

January 13, 2022

The Hon. Seamus O'Regan
Minister of Labour
House of Commons
Ottawa, Ontario
K1A 0A6

Via Email



Dear Minister:

I am writing to you on behalf of the more than 390,000 members of the National Union of Public and General Employees (NUPGE). First, congratulations on your appointment to Minister of Labour.

I would like to bring to your attention the need for protections and supports for workers who are precariously employed. NUPGE and its Components have been extremely concerned with the rise in precarious work in Canada. The weakening of labour rights, privatization, and cuts to funding for public services have all contributed to the replacement of secure, well-paid jobs with precarious ones.

Precarious work is playing a role in the ever-widening income and wealth inequality, and it has real effects on the everyday lives of those in precarious employment. They earn lower wages than those with secure employment and are less likely to have health and other benefits, like paid leave, or pensions. Precarious work has also been linked to negative physical and mental health effects.

And its impacts are uneven, as precarious work disproportionately affects women, people who are Black, Indigenous, and people of colour (BIPOC), people with disabilities, young people, and seniors. The pandemic has brought into clear view the inequities in our labour market and the real dangers that precarious employment poses to workers—and to the services we rely on.

As an immediate starting point, the federal government must take steps to ensure there are protections and supports in place for workers who are precariously employed.

In the first round of consultations on improving access to Employment Insurance (EI), which NUPGE responded to, part of the focus was on how to improve support for self-employed and gig workers. NUPGE supports measures to ensure that the social safety net protects people who are self-employed and gig workers. However, reforms to EI and other federal government programs is only addressing the symptoms of the problem. Unless weaknesses in labour and employment standards legislation that contribute to the growth in precarious employment are addressed, precarious work will continue to be a problem—and could even get worse.



I am calling on your government to introduce amendments to the *Canada Labour Code* to strengthen the rights and protections it provides workers. Without increased legal protection, the problem of precarious work will continue to grow. To this end, a priority should be given to amendments to prevent employers from being able to classify their employees as self-employed.

This issue has become pervasive with the growth of jobs in the so-called gig economy, such as driving for Uber or delivering for Amazon. When workers are classified by these companies as independent contractors, not employees, they do not have access to the same benefits and protections under labour legislation.

It must be noted that these changes to labour legislation must also be complemented by steps to regulate and fairly tax corporations, as NUPGE has advocated elsewhere.

Workers in precarious, low-wage, front-line jobs have been amongst the hardest hit by the pandemic. They have been disproportionately impacted by the virus itself, contracting COVID-19 in higher rates, and by the economic impacts of the pandemic, such as job loss. This includes workers in long-term care, education and child care, retail, and hospitality. Women, particularly BIPOC women, tend to be overrepresented in these fields. This is yet another example of how the pandemic has exposed and exacerbated existing systemic inequalities in our society—ones from which we cannot look away as we move towards the recovery.

The importance of access to paid sick days is another issue that has become glaringly clear during the pandemic. Public health experts and labour advocates alike have continually spoken out about the importance of paid sick days to stop the spread of COVID-19 and to protect workers' health, safety, and livelihoods. The majority of workers in Canada still do not have access to paid sick days. Paid sick leave should not be a luxury. All workers—unionized and non-unionized, full time and part time, permanent and contract workers—deserve paid sick days.

I commend your government on introducing amendments to the Code that would legislate paid sick days for federally regulated workplaces.

But I urge you to further strengthen the bill. The bill as it's currently written states that employees would need to work 1 month before they begin to accrue their sick leave at a rate of 1 day per month. This would mean new employees, including those in precarious or temporary jobs, would not have access to the sick time they need should they become ill, which is especially concerning during a pandemic. Also, it has been noted that the requirement that employees provide a doctor's note is not a reasonable one. Health and labour advocates have called for the removal of both the accrual model and the sick note requirement.

I also urge you to work with the provinces and territories to ensure that workers across the country have access to paid sick days. 10 paid sick days is the absolute minimum that should be required, especially in light of the pandemic. Some advocates have

called for a minimum of 10 paid sick days per year, plus an additional 10 days during a public health emergency, for example.

The public recognizes the importance of paid sick days too. A recent poll by the Ontario Federation of Labour found that 80% of Ontarians surveyed support at least 10 days of permanent paid sick leave that is paid by employers. 85% agreed that employers have a responsibility to provide paid sick days to their employees to ensure workers are not faced with the choice of working sick or losing pay.

These and other measures to protect and support workers in precarious jobs—and to support the creation of good, secure, unionized jobs—will be important for addressing income inequality and other inequities. While our members work in sectors under provincial jurisdiction, we believe the federal government has an important leadership role to play. We also encourage you to work with your provincial and territorial counterparts to advance these protections and supports for those who are precariously employed across the country.

I look forward to your response on this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'LB' with a stylized flourish extending to the right.

Larry Brown
President

cc: Bert Blundon, Secretary-Treasurer
National Executive Board