

## Legislation

# Precarious or Non-Standard Employment and Vulnerable Workers

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## What is non-standard employment?

The world of work is constantly evolving. Employers are adapting their businesses and services to compete in a global economy and workers similarly adapt to meet these needs. In recent years, workers experiencing a traditional standard employment relationship are becoming an exception, and there is a rapidly increasing proportion of workers in non-standard employment.

Standard employment is defined as a situation where a worker is employed by one employer on a full time, permanent basis, receiving decent wages and benefits, and has access to and effective protection from regulatory agencies [From: Vosko, L. (2006) Precarious Employment].

**Non-standard employment** is an overarching term for different employment arrangements that deviate from standard employment and is characterized as being temporary or casual in nature, lacking benefits, lacking certain legal protections, and may be associated with low income. Generally, non-standard employment includes temporary employment, part-time work or on-call work, **multi-party employment** (e.g., temporary agency worker), or **disguised employment and dependent self-employment** (e.g., on-demand workers through an application or web platform).

The International Labour Organization also recognizes working from home as a non-standard work arrangement as remote work does not take place at the employer's workplace, but rather at the home of the worker. For the purposes of this OSH Answers, we are reviewing precarious and vulnerable work (see below for definitions). For more information on working remotely, please see our OSH Answers titled [Telework / Remote Work / Working From Home](#).

Precarious work refers to work where the worker takes on the risk of the job. The International Labour Organization defines precariousness by risky job attributes such as low pay, uncertain employment continuity or high risk of job loss, little or no choice in working conditions, and few job protections [From: International Labour Organization. (2016) Non-standard employment around the world: Understanding challenges, shaping prospects].

The gig economy is based on temporary or freelance work. Gig workers are workers that have either short-term contracts or enter more casual work arrangements, which are usually facilitated by digital labour platforms (e.g., Uber, Lyft, SkipTheDishes, Upwork, Taskrabbit, etc.) [From: Employment and social Development Canada. (2023) What we heard: Developing greater labour protections for gig workers]. Gig workers are typically considered to be self-employed instead of being in an employer/worker arrangement.

Workers in non-standard employment or precarious work may also be referred to as vulnerable workers.

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## What are the legislative requirements for workers in non-standard employment?

Throughout Canada, some workers experience negative consequences as a result of legislative gaps and policy loopholes. Because of the terms of their employment, they do not have access to employment protections such as occupational health and safety, employment standards, and employment insurance benefits.

As such, precarious or non-standard work and issues facing vulnerable workers have been the subject of high-level review and recommendations. For example, research in Ontario by the [Law Commission of Ontario](#) has shown precarious employment has far-reaching consequences, beyond just the vulnerable worker such that we are now experiencing precarious households and precarious communities.

Similarly, the Labour Program through Employment and Social Development Canada has also conducted a review for [Developing greater labour protections for gig workers](#) under the federal jurisdiction.

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## What does the term vulnerable worker mean?

There are many interpretations of worker vulnerability. Generally, when used in the health and safety context, a vulnerable worker refers to those workers at greater risk of injury.

An Institute for Work and Health (IWH) study identified four vulnerability dimensions that lead to increased risk of injury:

- Hazards the workers face.
- Workplace or organizational-level protection they are offered in the form of policies and practices.
- Awareness of occupational health and safety rights and responsibilities.
- The extent to which they are empowered to take part in work-related injury prevention and to refuse unsafe work.

As a result of their studies, the Institute for Work and Health has developed a [measure of vulnerability](#) tool to assess a worker's vulnerability to workplace injury or illness. Their research shows that vulnerability is associated with elevated rates of self-reported workplace injury and illness.

This approach promotes an understanding that vulnerability can be changed through prevention rather than identifying vulnerability based on aspects that cannot change (i.e., new immigrants, young workers, etc.). The Institute for Work and Health promotes looking at how a worker is vulnerable, not simply who a vulnerable worker is.

Other interpretations of the concept of a vulnerable worker are broader and include having a circular relationship to precarious employment, meaning that a vulnerable worker is someone engaged in precarious employment.

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## What is meant by precarious employment?

Several terms are used to describe the more common forms and arrangements of precarious work employment experienced by workers. Terms range from flexibilization, atypical, alternative, to non-standard work. Definitions of precarious employment also vary, and each definition has slightly different features. Precarious employment describes work experiences that are associated with instability, lack of protection, and socioeconomic vulnerability. The common feature in most definitions of precarious employment is low income level.

Canadian expert, Leah Vosko's book, titled *Precarious Employment*, uses the following definition: Precarious employment is shaped by employment status, form of employment, and dimensions such as income level and control over the labour process, as well as by social context and social location.

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## Who is affected by precarious employment?

Precarious employment affects many people, but certain groups of workers are cited as disproportionately affected, directly and negatively. The Law Commission of Ontario notes that women, racialized persons, immigrants, Indigenous persons, persons with disabilities, older adults, and youth are disproportionately represented in the category of vulnerable workers.

In Alberta, for example, specific categories of workers, such as those working in agriculture, are explicitly excluded from labour legislation. This exclusion means that agricultural workers are not protected from reprisal if they refuse to perform dangerous work or file a complaint about unsafe conditions.

In other situations, legal interpretation may allow for employment practices to avoid requirements in a standard employment relationship.

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## What are the consequences of precarious employment?

Studies have shown that there are many negative consequences attributable to precarious employment and specifically temporary work. The [Poverty and Employment Precarity in Southern Ontario \(PEPSO\) report](#) notes that precarious employment affects community participation, creates social isolation, and often leads to less involvement in democratic processes such as voting.

It is also noted through the literature that workers experiencing precarious employment:

- are more often exposed to hazardous work environments, stressful psychosocial working conditions, increased workload, including unpaid overtime,
- suffer a higher rate of occupational safety and health injuries,
- experience ill health effects,
- experience increased work-life conflict,
- are less likely to receive adequate training for the tasks they are required to perform,
- are less likely to be members of trade unions and
- have less protection due to limitations, loopholes, and exclusive interpretations of legislation.

Note that research has tended to look at one aspect of precarious work, usually job insecurity perceptions, to assess health effects. Studies are expanding their research areas as our understanding of the impacts of precarious work and vulnerable workers grows, including how these experiences affect individuals and communities.

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## Where can I find more information about precarious employment and vulnerable workers?

Other resources include:

- [From Precarious Work to Decent Work](#), International Labour Organization
- [Non-Standard Employment Around the Work](#), International Labour Organization
- [Quick Facts About Vulnerable Workers and Precarious Work](#), Law Commission of Ontario
- [Canadian Mental Health Association](#)

(\*We have mentioned these organizations as a means of providing a potentially useful referral. You should contact the organization(s) directly for more information about their services. Please note that mention of these organizations does not represent a recommendation or endorsement by CCOHS of these organizations over others of which you may be aware.)

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