An analysis of Ontario’s Bill 148: Do fairer workplaces and better jobs lead to improved health for precarious workers?

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Over the past few decades, the number of precarious workers has increased while the number of permanent job positions has declined. After initiating an independent review of Ontario’s employment systems, the Ontario government introduced Bill 148 in November 2017 as a means of addressing changes in the labour market. Employing a political economy perspective, Bill 148 is analyzed using the framework of the four dimensions of precarious work as identified by Rodgers (1989) and Vosko (2010). The analysis reveals that while Bill 148 makes small improvements in regulatory effectiveness and income, it does not increase the amount of control that workers have or the degree of certainty of continued employment. As a result, the bill does not greatly improve the health of precarious workers. This could be done by improving employee benefits, work schedules, and corporate policies. The paper concludes with a discussion on how the Ontario government can continue to address precarious work and its effects on health.

According to Lewchuk (2017), employment became less stable by the end of the 20th century due to changing labour markets. This loss of stability means that the number of permanent jobs has decreased while the number of temporary jobs has increased. Based on Labour Force Survey estimates, Statistics Canada indicates that in 2017, 86.3% of employees in Canada had a permanent job while 13.7% had a temporary job. Temporary jobs include seasonal, contract, and casual jobs and have a pre-determined end date while permanent ones do not (Statistics Canada, 2018). In Ontario, the percentages are similar to the national rates, with 87% of the labour force holding permanent jobs and 13% with temporary ones in 2017. 52.5% of these temporary workers are women (Statistics Canada, 2018). Specifically in the Greater Toronto Area (GTA), 18% of the labour force defined their employment as being precarious in 2011 (Lewchuk et al., 2013) with this number rising almost 10% to 28% in 2014 (Lewchuk et al., 2015).

As a means of exploring and finding ways to address the evolving nature of the Canadian labour market and changes in type of employment, Ontario Minister of Labour Kevin Flynn appointed a pair of special advisors in February 2015 to complete an independent review of three Ontario labour laws: the Employment Standards Act (ESA), 2000, the Labour Relations Act (LRA), 1995, and the Occupational Health and Safety Act (OHSA), 1990. The mandate of the review was to see how labour legislation could be changed to improve protection for workers while still supporting businesses (Mitchell & Murray, 2017).

In May 2017, the Ontario government released The Changing Workplaces Review – Final Report: An Agenda for Workplace Rights, prepared by the two special advisors, C. Michael

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Mitchell and John C. Murray. The three main recommendations of the report are: 1) consolidating the ESA, LRA, and OHSA into a single Workplace Rights Act with three parts: Rights to Basic Terms and Conditions of Employment, Rights to Collective Bargaining, and Rights to a Safe and Healthy Workplace; 2) educating employees and employers about the Workplace Rights Act and their rights and obligations under each part of the act; and 3) all Ministry of Labour officials be required to report any violation of labour legislation that they become aware of (Mitchell & Murray, 2017). In response to the report, the government of Ontario introduced Bill 148, the *Fair Workplaces, Better Jobs Act, 2017*, which was intended to address the main issues identified in the review.

This paper will critique Bill 148 using a political economy lens to examine how the Ontario government is taking steps towards improving the rights, security, and opportunities of precariously employed workers. Health effects of precarious employment will also be discussed. The political economy perspective is rooted in realism, which emphasizes the importance of identifying the societal structures that form the distribution of political, economic, and social resources among the population (Bryant, Raphael, & Rioux, 2010). These resources are often unequally distributed, leading to inequities between different groups of people based on their social locations. Political economy focuses on how political and economic institutions of society interact to create unequal distributions of power, influence, and health (Grabb, 2007). This approach is relevant to understanding the impact of Bill 148 on precarious employment as it can assist in analyzing the underlying structures of the labour market, understanding how the economy benefits from precarious workers, and describing how precarious employment is a social determinant of health for workers and their families.

**The Decline of the Standard Employment Relationship in Canada**

For many workers, the ideal type of employment is permanent full-time work with a sole employer, with health benefit insurance plans, paid vacation time, and allotted sick days, backed by the support of a strong union. Historically, this was known as the Standard Employment Relationship (SER) (Vosko, 2006; Benach et al., 2014). According to Vosko (2010), the SER is a normative model of employment that became popular after World War II due to economic and productivity growth. During this time, both employers and employees required assurance that they could rely on each other to fulfill specific requirements. Employers needed reliable workers to complete tasks on time. Employees wanted confirmation that they would have a steady work schedule and be compensated for their hours of work (Tremblay, 2016). As a result, the SER was created and became the normative model of employment. Both workers and employers felt a sense of security (Vosko, 2006; Vosko, 2010). However, the SER benefitted predominantly white males in blue-collar jobs and then expanded to include white-collar jobs. Other groups of workers, including females and immigrants of both genders, were typically excluded from the SER and seen as being involved in non-standard work (Cranford et al., 2003; Vosko, 2006). Therefore, the SER has a gendered and racialized history.

Non-standard work describes all types of employment that differ from the SER, such as part-time, temporary, self-employed with no paid employees, and holding multiple jobs (Cranford et al., 2003). In Canada, non-standard work has increased since the 1970s as a result of slow economic growth resulting in layoffs and decreased benefits coverage (Vosko, 2006). Many
believe that the SER is no longer a relevant model of employment in Canada due to the current state of the economy. An increasing number of businesses and organizations are using temporary and part-time employee contracts in an effort to cut costs. Many Canadians are self-employed and do not have a SER. These types of employment are generally viewed as precarious, atypical, and non-standard (Cranford et al., 2003; Vosko, 2010; Lewchuk, 2017).

**Defining Precarious Employment**

There is presently no standard definition of precarious employment in the literature. According to Vosko (2010), precarious employment has elements of low wages, poor social benefits, and uncertain work hours. This is echoed by DePratto and Bartlett (2015) who add job instability, lack of predictable income, and uncertain employment status to the definition. For the purposes of this paper, individuals who hold temporary jobs (either part-time or full-time hours) including casual, contract, and seasonal positions or who are self-employed without any paid help are considered to be precariously employed. In addition to the dimensions listed above, precarious employment includes limited workplace rights and individualized relationships between employers and workers.

Rodgers (1989) and Vosko (2010) further break down the dimensions of precarious employment into four distinct categories. The first dimension is the degree of certainty of continuing employment which refers to risk of job loss, level of social and labour protections, and length of employment contract. The second dimension is regulatory effectiveness. This dimension refers to whether there is access to regulatory protection through legal means or union representation. The third dimension is control which is connected to membership in a union. Unionization enables workers to exert control over wages, workload, and the work environment. The final dimension is the income package. Income may be seen as precarious if the salary is not enough for the worker to support him or herself along with his or her dependents.

**Demographics of the Precariously Employed in Canada**

At present, females, immigrants, youth, and older workers make up a large proportion of the number of non-standard employees in Canada (DePratto & Bartlett, 2015; Lewchuk, 2017). Mitchell and Murray (2017) found that there are a number of populations who are overrepresented in precarious jobs: 61.4% of workers in precarious jobs have education that is lower than a high school diploma; 51.7% are single parents with children under the age of 25 years; 40.7% are recent immigrants; 39.1% are female workers; and 34.4% are visible minorities. Lewchuk et al. (2015) found that between 2011 and 2014, the percentage of racialized workers in the GTA in a SER declined by 15%, compared to a decline of 2% for white workers. These rates are consistent with the historical development of the SER, as females and racialized workers were often excluded from the normative model of employment and this trend has continued over the past decades. It is important to note that youth and older workers often hold non-standard employment by choice. Youth workers are typically attending post-secondary institutions and can only devote a certain number of hours per week to employment. Older workers often decrease their work hours as they age, stating they are motivated by personal preference (DePratto & Bartlett, 2015). In their report, Mitchell and Murray (2017) do not provide any insights as to why women and immigrants are overrepresented in precarious jobs or why they hold such jobs.
Rates of Precarious Employment in Canada

Due to the lack of a standard definition of precarious employment, it is difficult to provide an accurate number of Canadians who are precarious workers. Lewchuk (2017) states that official labour market data cannot be used to measure precarious employment since it is only within the last couple of decades that statistics about workers in temporary, casual, or short-term employment have been collected. However, the data that is available can be used to identify trends among types of employment. For example, information from Statistics Canada from 1976 to 2015 demonstrate that the “prevalence of precarious employment increased about 50% in the 1990s” (Lewchuk, 2017, p.407) but has remained stable since then. Using data from Statistics Canada, the Canadian Centre for Policy Alternatives (Block, 2015) indicate that from 1997 to 2014, the number of both minimum wage and low-paying jobs in Ontario increased. In 2014, 11.9 per cent of workers earned minimum wage, increasing five times from the rate of 2.4 per cent in 1997. The percentage of workers earning within $4 of the minimum wage grew from 19.8 per cent in 1997 to 29.4 per cent in 2014.

Effects of Precarious Employment on Health

Raphael (2016) describes the social determinants of health as the social and economic conditions that affect the overall health of individuals and communities. These conditions determine the level of access to resources that people require in order to achieve an optimal level of health. Income, housing, food security, education, employment, and social services are typically considered to be social determinants of health. Precarious employment is now included in this category due to its effects on health of workers, their families, and society (Benach & Muntaner, 2011; Benach et al., 2014). Tompa, Polanyi, and Foley (2009) identify four ways that precarious work can affect health. They are: physiological changes due to stress, an increase in risky health behaviour, lack of support from peers, friends, and family, and material deprivation as a result of poor income. These effects can occur due to higher stress levels, non-standard work hours, and lack of control in the workplace.

Overall, precarious workers experience lower health outcomes when compared to their non-precarious counterparts (Benach & Muntaner, 2007). This finding supports the experiences of precarious workers in Canada. Due to a lack of health insurance benefits, they pay out-of-pocket for medical services that are not covered by Canada’s Medicare system. This requires extra funds which may be a luxury for some workers. Immigrants in precarious jobs may face language barriers when accessing health care services, adding to the challenges of maintaining health. In addition, due to uncertain work schedules, it can be difficult to schedule medical appointments. Mental health may also be affected as lack of social support may lead to low mood and a feeling of isolation.

The Changing Workplaces Review

Reviewing Ontario’s labour standards and employment systems was deemed a priority by the Ontario government in 2014. Ontario Premiere Kathleen Wynne instructed the Ontario Minister of Labour Kevin Flynn to lead a review and consider reforms (Wynne, 2014). The review was two years in the making, with Flynn appointing C. Michael Mitchell and John C. Murray, in February 2015, to lead the review and produce a report. The first stage of the review process
included research projects and consultations with the general public, stakeholders, academics, unions, employers, and other interested parties. A public interim report was released in 2016, giving stakeholders an opportunity to provide feedback on the numerous issues and options outlined in the interim report. During this second stage of consultation, Mitchell and Murray continued to meet with interested parties and invited written submissions (Mitchell & Murray, 2016).

Following completion of the second stage, the final report titled *The Changing Workplaces Review – Final Report: An Agenda for Workplace Rights* was released in May 2017 and contained 173 recommendations that addressed the issues raised during the consultation stages, such as equalizing wages between part-time and temporary employees and their full-time counterparts, strengthening bargaining and union rights of workers, and extending the duration of employee personal leaves. In addition to their recommendations, Mitchell and Murray advocated for the creation of a new *Workplace Rights Act*. This act would consist of three parts and would improve workplace conditions for both workers and employers in Ontario.

**Fair Workplaces, Better Jobs**

In response to *The Changing Workplaces Review* final report, the government of Ontario introduced Bill 148, the *Fair Workplaces, Better Jobs Act, 2017*, which was intended to address the main issues and suggestions found in the review. The bill received royal assent in November 2017 and the changes in the bill are now officially in effect. The proposed changes to the *ESA, 2000* include: raising minimum wage (up to $14 per hour on January 1, 2018 and increasing another dollar to $15 per hour on January 1, 2019); increasing the amount of vacation pay that workers are entitled to receive; paying part-time, casual, temporary, and seasonal employees the same salary as comparable full-time employees; paying employees a minimum of three hours pay for shifts that are less than three hours or for shifts that are cancelled; and extending family medical, parental, pregnancy (miscarriage or stillbirth), personal emergency, critical illness, domestic violence, crime-related child disappearance, and child death leaves. The proposed changes to the *LRA, 1995* include: a broader remedial union certification, changing return-to-work rights, increasing the waiting period for first collective agreement mediation-arbitration, and transitional provisions related to scheduling (Government of Ontario, 2017, p.ii).

**Does Bill 148 Address the Issues Facing Precarious Workers?**

In their report, Mitchell and Murray (2017) devote an entire chapter to vulnerable workers in precarious jobs. While they acknowledge that the term “vulnerable workers” may be used to describe a group of people who are defined by their social location (age, race, gender, etc.), they argue that the term includes all workers whose employment conditions make it difficult to earn a decent wage, regardless of their social locations. By using a more inclusive definition of vulnerable workers, the authors fail to recognize that certain populations (i.e. women and immigrants) face disadvantages that other groups do not. For example, immigrants to Canada may not have the same language skills as workers born in Canada. Women usually take on care work in the home due to social reproduction of gender roles. When women join the workforce, part-time jobs may be the only type of employment that allows them to balance all of their
responsibilities. Lumping all overrepresented populations into a sole category of vulnerable workers means the unique issues they face will not be addressed by any government interventions.

In addition, the decision by Mitchell and Murray (2017) to solely apply the term “precarious” to workers who earn low wages overlooks the gamut of concerns of precarious workers. This is problematic as Mitchell and Murray (2017) state that they were mandated to prioritize the needs of precarious workers. Yet, their review fails to do so. The Changing Workplaces Review only identified some of these needs and potentially overlooked issues that affect marginalized populations in precarious jobs.

Since Bill 148 was developed based on information provided in the review which does not fairly represent all those who are precariously employed. It does not sufficiently address the issues facing precarious workers. To better understand how precarious workers may or may not benefit from Bill 148, the remainder of this paper will provide an analysis of the bill using a political economy lens. The analysis will be based on the framework of the four dimensions of precarious work as identified by Rodgers (1989) and Vosko (2010).

**First Dimension: Degree of Certainty of Continuing Employment**

This dimension refers to risk of job loss, level of social and labour protections, and length of employment contract. Precarious workers tend to hold casual, seasonal, or temporary positions. Casual workers tend to have unpredictable works schedules, as they are called into work as needed by the employer. Seasonal workers may be unexpectedly laid-off due to unpredictable weather conditions. Workers holding temporary contracts face the struggle of constantly looking for permanent employment. Similarly, individuals who are self-employed face the risk of losing contracts at any time. There is nothing in Bill 148 that addresses unexpected job loss. The province of Ontario does not offer unemployment insurance but the government of Canada does. The current eligibility requirements include working a required number of hours (between 420 and 700) within the past year, having paid into the employment insurance (EI) program, and being without pay for at least seven days (Government of Canada, 2017). Consultants, contract workers, and self-employed individuals are ineligible to collect EI benefits as they do not typically pay into the EI program. This means that precarious workers receive no support from the government if they are unexpectedly laid off.

Due to the part-time, casual, temporary, and seasonal positions they hold, precarious workers are rarely entitled to social benefits such as employer-provided health care insurance plans and paid sick days, employment insurance benefits offered by the government, or labour protection which usually takes the form of union membership. Bill 148 does not address employer-provided health care insurance plans. This means that precarious workers are reliant on the universal health care plans offered by the provincial and federal governments, in addition to optional health insurance purchased on their own. However, the majority of precarious workers do not have extra funds to purchase health insurance. This puts them at a disadvantage and significantly decreases their health.

Regarding sick days, Bill 148 states that employees are entitled to 10 personal emergency days per year, with employers being required to pay for two of those days. The bill also bans employers from requesting medical documentation for personal emergency days. Bill 148 also introduces two new types of leaves: a domestic violence leave and a child death leave. The first
type of leave can be especially beneficial to women as they are typically the victims of intimate partner violence. Bill 148 extended parental leave, pregnancy leave (miscarriage or stillbirth), and parental leave for crime-related child disappearances. Again, women may benefit from a pregnancy leave as they may require treatment and extra support after experiencing a miscarriage or stillbirth. However, these changes benefit permanent employees more than precarious ones. Employees need to have worked a certain number of weeks in order to be eligible for such leaves. Additionally, contracts for temporary workers may be scheduled to end during the time of the leave, and the bill does not mention anything about extending contracts due to any of the reasons stated above.

Mitchell and Murray (2017) indicate that temporary employment has been the fastest growing area of non-standard employment, growing at an annual rate of 3.5% from 1997 to 2015, representing 10.8% of the Ontario workforce in 2015. The concern here is that fixed term contract employment denies workers permanency and security, particularly when contracts are renewed multiple times. Presently there is nothing in Bill 148 that will prevent employers from continuing to use temporary contracts or decreasing the number of part-time and/or temporary employees. This means that in Ontario, employers continue to have the option of hiring part-time, casual, temporary, and seasonal workers. This is not necessarily a bad thing as part-time employment is valuable to both employees and employers. For businesses that offer seasonal services such as snow removal, pool cleaning, lawn maintenance, etc., hiring additional part-time employees can be used to address fluctuations in customer demand. In other sectors, part-time employees can replace employees who are off work due to vacations, illness, or other types of unplanned absences.

Some part-time employees prefer to work part-time hours due to other commitments or lifestyle needs. Therefore it is not beneficial to employers or workers for the government to introduce legislation that prevents the occurrence of part-time work. However, the government could encourage employers to increase the number of permanent full-time employees and to decrease reliance on temporary workers. This would be a difficult task to undertake as large corporations are more concerned with improving their profits (or at a minimum, maintaining them) and using part-time, casual, and temporary workers costs less than paying full-time employees (Tremblay, 2016).

**Second Dimension: Regulatory Effectiveness**

This dimension refers to whether or not workers have access to regulatory protection through legal means or union representation. Precarious workers are at a disadvantage since they typically tend not to belong to a union. Nor do they have access to a bargaining unit or a collective agreement. Some of the conditions they face could be addressed in the collective bargaining process. According to Mitchell and Murray (2017), there has been a decrease in unionization in the private sector, and unions are practically non-existent amongst small employers. The majority of precarious workers do not have access to union membership since they hold temporary work positions. The recommendations in the Changing Workplaces Review regarding unionization are related to bargaining rights, arbitration, mediation, and certification, and requests from a union to the employer to disclose to the union a list of employees that belong to the bargaining unit, along with their contact information. The proposed changes to the LRA in Bill 148 address these recommendations.
Two changes make it easier for workers to unionize. Unions now have the right to access employers’ employee lists. As stated in Bill 148, unions can make a request to the Ontario Labour Relations Board (OLRB) asking the affected non-union employer to give the applying union a complete list of its employees for the purposes of creating an appropriate collective bargaining unit (Government of Ontario, 2017). The applying union must have the support of at least 20% of the unit. This makes it easier for employees to create a union if there is sufficient interest and support. For precarious workers, this is a small step towards a potentially big change in receiving regulatory protection. Precarious workers would greatly benefit from being part of a union as there may be protection against sudden and unforeseen job loss, improved work schedules with a guaranteed number of hours per week, and wage equality with full-time employees who perform the same tasks. Those who are self-employed would unfortunately continue to be ineligible to join a union.

The second change regarding union creation is that card-based application for certification (development of a newly established union) has been expanded. It includes the temporary help agency industry, the building services sector, and the home care and community services industry (Government of Ontario, 2017). Previously it only included the construction industry. According to the Government of Ontario (2017) this means that a union can apply to the OLRB for certification using card-based applications. The only certification requirement is that the union obtain the required number of signed union membership cards. It would be possible for an employer to be unionized without any notice. This is a positive change for precarious workers who work for temporary help agencies. By forming a union, these workers would have improved rights regarding work schedules, consistency of work locations, and a guaranteed number of hours of work per week.

Other changes in Bill 148 increase the power of unions, as well as workers who are members of a union. Employers are now prohibited from disciplining or terminating employees in an affected bargaining unit without just cause between certification and agreement (Government of Ontario, 2017). This means that employees are less likely to lose their jobs while a collective agreement is being negotiated between the union and the employer. For precarious workers, this provision addresses concerns of sudden job loss. Should members of a union go on a lawful strike or lockout, under Bill 148 they now have increased return-to-work rights. Previously it could take up to six months for employers to reinstate employees but now they will be reinstated at the conclusion of the strike or lockout. This provides workers with reassurance that they can resume regular work duties immediately and receive their regular wages instead of strike pay.
**Third Dimension: Control**

This dimension refers to the extent that precarious workers can exert control over their wages, their workload (including schedules) and the work environment (Vosko, 2010). Wages will be discussed in the next section since they relate more to income package than the dimension of control.

In general, precarious workers have little to no control over their workload and work schedules (Rodgers, 1989; Vosko, 2006; Lewchuk et al, 2013; Lewchuk, 2017). Precarious workers tend to hold casual and/or part-time positions. This means they may not know the number of hours they will work in a week. The employer decides how many hours per week they work which is dependent on customer and company needs, and the availability of regular permanent employees. Precarious workers are often used to replace permanent employees who are away on vacation or away on a leave (Tremblay, 2016). They rarely have any input on their work schedules and their hours of work vary from week to week. Employers expect them to be available for work with little notice – sometimes with fewer than 24 hours’ notice. These unpredictable work schedules make it challenging for precarious workers to arrange child care, enroll in courses to advance their skills, plan transportation, and schedule appointments.

Additionally, precariously employed workers often lack the ability to adjust their work schedules when they need to tend to other responsibilities (Mitchell & Murray, 2017). This is particularly relevant to women who are precariously employed, as they often balance responsibilities of the home with work schedules. They may be unable to go to work without adequate advance knowledge of schedules, making it even harder to earn a living wage and financially support themselves and their families. Bill 148 does not do much to improve workload and work schedules for employees. There is no mention of scheduling regulation even though it would greatly improve the experiences of precarious workers. Employers can continue to provide employees with work schedules on short notice. They are not required to guarantee workers with a minimum number of work hours in a week.

The only change in Bill 148 related to scheduling is that employees have the right to refuse to work if the employer’s request is made less than 96 hours prior to the time he or she was originally expected to start work or to be on-call (Government of Ontario, 2017). An employee who refuses the request to work must notify the employer of the refusal as soon as possible. This law does not apply if the employer’s request for the employee to work is related to an emergency, addresses a threat to public safety, or if the work is an essential public service (Government of Ontario, 2017). This means that precarious workers may have to drop out of other commitments and/or make arrangements to come to work on short notice.

In terms of regulating work environments, the findings suggest there is little that the Ontario government can do. Workplaces have their own unique cultures and it is up to employers to modify work environments as they see fit. Changing individual attitudes may be an effective method for coping with work environments. This can apply to both permanent and precarious workers. However, this is a difficult factor to regulate.
Fourth Dimension: Income Package

This dimension refers to salary and wages received for hours worked. For precarious workers, income may be viewed as precarious if the salary is not enough for the worker to support him or herself along with his or her family or dependents (Rodgers, 1989; Vosko, 2010).

One of the most widely discussed proposed changes in Bill 148 is the increase in minimum wage. On January 1, 2018, minimum wage increased to $14 per hour, up from the previous wage of $11.40 per hour. It will increase another dollar to $15 per hour on January 1, 2019 (Government of Ontario, 2017). Another big improvement in the bill is equal pay for equal work. Bill 148 states that part-time, casual, temporary, and seasonal employees must be paid the same salary as their full-time counterparts when the same kind of work is performed in the same establishment, when the job requires the same levels of skill, effort, and responsibility, and the work is done in similar working conditions. The exception to this requirement is when the difference in the rate of pay is the result of a seniority or merit system (Government of Ontario, 2017). These pay increases greatly benefit precarious workers. An increase in salary means that they will be better able to financially support themselves and their families.

However, the government of Ontario has failed to consider the greed of companies and their desire to maintain or improve their current profit margins. In order to achieve this, Young (2017) writes that employers may choose to hire fewer workers if they are required to pay a higher hourly wage, or reduce hours of current employees. This is evidenced by Loblaw Companies Ltd., who operate a large number of grocery and drug stores across Canada. In July 2017, Loblaw chairman and CEO Galen Weston stated that the company is looking for ways to save money in response to the $15 minimum wage hike, as the wage hike will cost the company an additional $190 million per year (Young, 2017). These include increasing the number of self-checkouts at Shoppers Drug Mart store locations and automating jobs that were previously done manually. He also indicated that job cuts are possible. Other companies have expressed similar sentiments. It is possible that the increase in minimum wage may actually lead to job cuts and more job instability amongst workers who are precariously employed. To date, the Ontario government has not stated how it will work with businesses to ensure that the increase in minimum wage will benefit employees instead of sabotaging them.

Another proposed change in Bill 148 related to improving wages is the new three-hour rule. If an employer cancels an employee’s scheduled shift within 48 hours before the shift was supposed to start, the employer is required to pay the employee for three hours of work (Government of Ontario, 2017). However, this does not apply to instances where the shift is shortened; or if the shift was cancelled because the nature of the work is dependent on weather, and the employer was unable to provide work for reasons related to weather. For precarious workers who have seasonal jobs, their level of income will still be threatened by weather conditions. For precarious workers in other industries, this change will provide some reassurance that they will be guaranteed a set amount of wages when scheduled shifts are changed or cancelled within 48 hours.

There are other ways that the Ontario government can improve the income package for precarious workers. As outlined in a joint report submitted to the Standing Committee on Finance and Economic Affairs by the Workers’ Action Centre, Parkdale Community Legal Services, and the Fight for $15 and Fairness Campaign (2017), Bill 148 could be strengthened by requiring
employers to do the following: promote full-time permanent jobs, provide work schedules to employees with a minimum of two weeks' notice, scheduling work shifts with a minimum duration of three hours, increasing the number of weeks of base vacation time, and providing a minimum of seven paid sick days per year that do not require medical documentation. A main concern of precarious workers is the instability regarding income and the changes in Bill 148 do not ensure that they will receive a minimum weekly salary.

**What the Government Can Do to Improve the Health of Precarious Workers**

There are three groupings of issues where the government of Ontario can develop policies to better address the health concerns of precarious workers. These are benefits, regulation of scheduling, and corporate policies.

**Benefits**

Presently the Government of Canada (2018) provides employment insurance benefits for Canadian workers. These benefits cover unemployment insurance, maternity and parental benefits, benefits for parents of critically ill children, sickness benefits, and compassionate care benefits. They also offer benefits for people who are self-employed. The province of Ontario does not provide any type of employment insurance benefits. This is an area that could have been addressed in Bill 148 to greatly improve the lives of people who are precariously employed. The majority of precarious workers do not qualify for federal employment insurance benefits due to the required number of hours of work within the past year and required length of employment (Government of Canada, 2017). This means that if they are laid off unexpectedly they are without income until they find another job, leading to possible material deprivation.

The provincial government could develop additional employment insurance benefits with less strict eligibility requirements to assist precarious workers while they are unemployed. These benefits would permit unemployed individuals to access goods and services that are necessary for survival. Receiving a regular and stable monthly income would assist in budgeting for food, utility bills, and other expenses during periods of unemployment.

Most precarious workers do not qualify for health insurance plans that are offered by employers as they are typically reserved for permanent employees (DePratto & Bartlett, 2015). The Ontario government could improve publicly-funded health care coverage for additional medical services. The number of annual paid personal emergency days could also have been improved. Bill 148 provides two paid personal emergency days per year with the remaining eight days as unpaid leave (Government of Ontario, 2017). Increasing the number of paid days would greatly decrease the stress that precarious workers face when they are ill. Most precarious workers tend to continue to work while ill as staying home would mean a loss of income. Having ten paid personal emergency days per year would provide the opportunity to recover and receive any necessary medical attention.

Lastly, the Ontario government could extend pharmacare to individuals who do not have similar coverage through employer-provided health insurance plans, regardless of their age. As of January 2018, anyone in Ontario under the age of 24 years does not have to pay for prescription medication as long as they have a valid health card (Ontario Ministry of Health and Long-Term
Care, 2017). If precarious workers had access to pharmacare they could receive the necessary treatment to regain their health and return to work sooner.

**Scheduling regulation**

Bill 148 (2017) missed an opportunity to address scheduling regulation. According to the bill, there is no minimum time period for employers to provide workers with work schedules. Employees – particularly precarious ones – have very little notice about when they are required to work. This makes it challenging for parents or caregivers to make childcare arrangements, attend training to upgrade skills, or schedule medical appointments. Precarious workers may not be able to work all the shifts that are offered to them due to scheduling conflicts even though they need the income. By giving employees their work schedules at least one week prior to when they are scheduled to work, workers have adequate time to make arrangements to ensure availability for the offered shifts, leading to lower stress levels. It would also allow employees to schedule appointments around their work hours. They would have the opportunity to regularly access medical services for themselves and their dependents.

In addition, Bill 148 could have stated that employers need to offer precarious workers a minimum number of hours of work per week. This would provide workers with a minimum guaranteed weekly salary, making it easier to meet financial obligations. They would also be able to budget funds for health care services such as health insurance and medical practitioners not covered by Medicare.

**Corporate policies**

While Bill 148 does give more power to unions, the provincial government can continue to support the development and existence of unions. By making it easier for workers to unionize, precarious workers could benefit from union protection and bargaining rights (Jackson, 2010). Many of the issues and working conditions that they face could be addressed by union membership. For example, as a result of collective agreements, it is harder for employers to reduce working hours or eliminate job positions without sufficient advance notice. This stability would assist precarious workers maintain a stable, regular income. Auger and Alix (2016) write that a steady income leads to improved levels of health.

To support the minimum wage increase, Bill 148 could have proposed legislation to prevent proposed job cuts from companies and create a plan to work with employers to find different cost-saving measures. This type of legislation would demonstrate a commitment from the Ontario government to improving the rights of workers, whereas their current inaction shows the opposite. The minimum wage increase may actually end up hurting workers instead of assisting them. Becoming unemployed is detrimental to health due to the number of social determinants of health that would be affected.

Finally, Bill 148 does not address the use of contract and casual workers. Many employers opt to create such positions to reduce costs associated with health care insurance plans and other benefits. While it may be difficult for the government to tell companies how to manage their day-to-day operations, providing incentives to companies to hire permanent employees and convert temporary jobs into permanent ones. This would improve health, as Benach and Muntaner (2007)
write that individuals with permanent jobs have better levels of health compared to precarious workers.

**CONCLUSION**

With the introduction of Bill 148, the *Fair Workplaces, Better Jobs Act, 2017*, it was hoped that the government of Ontario would address many of the issues that precarious workers experience and affect their health. Unfortunately, this has not occurred. The bill does not address job insecurity or scheduling regulation; nor does it improve employment benefits. The bill also fails to acknowledge precarious work as a social determinant of health, even though it is widely considered to be one (Jackson, 2010; Benach & Muntaner, 2011; Benach et al., 2014).

The provincial government needs to continue to liaise with stakeholders – especially directly with precarious workers – to create strategies and programs that address the issues they face on a daily basis. Academics and researchers can assist by continuing to research the phenomenon of precarious work and its impacts on health. A primary goal should be to create a standard definition for precarious employment (Benach et al., 2016). This would increase understanding of the term among the public and highlight its importance for policy makers and for those who hold positions of power. This would lead to the development of a tool to measure precarious employment, allowing for a more accurate understanding of its prevalence across the country. Clearly, defining the term will lead to improved understanding of its effects on health, and enable policy makers to work with stakeholders to improve the health of Canadians.

As precarious employment is a product of interactions between the economy, corporations, and politics, it is likely that the outcome of the most recent Ontario provincial election that occurred in June 2018 may reverse some of the gains that workers have achieved. Employee advocacy groups may need to strongly urge the new provincial government to learn about the consequences of precarious employment – particularly their impact on health – in order to ensure that legislation continues to work towards improving the rights of precarious workers. As this analysis has shown, more progress can be made towards better health for all.

**REFERENCES**


Jackson, A. (2010). Work and labour in Canada (2nd ed.). Toronto, ON: Canadian Scholars’ Press Inc.


