



Working and Hurting in Little Bangladesh:

Precarious Work, Health, and Return to Work

May 2022

Stephanie Premji, Momtaz Begum, Kishower Laila, Sultana Jahangir, Fabiha Tahsin

A community-engaged study conducted by
McMaster University School of Labour Studies
and the South Asian Women's Rights Organization

School of
Labour Studies



South Asian Women's
Rights Organization



Contents

1. Executive Summary	1
2. Report	2
2.1. Methodology	2
2.2. Project Findings/Outcomes	3
2.2.1. Employment and Financial Precarity	3
2.2.2. Training and the Work Hazards	6
2.2.3. Injury or Illness	8
2.2.4. Workers' Compensation	10
2.2.5. Policy Implications	13
2.2.6. Recommendations	15

1. Executive Summary

Evidence suggests that precarious employment increases the risk of work injury and the difficulties accessing workers' compensation and returning to work (RTW). This study, based on Toronto's Bangladeshi community, reveals the employment, workers' compensation and return to work related challenges faced by Bangladeshi workers who were precariously employed. The findings depict the precarious work characteristics and related negative health outcomes and how these impact access to workers' compensation and return to work. It is based on interviews conducted with 45 workers (31 individual interviews and 4 focus group discussions with 14 workers in total) who experienced precarious employment and work-related injury/illness and 11 key informants representing community services, legal-aid, provincial government, and employment services sectors.

This study allowed us to empirically explore the interconnectedness of forms of precarious employment and its impacts on health and wellbeing at the individual, family, and community level. In general, our participants worked in low-skill and low-paid jobs that were unstable, unsafe, and precarious in nature despite most of them having high pre-migration credentials. Workers expressed a widespread feeling of insecurity with their jobs. After coming to Canada, participants experienced multiple barriers to access to decent employment along with other settlement related challenges and were forced to accept marginal level jobs through temporary help agencies (THAs) which had gradually led them into lives they had never dreamt about before immigrating.

Their financial vulnerability forced them to accept substandard employment that offered minimum/low wage, poor working conditions, precarious work arrangements, and were not protected by unions, hence lacked power or control over how work was organized and executed. According to worker participants and the key informants, a lack of recognition of their credentials compounded with the unavailability of decent employment contributed to precarious jobs where they were subject to exploitation by employers and victim of systemic discrimination.

Participants expressed their Canadian dream had disappeared in low-skill-low-paid jobs that were mostly casual, part-time, and/or temporary with precarious work arrangements. Workers were laid off without any reasonable cause. Regardless of their educational and professional credentials, almost all our participants reported the only jobs available to them were factory or manufacturing jobs through temporary help agency (THAs), which typically exposed them to high-demand work environments such as fast-paced and heavy laborious tasks. Workers could not access statutory entitlements (such as workers' compensation, employment insurance) and faced multiple systemic and employer-imposed barriers. Employment through THAs was found to be not fully covered by the laws and regulations that protect workers.

Based on our research findings, a list of recommendations has been generated which can help make employment less precarious, workplaces safer, reduce existing barriers in accessing workers' compensation for injured and/or precariously employed workers and facilitate a sustainable return to work experience. These recommendations, which are presented at the end of this report, have been compiled with the help of worker testimonies and consultation from key informants and industry experts as well as input from our research team.



2. Report

2.1. Methodology

Our study is based on qualitative interviews with 31 workers and 11 key informants and focus group discussions with 14 workers over the period of 2020-2021. As COVID-19 pandemic restrictions were in place, we advertised and recruited participants on Toronto Bangladeshi social media groups, and by email/phone through our partner community organization, the South Asian Women's Rights Organization (SAWRO)'s networks of partners. All worker interviews were conducted in Bangla by the team members who were fluent in Bangla and English. The worker participants were asked about their experiences of precarious work, health and return to work and the impacts on their health and family. The interview and focus group audio files were transcribed and translated at the same time by the same team members who conducted the interviews.

Key informant participants were recruited from four different sectors (community services, legal-aid, provincial government, and employment services) through our networks and snowball sampling. The key informants were asked about the precarious employment trends that are systemic and not immediately visible to workers, and about strategies that could help improve employment and alleviate workers' compensation and return to work difficulties for immigrant and racialized workers. All the participants were from the greater Toronto area and the interviews were conducted over the phone/zoom platforms due to COVID-19 pandemic's social distancing restrictions. All names used are pseudonym to protect participants' anonymity. The study was approved by McMaster University Research Ethics Board.

2.2. Project Findings/Outcomes

2.2.1. Employment and Financial Precarity

Employment relationship

Our findings uncovered a broad range of precarious employment relationships. All but few workers reported working outside the fulltime permanent employment norm. While most of the workers worked casual on-call jobs through THAs with risk of termination at any point of time, very rarely workers were directly hired by the employers with contracts, mostly short-term such as seasonal, with pre-determined end dates. Lack of fulltime permanent work forced workers to take on multiple jobs.

“When we joined the factory, they did not mention the possible job period like from this date to this date”. Fahima (worker)

There were many different types of fulltime jobs worker participants experienced such as fulltime with regular overtime, fulltime hours but contracted as part time. Another form of fulltime work, which participants referred as ‘temporary/irregular fulltime’, was where workers worked full time hours through staffing agencies and yet were never made permanent by their employers even after a long job tenure. In other instances, although workers started work with fulltime hours or permanent employment, employers could violate the contract, reduce their hours, or terminate the employment at anytime at their own discretion. Therefore, having a permanent job did not always ensure regular income.

“I was not permanent employee there yet. Although I was working there for a long period, they did not make me a permanent employee. So, I stayed in the same way. ... Yet, I had to go to work because I needed to work... We waited since morning that we will work. We went to work and were sent back home after 1-2 hours.” Rebecca (worker)

Key informants explained that workplaces have a regular cycle of hiring and terminating human resources, perhaps to prevent financial compensation that workers might be entitled to after a certain job tenure. This practice of rolling lay off prevents workers from organizing.

“..there are some rolling kind of lay off, there are some workplaces where in order to prevent any worker to any kind of seniority, so just lay off everybody after 3 months... after 3 months they just fire everybody and hire whole new crew of people which mean that work place can never get enough people don't stay ..you know and they are not able enough to unionize it..” Ruth (union representative)

Our findings also revealed different forms of predatory practices by employers such as paying cash and under the table job offers without any formal record/trace of employment.

“Students, sometimes employer hired them as day laborer. So like whole day you got to work for \$100, so that they don't give any pay stub they don't give any kind of proof of the work the end of the day, you're going to get \$100 check or \$100 cash to finish the work. The next day, if they need, they'll call you....So, right now they find it out that the students and refugee claimant, they are the subjected for that kind of under-table job that is no document, but end of the day you get \$100..” Amena (community service provider)

Pathways to become a fulltime permanent worker was not easy and workers might spend years (e.g., 10 -15 years) of working in irregular and temporary positions and still counting. In these long enduring years of temporary, casual positions, worker who could sustain sub-standard and poor working conditions and continue working may become permanent sooner than others, typically not on the record. Our key informants corroborated these findings and called this practice illegal.

Work arrangements

Workers reported extremely irregular work hours/shifts/scheduling with majority of them having on-call jobs. Participants expressed that it was challenging to live a decent human life where their work scheduling was extremely haphazard needing them to be available 24/7. Workers' social locations, such as female workers having gendered responsibilities for household chores and childcare duties, intensified the precariousness of their work arrangements. In the on-call system, employers humiliate workers and abuse their power by calling on or off work without prior notice.

"..in some instances, say I would be working at a factory for 7 days straight. So I went to work as usual and they said there's no more work starting tomorrow. Which means they knew from the beginning that the job was only going to last a few days.....in the meantime, I could get calls from other agencies to do their job but I would refuse because of this job.... ..Then suddenly, one afternoon they would call us and say you have work at night. But we're forced to take it, right?" Rakhi (worker)

Key informants also mentioned that uncertain scheduling disrupted proper planning for childcare and transportation.

"So that they get you know they get the schedule for the next day. That is really hard for people, they can't plan for childcare, they can't plan for transportation." Ruth (union representative)

Wage

Most of the participants received minimum wage for years after years of work. Typically, their wages did not increase with time, or increased only by a few cents after 3 to 4 years of work. This is especially concerning as the inflation rate is increasing along with the price hikes of everyday goods. There is an automatic salary increment system in place to match the inflation rate every year. However, due to the precarious employment system where workers work without contracts or for repeated short contracts or moving from employer to employer, there is no record for a worker to be at job for an eligible length for receiving this increment.

Participants reported significant amounts of wage loss as their salary got disappeared in the process of working through THAs, where agencies take their cuts from the worker, not the employer. Employers may pay workers more than minimum wage but after the agency's deductions, workers may receive even less than the minimum wage.

Workers, particularly women, reported wage theft where they did not receive wage for the correct number of hours worked. Their employers reported fewer hours to the pay roll than they worked. According to workers, employers deprived them of their wages for working overtime or by making them do the work of two workers. Moreover, employers put the overtime into an hour bank and used that for a slow day.

"I was forced to work until 10 am [from 2 pm of the previous day] of the next day. They did not pay me any extra... What they do regarding overtime... For example: 80 to 82 hours of work is normal for 14 days and above that is overtime. If you work more than that hour, they deduct it and add it with the work of the next week. This is how they don't have to pay you for overtime." Rashed (worker)

While workers did not receive any payments for cutting their hours short without any notice, employers imposed financial penalties on workers for failing to inform them of their absence in advance.

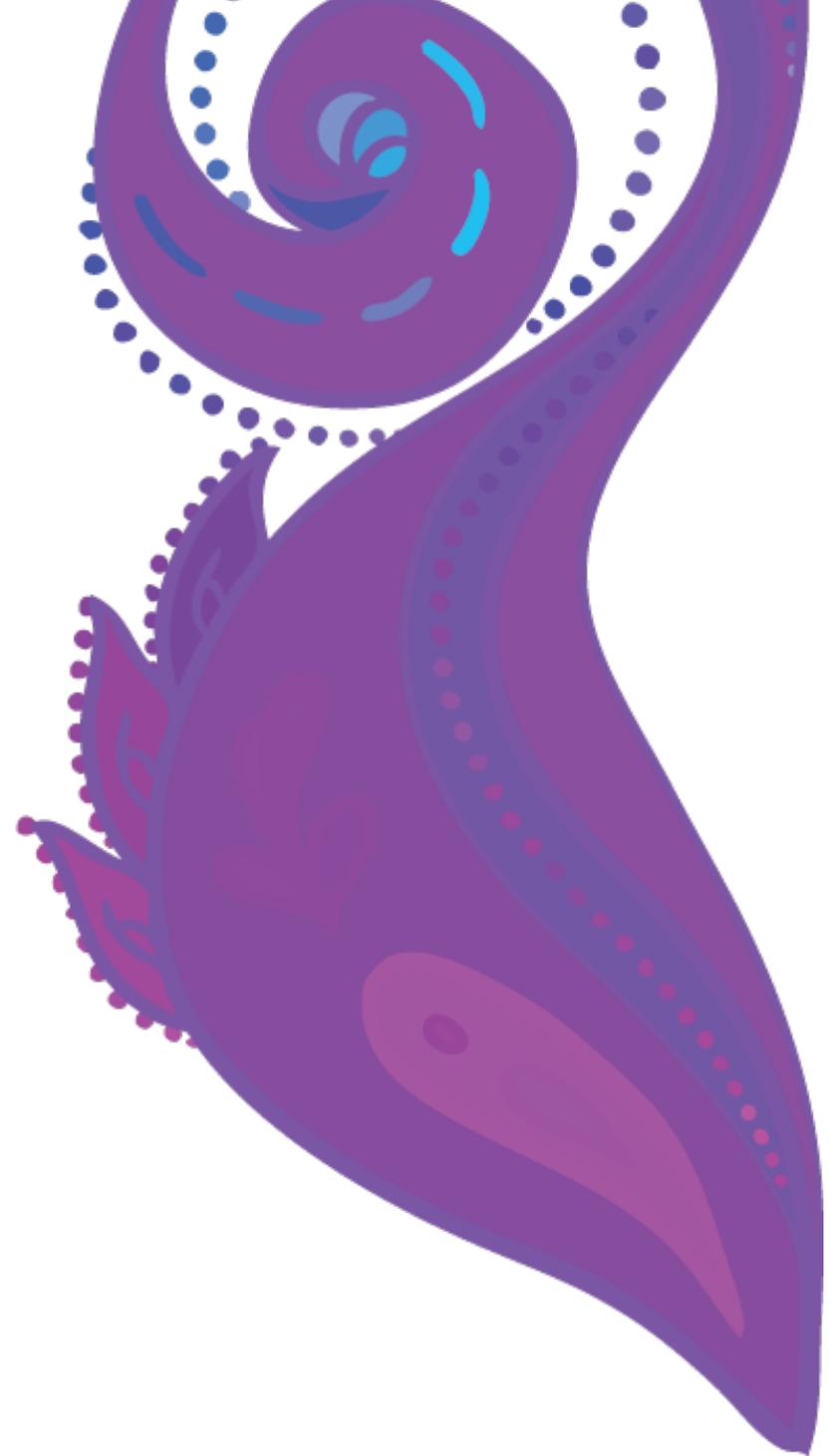
Statutory entitlements

Most workers reported having no paid sick leaves and employment sponsored benefits. Where no work meant no income, workers felt being sick was not an option for them even though no one can choose not to be sick. The problem was so intense in most of the cases where workers feared even asking for unpaid sick leave, upon being sick themselves or their family, as that could jeopardise their jobs. Only a few workers, those who had fulltime permanent employments, reported receiving paid sick leaves.

“The issue is that I need hours, and so I definitely have to go to work, but then I am getting sick while working, so I can’t go back to work after that, so because of all these factors, it creates an inner turmoil where you don’t know which way to go.... if I ask for leave because I have become sick, and so you have less hours in your part-time job, you will then have to pick up more hours at a later point to offset this, right? If you don’t do that they won’t really call you next time. So, because of that, taking leave is honestly out of the question.” Naushin (worker)

Our worker participants generally lacked employment related-benefits – government or employer sponsored. Those who had fulltime permanent employment did not always have benefits, typically at the beginning of their tenure. In terms of workers’ statutory entitlements to employment related benefits, participants reported how they are deprived of it due to systemic loopholes. For example, employment insurance benefit provided by the government did not recognize their precarious work situations. Although employment insurance (EI) premiums were collected on every dollar earned, these precariously employed workers mostly did not qualify for EI benefits

“But they laid us off all on a sudden. Then I got a shake. On one side, it was so tough to hold the job, and on other, all on a sudden got laid off. At that moment I was feeling so insecure. Then, after doing work for 15 days, government won’t give me any EI.” Jasmin (worker)



2.2.2. Training and the Work Hazards

Training

In Ontario, there is a mandatory health and safety training for all workers. On top of this, employer must provide other health and safety training relevant to work. However, our findings revealed a general lack of health and safety and other work-related training among the workers. There was lack of worker protection at the workplaces through regulated labour standard. Participants reported working in poor working conditions where they were exposed to physical and mental hazards. Worker interviews revealed precarity around health and safety and work-related training.

Most of the workers reported receiving no health and safety or work training or when provided it was always unpaid. Workers reported being told to shadow coworkers or read training materials (always in English which might be challenging for workers with language barriers) at home. According to worker participants they started working in full pace in unknown/unfamiliar factory settings without any training.

“When I first started to work, I did not receive any training. They just put me on a line and told me to learn from others. That’s it. They told me to follow my co-workers and learn from them... They told me “Watch how everyone is doing it and learn. Learn how to do it.” Nahida (worker)

At the same time, workers reported being forced to sign documents saying they had received training.

Physical hazards

Workers reported hazardous working environments with very low health protections. Dangerous tasks were always delegated to temp workers, who once injured, were easily replaceable. Workers reported many ways employers made work unsafe, such as by deploying less manpower than needed, forcing workers to do dangerous dehumanising tasks (tasks that should be completed by machines), delegating surprise tasks which were hidden initially, forcing workers to work alone etc. Participants reported not raising their voices against unsafe work due to the fear of losing their jobs. Those who raised their voices, inevitably lost their jobs by coercion if not by force. Along with these, workers reported poor working environments with inadequate ventilation and light, unpleasant temperature, and low indoor air quality. Our participants feared that working environments with inadequate light and no surveillance could be more hazardous, especially if working alone. Also reported by our participants were poor working conditions with repetitive, fast-paced work, for example, opening caps for 8 -10 hours.

“In this job, we had to bring heavy and thick steel plates to the cutting machines and cut them there. After cutting, we had to bend them in another machine. It wasn’t as easy as it sounds. ... Workers often get injured while handling them. Many workers got their fingers cut and injured. Accidents can happen there anytime. We had to carry the work-in-progress manually. ..They make the workers do [tasks a machine should do]. And agency workers means the factory has no responsibility for them. ...Once one of the [very long steel] frames slipped from my hand. If I tried to save myself then there would have been a huge accident. Anyway, I kept my balance by pushing it with my collar bones. Workers were carrying the steel sheets manually. ...People can become exhausted any time and lose the balance. It can cause serious injury....” Ali (worker)

Participants also reported getting no, inadequate or inappropriate work breaks.

“Suddenly, the machine got turned off and suppose, the work started at 7 am or at 7:30 am. In that case, they would send us for lunch at 9 am. What does it mean? It means, their machine got broken and production got stopped, as such they would not keep us in our work station. Though it was morning, they would send us for lunch at 9 am. It was because they wouldn’t stop the machine during the lunch time once it starts again....we lost the lunch time.” Rebecca (worker)

Workers also reported that during rare hazard inspections by the Ministry of Labour, typically complaint-based, employers staged working conditions.

Mental hazards

Our interviews revealed workers facing mental harassment, sexual harassment and bullying along with other discriminatory practices of hiring and terminating workers. Workers faced humiliation, as well as discrimination and favoritism by region of origin, religion, or employment relationship (such as temp workers delegated more workloads and unsafe work compared to permanent workers). Most workers reported being victim of abusive language at their workplaces.

“Really we are the victim of discrimination. We Bangladeshi are really the victim of discrimination. It is true that if they see any Bangladeshi worker they look at differently. Sometimes they teased me, hey you are a Bangladeshi, how come you are working like that? In Bangladesh, do people work like that?” Tauhid (worker)



2.2.3. Injury or Illness

According to our findings, precarious employment (precarious work arrangements and work hazards including employers' attitude) had direct impacts on a worker's physical and mental health with multi-dimensional effects on workers' lives and families.

Mental injury

Almost all participants reported mental health issues, sometimes chronic, as a result of their work. New immigrants, especially skilled immigrants who were unaware of the precarious labour market situations before coming to Canada, were traumatized by precarious work arrangements. Our findings revealed some situations associated with the poor mental health outcome of Bangladeshi newcomers:

- Their credentials were not recognized
- They were forced to accept low-paid survival jobs which were unstable and insecure, had poor working conditions, and where bullied, discriminated and verbally abused in these jobs
- They were forced to do tasks they were completely unfamiliar with
- Their dream of doing jobs in their desired professions were not fulfilled
- They felt intimidated to raise their voice when their rights were violated

"Whenever I do any mistake or fail to do the job perfectly, within a second, they use bad words to me. That is so abusing. To me this is a mental pressure and torture. I used to get exhausted very soon. That exhaustion would affect me mentally and physically and impact my mind in way which would further impact my household in a negative way. I have never experienced such things in Bangladesh. After moving here, I cannot fathom what is happening with me. Normally I am not an ill-tempered person." Arif (worker)

Many workers reported turning to God and praying every morning for a better attitude from their line leader, co-workers, and supervisors.

"When I used to go to work, all the way to my work, I was praying so much so that I would not get any bad (behaving) line leader. .. I was praying that Oh GOD! Wish I would get any co-worker beside me who would behave nicely with me. Too much mental torture it was." Sabiha (worker)

Our findings revealed workers suffered from mental trauma, anxiety, frustration, fear, depression, suicidal ideation, due to systemic discrimination and mental health hazards at their workplaces such as racism, body shaming, dominating attitudes, discrimination, bullying.

"What do you think? Short people do not work? Won't they eat? This is my point. As I am short, I will always be insulted, that is not fair, right? This thing was hurting me a lot." Shima (worker)

Physical injury

Several chronic health issues, such as back pain, urine infections, diabetes, constant dizziness, cardiovascular problem, musculoskeletal injuries due to heavy and repetitive work, which have long term health impacts were mentioned by our participants. Because of high work stress and employers' verbal abuses some workers had permanent high blood pressure.

"They behaved very badly. I realized after a while that it was not possible to adjust to that environment, so I quit. I was getting very physically ill day by day with many different ailments, went to the doctor they said I had hypertension, high blood pressure, got diagnosed with diabetes, UTI among many things. All of this occurred due to the mental stress from that job. I had to endure a lot because there was no way, if I didn't work how would I pay rent, how do I support my family and household and kids, a lot of issues. So, we were forced to endure the torture by the managers." Tania (worker)

Workers were mostly unaware of occupational diseases and typically

did not know their injuries (repetitive strain injuries) or illnesses could be result of their work. While recruiting participants, a female worker aged around 40 years, mentioned her many physical complications (requiring her to go for a complicated surgery which impaired her work ability) which she believed was not the result of work. However, as we interviewed her in depth it was revealed that her health problem might be in fact a result of years of work in precarious employment characterized by standing for long hours, heavy lifting, irregular shifts, and mental stress.

Another worker reported being injured, which appeared a simple knee injury, during an unpaid placement work which later deteriorated, requiring her a major hip replacement surgery (giving her some functional limitations). She did not realize she could claim workers' compensation for this.

Impact of injury/illness on workers' health and workability and their families

Most of the workers' physical and mental health deteriorated over time. Workers reported losing hope and confidence to build a better career and interest in work, and a decrease in their quality of work due to a long-term exposure to precarious working conditions.

Our findings revealed an association between precarious employment conditions and poor mental and physical health of the worker which had direct/indirect impacts on their family, especially children. Due to physical and mental pain most of the workers reported developing negative attitudes towards their family and household where they failed to give proper attention to their children and spouses. This had a long-term negative impact on their relationships. Key informant interviews also corroborated these findings. Key informants mentioned that the children of injured/ill parents suffered severe mental stress.

Employer attitudes

Participants reported their employers were reluctant about their physical-mental injuries/illnesses with a "workers never get sick" type attitude as they treated workers as machines. According to worker participants, their employers were verbally abusive if workers asked for sick leaves for injuries or illnesses because of their work. Our interviews revealed that workers did not perceive the idea of sick leave for mental health issues. With direct threat of or perceived fear of losing their job, workers rarely asked for sick leaves. As a result, their injuries deteriorated making them prone to new-injury or re-injury leading to long-term negative impacts on their lives.

"My injury didn't make me feel that bad. When they didn't have band aids, I just brought band aids from home. During break time, I cleaned it and put on ointment and a new band aid before going back to work.... No, they never really asked about my hand or my injury. They never asked about that. They only asked if I'm working and what I'm working on." Ranu (worker)

Workers reported long term endurance of employers' inhuman attitudes towards them and their injuries simply because they had to work to generate income to survive. Some workers changed their sector to get a better environment.

Health seeking for injury/illness

Most workers mentioned being unwilling to go through the medical process if hurt (physical and mental) at work as they feared the doctor might recommend being off work (that resulted the injury/illness) for a long time or forever. Fear of losing income was more important than their injuries which is why they mostly hid their discomforts from their employers and sometimes from their family members.

2.2.4. Workers' Compensation

The most important patterns that emerged from our analysis of data are that workers were, by and large, unlikely to seek out any form of compensation, benefits, or support from their employer or government following a work-related injury or illness. For workers who did reach out for help, there were substantial barriers in place that retaliated against them and prevented them from getting effective help. Both factors made it difficult for workers to return to work following a work-related injury or illness.

Analysis of worker testimonies found that, for a multitude of reasons, workers delayed or abstained from reporting their injury to the Ontario Workplace Safety and Insurance Board (WSIB) and from seeking benefits. The primary reasons behind this were lack of awareness and information on WSIB, the systemic and categorical suppression of claims by employers who adopted several harassing and manipulating tactics as a means of discouragement, an overall culture of suspicion and denial that dehumanized workers and minimized their injury, and other systemic factors which compelled workers to refrain from seeking compensation on their own.

Employer Pressure

According to our findings, because employers were reluctant to report injuries to the WSIB, they resorted to various tactics to push workers to not make a claim and to come back to work as soon as possible despite their injuries with the promise of modified work. When workers were unable to continue working upon injury, they were cleared from the workplaces as soon as possible, directly told not to make a claim or that they could not make a claim. In such instances, employers took advantage of the lack of awareness and language barriers which resulted in difficulty for workers to access what they rightfully deserved.

Workers were sent home and often unofficially let go of their work, stating that there was no more work available for them. The precarious nature of the employment relationship compelled workers to come back to avoid job loss. When accidents were serious enough to seek medical attention, employers made sure they did not make a claim by

forcing them to come to work with promises of modified duties which were not sustainable in the long run or simply did not exist. Employers often verbally abused and coerced workers to rejoin work citing staffing shortage, and workers were compelled to listen as they feared retaliation from employer and hoped to maintain a good standing with them. As a result, they resumed working before their injury had healed. They were intimidated and pressured and did not receive any compensation for lost time due to injury.

For those who reported their injury to the WSIB, it was found that employers kept up their harassment by constantly calling to learn their whereabouts and coercing them to rejoin work under the guise of modified work. If they refused because of their health conditions, it was later used as evidence to deny their claims.

“Anyway, I thought I would get some support from my workplace. I thought they would give me benefit for the days I was unable to work. But they were continuously pressuring me to return to work the next day. I mean my manager called me the next day. I became afraid and thought that if I don’t go the next day, they might fire me. I needed that job.” Nahida (worker)

Culture of Denial and Suspicion

Worker reports of injury and illness reported to family doctors, employers and WSIB were dissected with the preconceived notion that workers themselves were lying about their injury to game the system. Because of this tendency of the establishment to advocate for the interests of employers and not workers, workers often assumed that their injury will be discredited and not taken seriously, and therefore refrained from making a WSIB claim in the first place. They were unlikely to seek help unless they deemed their condition to be severe enough to warrant that response. There existed a notion of personal obligation to their workplace and being averse to causing stirs or making waves with their actions, therefore workers tended to suffer in silence.

The WSIB is perceived to be operating on behalf of the employer, and not for the promotion of health and well-being of the workers. WSIB claims adjudicators and caseworkers were thought to have created unnecessary obstacles that made the application process difficult, especially for marginalized workers with limited language skills. The consensus among workers is that the WSIB seemed to be denying applications by default due to lack of evidence, as employee accounts of injury were often scrutinized and dismissed by the WSIB, whereas employer versions were taken at face value.

“After resting for 2 weeks, the WSIB gave me a letter saying that the WSIB was denied. They said my employer would know the reason. After two weeks when I went to work, they called me in. The lady told me, “You fell down on purpose, didn’t you.” Momo (worker)

Furthermore, medical professionals while examining patients were also said to have adopted a lens of doubt and scrutiny while examining the worker, often looking for any pre-existing conditions to blame their injury on.

Only in situations where a worker was well-educated, stood up and advocated for themselves, WSIB claim personnel were more likely to oblige and provide services that the worker rightfully deserved. But it was found that workers had to go above and beyond to prove the legitimacy of their workplace injury and its origin, which is severely time-consuming and requires certain privileges such as awareness of rights, fluency in English, availability of time and resources, making the painstakingly long process with arduous steps and arbitrary rules ultimately impossible for most workers to accomplish.

Lack of Awareness

Workers were not aware of the existence of the WSIB and the role it plays for injured workers. For Bangladeshi workers, especially newcomers, lack of proficiency in English also acted as a significant barrier and a key contributing factor in workers not making a WSIB claim. In some cases, workers were vaguely aware of the WSIB but found the claims process too long and complex, and they did not have an adequate support system that could help guide them.

“As I mentioned before, lack of knowledge of rights is a huge barrier. People who are newcomers here they simply don’t know where to begin and with the language barrier that creates an additional obstacle. There may be information out there but perhaps because of their lack of proficiency in English language they are not able to read pamphlet or they are not able to really understand what somebody might be telling them.” Sabrina (community legal worker)

Workers were not aware of their rights as an injured worker. This ignorance was often willful on the employer’s part, as there was an intentional lack of training and useful information, and workers faced hostile employer reactions even at the mention of the WSIB. This ignorance was exploited by employers to force workers to adhere to their terms and workers were simply not aware that they had any choice to assert themselves.

“I simply didn’t know of other options or services, there was nobody there to guide me also. Even my parents were working the same strenuous jobs, they did not know and neither did I. We were not aware that this information is out there. In the safety trainings that they provide, I don’t think they explain these things properly or stress these topics enough. They are not teaching us what we can do when we are sick, like okay, if you’re sick you can take time off, we will not be the ones paying but you can seek compensation from this following place. They should be informing us of this much right? But nobody tells you anything, I have not heard this from anybody.” Naushin (worker)



Other Systemic Factors

Workers were reluctant to report their injuries to the WSIB because of their precarious financial conditions and high cost of living in Toronto. It was found that for workers, the prospect of having their claim approved by the WSIB was highly uncertain, and even if it was accepted, the benefits provided were not enough to run a household. For an individual making minimum wage, this entails a significantly high opportunity cost of giving up on their employment only to receive inadequate, temporary support and benefits from the government which would be unliveable in the current economic climate and realities of living in Toronto.

Furthermore, it was found that doctors and medical health professionals did not give out proper information regarding the WSIB and sometimes actively discouraged patients from making a claim.

“I was sent directly to the emergency. They did not give me such information of documents from emergency. They just told me that I do not have any fracture, but I have some bruises. They put some bandage on that so that I do not move my hand. But they did not tell us anything about filing a claim at WSIB.” Nahida (worker)

Workers employed in informal, cash jobs were met with a host of systemic barriers which made it exceedingly difficult to access compensation and social services. Due to the undocumented nature of their jobs, they did not have the necessary paperwork to legitimise their employment, making it difficult to report injuries. These precarious jobs often did not have enough hours to be eligible for employment insurance benefits. Because of these factors, it was found to be exceedingly unattainable for employees working precarious jobs to access WSIB benefits and services, and as a result, they had a tendency not to report less severe or chronic injuries until they became debilitating.

The Impacts of Delayed or Non-Reporting

The issue of delayed or non-reporting of injury was hugely consequential as it impacted the long-term health and well-being of workers, their ability to rejoin the workforce, and also the overall health of the economy. Due to pressures exerted on them by employers to continue working, workers rejoined work without taking adequate time to recover from their injuries, which exacerbated their injury. This resulted in deteriorating health conditions often resulting in permanent disability, significantly diminishing a person’s standard of living and also permanently destroyed their ability to work and fend for themselves. They were ejected out of the workforce and lost out on financial independence, which was an especially significant blow for women, and they were further delegated to isolation at home and a life of financial precarity.

Furthermore, due to the delay in their reporting, their claims often got rejected because of missing key evidence, failure to notify authorities in a timely manner, and time lapsed from the injury onset. After their claim was denied by the WSIB, it was found that most did not go through with the appeal citing time constraints, high legal fees, and overall hassle. The appeal process was said to take many years and required a lot of labour.



2.2.5. Policy Implications

Precarious employment and hazards

Our findings indicated implications for various public policies related to employment standard and employment-related social programs such as employment insurance and workers' compensation.

It was revealed in our findings that workers were intimidated or humiliated by their employers which might have broken down their spirits due to which they never raised their voices. This apparent extreme employment instability and insecurity might be artificially and purposefully created by employers to foster a system where workers would always fear to raise their voice against violation of their rights.

There was an internalized pressure for women from everywhere and everyone not to raise their voice. Women workers were pressured not only by their employers but also by their family members such as husband because they did not want any issue that could lead to loss of their employment – source of income. Workers had internalized the fear so much so that they did it even without being prompted because they knew that there would be repercussions.

Hiring more workers through THAs that are on-call, part-time or temporary is a precarious way of systematically denying workers' rights. There might also be financial incentives for employers for breaking work into many positions such as they may not have to pay employer insurance if the worker works less than the minimum hour threshold. Moreover, for these positions with fewer hours, employers do not have to provide any benefits.

To our worker participants, the biggest confusion in situations needing help with workers' compensation was who the employer was. Workers might be laid off without any prior notices because THAs did not consider themselves as the employer hence might have assumed that they could be waved from adhering to laws made for employers. One of the key informants mentioned that the staffing agencies did not provide record of employment (ROE), so workers asked that from the employer who denied their responsibilities. According to the existing policy, employers should provide workers the ROE within two weeks of

employment termination along with an explanation of a valid reason for the termination. When worker kept asking for the ROE, employer sometimes called them to return to work just before the end of this two weeks time frame. Workers were then provided some unrealistic jobs which some workers declined. Then the employer would state the reason for termination as 'refused to work'. This indicates that the employers might not be willing to provide an ROE in the first place because they did not have a valid reason for termination.

Injury or Illness

According to our findings, all precarious workplaces had some common practices, resolvable by the employers, responsible for workers' physical and mental injury. However, these practices persisted due to the systemic issues, namely work arrangements like, no space to take rest, no seating arrangements, ten to twelve hours of repetitive work in standing positions; an absence of a proper monitoring authority on precarious workplaces where new and racialized immigrant people work most, keeping workers in the dark about their rights; and lack of training and proper protective equipment.

The fast-paced environment in particular is an important cause of both mental and physical injury. To get more production, line leaders always put pressure on workers who might be new without proper training. Temporary workers experienced more mental and physical injuries due to the discriminatory practices at their workplaces. Their injuries were neither recognised by their employers nor their agencies.

Finally, claim suppression created mental stress. For example, an injured worker might want to claim but the employer gave false hope to the worker and convinced them not to report to the WSIB. But after a period that injury might get worse, and the worker may lose their work ability. Workers who worked in a standing position for 10 to 12 hours typically reported an injury in their knee or back. These repetitive strain injuries were typically not recognized by the WSIB.

Workers' compensation

The barriers that make it difficult for workers to seek compensation and social benefits are largely a result of gaping holes in the existing employment policy measures which result in many vulnerable workers falling through the cracks of the system. Analysis of our data reaffirms the highly accepted industry fact that temporary staffing agencies systematically corrode worker rights, employment standards and reduce employer liability because employers are free to hire part-time, temporary workers to fulfill their staffing needs instead of hiring full-time, permanent employees with rights and benefits. These discriminatory practices have adverse effects on worker health and make it the perfect ecosystem for both employers and the WSIB to negate and suppress worker injuries, illnesses, and their voices altogether.

Furthermore, because of the deterrents caused by both the WSIB and the employer, workers who did not seek compensation often stepped back from the job market and were left with no choice but to rely on measures such as EI, ODSP and Ontario Works because of permanent disability. Because of the employer's unwillingness to provide financial compensation to the injured worker and WSIB's tacit support in their avoidance, employer liability was then transferred over to general taxpayers' liability. ODSP has steep eligibility criterion which renders most workers unable to qualify for their services, and they are also known to provide unlivable income when contrasted with the living cost in Toronto.

The WSIB operates with the notion that everybody is capable of work of some kind even post-injury as long as it is suitable. However, people with language and educational barriers who rely on low-skill labour jobs did not have access to the high-skill labour market because of structural inequalities related to their deskilling and lack of credential recognition. In other instances, these jobs existed only on paper and there were no real prospects in the job market, especially in the context of Bangladeshi immigrants with unrecognized credentials.

"There's also just the barriers to employment for racialized people. And so someone, you know, maybe in, in theory, qualify for, you know, being a clerk in a store somewhere, something like that. But in reality, they're not, they're not really competitively employable. And they're not going to get the job. And so people end up injured with a permanent disability, but told by the Compensation Board, while you can still do something for minimum wage, and so they end up with, with little or no compensation." Jack (community legal worker)





2.2.6 Recommendations

Based on our findings from workers' lived experiences and key informants' knowledge on these issues of precarious employment, our team has generated a list of recommendations for the policy-makers implementation of which may help making work less precarious, workplaces safer, reduce existing barriers in accessing workers' compensation for injured workers and facilitate a sustainable return to work experience following a workplace injury/illness experience.

These recommendations, which are presented below, have been compiled with the help of worker testimonies and consultation from key informants as well as input from our research team.

For making work less precarious

1. Licensing and bonding of THAs, which can be revoked or forfeited for unfair labour practices
2. Carrying out forensic audits of THA practices to identify and prosecute violations by THAs of CRA regulations on misclassification of employees as independent contractors; violations of provincial regulations regarding payments for on-call workers and suppression of Employment Insurance and injured worker compensation claims.
3. Establishing publicly operated employment agencies which can meet any genuine need of employers for temporary help without violating the workplace rights and dignity of temporary assignment workers; publicly operated agencies will compete with private THAs for market share with the aim of eventually displacing them, especially in low-skill job sectors.
4. Amending minimum labour standards to include a range of premium payments for individual workers subjected to erratic, unstable work schedules.
5. Imposing financial penalties on employers subjecting individual and groups of workers to erratic, unstable work scheduling based on aggregate data collected by the CRA and administered through the CRA.
6. Closing the regulatory loopholes with the THAs where the employer has no responsibility for work injuries and illnesses.
7. Putting in place restrictions, financial disincentives upon failure to adhere, for employers disproportionately outsourcing human resources to THAs.
8. Creating enforceable regulations for employers to pay employer insurance for all workers irrespective of their employment types and work hours.
9. Creating enforceable regulations for employers to provide social benefits and worker protection for all workers irrespective of their employment types and work hours.
10. Ensuring employers hire workers fulltime for a work requiring full time position
11. Ensuring employers are responsible for providing workers with assistance and documentation needed to access wage, employment benefits and workers' compensation irrespective of their employment type (whether through THAs or direct hires)
12. Ensuring, when fulltime positions are not sustainable, employers provide all workers contracts with mandatory minimum tenure and minimum hours of work in order to prevent unwanted/unnotified terminations and alleviate workers' feelings of job insecurity.
13. Imposing financial disincentives on employers who terminate employment without providing workers two weeks of notice or two weeks payments in absence of prior notice.
14. Putting in place regulations for mandatory employer-paid sick leaves irrespective of job tenure and contract type.
15. Putting in place regulations for mandatory payments for under time and over time (overtime hours should not be adjusted by asking them about the work in advance because the workers may feel pressure to work overtime and may not have courage to say no to their employer when asked for overtime).
16. Putting in place regulations for workers to be eligible for employment insurance irrespective of their job tenure and if they get laid off or do not receive minimums hours to work.
17. Ensuring a reasonable minimum flat rate benefit provided to workers attached to the work force who experience an interruption of employment from lack of work, illness or maternity, or if one of their jobs is terminated in cases when they do multiple jobs.
18. Launching forensic audits of THAs to investigate Record of Employment (ROE) fraud and otherwise suppressing THA worker EI benefit claims; criminalizing THA suppression of EI claims.
19. Facilitating a two-way feedback system, by a regulatory body, where both workers and their employers provide feedback to each other (so that the workers have a voice).

For making workplace safer

1. Initiating more proactive, unannounced and random hazard inspection instead of complaint-based/reactive inspections.
2. Assigning a random team, by the Ministry of Labour inspectors, of workers and employers' representatives to investigate a complaint.
3. Ensuring a real authority for workers to refuse the unsafe work without retribution.
4. Putting in place regulations for workplaces to have ergonomically sound working arrangements.
5. Criminalizing employers for not providing paid training for basic occupational health and safety awareness, and if force/coerce workers to sign a training completion document without providing the training properly.
6. Putting in place regulations for workplaces to routinely investigate to identify and prevent physical and mental health hazards.

For improving workers' experience following a work injury/illness

1. Listening to injured workers' concerns regarding their injury.
2. Listening to the workers' physicians instead of the WSIB contracted doctors.

For improving return to work experiences and access to workers' compensation

1. Expediting the injured worker claim and appeal for WSIB benefit. Benefit should have to start as soon the claim submitted, not wait until the claim get accepted. Because workers depend on pay cheque to pay cheque, they are unable to pay the livable expense upfront.
2. Making the application process easier and more intuitive.
3. Providing training and financial incentives to family doctors to identify potential work injuries, providing adequate help to workers in initiating the claims process and taking proactive measures to notify the WSIB in case of a workplace-related injury or illness.
4. Giving non-profit, community-based organizations authority and leeway to intervene on behalf of injured workers.
5. Providing workers access to legal services and better knowledge of their legal rights to protect against exploitation.
6. Increasing liability exposure of company and having clearer policy regulations on the employment relationship between employer and temporary agency workers so that workers can make a claim seamlessly and return to work with accommodation/modified jobs.
7. Putting in place regulations for minimum wage workers to receive a 100% compensation instead of 85% of their existing income which is not livable income.
8. Ensuring permanent benefit from WSIB for workers' permanent disability and that injured workers with permanent disability are not pushed to ODSP which does not recognise individual worker's income loss and calculate compensation by family making many injured workers ineligible.



School of Labour Studies, McMaster University
labourstudies.mcmaster.ca

South Asian Women's Rights Organization
sawro.org