario, 2012

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- <sup>85</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008; Workers' Action Centre, 2007; Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>86</sup> Global Union Research Network, 2009
- <sup>87</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008
- <sup>88</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008; Workers' Action Centre, 2007; Workers' Action Centre & Employment Standards Work Group, 2005; Global Union Research Network, 2009
- <sup>89</sup> Workers' Action Centre & Parkdale Community Legal Services, 2008; Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>90</sup> Bernier, Valee, & Jobin (Quebec Ministere du Travail), 2003
- <sup>91</sup> Arthurs (Human Resources and Skills Development Canada), 2006; Law Commission of Ontario, 2012
- <sup>92</sup> Law Commission of Ontario, 2012
- <sup>93</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>94</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>95</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>96</sup> Jackson, 2006
- <sup>97</sup> IndustriALL Global Union, 2013
- <sup>98</sup> Workers' Action Centre & Employment Standards Work Group, 2005; Bernier, Valee, & Jobin (Quebec Ministere du Travail), 2003; Workers' Action Centre, 2007
- <sup>99</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>100</sup> Law Commission of Ontario, 2012
- <sup>101</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>102</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>103</sup> Lewchuk, Clarke, & De Wolff, 2011; Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>104</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>105</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>106</sup> Law Commission of Ontario, 2012
- <sup>107</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>108</sup> Bernier, Valee, & Jobin (Quebec Ministere du Travail), 2003
- <sup>109</sup> Arthurs (Human Resources and Skills Development Canada), 2006; Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>110</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>111</sup> Arthurs (Human Resources and Skills Development Canada), 2006; Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>112</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>113</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>114</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>115</sup> Workers' Action Centre & Parkdale Community Legal Services, 2009
- <sup>116</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>117</sup> Wellesley Institute, 2011a; Workers' Action Centre, 2007
- <sup>118</sup> Workers' Action Centre & Employment Standards Work Group, 2005; Bernier, Valee, & Jobin (Quebec Ministere du Travail), 2003
- <sup>119</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>120</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>121</sup> Workers' Action Centre, 2007
- <sup>122</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>123</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>124</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>125</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>126</sup> Lewchuk, Clarke, & De Wolff, 2011
- <sup>127</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>128</sup> Arthurs (Human Resources and Skills Development Canada), 2006
- <sup>129</sup> Workers' Action Centre & Employment Standards Work Group, 2005
- <sup>130</sup> Arthurs (Human Resources and Skills Development Canada), 2006