



## Recommendation to the Changing Workplaces Review

In 2012, 15.4 % of Ontarians had a disability<sup>1</sup>, and this proportion is expected to rise significantly over the next two decades as the population ages. People with disabilities are significantly disadvantaged on all of the important social and economic indicators. Disabled persons remain unemployed or under-employed at significantly greater levels than their non-disabled contemporaries<sup>2</sup>. In Ontario, 41 per cent of working aged people with disabilities were unemployed or not in the labour force in 2010, which was almost three times the rate for Ontarians without disabilities (14 %).<sup>3</sup> In 2011, the employment rate for Ontarians with disabilities (%) was significantly lower than the rate for people without disabilities (73.9 %).<sup>4</sup>

Temporary agencies play an important role in the Ontario economy, by matching available workers with client organizations who have immediate short-term or long-term labor needs. Temporary workers make up 13.3% of the labour force<sup>5</sup>, with 30% of those being industrial "blue collar" workers, 25% professionals, 25% IT, and 20% clerical.<sup>6</sup>

Many people with disabilities gravitate toward temporary agencies to find employment or as a means of accommodating an intermittent need for flexibility. However, people with disabilities may be systematically disadvantaged in this context. When there are many other available workers, individuals with disabilities may be passed over for opportunities. If agencies are unaware of the accessibility of a particular workplace or the workplace accommodations the employer can offer, agency personnel admit that they will often simply send a non-disabled employee. If this occurs, workers with disabilities have no recourse under existing labor protections, because they will not be aware that the discrimination has taken place. This results in fewer opportunities and even greater economic disadvantage for disabled Ontarians.

Currently, the Employment Standards Act (Part XVIII.1) requires temporary help agencies to provide important information to employees who are considering a client assignment. Agencies are required to provide information about the name and address of the employer, hourly wage, hours of work, and a general description of the work tasks. There is no explicit requirement to provide information about the accessibility or accommodations available at the place of employment. However, this information is already known to the employer. All employers with more than 30 employees must produce annual accessibility plans, under the Accessibility for Ontarians with Disabilities Act (2005, Section 14(1)).

**IT IS OUR RECOMMENDATION:** that the Employment Standards Act, Part XVIII.1, para 74.6(1) be amended to include:

- The employer's most recent annual accessibility report (see AODA, 2005, Section 14(1)).

<sup>1</sup> Statistics Canada (2012). *Canadian Survey on Disability*.

<sup>2</sup> Galarneau, D & Radulescu, M. (2009). *Empolyment among the disabled*. Statistics Canada, Perspectives, 75--001--x

<sup>3</sup> Ontario Ministry of Training, Colleges and Universities, *Canada-Ontario Labour Market Agreement*.

<sup>4</sup> Statistics Canada (2011). *Survey of Labour and Income Dynamics*.

<sup>5</sup> Statistics Canada (2015). CANSIM Table 282--0080. Labour force survey estimates.

<sup>6</sup> Landhuis, T. (2015). *Canadian Staffing Industry Outlook*. Crain Communications / Staffing Industry Analysts.