

Inspection blitz finds three-quarters of bosses breaking law

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Justin Kong, a student who used to work in a precarious job as a temporary employee in a Toronto-area warehouse, said many vulnerable workers are afraid to speak out. (Steve Russell / Toronto Star)

By [Sara Mojtahedzadeh](#) Work and Wealth reporter

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From the gym to the bowling alley, it seems bosses are struggling to obey the law.

A Ministry of Labour inspection blitz focusing on precarious employment has found 78 per cent of workplaces in violation of the Employment Standards Act, according to a detailed breakdown requested by the Star. These include household names like Goodlife Fitness, G4S Security, and Bowlerama, who were caught for a variety of infractions including shoddy record keeping, excess hours of work, and failure to shell out overtime pay.

A total of 304 workplaces were inspected in the province-wide blitz, which targeted sectors like cleaning, security services, and recreation facilities. Some 238 were breaking the law. The most common monetary infractions being overtime, public holiday, and vacation pay. The ministry collected \$361,000 in unpaid wages for workers following the inspections, according to its website.

George Houshan, the owner of Bowlerama Newtonbrook in North York, said his company, which had seven violations, immediately corrected the issues. A spokesperson for G4S Security, which had five infractions, said her HR department was unaware of the inspection. Goodlife Fitness recorded five violations, and said its legal team was

not aware of the inspection. The company said it took all measures to comply with the law.

Bodies by Design, a gym in Woodbridge, had the highest number of violations at 13. Owner Kris Simpson said in an email he was not available for an interview with the Star, but that “any violations reported were rectified.”

Overall, 96 per cent of law-breaking employers voluntarily fixed problems that were identified, according to the ministry. But labour activists say the inspection results reveal the widespread nature of rights violations in precarious workplaces.

“I think what we’re seeing generally is that violations of employment standards are becoming part of the norm. They’re just becoming part of people’s daily experience when they go to work,” said Deena Ladd, who heads the Toronto-based Workers’ Action Centre.



Deena Ladd, who heads the Toronto-based Workers’ Action Centre, said violations of workplace standards are unfortunately becoming “part of the norm.”

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Many precarious workers are too vulnerable to speak out about abuse, added Justin Kong, a student who used to work in a GTA-based warehouse as a temporary employee.

“A lot of people in these jobs are young people and new immigrants and that creates a lot of challenges,” he told the Star.

Minister of Labour Kevin Flynn told the Star he was pleased the precarious employment blitz, conducted during the summer, had yielded tangible results, but added he was disappointed with the “unacceptable conduct” of law-breaking employers.

“We will continue with our blitz strategy to proactively identify businesses (that) do not play by the rules,” he said in an emailed statement.

The Star reached out to 14 employers who were caught breaking the law. Most said the infractions were unintentional and a result of confusion about their responsibilities under the Act.

“I’ve been in business for four to five years and no one ever told me of my responsibilities,” said Victor Raj, owner of Toronto-based Focus Cleaning, which had 10 violations that involved such things as excess hours of work, vacation pay and eating periods. He said he had since corrected all of the violations.

Dave Lavallee, owner of Kawartha Guard Service which recorded nine contraventions, called the province’s employment legislation “very confusing.” Lavallee was fined \$250 for his infractions, which included falling afoul of overtime rules that he said he had not accurately understood.



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“It’s like anything. Cut out the fine print,” he told the Star.

But Ladd said she did not believe the requirements on bosses were too onerous.

“As a worker, I could say no one told me that I actually have to pay tax. Well, really, it’s my responsibility. I have to find out what taxes I have to pay,” she said, adding the Ministry of Labour has numerous resources available on its

website about employer obligations.

Although many of the infractions were for poor record keeping, Ladd said such oversights were significant because they meant vulnerable workers could lose out on accurate amounts of public holiday, vacation, and overtime pay.

“It’s accountability. I don’t think that’s too much to ask for.”

Proactive inspection blitzes are a newer vehicle for Ministry of Labour enforcement. The inspections are considered “proactive” because they are not triggered by a specific complaint from a worker. Employers are given advance notice that the ministry will audit them.

Overall, the ministry’s enforcement of employment standards still relies [predominantly](#) on individual workers coming forward to make claims against their bosses, often at the expense of their job, rather than proactive blitzes.

“It doesn’t really make sense that a regulatory system is set up like that,” Kong said. “The onus can’t be on the worker who we already know is marginalized.”

In 2013/2014, the ministry conducted 2,232 proactive inspections. The Star has previously reported on the high rate of infractions they uncover; a recent [blitz](#) focused on temp agencies revealed 75 per cent to be breaking the law.

“It shows why we need these blitzes happening on a much larger scale,” Ladd said.

Businesses inspected by sector

(Note: Stats do not include unnamed numbered corporations)

Cleaners

15+

Violations include failure to pay overtime, minimum wage and excess work hours;

Gyms

20+

Violations include unpaid wages, failure to pay overtime and failure to pay minimum wage;

Security companies

20+

Violations include failure to pay overtime, unpaid wages and excess work hours;

Recreational facilities

20+

Violations include illegal deductions from wages, failure to pay overtime and failure to shell out for public holiday pay.