

Written Submission on Bill 27: Amend Various Statutes Regarding Employment, Labour, and Other Matters

About TRIEC

Founded in 2003, the Toronto Region Immigrant Employment Council (TRIEC) helps employers capitalize on the skills and experience of newcomers to the Greater Toronto Area (GTA) and helps newcomers secure work in their field of expertise. In partnership with corporations, individual supporters, community organizations and governments, we work to remove barriers to the labour market and to support the retention and advancement of newcomers in the workplace. Our Professional Immigrant Networks represents the voices of more than 150,000 immigrant professionals in the GTA, across a wide range of occupations. TRIEC has collaborated with more than 130 employers to develop inclusive leadership teams and build diverse and inclusive workplaces. Additionally, TRIEC has undertaken research on career barriers facing immigrants, providing insights that will help inform employers and policymakers.

Background

Adwoa K. Buahene, CEO, appeared before the Social Policy Committee on November 17, 2021 to speak about the proposed amendments in Schedules 2 and 3, as outlined below. This document also includes TRIEC's inputs on Schedule 1.

Schedule 1: Employment Protection for Foreign Nationals Act, 2009

TRIEC applauds the proposed changes that would introduce enhanced accountability and transparency to the recruiting industry, which many newcomers rely on to jumpstart their career. Some migrants typically pay [between \\$4,000-\\$10,000 in recruitment fees](#), representing 6-24 months of earnings in the workers' home country currency. Even after a provincial ban on charging recruitment fees for live-in caregivers, many were still [charged fees](#).

While TRIEC supports the proposed amendments to the *Employment Protection for Foreign Nationals Act, 2009* as a first step toward regulating labour brokers and recruiters, we suggest the government consider the recommendations for expanded measures put forward by World Education Services, including:

- Enhanced oversight, including issuing broker licenses only to resident nationals and officially recognized immigration consultants and legal professionals
- Recruitment agencies set aside financial guarantees such as bonds for claims that could incur should violations occur
- The continuation of the license being contingent on performance and records, and a cap and differentiated pricing set when it comes to fees charged to migrants

Schedule 2: Employment Standards Act, 2000

TRIEC welcomes proposed changes to the *Employment Standards Act, 2000* to introduce licensing requirements for temporary help agencies and recruiters (Part XVIII.1) and the prohibition against entering into non-compete agreements (Part XV.1). TRIEC also welcomes the proposed changes to

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allow workers to disconnect from work and not engage with work-related activities outside working hours.

The future of work, as it is widely known, is not just about labour shortages and skills. Rather, it is about the quality of work. This proposed disconnect-from-work policy would be the first of its kind in Canada, protecting workers from unpaid overtime and helping to ensure wellness. It is equally critical to ensure labour standards reflect the realities of today's workplaces. The future of work is flexibility. Given that not everyone is able to clock out as the nature of work continues to evolve, employees opting to work outside of non-regular hours must be fairly compensated. That requires employers to enact approaches that are transparent and equitable to all employees.

Further, a right-to-disconnect policy will benefit workers in some occupations and industries more than others. The policy should also include a complaints mechanism by which workers can raise complaints without fear of repercussions to their employment status.

Also, minimum standards must be considered and extended for non-traditional workers. New immigrants are [over-represented](#) in precarious gig and temp work jobs, and struggle for decent working conditions. Moving forward, TRIEC hopes the government will further labour reform to be inclusive of workers in this sector. We recommend that the ESA act be amended to include an equal pay for equal work provision, so that temp workers are paid the same as permanent employees who are doing the same job.

Schedule 3: Fair Access to Regulated Professions and Compulsory Trades Act, 2006

TRIEC supports the removal of the Canadian experience requirement, long viewed as an obstacle facing new immigrants in regulated professions and trades seeking commensurate employment. Furthermore, the proposed measures mean newcomer professionals would find jobs that match their training faster, reducing the wait time that produces lost productivity. This goes beyond just the economics, of course. It also allows immigrants to maintain professional dignity by working in their chosen fields.

In Toronto, immigrants [account for](#) half of its workforce. Nationwide, immigration will account for [all net labour force growth](#) amid an aging population and declining birth rates. Yet Canada has not fully tapped the skills, international knowledge and experiences of newcomers. Despite a points-based immigration system that favours the best and the brightest, newcomers are often screened out of hiring processes for a lack of "Canadian experience" – a code word for [soft skills](#), "[cultural fit](#)" or "[the right fit](#)". The practice reflects the marginalization in the labour market access for immigrants and, since 2013, has been recognized by the [Ontario Human Rights Code](#) as discriminatory.

We recommend extending the removal of Canadian experience to the health sector, which is grappling with an acute labour shortage. This chronic problem which existed before the pandemic has only been exacerbated by the pandemic. The problem is unlikely to go away any time soon. Demand for eldercare is to [almost double](#) in the next ten years. Persistent job vacancies have battered the long-term care sector and the turnover rate is high. Worse still, [54% of healthcare](#)

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[workers](#) in Ontario say they are considering leaving the healthcare system, primarily due to poor wages and unsafe working conditions.

According to the provincial database of internationally educated health professionals (IEHPs), 13,000 physicians and 6,000 medical professionals including nurses and lab technicians are seeking [licensure in Ontario](#). If properly utilized, IEHPs can fill the labour shortage. Additionally, they are linguistically and culturally diverse and are uniquely suited to serve the province's multicultural communities.

TRIEC recommends:

- Extending the removal of Canadian work experience requirements to health-related occupations
- Specifying occupations where competencies specific to the practice of a profession or trade *in Canada* are deemed necessary to meet standards and for regulators to consider new tools to assess competency
- Setting out clear time limits for regulators to confer a decision on occupational licensing

We appreciate the opportunity to share our observations and feedback on the proposed amendments to Bill 27.