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## Understanding Vulnerability in Ontario's Health and Safety System

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# EXECUTIVE SUMMARY

## INTRODUCTION

This report was prepared for George Gritziotis, the Associate Deputy Minister of the Ontario Ministry of Labour and the province's first Chief Prevention Officer (CPO). As Associate Deputy Minister and CPO for the province, he is responsible for working with health and safety partners across the province to prevent workplace injury, illness and fatality.

A key commitment of the Ministry of Labour is to protect vulnerable workers. One of the priorities set out in the Ministry's Occupational Health and Safety Strategy (the Strategy) is to "target areas of greatest need" and assist Ontario's most vulnerable workers (MOL, p. 18).

At present time, the ministry does not define what "vulnerable" means. To enhance their understanding, commitment 7.1 (a) of the Strategy specifically indicates the Ministry will "understand all the factors that make workers vulnerable and how to provide support [to those workers]." It commits to conduct research and seek advice about the personal and workplace characteristics that contribute to vulnerability (MOL, p. 21). This project sets out to assist the Ministry in meeting this commitment and to assist in defining what vulnerable means in the context of the Ministry's mandate and strategy.

This project, like the Ministry's release of the Strategy, is intended help in its effort to reduce occupational illnesses, injuries and fatalities. The Ministry of Labour's stakeholders are increasingly calling on the ministry to define what a vulnerable worker is and pointing to the increase in vulnerable forms of work throughout the province. Understanding who is vulnerable in Ontario workplaces and why they are vulnerable is a key step towards preventing workplace incidents and tragedies from occurring.

The purpose of this project is to develop a better understanding of vulnerability in Ontario's workplaces from a health and safety perspective and to focus on those who are at greater risk or more susceptible to injury, fatality or illness as a result of their work. In doing so, it will examine both the personal and workplace characteristics that contribute to vulnerability. Finally, the project will provide information on what a vulnerability risk framework could look like so that the Ontario Ministry of Labour can improve health and safety practices and outcomes for vulnerable workers across the province.

## METHODS

A mixed-method research approach was selected for this project. In doing so, a qualitative approach was first taken through an extensive thematic analysis of scholarly, academic and stakeholder literature. Following this analysis was a review and comparison of jurisdictional strategic plans, government publications, and initiatives in Canada, the United Kingdom, Europe, and Australia vulnerability in occupational health and safety.. Targeted interviews were then held with Ministry of Labour stakeholders and employees from a variety of fields and sectors to obtain first-hand information on the experiences of vulnerable workers and those who employ them.

Quantitative methods were also undertaken through the review, examination and analysis of labour market data and ministry fatality and injury data. This information provides a useful description of today's workplace and the broader social and economic trends that could contribute to issues of vulnerability in Ontario.

Findings of the thematic literature review, jurisdictional scan, data analysis and targeted interviews were brought together for analysis in the discussion section of this report. Five specific recommendations were identified based on this analysis for the Ministry of Labour's review and consideration.

## FINDINGS

The research indicates that today's workplaces are different than they were in the past as a result of significant social, economic and technological changes. It is these changes that have made workplaces safe on the one hand and more vulnerable on the other. There is strong acknowledgment from various sources that it is not just the changes themselves but the speed in which these changes are occurring. It was found that the change and the rate of change have increased feelings of job insecurity and the number of non-standard employment relationships in Ontario and in other jurisdictions around the world.

The research also confirmed that not one jurisdiction formally defines what a vulnerable worker means. Findings also confirmed that a worker can become vulnerable due to a number of personal and workplace characteristics and that the categorization of workers as vulnerable is not the appropriate way to understand issues of vulnerability. For example, there is a tendency for governments including Ontario, to insinuate that all young workers or all migrant workers are vulnerable. There was consensus among those interviewed as part of this project, that such a categorization is misleading and clouds the complexity of what makes a worker vulnerable.

A number of specific workplace and personal characteristics were identified that can potentially contribute to the vulnerability of a worker; however, there was no consensus on how those factors interact and there is little scholarly or grey research available to support the complexity of factors that can contribute to vulnerability. For example, workplace training (a workplace characteristic) may not necessarily offset personal characteristics (such as a disability). Findings suggested that how personal and workplace factors interact is much more complex and specific details on the workplace itself including the work being performed, the culture within the workplace and details on the worker themselves would be needed to fully understand why that particular worker was vulnerable.

There was consensus amongst the targeted interviews that any worker performing new work or performing a new task in which they are unfamiliar or for which they do not have adequate training to do the work, is the most vulnerable type of worker in the workplace. Moreover, there was acknowledgement that working alone can significantly increase a worker's vulnerability.

There were several mixed research findings including whether the *Occupational Health and Safety Act* (OHSA) reduced vulnerability and the impact of institutional supports such as unions, Health and Safety Associations (HSAs) and other labour and business associations and organizations. In addition, there was a general consensus that there are perception issues with the Ministry of Labour generally and that workplace parties, particularly those who are vulnerable or

small businesses who may often employ vulnerable workers, see the ministry as only an “enforcer” and do not feel that can contact the ministry for information and assistance on how to make their workplaces healthy and safe.

Finally, despite young workers, women and immigrants consistently being cited as the most vulnerable within the literature, Ministry of Labour data showed that men account for 94 per cent of all fatalities in the province and the average age of injury and fatality is 45 years of age.

Lastly, if Ontario was to develop a vulnerability risk framework, it would be the first jurisdiction to do so and given the findings in this project, it is anticipated it would be highly supported by stakeholders and the public.

## RECOMMENDATIONS

An analysis of the thematic literature review, targeted interviews, and inter-jurisdictional data led to the following options for the Ministry of Labour to consider:

1. In collaboration with stakeholders, develop a vulnerability risk framework that will guide workplaces to acknowledge both workplace and personal characteristics that could contribute to vulnerability in the workplace. Through the identification of vulnerabilities, the framework would encourage a continual improvement process and methods for enhancing health and safety practices in the workplace.
2. Define “vulnerable worker” and discontinue using the term selectively to categorize workers (young workers, migrant workers) or type of work arrangements (those who are part-time). In defining a vulnerable worker, acknowledge those performing new tasks and those who work alone in particular.
3. The ministry should significantly enhance its communications and marketing efforts so both employers and employees are aware of their rights and obligations under the *Occupational Health and Safety Act (OHSA)* and feel a sense of obligation to ensure workplaces are safe.
4. The ministry should work to correct the perception problem and communicate more regularly with the public and small business (outside of enforcement and inspection efforts) so workplaces parties feel the ministry is a resource to enhancing workplace health and safety practices and that is not just a regulator or enforcer.
5. Given the changing nature of work, the number of social, economic and technological changes in society and the complexity of factors that can contribute to vulnerability, the Ministry should rely less on “after the fact data” or lagging indicators and rely more heavily on leading indicators and encourage businesses to do the same to ensure workplaces are aware of the changing nature of work
6. and the potential risks and hazards that can be experienced as a result of this change.

Implementing these recommendations will require leadership and resources from the Ministry of Labour but also collaboration and support from other system partners including workplace

parties (including employers, supervisors, and employees), Ontario's health and safety associations and other labour and business organizations to ensure acknowledgement and management of workplace vulnerabilities and the promotion of healthy workplace practices.

Although these recommendations will by no means eliminate vulnerable work arrangements in the province entirely, if implemented in the near term, they will likely have a positive influence and contribute to the health and safety of those the ministry commits to protect.

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## 1.0 INTRODUCTION

Despite aggressive prevention and enforcement efforts in Ontario, people continue to become injured, ill or die on the job. This project examines the complex issues and factors that can make someone more susceptible or vulnerable to such incidents and tragedies at work and how the Ministry of Labour can prevent them from occurring. A key first step in this examination is to understand Ontario's labour market and those working within it.

The Ontario workforce including its composition, distribution and characteristics are ever-changing. This change is driven by a variety of economic and social forces and the workforces' response to these changes. Many jurisdictions have seen a shift away from standard employment relationships and increases in other work arrangements such as part-time, multi-job holding and flex-work. The province has seen a massive shift away from goods-producing sectors to more service-based ones, a steady decline in unionization and changes in the composition of the workforce including increased participation rates from women and immigrants. Finally, Ontario continues to see dramatic technological advances and increasing demand for higher education (LCO, p. 1).

Almost 7 million workers are employed in Ontario, over 6 million of those falling within provincial jurisdiction and under the Ministry's *Occupational Health and Safety Act* (OHSA) (Statistics Canada, n.p). In terms of distribution, the workforce is concentrated in manufacturing (777,300), trade (1,019,100), construction (460,600) and accommodation and food services (428,900). The remainder is represented in other goods and service producing sectors or public administration (Statistic Canada, n.p). Over 20 percent of Ontarians work part-time and men and women are now almost equally represented (Statistics Canada, n.p) in the workplace.

Despite a sophisticated regulatory regime and prevention system in place in Ontario, fatalities and injuries continue to occur. New forms of work, new work arrangements and the increasing pressure to remain competitive is creating new risks and challenges for workers and employers in Ontario's labour market (Reinert, Flaspoler, Hauke, p. 1). For example, as a result of many non-standard work arrangements workers are now multi-job holders or working outside regular hours. In addition, although technology has made many workplace activities safer, it has increased the level of skill and knowledge required in some workplaces (LCO, p. 1) in 2013, a total of 243 workplace fatalities and 1130 critical injuries were reported by the Ministry of Labour and the Workplace Safety and Insurance Board. Out of these 243 fatalities, 102 were traumatic fatalities and 141 were due to occupational disease (Workplace Safety and Insurance Board, n.p).

One of the Ministry of Labour's responsibilities includes developing, coordinating and implementing strategies to prevent workplace injuries and illnesses and setting standards for health and safety training (MOL, n.p). These strategies are developed in response to the evolving workplace and meant to counteract the forces that can make workplaces unsafe. One such strategy is to protect the provinces most vulnerable workers – but who in fact are they?

## 1.1 PROBLEM DEFINITION AND PROJECT OBJECTIVES

### 1.1.1 PROBLEM DEFINITION

One of the main challenges that the client needs addressed is the fact that the term “vulnerable worker” is currently not formally defined by the Ministry of Labour. It is a term that is used loosely in the health and safety community and it has become unclear who this at-risk or susceptible population is.

The need to define and conceptualize vulnerable workers is because a key commitment of the Ministry of Labour is to protect vulnerable workers. This commitment is often discussed publically by the Minister of Labour and its Chief Prevention Officer and it is contained in the Ministry’s strategic planning documents but the Ministry does not have a clear understanding of what ‘vulnerable’ means. In addition to the protection of vulnerable workers being a key commitment and priority of the Ministry, stakeholders have consistently recommended that the Ministry focus its efforts on these workers.

Further adding to the problem is that the term “vulnerable” is used in a variety of different contexts and circumstances in Ministry documents. For example, the Ministry is currently conducting targeted inspections focussing on vulnerable workers. The public information on this blitz indicates the province “is helping to protect vulnerable workers – including temporary foreign workers – with a three-month employment standards blitz starting in September” (MOL, n.p). In another Ministry-produced document, the Ministry defined vulnerable workers as new and young workers (MOL, n.p) and yet, in others, it is used but not defined or workers are not categorized.

### 1.1.2 PROJECT OBJECTIVES

This report is designed to provide clarity from a health and safety perspective of what vulnerable means. Not having a clear understanding is particularly problematic for the Ministry as this lack of understanding can impede prevention and enforcement efforts. The primary purpose of this project is to develop a better understanding of vulnerability in Ontario’s workplaces, shed light on the personal and workplace characteristics that contribute to vulnerability and provide information on what a vulnerability risk framework could look like so that the Ministry of Labour can improve health and safety practices and outcomes.

This paper will present research findings from a thematic literature review, inter-jurisdictional research, data analysis and targeted interviews with Ministry stakeholders and employees. The following objectives guided the research in this report:

1. To identify what a vulnerable worker is in the context of occupational health and safety.
2. To identify what workplace and personal characteristics make a worker vulnerable to injury, illness or fatality.
3. To identify how those workplace and personal characteristics interact to increase vulnerability in the workplace.

4. To identify and seek to distinguish between the levels and different types of vulnerability.
5. To identify the characteristics of a healthy and safe workplace.
6. To identify the components of a vulnerability risk framework that could be used identify vulnerability in the workplace and improve health and safety practices in Ontario workplaces.

This project seeks to answer the following research questions: Who is vulnerable or susceptible to workplace illness, injury and fatality in Ontario and how can the Ministry of Labour reduce that vulnerability?

## 1.2 CLIENT AND RATIONALE/IMPORTANCE

The client of this project is the Associate Deputy Minister of the Ontario Ministry of Labour and the province's Chief Prevention Officer.

As Associate Deputy Minister and Chief Prevention Officer, he is responsible for the establishment and implementation of a provincial occupational health and safety strategy, development of province-wide training and safety standards, and working with Ontario's Health and Safety Associations (HSAs) to establish effective delivery of prevention programs and services to Ontario's workers (Ontario Government Info Go Directory, n.p).

The Ministry indicated in its recently released Occupational Health and Safety Strategy that some workers are more vulnerable than others (including those with inadequate training, new immigrants, and young workers for example) (MOL, p. 18); however, further examination is needed to better understand the factors, including personal and workplace factors, that make some workers more vulnerable than others.

One of the priorities set out in the strategy is to “target areas of greatest need” and assist Ontario's most vulnerable workers (MOL, p. 18). Commitment 7.1 (a) specifically indicates the Ministry will “understand all the factors that make workers vulnerable and how to provide support [to those workers].” It commits to conduct research and seek advice about the personal and workplace characteristics that contribute to vulnerability (MOL, p. 21).

This project is important and timely given the commitment made in the Strategy and additional work being examined by the Ministry regarding worker vulnerability, which will be further discussed below. Finally, Ontario continues to see employment growth occur in sectors with high rates of injuries, illnesses and fatalities, such as construction, thereby increasing the overall occupational health and safety risk in the province (Statistics Canada, n.p) and the need to understand issues of vulnerability in Ontario workplaces.

## 1.3 BACKGROUND

Protecting vulnerable populations within the workforce has always been a priority for the Ministry of Labour and the Ministry is currently undertaking a number of activities and initiatives to improve their understanding of vulnerable workers and where the Ministry's resources are best utilised.

In December 2012, the Ministry established a Vulnerable Worker’s Task Group to respond to a recommendation provided by the Expert Advisory Panel, led by Tony Dean (previous Secretary of Cabinet for the Ontario Public Service). In addition, the Ministry’s recently released Integrated Occupational Health and Safety Strategy commits to “targeting the areas of greatest need” and assisting the most vulnerable workers.

### 1.3.1 EXPERT ADVISORY PANEL REPORT

As a result of the tragic deaths of four workers who fell from a swing stage in Toronto on December 24<sup>th</sup> 2009, the government appointed an Expert Advisory Panel (EAP) of health and safety experts from labour groups, employers and academic institutes. Led by Tony Dean, the Panel consulted extensively in its review of Ontario’s Occupational Health and Safety System.

In addition to holding public consultations, the panel established special working groups that examined major issues in more detail. These working groups sought input from experts in the occupational health and safety field and submitted reports to the Panel for their consideration for the development of their final report to the Minister of Labour (EAP, p. 2). One working group examined vulnerable workers and the issue of health and safety vulnerability.

The panel submitted its final report to the minister in December of 2010 (see Appendix A for the list of recommendations). The report defined vulnerable workers as those who have a greater exposure than most workers to conditions hazardous to health and safety or lack the power to alter those conditions and called on the Ministry to better protect them through targeted enforcement, raising awareness and protecting farm workers in particular (EAP, p. 46). Four out of their forty-six recommendations focused on improving outcomes of vulnerable workers. One of the recommendations was to develop a committee to provide advice related to vulnerable workers.

### 1.3.2 VULNERABLE WORKER’S TASK GROUP

In December 2012, the Chief Prevention Officer established two task groups – one of those task groups is responsible for consulting and providing advice about vulnerable workers. As a basis for its work, the task group currently uses the definition of vulnerable workers that was provided in the EAP discussed above (MOL, n.p).

The task group’s final strategy, which will contain specific recommendations to improve health and safety outcomes for vulnerable workers, is expected in the summer of 2015. Given the importance and urgency of the subject matter, the Chief Prevention Office asked that this research project also examine the issue of vulnerability so the Ministry can respond and initiate change sooner. It will also serve as an opportunity to determine whether the results of the two initiatives are consistent once the final report from the task group is received.

### 1.3.3 THE INTEGRATED OCCUPATIONAL HEALTH AND SAFETY STRATEGY

In December 2013, the province released its first provincial occupational health and safety strategy. Developed in consultation with stakeholders, the strategy is meant to guide the Ministry of Labour in setting priorities to prevent injuries, illnesses and fatalities (MOL, p. 6).

As discussed above, one of priorities set out in the strategy is to “target areas of greatest need” and assist Ontario’s most vulnerable workers (MOL, p. 18). Commitment 7.1 (a) specifically indicates the Ministry will “understand all the factors that make workers vulnerable and how to provide support [to those workers].” It commits to conduct research and seek advice about the personal and workplace characteristics that contribute to vulnerability (MOL, p. 21).

As part of the implementation of the Strategy, four action plans will be developed – one of which will focus on vulnerable workers. The purpose of the actions plans are to conduct research, select key activities and identify opportunities. This action plan for vulnerable workers will likely be finalized early 2015.

### 1.3.4 OVERVIEW OF REGULATORY FRAMEWORK

Ontario’s health and safety regime is primarily governed by the *Occupational Health and Safety Act* (OHSA). The OHSA provides the legal framework with respect to health and safety in Ontario workplaces. It sets out the rights and duties of all parties in the workplace and establishes procedures for dealing with workplace hazards.

The OHSA is based on the principle of the internal responsibility system which workplace parties share responsibility for occupational health and safety (MOL, p. vi). It sets out four basic rights of workers:

1. the right to participate in identifying and responding to workplace health and safety concerns;
2. the right to know and have training and information about potential hazards;
3. the right to refuse unsafe work; and
4. the right of certified members of a joint health and safety committee to stop work in dangerous work conditions (LCO, p. 97).

The Act includes detailed rules and regulations based on the type of work being performed and the type of workplace conducting the work. It also imposes a general duty on employers to take all reasonable precautions to protect the health and safety of workers. It also prohibits employers from penalizing workers in reprisal for exercising their rights under the Act or for obeying the law (MOL, p. 70).

### 1.4 ORGANIZATION OF REPORT

The report is organized into 8 chapters, followed by references and appendices. Chapter 2 provides an overview of the literature on this topic and an explanation of the conceptual framework that was considered throughout this project. Chapter 3 provides an overview of the research methods and methodology. Chapter 4 provides the findings of stakeholder interviews. Chapter 5 provides the interjurisdictional findings and presents a summary of Ministry of Labour injury and fatality data. Chapter 6 provides a discussion and analysis. Chapter 7 provides recommendations and options to consider and chapter 8 provides the final conclusion to the report.

## **2.0 LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK**

This chapter outlines the results of an extensive thematic literature review. It identifies areas of agreement and disagreement amongst authors, major themes and trends and gaps in the literature. It also provides the conceptual framework that guided this project and an overview of the World Health Organizational Framework for health and safety, which serves as a useful example for the province of Ontario.

### **2.1 LITERATURE REVIEW**

A thematic review was conducted to examine the theory that has accumulated on vulnerable workers including definitions of vulnerability and vulnerable workers, the changing nature of work and how such changes have impacted vulnerability. The review also sought to examine existing health and safety frameworks or strategies to combat vulnerability in the workplace, and obtain information regarding hazard identification.

A number of trends, similarities and differences became apparent as a result of the literature review including the changing nature of work and the impact broader social, economic and technological changes have had on the workplace, the lack in information available on the different types and levels of vulnerability, factors contributing to vulnerability and the impact of labour legislation on reducing vulnerability.

#### **2.1.1 THE CHANGING NATURE OF WORK**

All of the literature reviewed acknowledged that today's workplaces are different than they were just a few decades ago and we have seen great change as a result of a number of demographic, social, economic and technological changes (Saunders (2003), Reinert, Flaspoler, Hauke (2007), Law Commission of Canada (2004 & 2012), Federal Labour Standards Review Commission (2006), Sargeant (n.d). All of these changes, it is agreed, have had both positive and negative effects on the social fabric of society more broadly and a direct impact on the experience of workers in workplaces.

In terms of major changes social and economic changes, there has been a decrease in "standard employment" arrangements and increase in non-standard ones and new forms of work arrangements such as part-time, casual and contract work have emerged. In non-standard employment arrangements, employers often gain flexibility and reduce costs associated with full-time work arrangements however, many are acknowledging that a result of these arrangements, employers are losing out on opportunities for employee engagement and loyalty that come with long-term attachments (HR Council, n.p). With that said, some of the literature acknowledged that new forms of work are preferred by some workers given new demands and issues of work-life balance. Non-standard arrangements can offer some flexibility to workers who are balancing other commitments such as schooling and family responsibilities. Research shows that the vast majority of those working non-standard arrangements are doing so involuntarily however as they have had difficulties finding full-time employment opportunities (Kelleburg, p. 344).

In addition to the increase in non-standard work arrangements, we have also seen increased diversity as a result of immigration and changes in work and family life, and an increased use of technology which have both changed the way in which work is performed, who conducts work



and how quickly work is performed. These social and technological advancements have contributed to what is often dubbed the “information revolution” (LCO, p. 1) and created a demand for a workforce that is highly more educated than in the past. Moreover, we are seeing the emergence of new types of work that require new skills and competencies than were historically required. This demand has indirectly increased the use of and reliance on migrant labour in certain sectors of the workforce in Ontario particularly in agriculture, construction and domestic services (MOF, n.p).

This demand and reliance is heightened by the pressures of globalization both domestically in Canada and on the international scale. It has also enhanced the need for flexibility and adaptability in the workforce by again, changing the way in which work is performed and who is performing different types of work (Saunders, p. vi).

Lastly, like the impacts of globalization, technological advancements have changed the way in which work is performed and accelerated the pace in which work is performed. It has both outplaced some types of work while creating new opportunities in others and in several ways, has made performing some dangerous tasks much safer but on the other requiring new skills and training to ensure safe operation of new and sophisticated machinery and technology in others.

All of these social, economic and technological changes have had both positive and negative effects on the social fabric of society and a direct impact on the experience of those who work in all sectors and industries of the labour market here in Ontario. It is agreed in the literature that many of these changes have increased vulnerability within the workforce and have negatively affected workers’ overall well-being. Reinert et al. in particular argue that these changes and the continuously changing environment we now live in has had a negative impact on workplaces and with it has brought the emergence of new occupational safety and health risks (Reinert, Flaspolder, Hauke, p. 1).

### 2.1.2 TYPES OF VULNERABILITY

There is a large focus on “economic vulnerability” in the literature as opposed to the examination of vulnerability in terms of a worker being more at risk of fatality or injury as a result of personal or workplace characteristics. Rob Saunders in particular acknowledged that more research is needed to understand the extent and nature of labour market vulnerability in Canada from that perspective (Saunders, p. viii).

Currently, it appears only two studies, that of Sargeant and Givannone and Quinlan et al., examine the impact of precarious work on health and safety outcomes at work. The Law Commission of Ontario, who conducted extensive research and consultation on vulnerability in Ontario, categorized a vulnerable worker as someone “whose work is characterized by low wages or insufficient hours of work, few or no benefits, little job security and minimal control over their working conditions” (LCO, p. 7). The extensive work of Rob Saunders also focused on economic vulnerability where he categorizes a vulnerable worker as those “who work for low pay, without representation and poor prospects of improving their conditions of work” (Saunders, p. 7). One could conclude that financial or economic hardship could force a worker to perform unsafe work but the literature and existing research was not able to demonstrate that conclusively.

Although several definitions included the inability to change or control working conditions, Ontario's Expert Advisory Panel on Health and Safety was one of the only organizations that defined vulnerability from solely a health and safety perspective - they defined it simply as those who have a greater exposure than most workers to conditions hazardous to health and safety (EAP, p. 46). Not specifically distinguishing between the types of the vulnerability workers can experience is a gap in the current literature and there was little information on vulnerability strictly from a risk perspective.

The little research that specifically focused on risk indicated that when it comes to injury risk, the type of job or workplace mattered more than the nature of the workers themselves (IWH, p. 9). The publication Institute of Work and Health was one of the only studies that examined risk based on workplace factors – not individual factors or characteristics. In their study for example, they found consistent evidence that number of work hazards and perceived work overload were associated with injury risk (IWH, p. 9). Other research examined related to the current perceived organizational support for safety and perceived co-worker support (Turner, Hershcovis, Chmiel, Walls, Kelloway and Day; Tucker, Chmiel, Hershcovis, and Stride; and Hansez and Chmiel) but other than those two workplace variables, little research exists of predictors of safety that are directly linked to the workplace.

The vast majority of the literature focuses on the types of workers that are vulnerable. This categorization of workers is common and there is little focus in literature on vulnerability as a result of specific hazards or risks by workplace. Women, migrant workers, ageing workers and young workers are consistently categorized as vulnerable in the literature (Sergeant & Giovannone (n.d), Molnar & MacFarlane (2012), Agnieszka, Kosny & Lifshen (2012), Expert Advisory Panel Vulnerable Working Group (2010), LCO (2012)).

### 2.1.3 FACTORS CONTRIBUTING TO VULNERABILITY

Relatedly, the majority of literature indicates that multiple factors can create vulnerability based on type of work performed and multiple other factors.

The Expert Advisory Panel Report for example indicated that “worker vulnerability arises for various reasons: not knowing one’s rights under the *Occupational Health and Safety Act* (OHSA), such as the right to refuse unsafe work; having no work experience or training that is job-or-hazard specific; and being unable to exercise rights or raise health and safety concerns for fear of losing one’s job” (EAP, p. 46). The European Parliament too indicated that “many workers are not only vulnerable because of a single characteristics but also that this characteristic makes them more likely to belong to other categories at risk (Directorate-General for Internal Policies, p. 8).

Although the literature did not distinguish between the different types and levels of vulnerability, some did distinguish between the different workplace and personal characteristics or factors of vulnerability. For example, in their review of risk factors for work injury among youth, the Institute of Work and Health (IWH) defined “risk factors” as an individual characteristic or event associated with the increased likelihood of work injury. In their research, the IWH indicated that one risk factor (such as gender or age) does not necessarily imply it is a direct cause of injury – other factors such as work hazard exposure or different ways of carrying out work elevate risk of

injury (IWH, p. 56). Di Malcolm Sargeant took a different approach in his examination of vulnerable workers and his examination of workplace and personal characteristics. He distinguished between “personal factors” (such as age, disability, gender), “job factors” (employment status, presence of a trade union, level of skill) and “risk factors” (exploitation, isolation, stress) and that a combination of these factors lead to vulnerability. The Ministry of Labour indicated in its Integrated Occupational Health and Safety Strategy that “a worker’s vulnerability depends on many individual and workplace factors that interact in complicated ways” (MOL, p. 18). However, several studies that examined these relevant factors did so individually or focused solely one factor and not the impact multiple factors could have on the health and safety of a worker.

#### 2.1.4 IMPACT OF LABOUR LEGISLATION

Some of literature indicated that labour and employment law has not kept pace with the changing nature of work especially given the emerging trends, new forms of work, and other significant social, economic and technological changes.

The Law Commission of Canada for example has been calling on provincial governments, including Ontario, to amend its regulatory framework to reduce vulnerability and ensure that workers have a voice at work (LCO, p. 1 & 2). This call for action, however, appears to be more focused on the job-related factors such as access to unionization or the need to improve existing work arrangements rather than focusing on individual factors that could potentially contribute to vulnerability.

Others examining issues of vulnerability indicate that although workers are covered by labour legislation (whether it be occupational health and safety or employment standards), they have difficulty accessing those rights because they are unaware of them or reluctant to complain for fear of losing their job (Saunders, p. viii).

#### 2.1.5 HEALTH AND SAFETY FRAMEWORKS

Other than the framework developed by the World Health Organization, the literature review did not identify any frameworks related to health and safety in the workplace or those specifically focused on reducing vulnerability or risk in the workplace.

Although specific frameworks have not been developed, several studies have made specific recommendations as to how the Ministry of Labour could reduce injury and fatality and protect vulnerable workers. The Law Commission of Ontario and the Expert Advisory Panel on Health and Safety for example called on the Ministry of Labour to conduct more proactive inspections in industries employing vulnerable workers at high risk for workplace injuries including agriculture, hospitality, and cleaning and workplaces with temporary staffing agencies workers. They also recommended that temporary foreign workers in all sectors be a priority for the Ministry of Labour’s proactive Occupational Health and Safety Act enforcement activities (LCO, p. 104).

In his examination of vulnerable work arrangements, Ron Saunders recommended that governments provide better access to training through government-funded training programs for

those who are in low-paid jobs and have difficulty accessing programs (or employer-sponsored training) that would allow them to improve and upgrade their skills.

The vast majority of recommendations in the current literature focus on improving economic opportunities for workers including increasing the minimum wage, encouraging employers to offer decent pay and access to non-statutory benefits, tax relief for working poor and wage supplements (LCO, p. 135-139, Saunders, p. 15 & p.16). What was the most striking, however, was although there were several recommendations on how to improve conditions for workers, a very limited number actually provided an overview of what a healthy workplace should look like.

### 2.1.6 DEFINING A HEALTHY WORKPLACE

Only two works out of approximately fifty publications or studies explored in this literature review, that of the World Health Organization (WHO) and the work of Kelloway and Day provided definitions of what is a healthy workplace.

WHO defines a healthy workplace as one in which workers and managers collaborate to use a continual improvement process to protect and promote the health, safety and well-being of all workers and the sustainability of the workplace (WHO, p. 15).

Kelloway and Day provide two definitions in their report, *Building Healthy Workplaces: What We Know So Far*. The first, by the American Psychological Association defines a healthy workplace as one that “incorporates health promotion activities, offering employee assistance programs, having flexible benefits and working conditions, treating employees fairly and offering programs for employee development, health and safety and the prevent of work stress” (Kelloway & Day, p. 223). They also provide Health Canada’s definition which defines a healthy workplace as “holistic workplace health, which includes physical, social, personal, and developmental support to improve overall quality of life within and outside of the workplace (Kelloway & Day, p. 224).

The latter definitions, although helpful, go somewhat beyond the scope of this paper as they focus on wellness from a personal and workplace perspective. For purposes of this paper, a healthy workplace is one in which is free from injury, illness or fatality. The WHO definition, which is based on collaboration and a continuance improve process and is accompanied by a framework to protect and promote the health, safety and well-being of all workers is a significant contribution to health and safety literature.

## 2.2. CONCEPTUAL FRAMEWORK

This project seeks to determine who is vulnerable or susceptible to workplace illness, injury and fatality in Ontario and how the Ministry of Labour can reduce that vulnerability.

The objectives are to identify the workplace and personal characteristics that contribute to this vulnerability and how they interact, determine the different types and levels of vulnerability, to identify the characteristics of a healthy and safe workplace and the components of a vulnerability risk framework that could be used to identify vulnerability in the workplace and improve health and safety practices in Ontario workplaces.

Based on the thematic literature review, a system of concepts, assumptions and beliefs are guiding the research of this study.

In terms of main concepts, “vulnerability” for the purposes of this report is someone who is more susceptible or at-risk to injury or harm in the workplace than another person. As the majority of the literature has acknowledged, vulnerability in its purest form is the result of circumstances outside of the control of the Ministry of Labour. These changes are inevitable social, economic and technology changes and they are forceful. In addition to those changes, there are particular workplace and personal characteristics that make someone more vulnerable (MOL, p. 21). Workplace characteristics include the sector and industry in which they work, the training and competencies required to perform the work, and the culture of the work environment (MOL, p. 18). Personal characteristics” include features of the worker that are not necessarily (but sometimes can be) related to their work including their language, gender, and education. (MOL, p18).

The literature found that multiple factors can create vulnerability. Therefore, this project believes that it is up to “workplace parties” including the worker, their representative (if one is available), the supervisor and employer to offset those vulnerabilities – regardless if they are as a result of the workplace or an individual characteristic. This assumption stems the Ministry of Labour’s concept of the Internal Responsibility System (IRS), which is based on the principle of that workplace parties share responsibility for occupational health and safety (MOL, p. vi). One of the primary purposes of the Occupational Health and Safety Act (OHSA) and the role of the Ministry is to facilitate a strong IRS (ibid).

Ontario has an extensive legislative scheme in place to regulate health and safety at work. Some of literature examined indicated that labour and employment law has not kept pace with the changing nature of work especially given the emerging trends, new forms of work, and other significant social, economic and technological changes however this is normally discussed from an employment standards perspective (regarding the payment of wages, hours of work, organization of work) rather than an occupational health and safety one. An additional assumption of this project is that as society evolves, the Ministry will need to update its legislation and regulations to ensure it is current and reflects the realities of the workplace but the Ministry play a bigger role in enhancing and encouraging healthy workplace practices beyond the minimum standards outlined in the legislation. The Ministry of Labour should to assist parties in executing the IRS system and reducing vulnerabilities generally – not just focusing on regulation those activities.

The major belief driving the work of this project is that in order for the province to assist those who are the most vulnerable, the Ministry needs to determine what a healthy workplace looks like and be part of that health promotion.

In 2010, the World Health Organization (WHO) published their Healthy Workplace Framework and Model. The report, specifically written for occupational health and safety professionals, scientists and medical practitioners is intended to provide an evidence-based framework for healthy workplaces (WHO, p. 1). The report also provides a definition for a healthy workplace to

support the framework. Their model and framework is particularly useful for the Ministry of Labour as it provides a useful framework for the improvement of health and safety practices that could be applied to any workplace. The application of such a model could enhance health and safety practices in Ontario and reduce vulnerability.

Their definition of healthy workplace is particularly helpful in assisting with the development of a framework for the Ministry of Labour. In order to understand what makes workers vulnerable, it is important to understand what a healthy workplace is as any framework developed on behalf of the Ministry should address injury and fatality prevention but should also encourage the health and safety practices in workplaces. WHO indicates that an important element of a healthy workplace environment is the ability for employers to provide open, accessible and accepting environments (WHO, p. 15) and this is the key factor to reducing risk to injury at work.

As discussed above, WHO defines a healthy workplace as one in which workers and managers collaborate to use a continual improvement process to protect and promote the health, safety and well-being of all workers and the sustainability of the workplace by considering the following, based on identified needs:

- health and safety concerns in the physical work environment;
- health, safety and well-being concerns in the psychosocial work environment including organization of work and workplace culture;
- personal health resources in the workplace; and
- ways of participating in the community to improve the health of workers, their families and other members of the community (WHO, p.2).

Although WHO does not specifically define vulnerability or vulnerable workers they do indicate that there has been an expansion of vulnerable groups. Groups identified by WHO include women, homeworkers, immigrants, the homeless, old and young; and children (WHO, p. 77). Like the categorization of vulnerable workers, WHO notes that what is deemed to a healthy workplace has changes over time as well (WHO, p. 15) hence the importance of a continuous improvement process.

The WHO notes in their report that there is no “one size fits all approach” and each workplace must adapt the model to their own workplace based on “avenues of influence” (WHO, p. 82). The four “avenues of influence” for a healthy workplace include:

1. The physical work environment;
2. Personal health resources;
3. Enterprise community involvement; and
4. Psychosocial work environment.

Using the areas of influence, the model proposes a continual improvement process that is based on leadership engagement, ethics and values and worker involvement (WHO, p. 89) (see Figure 1: WHO Model of Healthy Workplace Continual Improvement Process below). The framework calls for specific steps including to mobilize, assemble, assess, prioritize, plan, do, evaluate and improve (WHO, p. 89).

**FIGURE 1: WHO MODEL OF HEALTHY WORKPLACE CONTINUAL IMPROVEMENT PROCESS**



The WHO indicates that mobilization and obtaining commitment is the essential first step. This commitment should be from stakeholders, key opinion leaders and leaders in the workplace (WHO, p. 89). It's more than just getting an "OK" from a health and safety system – it is about obtaining commitment regarding the establishment of comprehensive policies that are communicated to workers (WHO, p. 90).

Once key stakeholders and workers are assembled, they can begin to dedicate resources to assembling a team who will implement change in the workplace (WHO, p. 90). That work place team (whether it be newly established or one legally mandated by legislation such as Ontario's Joint Health and Safety Committees), should undergo an assessment exercise to 1) assess the present situation for both the organization and its workers (including rate of injury or illness) and 2) the desire future conditions and outcomes for both. These desired future outcomes can include a list of best practices and data collection (WHO, p. 91).

Once information has been collected, the established team or group can begin to prioritize the issues identified using an agreed-upon criteria. In making these decisions, WHO recommends that the opinions and preferences of workplace participants include managers, workers and their representatives (WHO, p. 92).

The fifth stage in the cycle is to develop a long-term health and safety plan. It should set up the general activities to address priority problems and include goals and objectives. After the development of a long-term plan, an annual plan would be created to address high-priority items

(WHO, p. 93). At this stage, the WHO indicates it is critically important to consider the “avenues of influence” – solving the problem in the physical work environment may not entail physical solutions (WHO, p. 94). For example, a guard will protect a worker from a sharp blade, but it is critically important to think of the other factors of work include psychosocial factors such as organizational culture and workload (WHO, p. 94).

Once the formal plans have developed, the plans can be put into motion in the “do” stage. At this stage, responsibilities for each plan should be assigned. Again, at this stage WHO indicates it is critically important that everyone (managers, workers and their representatives) be included (WHO, p. 94).

The cycle then moves into the evaluation stage. At this stage, both process of the implementation and outcomes of the plan should be evaluated. Evaluations should also take place both in the short-term (3 to 6 months) and long-term (3 to 5 years) (WHO, p. 94). Finally the cycle ends with improvement. This last step is to make changes based on the evaluation results, improve programs and identify successes (WHO, p. 97)

This model and WHO’s definition of healthy workplace is particularly helpful in understanding issues of vulnerability and the development of a framework for the Ministry of Labour. In order to understand what makes workers vulnerable, it is important to understand what a health workplace is and how the Ministry can combat issues of vulnerability through the encouragement of health and safety practices in Ontario workplaces.



## **3.0 METHODOLOGY AND METHODS**

This chapter outlines the structure and research approach undertaken for this project including the methodology, methods and data analysis process.

### **3.1 METHODOLOGY**

A mixed-method approach that incorporated both qualitative and quantitative methodologies and methods was selected for this project.

Methodical triangulation or the use of more than one method for gathering data (Bryman, p. 2) was selected as one single research approach on its own would have not provided the information needed to support this project. Qualitative methods were executed to allow for the consideration of stakeholder and population groups directly relevant to issues of vulnerability (Bulsara, p. 8). The literature review, interjurisdictional research and data analysis were also part of the analysis to allow the validation and integration of those findings and to allow for a better understanding of the issues examined (Bulsara, p. 8).

#### **3.1.1 JURISDICTIONAL SCAN**

A review and comparison of jurisdictional strategic and annual plans, websites and government initiatives in Canada, the United Kingdom, Europe and Australia was also conducted. The decision to research these jurisdictions was influenced in most part by the literature review and the preferences of the client. The comparison specifically sought to determine on whether or not any of these jurisdictions defined the term vulnerable worker, had released frameworks or guides specifically focused on vulnerable workers and whether they had specific initiatives to protect vulnerable workers.

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#### **3.1.3 NEEDS ANALYSIS**

A needs analysis, the process of identifying and evaluating gaps between “what is” and “what should be” (Titcomb, p. 1) was completed through the examination of how the Ministry of Labour and its stakeholders currently use the term vulnerable, what stakeholders expect of the Ministry of Labour in reducing vulnerabilities and how workplace parties (including employers, supervisors and employees) can improve its efforts to reduce vulnerable and contribute to safer workplaces. Specific recommendations are provided for the Ministry’s consideration in Chapter 7 of this report.

## **3.2 METHODS**

This section addresses the way in which data was collected for each of the research approaches used for this project including the literature review, elite interviews and document review.

### **3.2.1 LITERATURE REVIEW**

An extensive literature review was undertaken to examine academic and expert definitions of “vulnerable worker” and “vulnerability”, the types and categories of vulnerable workers in the workplace, the changing nature of work, emerging occupational health and safety risks and hazards. It was also conducted to shed light on current best practices, frameworks, previous and

current recommendations made to governments with respect to vulnerable work, previous works and research on the health and safety promotion in the workplace.

The literature review was critical in providing an overview of the changing workplace and in understanding what workers they are experiencing in the workplace. It was also critical in determining whether “vulnerable” is defined and whether any vulnerability frameworks exist. The review and comparison of jurisdictional information was critical to determine if other jurisdictions use and define the term “vulnerable” and in what context other jurisdictions use the term.

The scholarly material examined contributed to an understanding of the changing nature of work and the identification of new and emerging risks in the workplace (Sargeant (2001), Reinert, Flaspoler, Haule (2007), Institute for Work and Health (2006), Saunders (2003)), an understanding of previous recommendations made to governments examining issues of vulnerability (Law Commission of Ontario (2012), Law Commission of Canada (2004), Expert Advisory Panel Report on Health and Safety (2010)), the impact of leadership and perceived organizational support for health and safety in the workplace (Stuewe & Zohar (2011), Barling, Kelloway, & Loughlin,(2002)), the impact of job demands on the health and safety and perceived co-worker support for health and safety (Tucker, Chmiel, Turner, Hershcovis, Stride (2008 & 2010)), and finally, the characteristics of a healthy workplace (World Health Organization (2010) and Kelloway (2005)).

### 3.2.2 KEY INFORMANT OR ELITE INTERVIEWS

Elite interviews served to obtain first-hand information regarding the experiences of vulnerable workers or those who work in high risk workplaces in order to enhance the Ministry’s understanding of vulnerability and to verify the findings of the literature and jurisdictional research.

The client of this project had asked that interviews be held with the following:

- Two MOL inspectors in the occupational health and safety program;
- Two Prevention Council<sup>1</sup> members who are experienced in precarious/vulnerable work (one employer and one employee representative);
- Two representatives from labour-based organizations or associations;
- Two representatives from employer or business-based organizations or associations.

A full application for ethics approval was submitted to the University of Victoria’s Human Research Ethics Board (HREB) in order to conduct these interviews. The application was approved by the HREB in July 2014 (under approval number 14-225) (see Appendix B).

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<sup>1</sup> Prevention Council advises the Minister of Labour and the Chief Prevention Officer on a wide range of occupational health and safety issues, including the prevention of workplace injuries and illnesses. Council membership reflects representation from a broad range of organizations and interests (MOL, n.p).

Once ethics approval was obtained, participants were invited to participate via email (see Invitation to Participate in Appendix C). Interviews were held between August and October 2014 and ranged from 45 minutes to 1 hour in duration. Prior to holding the interviews, participants were required to consent to participating in the interview in writing (see Consent Form in Appendix D). Participants were asked fourteen questions to determine whether they had a general description of a vulnerable worker, whether their organization uses a formal definition of vulnerable worker, the different level and types of vulnerability, the personal and workplace characteristics of vulnerability, whether the risks and hazards in the workplace have changed over time, whether intuitional supports and regulation reduces vulnerability, what workplace parties can do to reduce vulnerability and if the Ministry was to develop a risk framework, what would that look like (see full interview questions in Appendix E).

Each of the participants selected had some knowledge and experience working with what is typically categorized in the literature as a vulnerable worker (e.g. new immigrants, young workers) and knowledge of high-risk sectors in Ontario workplaces that could make an individual vulnerable to injury, illness or fatality (e.g. construction, mining, agriculture, retail and food services).

Participants were given the flexibility and decision to decide how they were to participate in the interview process, whether it be in person or over the telephone. All but one interview took place over the telephone. This allowed for greater geographical access but did hinder the ability to monitor facial expressions or body language of those interviewed (Opdenakker, n.p). With that said, attempt was made to pay particular attention and observe other social cues such as voice and intonation (Opdenakker, n.p). Also, it was decided due to the topic of discussion and potential sensitivity among participants not to digitally record the interviews. Therefore, interviews were manually transcribed during the interview and then summarized afterwards. Simultaneously transcribing at times hindered the flow of the discussion as short pauses would be made and interrupt the flow of a natural discussion. However, several participants indicated they were more comfortable with not being recorded and likely shared more detailed and specific information as a result of not being recorded.

### 3.2.3 DOCUMENT REVIEW / TRENDS ANALYSIS

A review and analysis of interjurisdictional information and labour market data and trends was conducted. Government websites and strategic reports were reviewed in various jurisdictions in Canada, Australia, Europe and the United Kingdom. The review of these resources was conducted to determine if other jurisdictions currently provide a definition of vulnerable workers, whether there are any existing initiatives with respect to vulnerable work, to provide an understanding of the changing nature of work and also determine who and what sectors are experiencing injury and fatality in Ontario. The data and trends reviewed were obtained from publically available information that was found online or through publicly accessible documents from Statistics Canada, the Ministry of Labour or the Workplace Safety and Insurance Board.

### 3.3 DATA ANALYSIS

Data sources for this project included both primary and secondary sources. Primary data sources included the results from the elite interviews, labour market data and injury and fatality data which were obtained through Statistics Canada, the Workplace Safety and Insurance Board and the Ministry of Labour. Secondary research was found through the University of Victoria's library and on-line through provincial/territorial websites.

Qualitative approaches were used to organize and analyze results once they collected for the three methods executed as part of this project including the literature review, elite interviews and review of interjurisdictional and labour market data.

#### 3.3.1 LITERATURE REVIEW

The analytic purpose of the literature review was to obtain information on the various definitions of “vulnerable worker” and “vulnerability”, changing nature of work, and emerging occupational health and safety risks and hazards so a thematic analysis was the most appropriate method of analysis.

Although the literature was not coded formally, relevant works and themes were recorded in an annotated bibliography for reference and comparison through a thematic approach. The annotated bibliography was used to identify specific themes, patterns, similarities and differences in the literature which are discussed in chapters 2 and 6 of this report.

#### 3.3.2 ELITE INTERVIEWS

The analytic purpose of the interviews was to obtain first-hand knowledge of issues of vulnerability from a variety of stakeholders and Ministry of Labour employees. Participants were asked to provide a general description of a vulnerable worker, the different level and types of vulnerability, the personal and workplace characteristics of vulnerability, whether the risks and hazards in the workplace have changed over time, whether intuitional supports and regulation reduces vulnerability, what workplace parties can do to reduce vulnerability and if the Ministry was to develop a risk framework, what would that look like.

Once an interview was complete, the discussion was summarized in point form so that identifiable themes and patterns could be easily identified and summarized. The results of interviews are presented in chapter 4 of this report.

#### 3.3.3 INTERJURISDICTIONAL RESEARCH AND DATA

A content analysis approach was used for the interjurisdictional research through the examination of government websites and publications were examined for the use of the term “vulnerable worker” or “vulnerability”. This information was brought together in a summary document for reference (see results in Appendix F).

Statistics and trends were gathered thematically summarized. The findings from both the interjurisdictional and data research can be found in the chapter 5 of this report.

### 3.4 PROJECT LIMITATIONS AND DELIMITATIONS

The project does have some limitations and a delimitation that should be noted.

In terms of limitations, there is considerable subjectivity associated with the term “vulnerable” and there is considerable contention surrounding who is vulnerable. During the life of this project, it was important to keep in mind that there may be risks and vulnerabilities in all forms of work and it will be important not to exclude some workers from this examination.

Second, the sample size for the elite discussions was relatively small. With that said, great efforts were made to ensure those interviewed represented a diverse range of voices. Balance was also attempted by interviewing 2 individuals from each group represented in this study (worker representatives, employer representatives, Prevention Council and Ministry of Labour).

Third, there were some limitations in the existing literature and a lack of information publicly available from the other jurisdictions examined. Specifically, when vulnerability is discussed, it is often not discussed in the context of risk to injury. Additionally, as extensive as the interjurisdictional search was, there was not a lot of information publicly available online. It is important to note that if a particular jurisdiction relies on a risk framework or uses the term vulnerability in an informal or unofficial manner it would not be captured by this project.

In terms of delimitations, this project examined issues of vulnerability from a health and safety perspective only – specifically, it examine the likelihood of an individual becoming injured and a health and safety lens will be applied. Issues of vulnerability are complex and there are very likely other social and economic factors that contribute to one’s vulnerability that are not captured in this report.

## 4.0 FINDINGS: ELITE INTERVIEW RESULTS

This chapter provides an overview of the results of eight interviews held with Ministry stakeholders and Ministry of Labour employees that took place between August and October 2014.

Participants were asked fourteen questions to determine whether they had a general description of a vulnerable worker, the different level and types of vulnerability, the personal and workplace characteristics of vulnerability, whether the risks and hazards in the workplace have changed over time, whether intuitional supports and regulation reduces vulnerability, what workplace parties can do to reduce vulnerability and if the Ministry was to develop a risk framework, what would that look like.

### 4.1 DEFINING WHO IS VULNERABLE

When asked to think of a vulnerable worker and what images comes to mind when they think of a vulnerable worker, the majority of respondents provided a list of characteristics, circumstances and types of workers that they thought were vulnerable.

With respect to types of workers, young workers, older workers, migrant workers, and aboriginals were identified as being vulnerable. With that said, those who indicated specific types of workers that were vulnerable noted that not all workers in that category were necessarily vulnerable to risk or injury. For example, several respondents indicated that not all young workers are vulnerable but many are found in circumstances in which could make them vulnerable given their lack of experience or confidence to speak up against unsafe work practices. Similarly, given that migrant workers experience language barriers and may not be familiar with their workplace rights in Ontario, they may be more vulnerable.

In terms of circumstances, lack of training, culture of the workplace, newness of task or role, lack of economic security, working alone or working in a high risk industry were consistently identified as factors that increased vulnerability. Despite several interviewees identifying specific types of workers who are typically more vulnerable in the workplace, all of those interviewed indicated at some point during the discussion that vulnerability was based on the changing nature of work and several noted that even one change to a task or routine or to daily job functions can create vulnerability.

Not one stakeholder or organization interviewed used a formal definition of vulnerable worker or vulnerability but all used the term informally. Several noted it was a “loose term” and applied based on circumstances. Several respondents indicated that what is vulnerable to one person may not be vulnerable work to another. For example, several interviewees acknowledge that if worker is properly trained and has the adequate skills, working in a high risk sector may be completely safe and that particular worker may be less vulnerable then someone who works in a less high-risk workplace.

The majority of those interviewed acknowledged that there are different levels and types of vulnerability but when asked however, the majority did not provide specific details on levels or types. When asked to provide an example of other types of vulnerability, the majority of respondents cited economic vulnerability where a worker would feel compelled to perform

unsafe work or vulnerability from a capacity perspective where a worker would have mental, physical or psychological difficulties that could place them in an unsafe situation. When asked about different levels, all of the respondents agreed that some workers were more vulnerable than others but this would depend on the circumstances surrounding their employment and knowledge of their personal and workplace characteristics. Although the majority of respondents indicated there are different levels and types of vulnerable workers, they indicated it would be misleading to say one type of worker was the most vulnerable.

There was a mixed response from participants when asked if “who” is vulnerable has changed over time. The majority of respondents indicated that someone exposed to a new task or performing new or different work will always be vulnerable. Others acknowledged that the risks in the workplace are the same but the hazards have changed as a result of technology and new ways of doing things. Several interviewees indicated there has been a growth of vulnerable workers and this category has expanded as a result of the changing nature of work and now includes other types and forms of work – not just those seen to be seen as high risk or dangerous.

#### 4.2. WORKPLACE RISKS AND VULNERABILITY

When asked if risks or hazards in the workplace have changed over time, several participants indicated that as a result of technology, workplaces are actually safer. Construction, agriculture and mining were referenced in particular. However, several noted broader economic and social shifts in the labour market that have created new hazards for workers. For example, one interviewee indicated that construction work used to slow down substantially in the winter months, whereas it now continues throughout the winter months as if they were operating in the summer months and there are new risks and hazards exposed to workers as a result.

The shift from manufacturing to more service-based industries was also referenced as a change that has contributed to vulnerability. The MOL employees in particular indicated it was not uncommon to see vulnerable workers in retail, restaurant and food services and other service-based industries.

#### 4.3 PERSONAL AND WORKPLACE CHARACTERISTICS

All respondents provided an extensive list of personal characteristics that could potentially contribute to vulnerability however many of them noted that it is not personal characteristics alone that cause vulnerability.

These most commonly mentioned characteristics included language, disability, education, immigrant status, and age. Only one interviewee indicated that gender and race were factors. When specifically asked, the vast majority indicated gender and race may have been factors in the past but were not major factors today, particularly for Ontario, given the diversity in its composition and human rights protections.

When asked about specific workplace characteristics that make someone more vulnerable leadership, culture and importance of community at work were cited as the number one response from the majority of interviewees. Again, whether workers were performing new, different or infrequent tasks was raised. Other factors mentioned included lack of supervision, lack of training, the relationship between the worker and employer, and type of employment

arrangement. Interestingly, only one interviewee cited lack of unionization as a possible workplace factor that increased vulnerability.

When asked whether they thought personal and workforce characteristics interacted to increase the likelihood of vulnerability, the majority of those interviewed said yes but noted that workplace characteristics outweigh personal ones or that workplace characteristics was a larger contributor of vulnerability than personal factors. For example, an employer has control to appropriately address issues of disability or age.

When asked to visualize a spectrum of vulnerable workers or to rank specific types of vulnerable workers as the most vulnerable and the least vulnerable the majority of respondents indicated they were unable to do so and that vulnerability was based on a set of characteristics, the circumstances surrounding their employment, and it would be misleading to say one type of worker was the most vulnerable. Two respondents indicated new or young workers were the most vulnerable. Interestingly, the respondent who recently lost a young family member to a workplace tragedy did not think all young workers were vulnerable but focused on new forms of work and new tasks as the main contributor to vulnerability.

#### 4.4 THE IMPACT OF INSTITUTIONAL SUPPORTS

The client for this project specifically asked that interview participants be asked about institutional supports. The term “institutional supports” was defined to participants as broader social supports including unions, Ontario’s Health and Safety Associations or other employer/employee associations.

When asked whether access to or awareness of institutional supports reduced vulnerability all but one respondent answered yes and stressed the importance of their role. One comment was made that employer and employee associations and supports are more heavily located in urban centers of the province which is a limitation for those in the northern part of the province or in remote areas.

Although several of the respondents acknowledged the contribution of the province’s health and safety associations, a few respondents commented on the costs associated with their services, especially for small businesses who do not have the means or resources to access them. When asked about unionization, the results were quite mixed with the majority having a neutral position or indicating that a unionized workplace does not necessarily mean a safer one.

#### 4.5 THE IMPACT OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

The response as to whether access to or awareness of the *Occupational Health and Safety Act* reduced vulnerability was mixed among respondents. Most acknowledged that the act was a critical underpinning of the health and safety system and many provisions within the act protected workers against unsafe work. However, several respondents commented that the act sitting on the books wasn’t enough – that it needed to be brought alive through prevention, enforcement and through the promotion of a culture of health and safety in workplaces. Therefore, the majority of respondents indicated that the Act and regulations contribute to the reduction of vulnerability but the Act itself does not reduce vulnerability.



One respondent indicated that the act acknowledges the uniqueness in sectors through the development of sector specific regulations (e.g. regulations specific to mining, construction, industrial establishments). When specifically asked if the current legislative framework gave workers the confidence to refuse an unsafe work situation, the majority of respondents indicated although the provisions are there – it is unlikely a vulnerable worker would refuse unsafe work for fear of losing their job or simply because of the culture of the workplace would not be receptive to a refusal. One respondent indicated that they were aware of a situation in a major grocer in which staff in the deli department were using sharp blades and machinery to slice and cut meat and were not wearing protective gloves because it was not “macho”. If workers were to exercise safe work practices they would likely be teased by their colleagues. Another respondent indicated that despite fall arrest provisions in the OHSA, one small business he interacted with recently indicated to him that they did not think the act applied to them because they were a small business and simply could not afford the fall arrest systems that the act requires.

Another major theme that arose during this discussion was the public perception of the Ministry. Several respondents indicated that several workplaces see the Ministry only as a regulator and enforcer and do not feel comfortable reaching out to the Ministry to seek information, advice or clarity on responsibilities.

#### 4.6 ATTRACTING VULNERABLE WORKERS

When asked if there are specific industries or sectors in the workforce that are more likely to attract vulnerable workers, respondents indicated almost unanimously that vulnerable workers are concentrated in construction and roofing, manufacturing (the garment industry was specifically mentioned), farming and agriculture, restaurant and food services (particularly hotel and motels) and some retail services such as gas stations and convenience stores.

One respondent commented on the use of the word “attract” in the questionnaire. They were of the view that specific sectors or industries do not deliberately seek or actively encourage the employment of vulnerable workers and that all corners and niches of the labour market employ vulnerable workers to come extent. When asked other respondents whether they agreed, the majority strongly disagreed and indicated that certain sectors and workplaces rely on a certain category of worker to deliver its work. Construction was repeatedly mentioned from participants as a sector that attracts uneducated and untrained workers to allow it to respond to the uncertainty and seasonality business. Again, during this part of interview, changing working conditions and working alone were regularly mentioned as factors that contributed to vulnerability. Sectors or industries that contained work arrangements that allowed for those two characteristics were seen to be to most at risk and create a vulnerable environment for any worker.

Another theme that emerged during the discussion about “who attracts vulnerable workers” is the competitive pressures that businesses face generally. Many respondents indicated that business are trying to “do more with less” not because they necessarily want to but they need to in order for their businesses to remain afloat. One respondent indicated in the construction industry for example, it is quite common for a company who is awarded work, to be behind schedule when the work is received due to how contracts system often operates. Several of the respondents indicated that flexibility in both who they employ and how work is performed is critical from business perspective.

#### 4. 7 THE ROLE OF WORKPLACE PARTIES

When asked how the Ministry of Labour can reduce risk and vulnerability in the workplace communications was repeatedly suggested by respondents. In fact, some were very critical of the ministries education and outreach activities with respect to health and safety and indicated it could improve substantially. Specific suggestions were made for the Ministry to seek new and creative opportunities to reach workers and business. For example, one respondent suggested that when a business is formed and registers for a business number, it receive information on the Occupational Health and Safety Act and its requirements.

Some concern was expressed regarding the disjuncture between various actors in the health and safety system including the Ministry, the Workplace Safety and Insurance Board and the province's health and safety associations and how the system needs to be better integrated. One interviewee for example indicated that it is confusing for the average person to distinguish between all the players involved and that there is often overlap and duplication in our efforts to improve health and safety outcomes in Ontario. It was acknowledged by some of those interviewed that the Ministry is attempting to correct that that through the release of the Ministry's Integrated Occupational Health and Safety Strategy.

Interestingly, the majority of respondents indicated that no new laws or regulation are needed unless they are intended to address a specific issue or hazard but generally the Ministry has the right legislative and regulatory structure in place. A common theme raised during this discussion was that the Ministry as regulator intimidates business or has negative perception. Again, several respondents indicated that the Ministry needs to work on being seen as a partner – not only the enforcer of the system. Some indicated that business does not see the distinction between the Ministry's prevention and enforcement activities. Funding research and the continual identification of hazards and labour market trends were also common suggestions.

In terms of the role of the worker, the majority of respondents indicated that they need to be encouraged not to be cavalier about health and safety. Issues of complacency were raised by several respondents and those indicated that workers should feel a sense of responsibility when contributing to health and safety in the workplace. One respondent indicated it is not the worker's responsibility to reduce vulnerability as they do not have any control over the workplace and that is it the employer who is truly responsible for reducing vulnerability as there is an inherent power relationship between the two. All other respondents indicated that the worker plays an important role in ensuring the workplace had a culture of safety.

With respect to the role of employers, the majority of respondents indicated that employers need to realize that safety is good for business and need to promote a safety culture within their workplace to reduce liability and encourage safe practices though a "did you know" mentality. The majority of respondents indicated that the Ministry could enhance its efforts at assisting employers in that regard.

The majority of respondents were unable to suggest elements of a risk management framework although were supportive of the Ministry developing one. Two respondents, indicated that the Ministry should not develop one and that any framework could not take into account the uniqueness of the various workplaces, sectors and industries throughout the province. Out of

those who were supportive of the development of a risk framework, they indicated culture, leadership and communication should be key elements of it.

#### 4.8 SUMMARY: INTERVIEW FINDINGS

The purpose of the elite interviews was to obtain first-hand information from Ministry of Labour stakeholders and employees to shed light on the objectives and research question of this project.

The interview questions were purposefully framed around the objectives of this project. Interview respondents were specifically asked what vulnerable worker was, to identify the workplace and personal characteristics of a vulnerable worker and how those characteristics interact, if there are different types and levels of vulnerability, to identify the characteristics of a healthy and safe workplace, and the components of a vulnerability risk framework and the role of workplace parties in reducing vulnerability in the workplace.

The interviews found although Ministry of Labour stakeholders and its employees think of several categories and specific types of workers when thinking of a vulnerable worker and believe there are specific workplace and personal characteristics that contribute to vulnerability, the majority believe there are several different types and levels of vulnerabilities and that not all workers in a specific category were always necessarily vulnerable to risk or injury.

The findings of the interview process suggest that no matter what personal characteristics a worker may have, the workplace characteristics can offset them – the changing nature of work and change in normal tasks, routines and functions were commonly cited as directly contributing or causing vulnerability in the workplace.

With that said, it appears that vulnerable workers are concentrated in specific sectors including construction and roofing, manufacturing, farming and agriculture, restaurant and food services and some retail services such as gas stations and convenience stores.

Finally, interview participants were of the view that the Ministry of Labour, other institutional supports, workers and employers had a role to play in reducing vulnerability. The majority of those interviews were supportive of the development of a vulnerability risk framework that would assist parties in reducing vulnerability and contributing to a healthy and safe work environment however interview participants were unable to provide specific details or information on what that framework would look like.

## 5.0 FINDINGS: INTERJURISDICTIONAL AND DATA ANALYSIS

This chapter provides the findings of research conducted on the review of relevant publications on vulnerability in Canada, Australia, the United Kingdom and Europe (a summary table is also available in Appendix F). Interjurisdictional comparisons are extremely useful to determine whether other jurisdictions are experiencing similar issues and what solutions, if any, they have found that can contribute to solutions here in Ontario.

The section also provides the findings of a trends analysis of labour market, injury and fatality data in Canada from various sources including Statistics Canada, the Ministry of Labour, the Ministry of Finance and the Workplace Safety and Insurance Board. The trends identified as part of this analysis is particularly useful in understanding the social and economic context for the changing nature of work, current trends in the workplace and to verify the qualitative findings discussed earlier in this paper.

### 5.1 INTERJURISDICTIONAL ANALYSIS

This section presents the findings of an interjurisdictional scan of selected countries which was conducted to determine whether they publicly define the term “vulnerable” or “vulnerable worker”, what current initiatives they are undertaking with respect to vulnerable work and whether any of the jurisdictions provide any guidance or framework material with respect to issues of vulnerability or healthy workplaces generally. Given the limited amount of information produced by governments, other relevant publications are discussed where appropriate as well.

#### 5.1.1 CANADA

A review of the federal and provincial jurisdictions indicated that not one jurisdiction in Canada formally defines what a vulnerable worker is or have publicly released guidance material or frameworks around the issue of vulnerability. However, a lot of work and research has been conducted on the topic in Canada but it does not appear that any of these works have been officially endorsed or accepted officially by any government department or ministries in Canada.

With respect to the federal government in Canada, a definition was provided in *Fairness at Work: Federal Labour Standards for the 21st Century* which was commissioned by the Labour Program of the federal government but it not does appear the definition was formally adopted. In that report, it was argued all workers are potentially vulnerable (Federal Labour Standards Review, p. 230). Vulnerability, it is argued, includes “those who are vulnerable beyond the norm, those who experience deep and multiple disadvantages” and that vulnerability depends on the sector in which workers are employed, the size of the enterprise in which they work, the non-standard nature of their employment contract and their demographic characteristics (Federal Labour Standards Review, p. 230).

Similarly, the Law Commission of Canada, an independent body established by the government of Canada examined the issue of vulnerability in their 2004 report *Is Work Working? Work Laws that Do a Better Job*, but again it was released as a discussion paper and no formal definition of vulnerability appears to have been accepted, at least publicly, by the government of Canada.

In this report, the Law Commission, like the Federal Labour Standards Review, took a broad approach in its examination of vulnerability, focusing on the term broadly and not just from a health and safety perspective. The Law Commission argued that people experience vulnerability in many ways whether it be through inadequate pay, unhealthy and unsafe working conditions, insufficient hours of work, lack of benefits, inability to effect change or because of powerlessness and marginalization (Law Commission of Canada, p. 3).

The Canadian Policy Research Networks, although not a government department, does conduct research initiatives that various governments in Canada rely on. In 2003, that organization released *Defining Vulnerability in the Labour Market*. In it, vulnerable workers are defined as those whose participation in the labour market leaves their well-being at risk because they have difficulty accessing work that is decently paid or offers conditions of work that meet basic social norms (Saunders, p. 17). The report argues that vulnerability is closely associated with non-standard work and with the decline of traditional employment arrangements and it this increase in non-standard employment arrangements that had increased risk and vulnerability for many workers throughout Canada (Saunders, p. 17).

In terms of other publications in Canada, *Building Skills Together: Report from Provincial and Territorial Labour Market Ministers* (n.d) was released by the Forum of Labour Ministers in Canada. Although the report did not specifically examine issues of vulnerability, it did indicate vulnerable workers included the youth, persons with disabilities, recent immigrants, older workers and aboriginals (Report from Provincial and Territorial Labour Market Ministers, p. 3).

In terms of other jurisdictions in Canada, Ontario, British Columbia, Saskatchewan, Prince Edward Island, Nova Scotia regularly referenced vulnerable workers in their government publications including in their guides, announcements and strategic plans but formal definitions are not provided. British Columbia and Ontario are the only two jurisdictions in Canada who have provided a description of a vulnerable worker and have committed to examining those who are at the greatest risk of occupational health and safety risk at the workplace.

In Work Safe BC's 2012-2017 Strategic Plan, they committed to focusing particularly on vulnerable and at-risk workers over the next several years and begin a vulnerable worker initiative. This initiative focuses on educating and protecting workers who are more vulnerable by virtue of age (young or old), newness (to Canada, a worksite, or job), culture, language, or circumstance (temporary foreign workers and live-in caregivers) (WorkSafe BC, p. 18). They also categorized vulnerable workers to include those who may not speak English, or who feel uncomfortable about bringing unsafe working conditions to the attention of an employer, a supervisor or WorkSafeBC (WorkSafe BC, p. 13).

As mentioned earlier in this report, Ontario has attempted to describe what a vulnerable worker is and called for better protection of them through the Expert Advisory Panel (EAP) on Occupational Health and Safety and the recently released *Occupational Health and Safety Strategy: Healthy and Safe Ontario Workplaces*.

The Expert Advisory Report defined vulnerable workers as those who have greater exposure than most workers to conditions hazardous to health or safety and who lack the power to alter those conditions (EAP, p. 46). The Strategy identifies vulnerable workers and "those in greatest need" as one of its priorities and the need to identify opportunities to reduce the occupational

health and safety risks that workers face which can be influenced by individual, employer and job task characteristics (MOL, p. 14). In the Strategy, the Ministry acknowledges that a worker's vulnerability depends on many factors that interact in complicated ways (MOL, p. 18) and provides examples of such factors including individual factors such as age, literacy level, length of time in Canada, racialization, physical and mental ability; workplace factors such as newness of job task, hours of work, wage, level of employment stability; and other factors such knowledge of rights and responsibilities under the *Occupational Health and Safety Act*, fear of reprisal, personal occupational health and safety skills (MOL, p. 19). Although the report does not formally define vulnerable workers, it commits to examining issues of vulnerability more critically (MOL, p. 21).

In addition to the EAP report and OHS strategy produced by the Ministry of Labour, the Law Commission of Ontario, who is funded by the province's Ministry of Attorney General, produced *Vulnerable Workers and Precarious Work* in 2012. In that report, vulnerable workers were categorized as those "whose work is characterized by low wages or insufficient hours of work, few or no benefits, little job security and minimal control over their work conditions. They indicated that vulnerable workers are disproportionality women, immigrant or racialized persons" (LCO, p. 7). They also argued that today's work is more precarious than in the past and that factors such as increases reliance by employers on contract workers, the decline in manufacturing industry, the information revolution, dramatic technological advances and the demand for higher education levels have all played a part in in the increased precariousness of work (LCO, p. 1).

#### 5.1.2 AUSTRALIA

It does not appear that governments in Australia have done extensive work in the area of worker vulnerability or have any specific initiatives related to vulnerable workers but the government of New South Wales does define and describe them on their website.

They define vulnerable workers as "those who may not receive equity, access, participation or rights to work and as a result, may face discrimination and an elevated health and safety risk" (NSW, n.p). They specifically indicate vulnerable workers include those with an Aboriginal or Torres Strait background, those with disabilities, those from culturally and linguistically diverse backgrounds as well as workers with low literacy levels (NSW, n.p).

They provide a list of factors that they claim make a worker more vulnerable including lack of familiarity with the work environment, being on either short or long term contracts, being a young worker aged from 15 to 24, being a worker aged over 55, limited or no work experience, lack of confidence in themselves, or physical or intellectual limitations (NSW, n.p).

No other government department in Australia publicly defined or made related initiatives publicly available.

#### 5.1.3 UNITED KINGDOM

The United Kingdom's Health and Safety Executive, the body responsible for the encouragement, regulation and enforcement of workplace safety and research into occupational

risks, defines vulnerable workers as “those who are at risk of having their workplace entitlements denied, and who lack the capacity or means to secure them” (HSE, n.p). They indicated that characteristics contributing to vulnerability include race, gender, disability, age and newness on the job (HSE, n.p) however, they do not provide further information or analysis on the impact of these factors.

It does not appear that any other government department in the United Kingdom publicly defines or references issues of worker vulnerability.

#### 5.1.4 EUROPE

The World Health Organization Regional Office (WHO) for Europe simply identifies younger, older, female and migrant workers as vulnerable populations in their 2008 report of the National workshop on occupational health services for vulnerable workers (WHO, p. 3).

The WHO also assisted the Republic of Macedonia with a study on vulnerable work in 2010. This study found that the unemployed, female workers, workers aged under 18 years, workers aged over 55 years and workers in the construction industry, textile industry, agriculture, and the health care sectors were vulnerable (WHO, n.p). They also found that aging workers, workers in agriculture and in the construction industry were at the highest risk of injury and health issues (WHO, n.p).

The Directorate-General for Internal Policies, who is responsible for organizing the work of Parliament's committees and contributing to the development of the legislative powers of the European Parliament (European Parliament, n.p), produced a paper on occupational health and safety risks for vulnerable workers in 2011. The report examined risks faced by a number of workers including women, aging workers, workers with disabilities, young workers, migrant workers, temporary workers and low-qualified workers. The report argued that many workers are not only vulnerable because of a single characteristic (e.g. their age) but also because this characteristic makes them more likely to also belong to other categories (European Parliament, p. 7).

The National Commission for the Promotion of Equality, who is often consulted and funded by the government of Malta (NCPE, n.p), defines a vulnerable worker as someone who is not given the basic working conditions he/she is entitled to by his/her employer and by the worker who is forced by his/her employer to take on a self-employed status (NCPE, p. 23). It also includes workers who are not employed formally, paid less than the official minimum wage rates, employed on a short definite contract (one year or less), asked to work irregular hours or employed on a casual basis (NCPE, p. 23).

## 5.2 DATA ANALYSIS

As the findings of the thematic literature review suggested, today's workplaces are different than they were just a few decades ago and we have seen great change as a result of a number of

demographic, social, economic and technological changes (Saunders (2003), Reinert, Flaspoler, Hauke (2007), Law Commission of Canada (2004 & 2012), Federal Labour Standards Review Commission (2006), Sargeant (n.d).

Below provides an overview of Ontario's economy, its labour force and current injury and fatality trends to provide some further context on changing nature of work identified in the literature review. This information is critically important in understanding the larger social and economic context of vulnerability in Ontario.

### 5.2.1 ONTARIO'S ECONOMY AND LABOUR FORCE

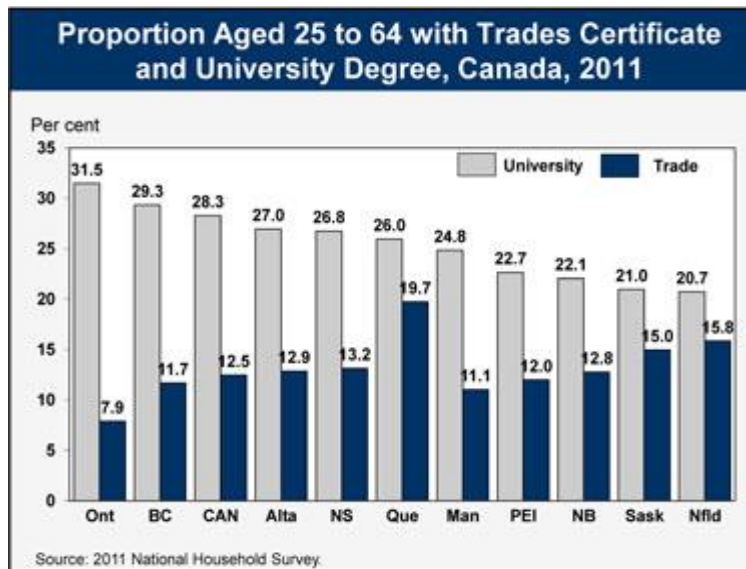
Almost 7 million workers are employed in Ontario and the vast majority of those workers are concentrated in manufacturing (777,300), trade (1,019,100), construction (460,600) and accommodation and food services (428,900) (Statistics Canada, n.p). Over twenty percent work part-time and men and women are almost equally represented in the work force (Statistics Canada, n.p) and one in four Ontarians are member of a visible minority (MOF, n.p).

Like several other jurisdictions in North America, the nature of employment in Ontario is evolving and we have seen a shift away from standard employment arrangements to the introduction of more flexible forms of work (LCO, p. 7). The pressures of globalization and free trade have forced Ontario to compete with global markets and jurisdictions with lower wages and regulatory controls. Maintaining flexibility is a key business objective for Ontario businesses to allow them to effectively respond to these competitive pressures (LCO, p. 13).

In addition to the pressures of globalization, the "information revolution" and dramatic technological advances have changed the way in which Ontario's workplaces operate and who they employ. Ontario's young adults (aged 25 to 34) are obtaining more education than older generations. As can be seen in Figure 2 (Proportion Aged 25 to 64 with Trades Certificate and University Degree) below, in 2011, almost a third of Ontario's working age population had a university degree, the highest proportion in Canada. In contrast, only 7.9% of Ontario's adult population had a trade certificate as their highest level of educational attainment, which was the lowest in all of Canada (MOF, n.p). In 2011, only 5.5% of young adults had not completed high school, while 11.9% of 55 to 64 year old population had not completed high school (MOF, n.p).



**FIGURE 2: PROPORTION AGED 25 TO 64 WITH TRADES CERTIFICATE AND UNIVERSITY DEGREE**

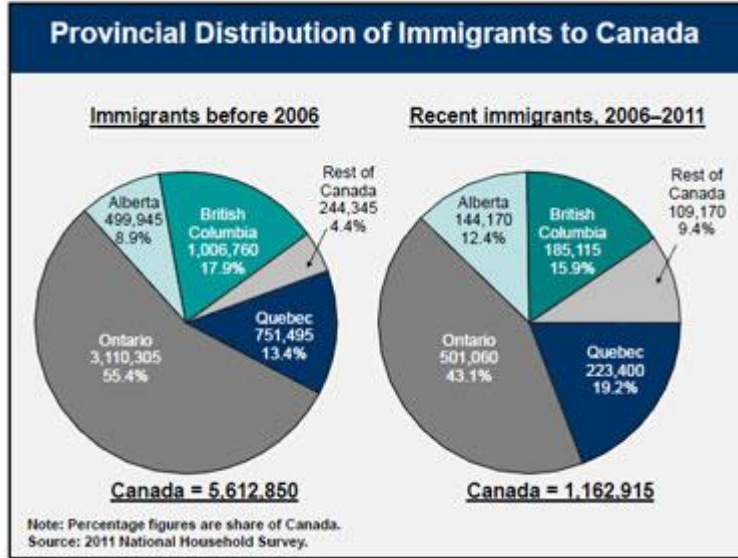


It is estimated that 70 percent of new jobs in Ontario now require some sort of post-secondary education (LCO, p. 14). This phenomenon – often called the “hourglass economy” has some observers concerned because entry level and knowledge jobs are squeezing out middle-level which accounted for the majority of employment in Ontario (ibid).

This polarization in occupations has created some varying differences in the labour force make-up with respect to the type of jobs worked, wages earned and who is performing the work (LCO, P. 14).

Ontario accounted for 53.3% of Canada’s foreign-born population (6.8 million) in 2011. The 2011 National Household Survey estimated 3,611,365 foreign-born individuals in Ontario, representing 28.5% of total population, the highest proportion among the provinces. As Figure 3 – Provincial Distribution of Immigrants to Canada shows Ontario continued to attract a significant share (43.1%) of the 1.2 million newcomers who arrived to Canada during the 2006-2011 period (MOF, n.p).

**FIGURE 3: PROVINCIAL DISTRIBUTION OF IMMIGRANTS TO CANADA**



The Ontario workforce is also aging. The population aged 65 and over, which is estimated to have accounted for 12.9 per cent of the population in 2006, will comprise approximately 20.6 per cent of the population by 2030. This shift is primarily the result of the aging of the postwar baby-boom population (Conference Board of Canada, p. 13). This shift will put increasing pressure on the labour market and Ontario's economy.

According to a survey conducted by Statistics Canada in 2001, there were 1.5 million disabled individuals in Ontario, representing 13.5 per cent of Ontario's population (Conference Board of Canada, p. 15). As the province's population ages, so too will its disabled population. Projections for Canada show that by 2021 seniors with disabilities will outnumber 25-64 year olds with disabilities (ibid).

Ontario is also seeing a decline in unionization, particularly in the private sector. This is particularly concerning for some observers as union workers generally receive higher wages and benefits than their non-unionized counterparts (Fang & Verma, p. 17) and have greater accessibility to a grievance or dispute settlement system which often provides greater protection against exploitation, abuse or unfair treatment by their employer (Akyeampong, p. 34). In 1980 Ontario's unionization rate was almost 34 per cent and today it is less than 27 per cent (Jackson, p. 13).

Temporary agency workers are also a growing phenomenon in Ontario. There are over 1000 agencies in Ontario that employ approximately 735,000 workers in various industries including support services, construction and agriculture. These employees tend to make lower wages and have less control over their working conditions given the three-way arrangement there in (LCO, p. 16). All of these changes have contributed to a number of new hazards and risks in the workplace that are leading to injury and fatality.

### 5.2.2 INJURIES

The number of injury claims registered with the Ontario's compensation board (the Workplace Safety and Insurance Board (WSIB)) have declined over the last 10 years (WSIB, p. 3).

In 2013, those aged 25 to 54 continue to represent the majority of lost time injury claims<sup>2</sup> (WSIB, p. 5). Over the past 10 years, those between the ages of 55 to 64 and those over 65 are increasing as a percentage of all allowed lost time claims, whereas the younger age groups including those 15 to 24 and 25 to 44 are decreasing (WSIB, p. 5). This is a reflection of the continued aging of Ontario's workforce, and is consistent with Statistics Canada's employment trends discussed above.

WSIB data indicates that over last 10 years, the average percentage for all allowed lost time claims for males and females was 63% and 37% respectively. Compared to Statistics Canada's Labour Force Survey (LFS) over the same period, the average gender distribution of the Ontario employed workforce was 52% male and 48% female. This indicates that the demographic of lost time claims is different from the overall profile of Ontario's employed workforce, as males represent slightly more than half of the workforce but about two thirds of lost time claims (WSIB, p. 4).

WSIB data indicates that in 2013 the leading nature of an injury was sprains and strains; overexertion was the leading event or exposure to describe the manner in which the injury was inflicted; the leading source of an injury was as a result of a structure causing the injury and the part of the body most likely to be injured is lower back (WSIB, p. 7).

### 5.2.3 FATALITIES

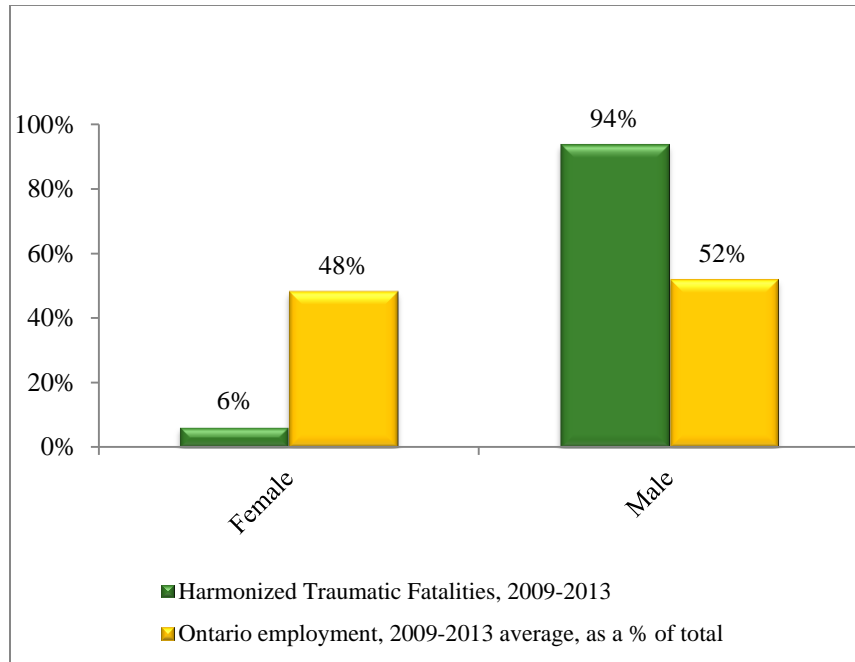
Unlike workplace injuries which have been on a steady decline, Ministry of Labour data indicates that overall occupational disease and traumatic fatalities have remained relatively stable between 2004 to 2013 (MOL, n.p)

As can be seen in Figure 4, Breakdown of Total Traumatic Fatalities by Gender, men are most likely to lose their life at work. From 2009 to 2013, 94% of all traumatic fatalities occurred among males, with the predominant age group being 45 to 49 (13.3%) and those who are 55-59 (11.3%) (WSIB, p. 8).

### **FIGURE 4: BREAKDOWN OF TOTAL TRAUMATIC FATALITIES BY GENDER (2009 TO 2013)**

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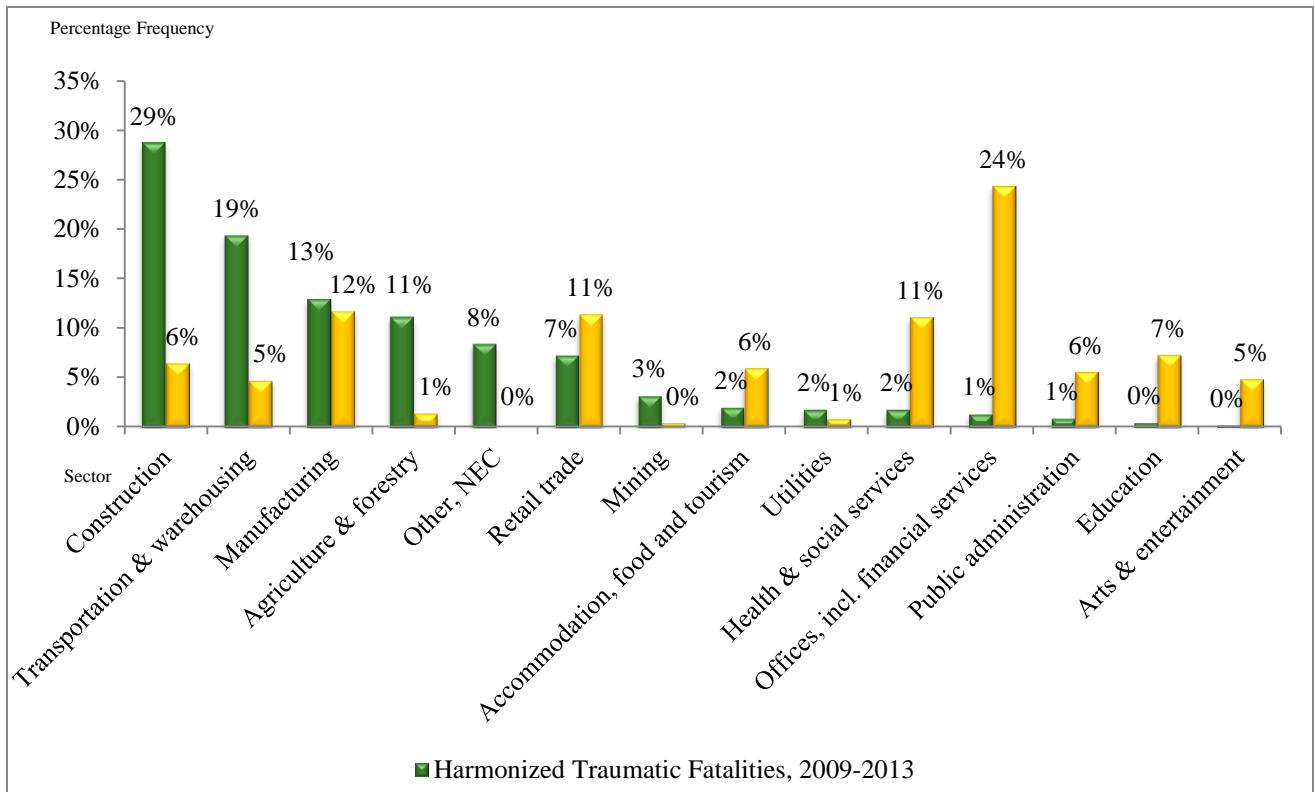
<sup>2</sup> A lost-time claim is created by the Workplace Safety and Insurance Board when a worker suffers a work-related injury or disease which results in being off work the day of the accident, loss of wages or earnings or a permanent disability or impairment (WSIB, n.p).



Source: Ministry of Labour (2014)

During this same period, three industry sectors – Construction, Transportation and Manufacturing - accounted for more than 60% of these tragic workplace incidents (see Figure 5: Frequency of Total Traumatic Fatalities by Sector below). Motor vehicle incidents were the cause of 39% of the deaths in 2013 and remain the leading cause of traumatic fatalities since 2004, followed by falls (17%), and being struck by/caught in objects (12%) (WSIB, p. 8).

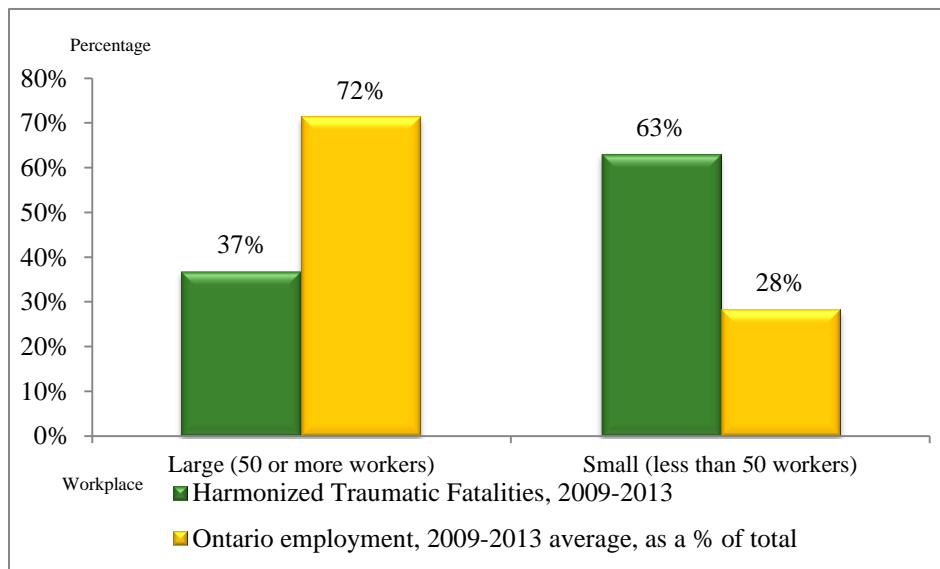
**FIGURE 5: FREQUENCY OF TOTAL TRAUMATIC FATALITIES BY SECTOR (2009 TO 2013)**



Source: Ministry of Labour (2014)

In addition, most traumatic fatalities occur in small businesses with less than 50 workers (MOL, n.p). These businesses represent 94 percent of businesses in Ontario (LCO, p.8).

**FIGURE 6: FREQUENCY OF TOTAL TRAUMATIC FATALITIES BY BUSINESS SIZE (2009 TO 2013)**



Source: Ministry of Labour (2014)

Finally, Ministry of Labour data indicates about 60% of employers where a fatality occurred in 2013 had contact with either the Ministry of Labour, WSIB or health and safety association during the two years prior to the accident (MOL, n.p).

### 5.3 SUMMARY: INTERJURISDICTIONAL & DATA FINDINGS

The interjurisdictional analysis was conducted to determine whether other jurisdictions formally define what a vulnerable worker is and whether they have specific initiatives targeted at vulnerable workers. This research supports the objectives and research question in this paper by enhancing the understanding and knowledge of vulnerability and whether specific initiatives exist that would be helpful to the Ontario Ministry of Labour.

The research found that a limited number of jurisdictions in Canada, Australia, Europe and the United Kingdom have defined what a vulnerable worker is or have produced any publications related to issues of vulnerability. When the term is defined, a set of personal and workforce characteristics is normally provided which is consistent with the findings of the elite interviews.

Interestingly, two definitions – one from Ontario and one from the United Kingdom – did not rely on personal or workplace characteristics. The United Kingdom’s Health and Safety Executive defined vulnerable workers “those who are at risk of having their workplace entitlements denied, and who lack the capacity or means to secure them” (HSE, n.p) which is consistent with the Expert Advisory Panel definition from Ontario in which vulnerable work is defined as those who have “greater exposure than most workers to conditions hazardous to health or safety and who lack the power to alter those conditions” (EAP, p. 46).

Out of all the jurisdictions examined, the governments in British Columbia and Ontario appear to be the most focussed on examining issues of vulnerability and have made public commitments to examine issues of vulnerability. None of the jurisdictions examined had developed frameworks with respect to vulnerable workers or on the promotion of healthy workplaces generally.

The data analysis was conducted to provide further information and context of the social and economic context trends in Ontario. The fatality and injured data in particular was analyzed to determine whether those statistics were consistent with the elite interviews held and those identified as vulnerable.

The findings indicate there were is consistency among the data and literature review on the impact that social and economic trends have had on the workplace including the impacts of an aging workforce, the increased reliance on migrant labour and the demand for higher education. There were discrepancies between the findings of the data analysis and the elite interviews particularly regarding “who” may be vulnerable to workplace fatality, injury and illness however. Areas of consistency and discrepancy among the various findings are discussed in further detail in the next chapter.

## 6.0 DISCUSSION & ANALYSIS

This chapter brings together and integrates the findings of various research methods undertaken for this project including the thematic literature review, elite interviews, jurisdictional scan, and data analysis. This chapter will provide an analysis and articulation of the implications of the research findings.

### 6.1 CHANGING NATURE OF WORK

There was consensus in the literature and confirmed through the data analysis and elite interviews that today's workplaces are different than they were in the past and it is these changes that are creating vulnerable environments for workers. In addition, there is acknowledgment that it is not just the change itself but the speed in which this change is occurring that contributes to vulnerability. The change and the rate of change have increased feelings of job insecurity and the number of non-standard employment relationships (Sargeant & Giovannone, p. 2).

The vulnerable population is growing in large part because of significant economic and social forces including globalization, the growth of non-standard employment, increasing use and reliance on technology, an aging population and an increased reliance of migrant labour. This speaks to how vulnerability and health and safety issues in the workplace are inextricably linked to the broader social, economic and technological changes we are seeing in society.

With that being said, change is not always a bad thing and change does not necessarily result in vulnerability. The literature often speaks negatively of the social, economic and technological changes we are seeing however the data shows that workplace injuries are on a steady decline and the interviews cited that some of these changes (particularly new and emerging technologies) have actually made workplaces safer. For example, one interviewee indicated that agriculture is much safer as a result of picking lifts, less harmful chemicals and sophisticated tools to treat agricultural products.

What was clear however from the literature review and targeted interviews is the pace in which work is performed and the pressure in which businesses and workers are under in the workplace to perform work quickly is directly contributing to vulnerability and workplace injuries and fatalities in the province. For example, one interviewee explained that construction work has been increasingly unsafe due to the expectation that business is as usual in the winter months. In the past, outdoor construction activities used to slow down substantially in the winter but now work continues and workers are exposed to new and different hazards.

### 6.2 DEFINING VULNERABILITY

Merriam Webster defines the term vulnerable as one "who is capable of being physically or emotionally wounded" or one "who is open to attack or damage" (Merriam Webster Dictionary, n.p). For the purposes of this project, vulnerability was thought of as someone who was more susceptible or more likely to be injured or harmed on the job.

Although not formally defined by any government labour organizations in Canada or elsewhere, vulnerable work or a vulnerable worker has become a loaded term – one that is used to influence



or justify activities based on stereotypes of what is considered to be vulnerable. As discussed in the introduction of this paper, it has become really unclear who this at-risk or susceptible population is. Although not defined, the Ministry uses it in a variety of different contexts and circumstances. For example, the Ministry is currently conducting an employment standards blitz on vulnerable workers. The public information on this blitz indicates the province “is helping to protect vulnerable workers – including temporary foreign workers – with a three-month employment standards blitz starting in September” (MOL, n.p). In another Ministry-produced document, the Ministry defined vulnerable workers as new and young workers (MOL, n.p).

The Ministry’s Occupational Health and Safety Strategy indicates, all workers at some point in their working life will experience vulnerability due to personal or workplace factors that increasing this vulnerability (MOL, p. 20). This is likely why the Ministry would prefer not to define it and recognizes the complexity of factors that contributes to vulnerable work. However using it in some incidents and not others is confusing to stakeholders and the very workers the Ministry is trying to protect. The stakeholders interviewed as part of this project, confirmed that almost unanimously.

Trying to determine what makes workers more vulnerable or the factors that contribute to their vulnerability is the challenge. During the initial stages of this project, the client was asked to think of a woman walking through a park alone at night in an unsafe neighbourhood. Thinking about this circumstance the average person would likely say that woman is a vulnerable position but why is the question. Is she vulnerable because of her gender? Is it that she is walking alone at night? Or is that she is walking in an unsafe neighbourhood? Would walking alone at night in a safer neighbourhood reduce her vulnerability? Maybe but the fact of the matter is, her vulnerability is based on all of the characteristics of the situation put together. A work environment is very much the same.

### 6.3 LEVELS AND TYPES OF VULNERABILITY

The literature, interjurisdictional analysis and targeted interviews did not provide significant information on the types of levels of vulnerability.

The literature almost exclusively focussed on “economic vulnerability” or health and safety outcomes a result of working in precarious or non-standard employment relationships. Quinlan et al., (2000) who concluded in a paper delivered to European Union Research Workshop that there is a link between precarious employment relationships and negative health and safety indicators (Sargeant & Giovannone, p. 2). They found that three sets of factors explain why precarious employment was linked to inferior health and safety outcomes. First is economic and reward systems result in greater economic pressure in terms of competition for job as well as pressure to retain a job and earn a liveable income. Second, orders are liable to less experienced and performing unfamiliar tasks and third, there is an increase likelihood of regulatory failure (Sargeant & Giovannone, p. 4).

In another report, Sargeant indicated that there are degrees of vulnerability and some individuals and groups are more exposed than others. He does not provide more detail or analysis on this comment but indicates a newly arrived migrant workers, for example might be regarded as highly vulnerable to abuse and exploitation (Sargeant, p. 1).

Interestingly, when interviewees were asked about different levels or types of vulnerability, the majority could not identify or distinguish. They would simply indicate that some workers are more vulnerable than others but would focus on the workplace and personal characteristics that contribute to vulnerability.

#### 6.4 FACTORS CONTRIBUTING TO VULNERABILITY

Both the literature and the targeted interviews confirmed that a vulnerable worker is vulnerable due to a number of personal and workplace characteristics. If you have an inexperienced, untrained person conducting high-risk work in an environment that does not promote a culture of health and safety, they are vulnerable to injury or fatality. The complexity however is determining vulnerability in workplaces that are not so blatantly unsafe which make up the majority of workplaces in Ontario that continue to see injuries and fatality. The Ministry should not attempt to fully understand or grasp all of the social or economic reasons of vulnerability and how they interact. It is simply too complex and unnecessary.

Based on the findings of the interviews and the examination of relevant literature and studies, at the most basic level, any worker performing new work or a performing a new task in which they are unfamiliar or do not have adequate training to do the work, is the most vulnerable. Key to this is the environment in which the work is taking place. If a worker is conducting unfamiliar work and feels uncomfortable questioning the work or asking for help or is not in a position to exercise their legislative right to refuse unsafe work, a negative workplace culture or an employer who is not open to have discussions about health and safety, will make the situation even more unsafe.

Factors identified in the Strategy such as age, language, disability, physical and mental disability, length of time in Canada, hours of work, knowledge of rights and responsibilities and fear of reprisal (MOL, p. 19) can all be offset by a workplace that fosters a culture of health and safety. Just as the woman discussed above can take steps not to be vulnerable from attack – she can try to avoid, to the extent it is in her control, to not walk through a dark park late at night.

There was a large disconnect between the literature, interjurisdictional analysis and interviews regarding the categorization of who in fact is vulnerable. Although the majority of those interviewed could not identify or describe a spectrum of vulnerable workers because vulnerability was based on a set of characteristics, many interviewee's references specific types of workers during the interview that they thought were more vulnerable including young workers, new workers, immigrants, and older workers. This was confirmed through the literature review and in jurisdictional findings. The data analysis however showed a different picture. Ministry of Labour data showed the average age of injury a fatality in 45 years of age (MOL, n.p) and WSIB data is telling us that those between the ages of 55 and 64 and those over 65 are an increasing percentage of all allowed lost time claims whereas younger age groups including those between 24 to 44 are decreasing (WSIB, p. 5). Also, although construction was commonly mentioned by interviewees as unsafe work, it was infrequently mentioned in any literature associated with vulnerable work except for the report from the Expert Advisory Panel. This is despite the fact that almost 27% of fatalities occur in the construction sector that only accounts for 6 per cent of employment in the province (MOL, n.p). Moreover, 39% of the deaths in 2013 were a result of motor vehicle incidents and have been the leading cause of fatalities in Ontario.

Most of the literature cite women as the most vulnerable in the workforce including the works of the Law Commission of Canada. This is not to suggest that women can experience some serious inequities in the workplace, but men account for 94 per cent of all fatalities in the province (MOL, n.p).

## 6.5 IMPACT OF LEGISLATION

Interestingly, the results were not clear on the impact of *the Occupational Health and Safety Act* (OHSA) and whether it reduced vulnerability.

Some of the literature reviewed indicated that Ontario's labour laws (including the OHSA but also others such as the *Employment Standards Act* and *Labour Relations Act*) have not kept pace with the changing nature of work. Also, some organizations such as the Law Commission of Ontario have made specific recommendations on how the Ministry can improve. In their 2012, report titled *Vulnerable Workers and Precarious Work*, they endorsed the recommendations provided by the Expert Advisory Panel and recommended that the OHSA enforcement activity include proactive inspections to ensure joint health and safety committees and representatives are in place where required (LCO, p. 100), ensure that stakeholder discussions between industry and government regarding health and safety include workers (LCO, p. 101) and the Ministry conduct more proactive inspections employing vulnerable workers (LCO, p. 104).

Both the targeted interviews and literature acknowledged that working alone can significantly increase a worker's vulnerability. One interviewee was of the view she may have not lost her son if he was not working alone. While no jurisdiction in Canada prohibits working alone, Alberta, British Columbia, Manitoba, and Saskatchewan specifically regulate such work (Molnar & MacFarlane, p. 9). In Ontario, the Ministry relies on the general health and safety provisions in the act to take every reasonable precaution to avoid injury and does not have specific provisions for those who work alone (ibid).

The response as to whether access to or awareness of the OHSA reduces vulnerability was mixed among interview respondents. Most acknowledged that the act was the critical underpinning to health and safety and many of its provisions protected workers against unsafe work. Interestingly, although workers have the right to refuse unsafe work under the OHSA and some literature acknowledge that right is a powerful tool that can protect workers' health and safety (Molnar & MacFarlane, p. 8), the majority of respondents indicated that it is unlikely a vulnerable worker would exercise that right either because they did not know the right existed or fear of reprisal if they did chose to exercise that right. Several respondents indicated that it is important for the Ministry to bring the act alive and through prevention, enforcement and promotion of a culture of health and safety.

Interestingly, the majority of respondents indicated that no new laws or regulation are needed unless they are intended to address a specific issue or hazard but generally the Ministry has the right legislative and regulatory structure in place. This was one of largest disconnects between the findings of the literature review and the interview results although this could be the result of the literature not completely focusing on vulnerability from a health and safety perspective and having other legislative vehicles such as employment standards legislation in mind.

## 6.6 INSTITUTIONAL SUPPORTS

Some concern was expressed during the targeted interviews regarding the disjuncture between various actors in the health system including the Ministry, the Workplace Safety and Insurance Board and the province's health and safety associations and how the system needs to be better integrated in the work they do. This was acknowledged in the Ministry's Integrated Occupational Health and Safety Strategy. In it, it specifically indicates role clarity of system partners and the services they provide is needed and that the access to services can be improved (MOL, p. 31 & 32). Several respondents indicated that this needs to be resolved sooner than later if the Ministry wants to correct issues of vulnerability in the workplace.

The only literature that existed in this area focused on the role of unions in the workplace. Generally, research shows that union workers generally receive higher wages and benefits than their non-unionized counterparts (Fang & Verma, p. 17) and have greater accessibility to a grievance or dispute settlement system which often provides greater protection against exploitation, abuse or unfair treatment by their employer (Akyeampong, p. 34). When asked about unionization, the interview results were quite mixed with the majority having a neutral position or indicating that unionized workplace does not necessarily mean a safer one.

## 6.6 A HEALTHY WORKPLACE

In an attempt to have a better understanding of a healthy workplace, interview participants were specifically asked about the role of workplace parties including the employer, worker and the Ministry. During this discussion, the concepts of a healthy safety culture and leadership were raised repeatedly.

Upon review of the Ministry of Labour's website, there is little information about the culture of health and safety. The Expert Advisory Panel report did acknowledge that many submissions they received support that view that improved workplace health and safety requires strong societal support and that "the perceptions and values of managers and workers can result in actions that promote health and reduce injuries" (EAP, p. 13). The report also acknowledged that effective leadership contributes to the positive health of an organization and that throughout their consultations, participants stressed the importance of attitudes and behaviors of owners, employers, managers and supervisors in defining the safety culture of the company (ibid). Although all of recommendations related to culture were good ones, they were limited to education and training in the education sector, grants and procurement and funding considerations to motivate good performance – there were no recommendations for the Ministry to provide any guidance or develop a general health and safety framework to guide workplace parties.

The Ministry's recently released Integrated Occupational Health and Safety Strategy has specific commitments related to promoting a culture of health and safety in workplaces and throughout society (MOL, p. 36). Commitments include understanding society's attitudes, beliefs and behaviors related to occupational health and safety and how they have changed over time (MOL, p. 37) and fostering social awareness of the importance of occupational health and safety and the internal responsibility system (MOL, p. 38).

The later commitment on social awareness is interesting because when interview participants were asked how the Ministry of Labour can reduce risk and vulnerability in the workplace

communications was repeatedly suggested by respondents. In fact, some were very critical of the ministries education and outreach activities with respect to health and safety and indicated it could improve substantially. Specific suggestions were made for the Ministry to seek new and creative opportunities to reach workers and business.

A common theme raised during this discussion was that the Ministry as regulator intimidates business or has negative perception. Several respondents indicated that the Ministry needs to work on being seen as a partner – not only the enforcer of the system.

In terms the worker, the majority of respondents indicated that they need to be encouraged not to be cavalier about health and safety. Issues of complacency were raised by several respondents and those indicated that workers should feel a sense of responsibility when contributing to health and safety in the workplace.

For employers, the majority of respondents indicated that employers need to realize that safety is good for business and need to promote a safety culture within their workplace to reduce liability and encourage safe practices through a “did you know” mentality. This is consistent with findings in safety research that managerial commitment constitutes the strongest factor affecting organizational safety performance (Stuewe & Zohar, p. 3). However, several of those interviewed indicated there is a tradeoff to being safe and the Ministry has to show business why being safe is not just the right thing to do but it is also good for business. The literature too acknowledge that majority businesses acknowledge that “safety precautions usually have modest and immediate costs (such as slower pace and extra effort) and unsafe situations offer immediate rewards while safe work conditions usually offer delayed or uncertain rewards” (Stuewe & Zohar, p. 3). The leadership of the company needs assist in setting the tone in the workplace and ensuring that such biases for short-term versus long-term rewards are discouraged (ibid).

Other than the specific recommendations made by organizations like the LCO or the EAP , there was limited research available on healthy workplaces generally. The WHO is the only organization that has produced a comprehensive model and framework of what a healthy workplace is and how to achieve it. The WHO defines a healthy workplace as one in which workers and managers collaborate to use a continual improvement process to promote the health, safety and well-being of workers (WHO, p. 15).

## 6.7 VULNERABILITY RISK FRAMEWORK

Findings from the thematic literature review and interjurisdictional analysis were unable to identify whether current frameworks, guides or best practices exist to protect vulnerable workers. Also, the majority of respondents were unable to suggest elements of a risk management framework. Most of the respondents needed some clarity on what a framework would achieve. When the WHO framework was provided as an example, they became very supportive of the Ministry developing a similar framework or model.

Two respondents however, indicated that the Ministry should not develop one and that any framework could not take into account the uniqueness of the various workplaces, sectors and industries throughout the province. Those who were supportive of the development of a risk framework, indicated that culture, leadership and communication should be key elements of it.

## 6.8 SUMMARY: DISCUSSION & ANALYSIS

The world of work has changed and will continue to do so as both society and workplaces evolve. The pace of work, how work is performed and who is performing certain types of work has changed over the last several decades and has directly contributed to issues of vulnerability.

The current research and findings in this report suggest that a vulnerable worker is vulnerable due to a number of personal and workplace characteristics. However, the interaction of those characteristics depends on the circumstances of each worker, the environment in which they work and what type of environment they are working in. A common theme raised during the targeted discussions however was that those performing new work or a performing a new task in which they are unfamiliar or do not have adequate training to do the work, is the most vulnerable type of worker.

The targeted interviews also acknowledged the importance of the *Occupational Health and Safety Act* and the various institutional supports that are available to assist workers. With that said, some respondents indicated efforts among all actors in the health and safety system could be better integrated. Both the literature and targeted interviews raised the concepts of a healthy safety culture and leadership and how important they were to reducing vulnerability. Finally, the targeted interviews confirmed that stakeholders are supportive of the Ministry developing a vulnerability risk framework that would guide workplace parties (including employers, supervisors and employees) and help to make workplaces safer.

The research findings of this report point to the complexity surrounding worker vulnerability. Trying to determine what makes workers more vulnerable or the factors that contribute to their vulnerability is the challenge. It is challenge not only because of the array of personal and workplace characteristics that can potentially impact vulnerability but more because of how those characteristics interact and how some characteristics can be offset by others.

Finally, vulnerability is also the result of broader social and economic changes that the labour force experiences that are frankly outside of the control who work within it and to some degree, outside of the control of those who regulate it. With that said, the Ministry of Labour has the ability to offset these changes through making workers and workplaces less vulnerable to injury, illness and fatality. The recommendations in the following section are a first step and are being put forward for the Ministry of Labour's consideration.

## 7.0 RECOMMENDATIONS

Based on the findings of the thematic literature review, interjurisdictional analysis, targeted interviews and data analysis, the following recommendations are being put forward for Ministry of Labour to consider:

### 7.1 RECOMMENDATION 1 – DEVELOP A VULNERABILITY RISK FRAMEWORK WITH THE ASSISTANCE OF STAKEHOLDERS

Workplace parties (including employers, supervisors and workers) have the greatest influence over safety at their workplace. They have the ability to make workplaces safe, to ensure there is a culture free of reprisal for not conducting unsafe work and one that discourages unsafe work practices.

As the research findings of this paper have shown, not all of those who work in high risk industries are vulnerable; in fact, could be very safe workplaces if workers are properly trained and the culture of the workplace is one based continuous improvement. Additionally, not all workers in a particular category are necessarily vulnerable. Given the complexity of the different levels and types of vulnerable workers, the Ministry should develop and make publicly available, a vulnerability risk framework that would assist and encourage workers and employers to exercise safe work practices and help to identify when a worker could be at risk of injury or illness.

This framework could serve as a health and safety guide to all Ontario workplaces and help workplaces to encourage health and safety practices in the workplace and identify the important roles of the work place parties' contributions to health and safety in the workplace. In doing so, it will help both workplace parties to understand that if they do not put safety before productivity for example, negative outcomes will result that could lead to injury or illness.

As a starting point to the development of this framework, the Ministry should use the WHO's model of continuous improvement to guide its work and efforts. Specifically, it should rely on their four "avenues of influence" for a healthy workplace that include, the physical work environment, personal health resources, enterprise community involvement and the psychosocial work environment. Under each avenue of influence, the framework should specifically include the encouragement of prescriptive workplace safety procedures, the promotion of a safety culture including open leadership and accountability mechanisms, information on how to motivate and train for new processes, procedures and tasks and rewards for positive health and safety perform and sanctions for negative ones.

In order for this framework to serve as useful guide to workplace parties, it is important that the Ministry's stakeholders are part of its development. Specifically, the Ministry should consult on what the framework looks like whether it be a checklist or a guideline and also its component so the framework can improving workplace practices and culture but identify when a workplace or a worker can become vulnerable to risk or injury.

It will also be important that the Ministry engage stakeholders in the concept of a continuous improvement process. The framework should guide readers though specific steps such as the

ones describe by WHO to encouraging the planning, evaluation and improvement of workplace practices. The Ministry could assist with the continuous improvement process through the implementations of other recommendations including the enhancement of the Ministry's communication and marketing efforts and through the use of leading indicators.

## 7.2 RECOMMENDATION 2 – DEFINE THE VULNERABLE WORKER

The Ministry and its stakeholders use the term “vulnerable” in a variety of circumstances and to define different types of workers, in different types of work environments. To ensure there is a clear understanding of what vulnerable means, the Ministry should take the lead and be the first jurisdiction to formally define the term and use it consistently.

It is recommended that rather than defining it based on a type of worker, set of characteristics or circumstances that a simple definition such as the one provided by the Expert Advisory Panel be used.

Additionally, the ministry should not attempt to distinguish between the different levels and types of vulnerable workers. As the research throughout this paper has shown, there are several different levels and types of vulnerability but limiting such terms often excludes workers who are in fact at risk of illness, injury or fatality in the workplace. Interestingly, there was consensus in the literature and the targeted interviews that workers are not only vulnerable because of a single characteristic (e.g. their age) but also because this characteristic makes them more likely to also belong to other categories. There was particular concern expressed on the vulnerability of those performing new or different tasks and those working alone.

The EAP definition of vulnerable work which is defined “as those who have greater exposure than most workers to conditions hazardous to health or safety” (EAP, p. 46) is clear and would remain relevant as workplaces and hazards changes. If this definition was amended to acknowledge those performing new or different tasks, it would adequately define the results of the research presented in this paper.

## 7.3 RECOMMENDATION 3 –ENHANCE COMMUNICATIONS AND MARKETING EFFORTS

As discussed above, workplace parties have the greatest influence over safety at their workplace. While the development of the vulnerability risk framework would support health and safety practices within the workplace, attitudes are also influenced by the attitudes and expectations of society in general. Unfortunately, there continues to be some acceptance of the inevitability of workplace injury and death – it is almost seen to be a consequence for the work they do and we have seen this particularly in industries such as construction and mining.

Social marketing strategies can have a significant impact on compliance and enhance workplace practices but also general awareness, acceptance and tolerance for those practices. For example, marketing campaigns alone have changed the way we think about drinking and driving, smoking cigarettes, and wearing seat belts.

The targeted interviews indicated that the Ministry needs to focus not just on the regulation and enforcement of activities,, but on communicating the workplace rights and obligations under the act and its regulations and promoting a culture of health and safety in Ontario workplaces.



Generally, participants indicated that the Ministry should focus more heavily on communicating the benefits of health and safety in the workplace, rights and obligations under the legislation and how both employers and employees can mitigate unsafe practices at work. Those interviewed noted that helpful guidance and communication is particularly important as workplace realities and risks are ever-changing and the Ministry could play a larger role in influencing workplace practices.

#### 7.4 RECOMMENDATION 4 – FIX THE PERCEPTION PROBLEM

It came to light during the targeted interviews that the Ministry is facing a perception problem. To effectively assist vulnerable workers and those who employ them, the Ministry needs to be seen as a player at the table.

The Ministry is often viewed by the general public and small business and as a regulator, not an entity that could be approached for information, guidance and assistance. In fact, a couple of interviewees indicated they were aware of businesses that were intimidated by the Ministry.

Although the risk of being found to be in non-compliance by an inspector and receiving a fine are important characteristics and mechanisms of any regulatory scheme, there are other functions of the inspectorate and of the Ministry of Labour that can contribute to safe workplace practices and the reduction of vulnerability.

#### 7.5 RECOMMENDATION 5 – DEVELOP AND RELY ON LEADING INDICATORS

Research indicates that today's workplaces are different than they were in the past and it is these changes that are creating vulnerable environments for workers. Significant social and economic changes are changing the way work is performed and who is conducting work.

The literature on health and safety and the targeted interviews indicated that there is a general reliance on "after the fact data" or injury and fatality statistics from the previous year that guide Ministry efforts.

As a result, it is suggested that the Ministry develop leading indicators based on the current and emerging trends of the workplace to guide its prevention, enforcement and communications efforts going forward. Stuewe & Zohar in particular have developed some useful works that the Ministry could consider.

In their report, *Strategic Leadership for Safety* they found there is an increasing reliance on "after the fact" data or lagging indicators instead of leading indicators. They also suggest that workplaces should use leading indicators to monitor risks and avoid unsafe practices, the Ministry could encourage workplaces to develop and monitor these indicators as part of their overall safety management systems.

## 8.0 CONCLUSION

Today's workplaces are ever-changing and as a result the way in which work is performed and who is performing certain types of work has significantly changed. This change has increased vulnerability in Ontario labour's market in large part because what is seen as a healthy workplace has changed. Given these significant changes, the Ontario Ministry of Labour needs to focus on enhancing workplace relations and health and safety practices rather than attempting to combat forceful and inevitable social, economic and technology changes.

Great strides have been made to protect vulnerable workers and reduce the number of injuries and fatalities in Ontario. The Ministry is working hard to implement the recommendations provided in the EAP, the Integrated Occupational Health and Safety Strategy which address the issue of vulnerable workers and have initiated a number of other initiatives such as the establishment of the Vulnerable Worker Task Group and Vulnerable Worker Action plan to examine the complexities of vulnerable work.

The purpose of this project was to develop a better understanding of vulnerability in Ontario's workplaces, shed light on personal and workplace characteristics that contribute to vulnerability and provide information on what a vulnerability risk framework could look like so that the Ontario Ministry of Labour can improve health and safety practices and outcomes. This paper did that by presenting the research findings from a thematic literature review, interjurisdictional research and targeted interviews with Ministry stakeholders and employees. It is the first of its kind to critically examine how other jurisdictions use the vulnerable from a health and safety perspective and the first to hold interviews with stakeholders specifically on the issue of vulnerability from a health and safety perspective.

Despite the commitment in the Ministry's strategy to "understand all the factors that make workers vulnerable and how to provide support [to those workers]" (MOL, p. 18), the research conducted as part of this paper found that a definition simply focused on the likelihood of injury or fatality is the most appropriate. A complex definition on all the factors that could contribute to vulnerability is not suitable as it really depends on the severity of complex personal and workplace factors and how they interact. Additionally, there are different levels and types of vulnerable workers. For example, one might be quick to conclude that all young workers are vulnerable workers due to their inexperience however this paper determined that is not the case. As we have seen, personal and workplace characteristics may offset age and inexperience. The work a young worker is performing may not be conducive to a high risk of injury or that particular worker may have received training on how to perform such work. Rather than categorizing what type of worker is vulnerable, the Ministry needs to focus on who is vulnerable.

The Strategy committed to "target areas of greatest need" (MOL, p. 18). Findings from the thematic literature review and interviews found that at any work performing a new or different task, regardless of age, ethnic background, or gender and those who work alone is most vulnerable to injury or fatality. The workplace, if it is one which has a strong health and safety culture will offset that vulnerability.

Despite all of the work the Ministry of Labour has initiated to protect vulnerable workers, it has a lot of work to do. It needs to, in collaboration with stakeholders, develop a vulnerability risk

framework that would provide guidance on continuous performance to guide the health and safety efforts of workplaces including their culture, leadership and internal processes to recognize, identify and manage workplace risks to prevent injury and fatality. The Ministry needs to significantly enhance its communication and marketing efforts to inform both employers and employees of their rights and responsibilities under the act and how the Ministry can assist them in ensuring workplaces are safe.

The targeted interviews found there is a perception problem – the majority of businesses see the Ministry as a regulator and enforcer, not an organization it can approach and consult with should they have questions about health and safety. This is particularly problematic since the transfer of Prevention mandate to the Ministry in 2011 and the broader public may not be differentiating between the role of the inspectorate and the role of other parts of the Ministry.

Implementing these changes will require leadership from the Ministry but also collaboration and buy-in from other system partners to ensure that any framework developed is effectively used and relied on. Although these actions will not completely eliminate vulnerable work arrangements in the province, if implemented in the near term, they would have positive impacts on the workplace and those the Ministry commits to protect.

Although this paper is one of a handful to examine vulnerability from solely a health and safety perspective, more research is desperately needed on the topic. Further research is needed on the impact of protective factors in the workplace such as safety training, the influence of supervisors and other workers and the broader social environment of the workplace. Additionally, most research on vulnerability focused on the type of work rather than a detailed examination of specific workplaces.

Also, there are some limitations to this study that further research could explore. First, there was limited interjurisdictional information publicly available. This may change in the coming years but unfortunately, useful comparisons across different jurisdictions in Canada, Europe, the United Kingdom and Australia was not possible at the time this paper was prepared. In addition, although a diverse set of stakeholders were interviewed, the actual sample size for the interviews was small. It is recommended that should a researcher take on a similar endeavor, that the sample size be larger to identify additional trends and themes for those discussions.

As today's workplaces become more precarious and the way in which work is performed changes, more attention needs to be paid to those who lose their lives or become injured on the job. Workplace parties need to work together in the midst of this change to combat vulnerability. Losing a life is not a cost of doing business or earning a pay check and together, we need to eliminate these incidents. Vulnerability to workplace injury and fatality is based on both workplace and personal characteristics but the workplace and those within it have the ability to offset both and ensure everyone goes home safe at the end of their shift.

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## APPENDICES

### APPENDIX A – EXPERT ADVISORY PANEL RECOMMENDATIONS

1. A new prevention organization should be created within the Ministry of Labour. The new organization would be headed by a Chief Prevention Executive, and would feature a multi stakeholder Prevention Council; each would have specific powers explicitly defined in the Occupational Health and Safety Act.
2. The new prevention organization should create, implement and audit training standards that would apply to training required by the Occupational Health and Safety Act and regulations.
3. The new prevention organization should work with other ministries and training organizations to develop a graduated occupational health and safety Awareness and Training Strategy to establish Ontario as a jurisdictional leader in OHS continual learning and training.
4. The new prevention organization should develop a multi-year social awareness strategy that will significantly reduce public tolerance of workplace injuries, illnesses and fatalities and shift attitudes, beliefs and behaviours around occupational health and safety.
5. The responsibility for research funding, and the resources to support it, should be transferred to the Chief Prevention Executive, and the Research Advisory Council mechanism for advising on the funding of research should be retained.
6. The new prevention organization, in conjunction with the Ministry of Labour and stakeholders, should develop a common database that can be used for planning and evaluation purposes. The system partners, in collaboration with stakeholders, should:
  - develop a common vision of success, and the data needed to determine it;
  - review the occupational health and safety data currently collected, to improve its reliability and validity for the purpose of performance measurement;
  - identify additional information on workers and employers that could be collected and shared, subject to any legislative limitations or restrictions; and
  - review, and where appropriate, consolidate existing leading-indicator initiatives under the new prevention organization.
7. The new prevention organization should establish a business centre to carry out the following functions:
  - standardize, manage and disseminate OHS data;
  - retain and share information on system partner interactions with employers;
  - provide analytical expertise regarding provincial OHS data; and
  - manage and authorize stakeholder and public access to data.
8. The new prevention organization should be given responsibility for knowledge management and should create a leadership position to oversee this responsibility.
9. The new prevention organization should work with the Ministry of Labour, the Workplace Safety and Insurance Board and Health and Safety Associations to review the current inventory of health and safety information and resource products. This should lead to the development of a strategy to consolidate materials, increase the consistency of content and improve availability.
10. The Ministry of Labour should work with the new prevention organization to create a health and safety poster that explains the key rights and responsibilities of the workplace

parties, including how to obtain additional health and safety information and how to contact a Ministry of Labour inspector. It should be mandatory to post this in the workplace.

### **Measures to Support the Internal Responsibility System**

11. The Ministry of Labour should update the Guide to the Occupational Health and Safety Act and the Guide for Joint Health and Safety Committees and Representatives in the Workplace to address changes in the workplace and workplace relationships with particular emphasis on a small business lens, covering the following issues:
  - roles and responsibilities of workplace parties;
  - temporary employment agencies; and
  - functions of JHSC and Health and Safety Representative
12. The Occupational Health and Safety Act should be amended to allow a co-chair of the Joint Health and Safety Committee to submit a written recommendation to the employer if an issue is unresolved following repeated attempts to reach consensus.
13. The Ministry of Labour should create a mandatory requirement for training of Health and Safety Representatives.
14. The Ministry of Labour should require mandatory health and safety awareness training for all workers.
15. The Ministry of Labour should require mandatory health and safety awareness training for all supervisors who are responsible for frontline workers.
16. The Ministry of Labour and new prevention organization should develop mandatory entry-level training for construction workers as a priority and consult with stakeholders to determine other sectors that should be subject to mandatory training for workers.
17. The Ministry of Labour and new prevention organization should develop mandatory fall protection training for workers working at heights as a priority and consult with stakeholders to determine additional high-hazard activities that should be subject to mandatory training for workers.

### **Combating the Underground Economy**

18. The government should make a single provincial entity responsible for overseeing and co-ordinating a province-wide strategy to address the underground economy. This strategy could include links to federal and municipal initiatives.
19. The entity overseeing a province-wide strategy on the underground economy should consult regulators and the Ministry of Economic Development and Trade on expansion of the Designations Regulation under the Regulatory Modernization Act, 2007 in order to enhance the capacity of regulators to detect and combat underground activity.
20. The Ministry of Labour, in collaboration with other regulators and levels of government, should take steps to acquire information and data that health and safety inspectors would use to identify and reduce underground economic activity.
21. The Ministry of Labour should target workplaces and sectors operating in the underground economy for proactive inspections after normal working hours.

## **Incentives**

22. The Workplace Safety and Insurance Board, in conjunction with the new prevention organization and stakeholders, should review and revise existing financial incentive programs, with a particular focus on reducing their emphasis on claims costs and frequency.
23. The new prevention organization, in conjunction with stakeholders, should develop an accreditation program that recognizes employers who successfully implement health and safety management systems.
24. Concurrent with the proposed review of financial incentives, the new prevention organization should work with the Workplace Safety and Insurance Board to develop appropriate financial incentives that reward employers who qualify suppliers based on their health and safety performance.

## **Enforcement and Penalties**

25. The Ministry of Labour should review its current enforcement policy and supports for inspectors with a view to creating a consistent approach of tough enforcement for serious and wilful contraventions, as well as compliance assistance where guidance and support for employers help achieve compliance.
26. The Ministry of Labour should review the offences for which tickets can be used for enforcement, and request that the Attorney General review and revise the existing set fines for Occupational Health and Safety Act offences.
27. The Ministry of Labour should enhance the current legislative provisions for penalties by adding administrative monetary penalties as an enforcement tool, and should develop policies and procedures that govern their use.

## **Regulatory Approach**

28. The Ministry of Labour should institute a regulatory review approach that ensures regulations are current, consistent and provide compliance flexibility and support.

## **Better Protection for Vulnerable Workers**

29. The Minister of Labour should appoint a committee under Section 21 of the *Occupational Health and Safety Act* to provide advice on matters related to the occupational health and safety of vulnerable workers.
30. The Ministry of Labour should carry out more proactive inspections and periodic enforcement campaigns at workplaces and in sectors where vulnerable workers are concentrated.
31. The occupational health and safety system should develop information products in multiple languages and formats for distribution through various media and organizations to raise awareness of occupational health and safety among vulnerable workers.
32. The Ministry of Labour should develop regulations in consultation with stakeholders in the farming community to control the key hazards associated with farm work.

## **Improved Protection from Reprisals**

33. The Ministry of Labour and the Ontario Labour Relations Board should work together to develop a process to expedite the resolution of reprisal complaints under the Occupational Health and Safety Act.
34. The Ministry of Labour should review its prosecution policy and develop guidance for inspectors on when to lay charges for a contravention of Section 50 of the Occupational Health and Safety Act.
35. A worker or employer involved in a reprisal complaint should have access to information and support from an independent, third-party organization, such as the Office of the Worker Adviser or Office of the Employer Adviser.

## **Small Business**

36. The Minister of Labour should create a small business Section 21 committee and appoint members that can represent the needs and interests of employers and workers in small businesses.
37. The occupational health and safety system should intensify support for small business compliance through the creation of focused and integrated programs with dedicated resources.
38. Ministry of Labour inspectors should incorporate compliance assistance in their approach to enforcing the Occupational Health and Safety Act and its regulations.

## **Opportunities for Government Ministries and Agencies**

39. The Ministry of Education should work with school boards, private schools and teacher organizations to expand the health and safety content of primary and secondary school curricula and update teacher resource material to allow them to effectively teach these curricula.
40. The Ministry of Education should make high school graduation dependent upon demonstration of knowledge of occupational health and safety.
41. The Ministry of Training, Colleges and Universities should work with post-secondary institutions and trade schools to incorporate health and safety content into their programs for both future workers and employers/senior executives.
42. The Ontario Government should develop procurement policies that consider the occupational health and safety performance of suppliers in order to motivate a high level of performance. The initial focus could be on the purchasing of services.
43. The Ministry of Economic Development and Trade and the Ontario Centres for Excellence should work with the Ministry of Labour and the new prevention organization to develop health and safety criteria for inclusion in funding considerations related to innovation.
44. The Ministry of Government Services/Service Ontario should amend the business registration process to include an active link to health and safety information, and should work with the occupational health and safety system to provide relevant information for new business owners.

45. The Workplace Safety and Insurance Board should amend its registration process to include an active link to health and safety information, and should continue to work with the occupational health and safety system to provide relevant information for new business owners.

## Next Steps

46. The Panel recommends that an implementation team and an interim Prevention Council be established as soon as possible to work closely with labour and employer stakeholders to implement these as priorities over the next twelve months:
  1. A new prevention organization be created within the Ministry of Labour. The new organization would be headed by a Chief Prevention Executive, and would feature a multi-stakeholder Prevention Council; each would have specific powers explicitly defined in the Occupational Health and Safety Act. (Recommendation 1)
  2. The Ministry of Labour should work with the new prevention organization to create a health and safety poster that explains the key rights and responsibilities of the workplace parties, including how to obtain additional health and safety information and how to contact a Ministry of Labour inspector. It should be mandatory to post this in the workplace. (Recommendation 10)
  3. The Ministry of Labour should create a mandatory requirement for training of Health and Safety Representatives. (Recommendation 13)
  4. The Ministry of Labour should require mandatory health and safety awareness training for all workers. (Recommendation 14)
  5. The Ministry of Labour should require mandatory health and safety awareness training for all supervisors who are responsible for frontline workers. (Recommendation 15)
  6. The Ministry of Labour and new prevention organization should develop mandatory entry level training for construction workers as a priority and consult with stakeholders to determine other sectors that should be subject to mandatory training for workers. (Recommendation 16)
  7. The Ministry of Labour and new prevention organization should develop mandatory fall protection training for workers working at heights as a priority and consult with stakeholders to determine additional high hazard activities that should be subject to mandatory training for workers. (Recommendation 17)
  8. The Minister of Labour should appoint a committee under Section 21 of the Occupational Health and Safety Act to provide advice on matters related to the occupational health and safety of vulnerable workers. (Recommendation 29)
  9. The Ministry of Labour and the Ontario Labour Relations Board should work together to develop a process to expedite the resolution of reprisal complaints under Section 50 of Occupational Health and Safety Act. (Recommendation 33)
  10. A worker or employer involved in a reprisal complaint should have access to information and support from an independent, third-party organization, for example, the Office of the Worker Adviser or Office of the Employer Adviser. (Recommendation 35)

11. The Minister of Labour should create a small business Section 21 committee and appoint members that can represent the needs and interests of employers and workers in small businesses. (Recommendation 36)

APPENDIX B – E-MAIL CONFIRMATION OF ETHICS APPROVAL

Subject: Approval of Ethics Application - Chiapponi 14-225

From: "Jeta Rugova-Plakolli, Human Research Ethics Office" <ethics@uvic.ca>

Date: Fri, August 8, 2014 8:41 am

To: "cmbb@uvic.ca" <cmbb@uvic.ca>

Cc: "Kimberly Speers" <kspeers@uvic.ca>

"Judy Selina" <jselina@uvic.ca>

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Dear Cara Chiapponi:

Your application for ethics approval entitled 'Understanding Vulnerability in Ontario's Occupational Health and Safety System' has been approved and assigned Protocol Number 14-225.

As per federal regulations, ethics protocols are approved for a one-year period only. If you need to maintain ethics approval beyond 30/07/2015, please submit a 'Request for Annual Renewal' form prior to the expiry date. As a reminder, we will email you about six weeks before your protocol expires with a request for your renewal submission or your project completion details.

You may begin your research and will receive your certificate of approval via regular mail.

Good luck with your study.

Jeta Rugova-Plakolli

Human Research Ethics | University of Victoria | Administrative Services Building B202 |  
Victoria, BC | Canada

Tel: 250-472-4545 | Fax: 250-721-8960 | <http://www.research.uvic.ca> | E-mail: [ethics@uvic.ca](mailto:ethics@uvic.ca)

## APPENDIX C – INVITATION TO PARTICIPATE

Hello,

As part of the completion of the Masters of Public Administration program at the University of Victoria and part of my role as Executive Assistant to the Associate Deputy Minister and Chief Prevention Officer at the Ontario Ministry of Labour, I am conducting a substantial analysis of a policy and program problem for a client in public sector.

My client, George Gritziotis, the Chief Prevention Officer and Associate Deputy Minister at the Ontario Ministry of Labour, has asked that I reach out to you and your seek advice to develop an understanding of the various factors that make workers more susceptible or vulnerable to occupational illness, injury and fatality.

The purpose of my project is to develop a better understanding of vulnerability in Ontario's workplaces, shed light on personal and workplace characteristics that contribute to vulnerability and provide information on what a vulnerability framework could look like so that the Ontario Ministry of Labour can focus its efforts on improving health and safety practices and outcomes.

As part of my research, I will be holding interviews to obtain first-hand information regarding the experiences of vulnerable workers or those who work in high risk workplaces in order to enhance the Ministry's understanding of vulnerability.

I was hoping you would agree to participate in this process. I can assure you that your responses will remain strictly confidential and you will be unidentifiable in the final report. Also, the decision to participate or not in this research project will not affect your relationship with the Ministry or the Chief Prevention Officer and you are free to decline if you wish. I have attached the questionnaire for your review and consideration. Interviews will be held at your convenience and will not take more than 45 minutes of your time.

Should you wish to discuss further, please do not hesitate to contact me at [cara.chiapponi@ontario.ca](mailto:cara.chiapponi@ontario.ca) or at 416-212-9381. You can also contact my academic supervisor, Dr. Kimberly Speers, Assistant Teaching Professor and MPA Master's Project Advisor at [kspeers@uvic.ca](mailto:kspeers@uvic.ca) or the Human Resources Ethics Board at the University of Victoria at [ethics@uvic.ca](mailto:ethics@uvic.ca).

Sincerely,

Cara



## APPENDIX D – PARTICIPANT CONSENT FORM

### **Understanding Vulnerability in Ontario’s Occupational Health and Safety System**

You have been invited by George Gritzitois, the Chief Prevention Officer at the Ontario Minister of Labour to participate in a study entitled “Understanding Vulnerability in Ontario’s Occupational Health and Safety System” that is being conducted by Cara Chiapponi.

On behalf of the Chief Prevention Officer, Cara will be conducting research as part of the requirements for a degree in Public Administration.

Cara is a graduate student in the department of Public Administration at the University of Victoria. She is also the Executive Assistant to the Associate Deputy and Chief Prevention Officer. You may contact her if you have further questions by calling 416-212-9381 or sending her an e-mail at [cara.chiapponi@ontario.ca](mailto:cara.chiapponi@ontario.ca).

The research is being conducted under the supervision of Dr. Kimberly Speers, Assistant Teaching Professor and MPA Master's Project Advisor, School of Public Administration, University of Victoria. You may contact her supervisor at [kspeers@uvic.ca](mailto:kspeers@uvic.ca).

### **Purpose and Objectives**

The purpose of this research project is to develop a better understanding of vulnerability in Ontario’s workplaces, shed light on personal and workplace characteristics that contribute to vulnerability and provide information on what a vulnerability framework could look like so that the Ontario Ministry of Labour can focus its efforts on improving health and safety practices and outcomes.

### **Importance of this Research**

Research of this type is important because it will support the Ministry’s commitment to have a better understanding of vulnerable workers as committed to in the recently released Integrated Occupational Health and Safety Strategy.

### **Participants Selection**

You have been identified by the Chief Prevention Officer to participate in this study because of your knowledge and experience working with vulnerable workers.

### **What is involved**

If you consent to voluntarily participate in this research, your participation will include an interview with Cara that will take approximately 1 hour of your time. Observations will be recorded in written form however your identity will remain confidential.

Should participants wish to hold the interview during their office/work hours, they are encouraged to obtain the approval of their employer.

## **Inconvenience**

Participation in this study may cause some inconvenience to you, including a small use of your time, however to ensure inconvenience is limited, interviews can be held in person or over the phone.

## **Risks**

There are no known or anticipated risks to you by participating in this research. The decision to participate (or not) in this research project will not have any effect on your employment status or their relationship with the Ministry or the Chief Prevention Officer.

## **Benefits**

The potential benefits of your participation in this research include the state of knowledge on this topic.

## **Voluntary Participation**

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study your data will only be used if you give permission.

## **Anonymity**

In terms of protecting your anonymity, your name will not be mentioned in the final report, nor will readers have the ability to link you to the report.

## **Confidentiality**

There are limits to confidentiality due the small number of participants being interviewed as part of this process. Also, the client, the Chief Prevention Officer, will be involved in the selection process. However, there are no risks associated with participation. Ensuring participant confidentiality will be of utmost importance during this process. Participants will not be specifically named in the report, transcripts or raw data from interviews will not be shared with the client and data will be protected by ensuring the confidential storage and file management of records.

## **Dissemination of Results**

It is anticipated that the results of this study will be shared with others including the Chief Prevention Officer (the Client) and the University of Victoria as part of completing the MPA program. If asked, interview participants will also be given the results of the research project.

## **Disposal of Data**

Data from this study will be disposed of when the final report is complete. Electronic data will be erased and hardcopy records of interviews will be shredded.

## **Contacts**

Individuals that may be contacted regarding this study include Kimberly Speers, Assistant Teaching Professor and MPA Master's Project Advisor (Supervisor) and George Gritziotis, Chief Prevention Officer/Associate Deputy Minister of Labour (Client).

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

Your signature below indicates that you understand the above conditions of participation in this study, that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project.

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*Name of Participant*

---

*Signature*

---

*Date*

***A copy of this consent will be left with you, and a copy will be taken by the researcher.***

## APPENDIX E – INTERVIEW QUESTIONS

- 1) When you think of a vulnerable worker, what comes to mind? Provide a general description.
- 2) Do you (or your organization) use a specific or formal definition of a vulnerable worker or vulnerability?
- 3) Do you think there are different levels and types of vulnerability? If so, what are they?
- 4) Do you think “who” is vulnerable has changed over time? If so, how has it changed?
- 5) Do you think the risks or hazards in the workplace changed over time? If so, how has it changed?
- 6) Based on your experience, what personal characteristics make someone more vulnerable?
- 7) Based on your experience, what workplace characteristics make someone more vulnerable?
- 8) How do you think these workplace and workforce characteristics interact? Do they have the ability to reduce or increase vulnerability, or perhaps both?
- 9) Do you think access to or awareness of institutional supports reduces vulnerability? Why (please explain)?
- 10) Do you think access to or awareness of the Occupational Health and Safety Act and its regulations reduces vulnerability in the workplace? Please explain.
- 11) What are the specific industries or sectors in the workforce that are more likely to attract vulnerable workers?
- 12) If you were to visualize a spectrum of vulnerable workers, who would be at the bottom? Why? Who would be at the top? In other words - who is the most vulnerable and who is the least vulnerable in Ontario workplaces?
- 13) In your opinion, how can the Ministry of Labour reduce risk and vulnerability in the workplace? How can the worker? The employer?

14) If the Ministry was to develop a risk management framework to protect vulnerable workers, what should it address and not address? What would it look like?

APPENDIX F - INTERJURISDICTIONAL FINDINGS

CANADA

Jurisdiction	Definition or Framework	Relevant Publications & Reports
Federal	No formal definition or framework.	<p>Definition provided in <i>Fairness at Work: Federal Labour Standards for the 21st Century</i></p> <p>Report argued in a sense all workers are potentially vulnerable. Vulnerability includes “those who are vulnerable beyond the norm, those who experience deep and multiple disadvantages” (Federal Labour Standards Review, p.230)</p> <p>Vulnerability is affected by “the sector in which workers are employed, the size of the enterprise in which they work, the non-standard nature of their employment contracts and their demographic characteristics are markers that help to identify them as vulnerable.” (Federal Labour Standards Review, p.230)</p>
Alberta	No formal definition or framework.	N/A
British Columbia	<p>Work Safe BC’s 2012-2017 Strategic Plan defines vulnerable and at-risk workers – including those who may not speak English, or who feel uncomfortable about bringing unsafe working conditions to the attention of an employer, a supervisor or WorkSafeBC.</p> <p>No public framework.</p>	<p>Various publications reference vulnerability in terms of risk and injury.</p> <p>Worksafe BC has a Vulnerable Worker Initiative (outlined in strategic plan<sup>3</sup>): Focusing on educating and protecting workers who are more vulnerable by virtue of age (young or old), newness (to Canada, a worksite, or job), culture, language, or</p>

<sup>3</sup> [http://www.worksafebc.com/about\\_us/assets/PDF/StrategicPlan.pdf](http://www.worksafebc.com/about_us/assets/PDF/StrategicPlan.pdf)

Jurisdiction	Definition or Framework	Relevant Publications & Reports
		circumstance (temporary foreign workers and live-in caregivers).
Manitoba	No definition or framework.	N/A
New Brunswick	No definition or framework.	N/A
Newfoundland and Labrador	No definition or framework.	N/A
Northwest Territories	No definition or framework.	N/A
Nova Scotia	No formal definition or framework.	Jurisdiction does use the term vulnerable in health and safety guides (e.g. Health and Safety Guide for Retail Workers).
Nunavut	No formal definition or framework.	N/A
Ontario	No formal definition or framework.	<p>Vulnerable work defined as those who have greater exposure than most workers to conditions hazardous to health or safety and who lack the power to alter those conditions (EAP, p. 46).</p> <p>In the Strategy, the Ministry acknowledges that a worker's vulnerability depends on many factors that interact in complicated ways (MOL, p. 18) and provides examples of such factors including individual factors such as age, literacy level, length of time in Canada, racialization, physical and mental ability; workplace factors such as newness of job task, hours of work, wage, level of employment stability; and other factors such knowledge of rights and responsibilities under the Occupational Health and Safety Act, fear of reprisal, personal occupational health and safety skills (MOL, p. 19).</p> <p>Workplace Safety and Prevention Services (one of the province's Health and Safety Association) provides the following</p>

Jurisdiction	Definition or Framework	Relevant Publications & Reports
		definitions: those who recently moved to Ontario from another province or country, have just started their first job, or are returning to the workforce after a long absence. Vulnerable workers also include people who work in an “underground” economy, especially those who do not have documentation, who are refugees, or whose English language skills are inadequate.
Prince Edward Island	No formal definition or framework.	The term vulnerable worker is used in the context of its publically available resources on youth.
Quebec	No formal definition or framework.	N/A
Saskatchewan	No formal definition or framework.	The term vulnerable is used in the context of its publically available resources with respect to injuries.
Yukon	No formal definition or framework.	N/A
Other	Building Skills Together: Report from Provincial and Territorial Labour Market Ministers (n.d). Indicated vulnerable workers were: youth, persons with disabilities, recent immigrants, older workers and aboriginals.	

## AUSTRALIA

Jurisdiction	Definition or Framework	Relevant Publications & Reports
New South Wales Government	Vulnerable workers are defined as those who may not receive equity, access, participation or rights to work and as a result, may face discrimination and an elevated health and safety risk. This includes workers from: Aboriginal or Torres Strait background; with disabilities; from	No relevant publications but the definition provided and the factors that contribute to their vulnerability were found on the government webpage.



Jurisdiction	Definition or Framework	Relevant Publications & Reports
	<p>culturally and linguistically diverse backgrounds as well as workers with low literacy levels.</p> <p>Factors that may make a worker vulnerable include:</p> <ul style="list-style-type: none"> <li>requiring modified tasks or equipment to support their ability (long term) or to support their ability till recovery from illness or injury</li> <li>lack of familiarity with the work environment</li> <li>being on either short or long term contracts</li> <li>being a young worker aged from 15 to 24</li> <li>being a worker aged over 55</li> <li>precarious employment arrangements</li> <li>psychiatric or neurological disorders</li> <li>a lack of confidence in themselves</li> <li>a lack of knowledge of their rights</li> <li>health issues and lack of support</li> <li>physical or intellectual limitations</li> <li>limited or no work experience</li> <li>physical disfigurement learning disabilities little or no power</li> <li>limited skills.</li> </ul>	

UNITED KINGDOM

Jurisdiction	Definition or Framework	Relevant Publication and Reports
No UK government formally defines a vulnerable worker or has developed a framework.		
Other Relevant Publications from the UK:		
Health and Safety Executive	HSE defines vulnerable workers as those who are at risk of having their workplace entitlements denied, and who lack the capacity or means to secure them. Characteristics include: race, gender, disability, age and newness on the job (HSE, n.p).	
Trades Union Congress on Vulnerable Workers	Vulnerable work is insecure, low-paid and places workers at high risk of employment rights abuse. Women, people from	

	<p>minority ethnic groups and disabled people are more likely to be in vulnerable work. Vulnerable employment does not exist in isolation. It is a product of existing social and economic inequalities and the UK's approach to labour market regulation (TUCVW, p. 11).</p> <p><a href="http://www.vulnerableworkers.org.uk/files/CoVE_full_report.pdf">http://www.vulnerableworkers.org.uk/files/CoVE_full_report.pdf</a></p>
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## EUROPE

Jurisdiction	Definition or Framework	Relevant Publication and Reports
No European government formally defines a vulnerable worker or has developed a framework.		
Other Relevant Publications from the EU:		
Directorate-General for Internal Policies. (2011). Occupational Health and Safety Risks for the Most Vulnerable Workers. European Parliament. Policy Department A: Economic and Scientific Policy Employment and Social Affairs.	Examined risks faced by a number workers including women, aging workers, workers with disabilities, young workers, migrant workers, temporary workers and low-qualified workers. They all faced specific occupational health and safety risks. Recommendations for each were provided. Argued that many workers are not only vulnerable because of a single characteristic (e.g. their age) but also because this characteristic makes them more likely to also belong to other categories.	
The National Commission for the Promotion of Equality	Define vulnerable worker' was defined as someone who is not given (at least) the basic working conditions he/she is entitled to (as stipulated by Maltese law) by his/her employer and by the worker who is 'forced' (not by choice) by his/her employer to take on a 'self-employed status (NCPE, 2012, p. 23).  It also includes workers who are:	

Jurisdiction	Definition or Framework	Relevant Publication and Reports
		not employed formally; paid less than the official minimum wage rates; not granted, or paid for, holidays and sick leave; not given statutory bonuses and cost-of-living increases; not paid overtime rates; employed on a short definite contract (one year or less); asked to work irregular hours; employed on a casual basis (NCPE, 2012, p. 23).
Europe Work Health Organization - Institute of Occupational Health, WHO Collaborating Centre		Categorizes younger, older, female and migrant workers as vulnerable populations (Europe Work Health Organization, p. 19).
WHO Regional Office for Europe		Published study that found aging workers and workers in agriculture and in the construction industry were judged to have the highest risk for such problems, as well as low health status. WHO Regional Office for Europe, p. 1).

#### OTHER

Organization	Definition or Framework	Relevant Publication and Reports
International Labour Organization (ILO)	Define workers in vulnerable employment as the sum of own-account workers and contributing family workers (ILO, n.p). They are less likely to have formal work arrangements, and are therefore more likely to lack decent working conditions, adequate social security and 'voice' through effective representation by trade unions and	N/A – definition provided by Interview with ILO chief of Employment Trends Unit (available online)

Organization	Definition or Framework	Relevant Publication and Reports
	<p>similar organizations. Vulnerable employment is often characterized by inadequate earnings, low productivity and difficult conditions of work that undermine workers' fundamental rights (ILO, p. n.p).</p>	