

Young Workers & Ontario’s Workforce Recovery

A Ryerson University Young Workers’ Rights Hub

Submission to

Ontario’s Workforce Recovery Advisory Committee

July 2021

We are pleased to provide a **youth perspective** on how Ontario can best lead in assuring strong, sustainable employment and economic growth going forward. We are a group of 19 student peer leaders (11 undergraduates, and 8 law school students) at Ryerson University’s Young Workers’ Rights Hub.

The Hub’s mission is to promote young workers’ well-being on the job. We advance this through education, research, resources and networking initiatives.

It is timely for Ontario to now re-assess its approach to work-related policies, programs and goals. As you undertake your mission, we recommend that you consider the particular experiences and needs of distinct segments of the workforce – including young Ontarians.

Your Committee is tasked with “leading the future of work in Ontario”. **Young workers are the future of work in Ontario.** In this submission we draw attention to labour market problems young workers encounter, and recommend actions beneficial both to youth and Ontario’s economic performance.

This submission has four sections:

1. Introduction..... Page 2
2. Youth at Work: Problems & Recommendations..... Page 5
3. Closing Thoughts..... Page 19
4. Link to a Bibliography on Youth and the Labour Market..... Page 20

Introduction

Young workers are essential to the Ontario labour market and economy. One in every seven workers in Ontario is aged 15-24. In March 2021, they amounted to a total of 1,100,800 Ontario youth on the job.¹ Close to one in three members of the workforce is aged 29 and under. The well-being of young workers will drive Ontario's economic performance for decades to come.

Regrettably, young workers in Canada encounter an alarming number of adversities as they strive to succeed in Ontario's labour market. Examples include:

- The youth unemployment rate is twice the national average.
- Young workers disproportionately earn low wages -- and more than any other segment of the workforce, are paid the minimum wage.
- Young workers have high rates of precarious employment and gig work.
- Young workers who pursued post-secondary education typically carry huge student debt load for years after graduating.
- Young workers suffer significantly higher rates of occupational health and safety problems than other age cohorts.
- Young workers are particularly vulnerable to discrimination and harassment at work.
- On all these fronts, experiences are particularly problematic for young workers who are: Indigenous, Visible Minorities, Disabled, Women, 2SLGBTQ+, and religious minorities.
- Young workers report limited awareness of their rights at work.

The consequences and implications of these adversities are drastic, all of which are bad for Ontario:

- Ontario is not fully capitalizing on the capabilities and productivity, of its core workforce for decades to come.
- The 'start-up' employment phase of too many young Ontarians includes unemployment, precarious work, low earnings, dangerous and difficult working conditions.

¹ Statistics Canada, Labour Force Survey, March 2021, <https://www150.statcan.gc.ca/n1/daily-quotidien/210409/t001a-eng.htm>

- Too many young workers spend years repaying student debts, rather than stimulating the economy through consumer spending, and family formation.
- Many young workers never overcome their employment ‘start-up setbacks’, becoming a generation faring worse in the labour market than their parents.
- Adverse youth conditions on the job lower productivity and raise staff turnover.
- Employment/labour laws, policies and programs that worked for previous generations are failing the young today.

We look to your Advisory Committee to recommend measures that will strengthen Ontario’s economy by appropriately “recruiting, retaining, and rewarding workers”, as your mandate specifies. In identifying issues and recommendations for your consideration, we draw on both our research and our experiences as young workers. We focus on five key areas requiring immediate legal, policy, program, and regulatory renewal.

Our recommendations therefore cluster in the following five domains:

- **Employment Standards**
- **Employment & Income Support**
- **Labour Relations & Collective Bargaining**
- **Occupational Health & Safety**
- **Discrimination & Harassment**

For each domain, we identify: a) prevailing problems; b) examples of their scope or impact; and c) recommendations for needed changes.

Youth are known for their optimism. Please don’t disappoint us.

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2. Youth at Work: Problems & Recommendations

2.a. Employment Standards

Our Perspective: Employment standards legislation establishes baseline conditions of work in Ontario. Current economic trends are worsening working conditions for young workers – with many in precarious, low-paid jobs. Current employment standards legislation does not serve young workers well.

Problems Youth Face	Evidence/Examples/Impact	Recommendations
<p>Young workers often have inferior employment conditions</p>	<ul style="list-style-type: none"> • In 2018, young workers 15-24 accounted for over half of all minimum wage workers in Canada, but only 1 in 7 workforce members.² • Ontario has a lower minimum wage for students under 18 (\$13.40), than the regular minimum of \$14.25. • The number of minimum wage earners doubled from 5.2% of the Canadian workforce in 2009, to 10.4% in 2018. By far the greatest increase was in Ontario.³ • Minimum wage is most prevalent in sectors employing young workers – e.g., retail, restaurants, hospitality & tourism. • Many get stuck at minimum wage, long after their youth: Almost one third of minimum wage earners in Canada hold a postsecondary diploma or more.⁴ • Unpredictable work scheduling especially impacts young workers: on-call, last-minute, and cancelled shifts. “This is a growing problem for young workers in their 20s and 30s who make up a 	<ol style="list-style-type: none"> 1. In order to improve young worker wages and stimulate the Ontario economy, raise the minimum wage significantly, to amount it would be at without recent multi-year freeze. 2. Eliminate the lower student minimum wage rate. Pay for the job performed, not who does the work. 3. Require 10 paid sick days for all workers in Ontario. 4. Ban ‘on-call’ work requirements, require advanced work schedule notification, with compensation for cancellation. 5. Extend Employment standard act coverage to all gig workers.

² Statistics Canada, Dominique Dionne-Simard and Jacob Miller, Maximum Insights on Minimum W Workers; 20 years of Data, 2019.

³ Ibid.

⁴ Ibid.

	<p>significant chunk of retail and service workers.”⁵ (Labour lawyer Andrew Langille)</p> <ul style="list-style-type: none"> • Young workers are over-represented in the gig economy. A 2019 survey of Canadians aged 18-34 reported that 45% of females and 42% of males did gig work.⁶ They carry the burden of unstable work without labour law protection, because of being classified as independent contractors. 	
<p>Young workers often have an inadequate understanding of their rights on the job.</p>	<ul style="list-style-type: none"> • Schooling and media provide young Ontarians with little information about workplace rights and redress avenues. 	<p>6. Promote greater student and young worker awareness of Ontario employment and labour laws. This curriculum should be taught in high school Career Studies courses.</p> <p>7. Create a ‘Youth at Work’ information hotline, to provide basic information regarding employment and labour legislation and rights.</p> <p>8. Create youth-friendly online and print resources about workplace laws, identifying violations, and filing a claim.</p> <p>9. Engage youth from diverse backgrounds in developing and disseminating these resources.</p>
<p>Young workers under-report Employment Standard violations</p>	<ul style="list-style-type: none"> • Workers massively under-report violations of employment standards requirements. They fear negative consequences for their job. • 90% of complaints re employment standards violations are made after workers leave their job. 	<p>10. Assure young worker awareness of their ESA rights, as recommended above.</p> <p>11. Introduce ‘just cause’ protection to the Employment Standards Act, assuring that workplace discipline measures against any employee is justified and not arbitrary or punitive.</p>

⁵ Canadian Press, On-Call Shifts Come Under Scrutiny, Benefits Canada, 4 September 2015.

⁶ <https://www.bnnbloomberg.ca/40-of-canada-s-millennials-are-part-of-the-gig-economy-study-1.135330>

		12. Strengthen confidential complaint mechanisms.
Employment Standards enforcement is inadequate	<ul style="list-style-type: none"> • ‘Closing the Enforcement Gap’, a major 2020 University of Toronto Press book, by Canada Research Chair Leah Vosko et al., demonstrates “that the province’s Employment Standards Act (ESA) fails too many workers who rely on the floor of minimum conditions it was devised to provide.” • Wage theft (non-payment or insufficient payment) is a prime example. Insufficient wages paid, is the most frequent ESA complaint made by workers. • Even when complaints are upheld, many workers never receive payment. • The <i>Toronto Star</i>, reported that from 2009 to 2016, only \$19 million of a total \$47.5 million in <u>ESA payment</u> orders was ever recovered for out-of-pocket workers. Almost \$30 million of wages owed were never paid after a validated ESA complaint. 	<p>13. ESA enforcement should be done by proactive un-announced spot inspection and confidential group complaint, not only individually filed and named complaint.</p> <p>14. The Ministry of Labour must do better at enforcing upheld ESA complaints – especially related to wage theft.</p>
Young workers often feel unrepresented or misunderstood when raising workplace concerns.	<ul style="list-style-type: none"> • Young workers are sometimes disrespected, or not taken seriously by older supervisors and fellow workers. 	<p>15. Government, Employers and Unions should create a workplace culture that values young workers.</p> <p>16. Unions should assure young worker engagement and voice in the organization.</p>

2.b. Employment & Income Support

Perspective: Young Ontarians face distinct and unprecedented employment and income adversities. Compared with the general population they are twice as likely to be unemployed, more likely to be paid minimum wage, and for many carrying unprecedented levels of student debt. For the sake of this generation, as well as Ontario’s economic performance, employment and income supports are urgently needed.

Problems Youth Face	Evidence/Examples/Impact	Recommendations
<p>Ontario’s Youth Unemployment Rate is more than double the provincial average</p>	<ul style="list-style-type: none"> • In May 2021, Ontario’s youth (aged 15-24) unemployment rate was 20.7%, compared with a total labour market rate of 9.3%.⁷ • Before and during COVID, the youth unemployment rate typically registered twice as high as the total population rate. • The OECD reports that “with young people staying in education longer than ever and the labour market automating with unprecedented speed, students need help to make sense of the world of work.”⁸ • The digital and gig economy have made stable, living wage employment more difficult to secure – e.g., Youth have limited opportunity to own a car required for ride-sharing or delivery work. Even “entry-level” jobs are getting harder to find, with expectations of long prior labour market experience.⁹ 	<ol style="list-style-type: none"> 1. Creatively fund far more student & youth employment and experience opportunities. Work with employers and unions to create paid labour market pathways for Ontario youth. This could include co-op, intern, and youth corps positions. 2. Joint funding should come from the Province, as well as unspent Federal funds earmarked for student financial support. 3. Expand, and make the Ontario Public Service Summer Students & Internship Programs more accessible through a more user-friendly application system. 4. Establish a Youth Co-operative, Entrepreneurial, and Innovation Fund to support youth start-ups. 5. Assure access to all these programs for traditionally marginalized youth – disabled, Indigenous, racialized, 2SLGBTQ+, women, etc.

⁷ Statistics Canada, Labour Force Survey, June 2021, <https://www150.statcan.gc.ca/n1/daily-quotidien/210709/t005a-eng.htm>

⁸ Organization for Economic Co-operation and Development (2020), Dream Job? Teenagers’ Career Aspirations and the Future of Work. Retrieved from <https://www.oecd.org/berlin/publikationen/Dream-Jobs.pdf>

⁹ Dehaas, J. 'Entry-level' jobs are getting harder to find. Macleans. 2014 Apr 5. Retrieved from <https://www.macleans.ca/work/jobs/entry-level-jobs-are-getting-harder-to-find/>

		<p>6. Engage young people in developing new employment opportunities. Include youth from diverse backgrounds in identifying new programs likely to make a difference.</p>
<p>Many young workers enter the labour market with huge student debt</p>	<ul style="list-style-type: none"> • In 2015, 60% of recent university bachelor degree graduates had student debt to repay. Average debt load was \$30,000. The amount is undoubtedly higher today.¹⁰ • This has been labelled ‘a generation buried in student debt’. These debts have devastating impact on students and the economy. • In 2018, student debt contributed to more than 1 in 6 (17.6%) insolvencies in Ontario¹¹, involving many thousand university graduates. 	<ol style="list-style-type: none"> 1. Take major steps to reduce student debt. 2. Cancel all debts up to \$20,000. 3. Eliminate interest charges on remaining debt amounts. Postpone repayment on remaining debt amounts until the COVID pandemic is declared over. 4. Significantly reduce post-secondary tuition costs, as an investment in youth and Ontario’s economy. 5. Ontario should lead a federal-provincial commitment to introduce a Guaranteed Annual Income in Canada.

¹⁰ Statistics Canada, Student Debt from all Sources, By Province of Study and Level of Study, 2014, <https://www150.statcan.gc.ca/t1/tb11/en/tv.action?pid=3710003601>

¹¹ Hoyes, Michalos Bankruptcy Study, <https://www.hoyes.com/press/joe-debtor/the-student-debtor/>

2.c. Unionization and Collective Bargaining

Our Perspective: Ontario Labour Law enshrines the principle and value of workers’ freely deciding whether to unionize and engage in collective bargaining. Protecting and promoting this goal is particularly important as the digital economy heightens precarious employment and growing income inequality.

Problems Youth Face	Evidence/Examples/Impact	Recommendations
<p>‘Informational Gap’ for youth workers surrounding their rights, and the laws regarding the unionization process.</p>	<ul style="list-style-type: none"> • The prime purpose of Ontario’s Labour Relations Act is to: “facilitate collective bargaining between employers and trade unions that are the freely-designated representatives of the employees.”¹² • Canada’s courts have repeatedly reaffirmed the rights to unionize and bargain collectively. • Substantial evidence shows that unions and collective bargaining advance both workers’ well-being, and overall economic growth.¹³ Some of Canada’s most profitable, productive, and competitive sectors are unionized – e.g., the auto industry, construction, and supermarket sectors. • Yet, young workers know little about these laws, rights, and processes. This ‘information gap’ harms their ability to make ‘freely-designated’ decisions regarding unionization and collective bargaining. Instead, they are susceptible to negative, unsubstantiated myths regarding unionization.¹⁴ 	<ol style="list-style-type: none"> 1. Promote greater young worker awareness of labour relations legislation. Ontario should mandate inclusion of curriculum on unions, unionization and collective bargaining into the mandatory Career Studies course taught in high schools. 2. Create and promote a ‘Youth at Work’ information hotline, to provide basic information regarding employment and labour legislation. This would provide young workers with one-stop answers to any work- related questions. 3. Engage Youth from diverse backgrounds to develop user friendly online and print resources related to labour relations law.

¹² Government of Ontario, Ontario Labour Relations Act, <https://www.ontario.ca/laws/statute/95101#BK2>

¹³ Harley Shaiken and David Madland, “Issue Brief: Unions are Good for the Economy and Democracy”, <https://www.americanprogress.org/issues/economy/news/2008/12/09/5276/issue-brief-unions-are-good-for-the-economy-and-democracy/>

¹⁴ See Sara Slinn, Collective Bargaining (Toronto: Ontario Ministry of Labour, 2015), prepared for the Ontario Ministry of Labour to support the Changing Workplaces Review at pp. 159-187.

<p>Lack of modernization and therefore poor accessibility to the unionization process for youth workers.</p>	<ul style="list-style-type: none"> Youth are digitally oriented. The Ontario Labour Relations Board has recently signalled acceptance of electronic – not only traditional membership card – desire for unionization.¹⁵ 	<ol style="list-style-type: none"> Ontario should investigate opportunities for modernizing and digitizing the organizing and certification process to make it more approachable and understandable for young workers.
<p>Unionization and collective bargaining in the Gig Economy.</p>	<ul style="list-style-type: none"> The gig economy is flourishing and driving greater social inequalities. Youth are disproportionately employed and vulnerable, in the gig economy. Many who work in it experience precarious employment, poor work conditions, low and unstable earnings. The Bank of Canada reports that youth are especially prevalent in the gig economy, and for many it is ‘last resort’ employment, given its precarity and poor pay.¹⁶ Gig workers are not covered by labour laws, due to employer misclassification of them as independent contractors, rather than employees. The Ontario Labour Relations Board recently ruled in the Foodora case, that its gig workers were employees not independent contractors, and therefore eligible to form a union. Foodora workers voted 88.8% in favour of union certification. Foodora then 	<ol style="list-style-type: none"> Ontario labour legislation must be extended to Gig workers. They must be covered by all labour laws and rights, including the Employment Standards Act, and the Ontario Labour Relations Act. Ontario must take action to outlaw or penalize business closures prompted by free-employee votes to certify a union. Such employer action violates the OLRA’s pre-eminent purpose to ‘facilitate collective bargaining’ between employers and trade unions that are the freely-designated representatives of the employees. Simply stated, closing down business after workers freely vote to unionize, violates the OLRA’s core purpose. Ontario should use social media and digital messaging to inform gig workers of their right to choose whether they wish to be represented by a union.

¹⁵ See, for example, the Ontario Labour Relations Board’s acceptance of electronic membership evidence cited in *Ontario Physician Assistant Association v Trillium Health Partners*, 2021 CanLII 18124 (ON LRB), <https://canlii.ca/t/jdvnv9>

¹⁶ The Bank of Canada estimates that the “Gig” Economy currently represents some 700,000 full-time jobs and may be contributing to pressures on reducing wages. See Olena Kostyshyna and Corinne Luu, “The Size and Characteristics of Informal (“Gig”) Work in Canada” (<https://www.bankofcanada.ca/wp-content/uploads/2019/02/san2019-6.pdf>)

	immediately ceased operations in Canada.	
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2.d. Occupational Health & Safety

Our Perspective: Young workers are especially at risk of occupational health and safety conditions on the job. The consequences can be devastating for youth, and damaging for the economy. There is an urgent need for enhanced occupational health and safety education and training for youth, along with removal of barriers impeding youth voicing health and safety concerns.

Problems Youth Face	Evidence/Examples/Impact	Recommendations
<p>Young workers have a high rate of injury on the job.</p>	<ul style="list-style-type: none"> • According to the Ontario Ministry of Labour, “every year more than 6,000 young workers across the province are injured seriously enough to need time off work; that’s equivalent to nearly 17 Ontario youth a day.”¹⁷ • From 2011 to 2015, 33 young Ontario workers aged 15-24 died on the job.¹⁸ • A large 2014 survey reported that 21% of Canadian young part-time workers had experienced at least one lost-time injury. But only half reported the injury to an employer and a doctor.¹⁹ • The Ontario Ministry of Labour reports that violations of health & safety requirements are most frequent in workplaces with high proportions of young workers: retail, restaurants, tourism and hospitality.²⁰ 	<ol style="list-style-type: none"> 1. There is an URGENT need for young workers to receive better workplace health and safety education and training. 2. There is an URGENT enforcement need to assure greater employer compliance with their legal statutory requirement to “take every reasonable precaution in the circumstances for the protection of workers”.²³ 3. Ontario must join Alberta, Manitoba, British Columbia, and Nova Scotia in promoting criminal investigations of workplace accidents, when deemed appropriate by police.

¹⁷ Ontario Ministry of Labour (2016), Ontario taking action to protect young workers: Province launches initiatives focusing on enforcement and prevention <<https://news.ontario.ca/mol/en/2016/05/ontario-taking-action-to-protectyoung-workers.html>>.

¹⁸ Ontario Ministry of Labour (2016), “New and Young Workers”, https://www.labour.gov.on.ca/english/hs/sawo/pubs/fs_youngworkers.php

¹⁹ Sean Tucker et al., (2014), Work-Related Injury Underreporting Among Young Workers, Journal of Safety Research, <https://www.sciencedirect.com/science/article/abs/pii/S0022437514000449>

²⁰ Ontario Ministry of Labour (2016), “Ontario Ministry of Labour (2016), “Results: New and Young Workers Blitz 2016”, https://www.labour.gov.on.ca/english/hs/sawo/blitzes/blitz_report79.php

²³ *Ibid.*

	<ul style="list-style-type: none"> • The Ontario Ministry of Labour reports that the injury rate for young male workers is 3 to 5 times the general population rate.²¹ • The Ontario Ministry of Labour reports: “Most [young worker] injuries and fatalities can be prevented.”²² 	
Young workers need more health & safety education and training	<ul style="list-style-type: none"> • Only one in five young workers report receiving any health and safety training in their first year on the job.²⁴ • Young workers are “four times more likely to be injured during the first month of employment than at any other time.”²⁵ • Over half of all serious and fatal workplace injuries to young workers happen in their first six months on the job.²⁶ • Few young workers received occupational health and safety education at school. 	<ol style="list-style-type: none"> 1. Ontario should URGENTLY mandate occupational health and safety education into the mandatory Career Studies course taught in high schools. 2. Ontario should require all employers to provide young and new workers with a minimum of 3-hours, paid health and safety training before commencing on the job. 3. The Ontario government should allocate funding for academic research into young workers’ occupational health and safety, with particular attention to marginalized youth.
Young workers in Ontario have weak collective and individual voices : they fear expressing their rights ²⁷ and underreport injuries and safety	<ul style="list-style-type: none"> • Currently, “the worker voice and the [ineffective]²⁹ Internal Responsibility System (IRS) have weakened with the decline of unions and the rise of precarious employment. As a result, young workers and volunteers may underreport injuries.³⁰ • “[A] lack of union representation, together with other structural disadvantages, creates a climate in which violations, as well as practices evading 	<ol style="list-style-type: none"> 1. The Ontario government should amplify the individual and collective voice of all youth by amending legislation to simplify unionization. 2. The Ontario government should boost remedies so that young workers can successfully assert their rights as they relate to specific risks and hazards they are face performing paid and volunteer work.

²¹ Ontario’s Chief Prevention Officer “New Workers Advisory 2014”

²² Ontario Ministry of Labour (2016), *op. cit.*

²⁴ Workplace Safety and Prevention Services (2019), “What we can all do to keep young and new workers safe”, <https://www.wsps.ca/Information-Resources/Articles/NYW-safety.aspx>

²⁵ Ontario Ministry of Labour (2016), *op. cit.*

²⁶ WorkSafeBC, 2010 to 2016 Statistics, <https://www.worksafebc.com/en/health-safety/education-training-certification/young-new-worker/statistics>

²⁷ Special Issue: The Voices at Work North American Workshop The Limits of Voice: Are Workers Afraid to Express Their Health and Safety Rights?, (2013) 50 Osgoode Hall LJ 789 – 812 [Lewchuk, “The Limits of Voice”]. Retrieved from <https://advance.lexis.com/api/permalink/20b4023e-ea74-4f31-998b-cc4431c26aad/?context=1505209>.

²⁹ *Supra* note 10, Lewchuk, “The Limits of Voice.”

³⁰ Ministry of Labour (n.d.), Volunteers. Retrieved from <https://www.labour.gov.on.ca/english/hs/volunteers.php>.

<p>hazards²⁸ in the workplace.</p>	<p>and eroding workplace laws, are commonplace.”³¹</p> <ul style="list-style-type: none"> • Young workers fear that raising health and safety concerns will negatively affect their employment.³² • Additionally, the Ontario Ministry of Labour reports, many young workers cannot identify risks or hazards, which may lead to injuries, and underreport those unsafe working conditions.³³ 	<p>3. The Ontario government should introduce ‘just cause’ protection to the Employment Standards Act, assuring that workplace discipline measures against any employee are justified and not arbitrary. This will raise likelihood that young workers raise their safety concerns on the job.</p>
<p>Young workers are often misclassified or inconsistently assessed when applying for workers compensation benefits.³⁴</p>	<ul style="list-style-type: none"> • The eligibility criteria for the Return to Work (RTW) programs with and without training are unclear.³⁵ For example, an injured “student,” who is enrolled/attending an academic institution, earning minimum wage may be eligible for a Labour Market Re-Entry program based on her career path while a “worker” is not.³⁶ On the other hand, there is a WSIB’s RTW Enhanced Plan (with training) for young workers aged 15-24, who are not “students.”³⁷ 	<p>1. The Ontario government should revise and clarify young worker classification and simplify eligibility criteria for accessing WSIB programs, benefits and calculation of wage loss benefits under <i>WISA</i>.</p>
<p>Young workers are more likely to experience anxiety and other mental health concerns.</p>	<ul style="list-style-type: none"> • Young workers in Ontario aged 16-25 are four times more likely than the general population to experience anxiety and other mental health concerns. A 2017 study of challenges facing young workers in entry-level jobs reported that 24% met the criteria for severe mental distress.³⁸ • This may be because young people have to deal with more labour market stressors and fewer supports than previous generations.³⁹ 	<p>1. Given the high prevalence of anxiety and other mental health issues among young workers, particularly in the service industry, the Ontario government should focus on the provision of resources that address the high psychological demand and low social support experienced by this group of workers.</p> <p>2. The Ontario government should introduce a mental health benefit</p>

²⁸ Ministry of Labour (n.d.), Volunteers. Retrieved from <https://www.labour.gov.on.ca/english/hs/volunteers.php>.

³¹ Special Issue: The Voices at Work North American Workshop "Rights without Remedies": Enforcing Employment Standards in Ontario by Maximizing Voice Among Workers in Precarious Jobs, (2013) 50 Osgoode Hall LJ 845 – 873 [Vosko, “Rights without Remedies”]. Retrieved from <https://advance.lexis.com/api/permalink/c6afecbf-3dab-423e-b02c-b10aec0653a3?context=1505209>.

³² *Supra* note 10, Lewchuk, “The Limits of Voice.”

³³ Ministry of Labour (n.d.), Young Workers on the Job <https://www.labour.gov.on.ca/english/atwork/yw_tips_youngworkers.php>.

³⁴ *Supra* note 18 at 2.

³⁵ *Ibid.*

³⁶ *Supra* note 18.

³⁷ WSIB (n.d.), RTW Assessments and Plans. Retrieved from <<https://www.wsib.ca/en/operational-policy-manual/rtw-assessments-and-plans>>.

³⁸ Moll, S. (2017). *Young Workers in Ontario: Psychosocial vulnerabilities and support needs*. Final report for Ontario Ministry of Labour.

³⁹ Carr, J. (2019). *Why young workers’ mental health deserves our attention*. Workplace Safety & Prevention Services.

		entitlement as part of the WSIB coverage for young workers.
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2.e. Discrimination and Harassment

Our Perspective: Canadian workers (including youth) report shocking rates of discrimination and harassment at work. Yet very few workers report these violations. The toll on workers –as well as on productivity and staff turnover -- is very high. Young people are especially vulnerable to harassment and discrimination in the workplace, and lack the resources to advocate for their rights. Economic recovery is incompatible with rampant discrimination and harassment at work.

Problems Youth Face	Evidence/Examples/Impact	Recommendations
<p>Young workers experience a significant degree of harassment and discrimination on the job</p>	<ul style="list-style-type: none"> • A 2018 federal government survey concluded there were ‘high levels of harassment and violence’ in the workplace, particularly directed against women. 61% of the survey respondents were from Ontario: 60% reported experiencing harassment; 30% sexual harassment; and 3% sexual violence.⁴⁰ • “It is clear that sexual harassment among young workers is an ongoing problem.” Dan Crafts and Steve Thom.⁴¹ Harassment and discrimination are especially prevalent where young workers are employed. • Many studies have demonstrated discrimination in hiring and promotion directed at Indigenous people, racial minorities, disabled persons, and LGBTQ+ members. 	<ol style="list-style-type: none"> 1. Strengthen awareness of human rights, discrimination and harassment laws in Ontario. 2. Require all workplaces to post notices of laws and policies against discrimination and harassment, along with complaint procedures, for all to see. 3. Make clear the penalties for violating these laws and policies. 4. Develop particular strategies to assure equitable employment opportunities, promotion and fair compensation for BIPOC and other marginalized young workers. This is one of the most identifiable areas for discrimination in the Canadian workforce.

⁴⁰ Employment and Social Development Canada, Harassment and Sexual Violence in the Workplace, 2018, <https://www.canada.ca/en/employment-social-development/services/health-safety/reports/workplace-harassment-sexual-violence.html#h2.2-h3.2>

⁴¹ Dan Crafts and Steve Thomas, Sexual Harassment: A Focus on Youth Employment and Managerial Practice in the Hospitality and Service Industries, 2016, https://hospitalitylawyer.com/wp-content/uploads/2019/01/VolumeVIII_Article1.pdf.pdf

	<ul style="list-style-type: none"> • A 2021 survey reported that 70% of all workers have experienced bullying or prejudice on the job; compared with 86% of Gen-Z (aged 16-24) workers. 18% of Gen-Z workers described their work culture as toxic.⁴² 	
<p>Workplace Discrimination and Harassment are hugely under-reported</p>	<ul style="list-style-type: none"> • In a 2014 survey, 28% of Canadians reported experiencing workplace sexual harassment. But 80% never reported it.⁴³ • In another 2014 study, 45% of Canadian workers reported being bullied on the job. Only 44% reported the bullying to their employer. Half of those who did report said no corrective action to address the bullying was taken. One in four chose instead to leave their job.⁴⁴ • Discrimination and harassment harm productivity and cause high staff turnover. • Many young workers live in a culture of fear, this is due to the possible repercussions that can be faced for reporting their experiences, especially when it involves a superior. • Seeking redress from the Ontario Human Rights Tribunal is a lengthy process. It can take years to get a hearing. 	<ol style="list-style-type: none"> 1. Require every workplace to message their workforce on how to report a rights violation and where to go for support. 2. Expedite adjudication of discrimination and harassment complaints. 3. Ontario should introduce ‘just cause’ protection legislation, assuring that workplace discipline measures against any employee is justified and not arbitrary. This will increase reporting of discrimination and harassment. 4. Ask young workers how best to assure discrimination-free and harassment-free workplaces.

⁴² Mark Perna, Workplace Discrimination and Abuse Far More Common than We Might Think, *Forbes*, 26 May 2021, <https://www.forbes.com/sites/markperna/2021/05/26/workplace-discrimination-and-abuse-far-more-common-than-we-might-think/?sh=214a814e46f7>

⁴³ Angus Reid Institute, <https://angusreid.org/sexual-harassment/>

⁴⁴ Workers Health and Safety Centre, Almost Half of Canadian Workers Feel Bullied on the Job, 2015, <https://www.whsc.on.ca/What-s-new/News-Archive/Almost-half-of-Canadian-workers-feel-bullied-on-th>

<p>Young workers often have an inadequate understanding of their rights on the job.</p>	<ul style="list-style-type: none"> • Many young workers are unaware of laws, redress options, and support organizations related to discrimination and harassment. • Many young people enter the workforce without adequate resources and knowledge of what constituted harassment and discrimination, and what to do if their rights are being infringed upon. 	<ol style="list-style-type: none"> 1. Strengthen early education for youth on human rights, discrimination and harassment. Make this mandatory in high school Career Studies courses, and provide dedicated funds to colleges and universities for this purpose. 2. Young people need to know what their rights are, and who they can reach out to in order to protect those rights.
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3. Closing Thoughts

It seems there are two visions in play for promoting economic and workforce recovery in the post-COVID western world. One favours incentivizing business and shareholder gain with diminished supports and costs of labour. The other favours inclusive growth rooted in productivity and shared rewards. We ask your Committee to follow the second path. Interestingly, it is a direction increasingly championed by prominent economic and business leaders.

Mark Carney, Past Governor of the Bank of Canada and Bank of England, in his new book calls for a re-wiring of our economy. In the book titled *Value(s): Building a Better World for All*, Carney appeals for an economy committed to tackling income inequality, systemic racism, and climate change. This, he believes, is the only stable path forward for market economies.⁴⁵

Similarly, retired *Best Buy* CEO Hubert Joly, now teaches his students at the Harvard School of Business the profitable corporate way forward. He emphasizes living wages, attentiveness to employee needs, community and environmental stewardship.⁴⁶

Finally, a major recent report from Canada's Centre for Future Work, demonstrates that jobs and our economy work better when workers' interests have a real 'voice' in shaping employment. "There is abundant evidence that jobs are better when workers can provide input, express opinions, and influence change in their workplaces...It benefits their employer, too, through reduced turnover, enhanced productivity, and better information flows. And it contributes to improved economic and social outcomes — everything from stronger productivity growth, to less inequality, to improved health."⁴⁷

The bottom line is that narrowly pursuing the short-term bottom line, is not best for the economy or society's bottom line.

These are not radical ideas. They have become the common sense of our times. Young voices are behind them. Your Committee has the opportunity now to chart the way forward.

⁴⁵ Mark Carney, *Value(s): Building a Better World for All*, Penguin Press, 2021

<https://www.penguinrandomhouse.ca/books/669023/values-by-mark-carney/9780771051555>

⁴⁶ David Gelles, 'Hubert Joly Turned Around Best Buy. Now He's Trying to Fix Capitalism', New York Times, 15 July 2021, <https://www.nytimes.com/2021/07/15/business/hubert-joly-corner-office-best-buy.html>

⁴⁷ Jim Stanford and Daniel Poon, 'Speaking Up, Being Heard, Making Change: The Theory and Practice of Worker Voice in Canada Today', Centre for Future work, March 2021. <https://centreforfuturework.ca/wp-content/uploads/2021/04/Speaking-Up-Being-Heard-Making-Change.pdf>

4. Link to a Bibliography on Youth and the Labour Market

[Ryerson Young Workers' Rights Hub Literature Review](#)