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Trashed:

How Outsourcing Municipal Solid Waste Collection Kicks Workers to the Curb

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**Trashed: How Outsourcing Municipal Solid Waste
Collection Kicks Workers to the Curb**

ISBN 978-1-77125-365-9

OCTOBER 2017



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About the Author

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Acknowledgement

This research was supported by the Canadian Union of Public Employees, Local 500. It was independently reviewed by two referees.

Summary

This research examines how the outsourcing of the municipal solid waste collection services in Winnipeg has impacted the quality of jobs for those who work in this industry. Our research shows that the outsourcing of these services has resulted in many of these positions being filled through temporary help agencies (THA) and that the quality of this type of work is very precarious.

Private companies often resort to strategies that depress workers' wages as a way to cut costs and increase profits. This practice has significant effects on the lives and health of both workers and broader society. When the City directly provided for solid waste collection, the workers were members of a large municipal union local with a mature contract, which meant better wages, benefits and stronger health and safety standards.

That it is taxpayers' dollars that are indirectly subsidizing this exploitative and precarious employment relationship should be of concern to the public. This paper makes policy recommendations that are aimed at both improving city solid waste collection by bringing, at least part, of these services back in-house as well as reducing the precarious nature of THA work.

This project employed twenty semi-structured interviews with informants who have worked

as 'swampers' — as garbage collectors are colloquially referred to — who obtained this work through THAs. These individuals worked directly for Emterra, or the myriad of contractors that collected solid waste on behalf of Emterra, as contracted by the City of Winnipeg. We also consulted various governmental departments and organizations such as Workers Safety and Health, Workers Compensation Board, the Occupational Health Centre, CUPE Local 500, and the Manitoba Building Trades and Allied Hydro Council.

Summary of Findings

- Since outsourcing municipal solid waste services in Winnipeg, roughly fifty per cent of the garbage and recycling trucks on the road in Winnipeg are operated by third-party contractors rather than permanent full-time employees of Emterra.
- Swampers working through THAs reported a lack of control over working conditions, limited duration of work and a high risk of termination.
- Swampers reported a lack of protection from injury and a lack of training on

proper health and safety procedures by both the THA and client-firm.

- Swampers reported an unwillingness to report injuries or what they perceived as unsafe working conditions to the THA, client-firm, or the WCB or Labour Board, because they feared reprisal. One worker reported being blacklisted from working on garbage trucks after reporting unsafe working conditions to Eterra.
- Swampers reported a reluctance to refuse jobs assigned to them by the THA even if they felt unqualified to do the job because they feared not being given further assignments through the agency.
- Many of the swampers reporting living in poverty; eleven of the twenty reported a total household annual income of less than \$20,000.
- The rate of pay for swampers employed through THAs is \$11.00 per hour versus \$18.05 when the work was performed in-house in 2005. Adjusted for inflation, swampers are currently making \$11.08 per hour less than their counterparts in 2005. Current swampers employed through THAs receive no benefits including pension contributions.
- Swampers reported high barriers to employment including a lack of education, criminal records, addictions and struggles to find affordable housing.
- Between January 2012 and present, twenty-two stop work orders (SOWs) were issued to Eterra Group Inc. for a variety of infractions. These ranged from lack of personal protection equipment (PPE); lack of safety and training for employees including contractors; lack of first aid kits and fire extinguishers on the garbage trucks; workers riding on rear platforms on major routes or reversing along roadways;

unsanitary conditions in the workplace including the washrooms; not providing workers with 'electrical equipment considered safe or without defects'; among many others.

Key Recommendations

This report puts forward several recommendations:

- Bring solid waste collection services back in-house, either completely or through a mixed-model where city employees would cover part of the city and one or more private companies the rest. Such a model is used successfully in Ottawa.
- Create a program in municipal solid waste-collection to absorb workers who experience barriers to entering the labour market.
- Address legislative and regulatory weaknesses that have failed to keep pace with the increasing precarization of the labour force.
- Implement a 'socially conscious-clause' in any RFP put out to private contractors so that any temporary workers that *are* employed under City contracts are recruited through THAs that employ ethical standards. We also recommend that this clause to apply to all workers completing work on behalf of the City, ensuring workers receive a living wage, safe working conditions, adequate training, and job security.

Outsourcing and Garbage Collection

In 1968 garbage collectors strike in Memphis, Tennessee went on strike. Most of the garbage collectors were black and earned wages so low that many had to rely on welfare or food stamps to feed their families. Dilapidated trucks creat-

ed unsafe working conditions and workers were forced to work late-night shifts without overtime pay. In February of that year, a malfunctioning truck had crushed two garbage collectors killing them both.¹ These circumstances galvanized a fight for economic justice that would precipitate the mobilization of four thousand national guards to squelch the accompanying civil unrest. Twenty five thousand people coming to hear Dr Martin Luther King speak about the economic injustices that workers in the South faced. On April 16th, the City would finally agree to recognize the union and guarantee a better wage to these workers.

Sadly, current conditions for garbage collectors in Winnipeg are not much better than they were fifty years ago for those striking workers in Memphis. Winnipeg's garbage collectors who are contracted to do this work through temporary help agencies (THAs) are also predominantly racialized; earn minimum wage with no benefits; experience unsafe working conditions; and some also rely on welfare or other social safety nets to make ends meet. While municipal jobs in the latter half of the 20th century have historically provided a good living to many hardworking men and women (mainly due to the organizing efforts of unions to create collective bargaining agreements), the trend towards outsourcing municipal services is reversing these hard-won gains for workers.

In 2012, Winnipeg's garbage and recycling collection was contracted out to the private company Emterra Group Inc. (also known as Halton Ltd, onward referred to simply as Emterra). While cost savings were initially cited as a driving factor behind the decision to outsource garbage collection, concerns were raised about how these supposed cost savings were being achieved when it was revealed by an Aboriginal Persons Television Network (APTN) report that the garbage workers actually doing the collection were experiencing unsafe working condition and precarious working environments (Ridgen 2016).

Through further investigation, it became clear that many swampers (as garbage collectors are colloquially referred to) were day labourers hired through THAs, a form of employment that is noted for its exploitative conditions (Longhurst 2014). Over the four-month long investigation, these workers were seen manually lifting and tossing the garbage and recycling bins, a practice that is not allowed under the current automated cart collection contracts. It was also revealed that the company who had won the city garbage collection contract had a troubling safety record (Ridgen 2015). Over the five years that Emterra has held the contract, the Province has issued twenty-two stop work orders and fifty-eight improvement orders against Emterra.²

APTN's investigation and other media coverage demonstrated the need to dig deeper into the working conditions of these workers. More broadly however, it requires serious inquiry into the character of work that outsourcing public services has a tendency to produce.

The overall quality of employment in Canada has seen a slow but steady deterioration over the past two decades (Tal 2016).³ During 2016 part-time jobs accounted for ninety per cent of all jobs created in Canada (Ibid). Not surprisingly the share of low-paying jobs (as is often characteristic of part-time employment) has also risen during that period from approximately fifty-eight per cent in 1997 to just under sixty-one per cent in 2015. This trend was identified by the CIBC as "symptomatic of deteriorating labour market quality" (Tal 2017: 1). Outsourcing municipal services to private contractors can be understood as one part of this trend.

In recent decades Canadian municipalities have seen a trend of outsourcing and privatization of municipal services to private contractors (Reynolds, Royer, and Beresford 2016). Examples of services contracted out by municipalities include water and solid waste services; snow removal; recreation facilities; and, infrastructure building and repair amongst others. This phenomenon is

not just being observed in Canada however. This has been part of a wider, global trend since the mid to late 1990s (Flecker and Hermann 2009).

This trend however, seems to be shifting. Many Canadian municipalities are now starting to bring services back in-house. The promises of cost savings and service improvements have not materialized, and in fact, many municipalities have encountered significant problems as a result of outsourcing. Some of the problems that have been identified with outsourcing municipal services include a reduction in control that municipalities have over the provision of the services; loss of flexibility; inefficiencies in operations; cost increases; and problems with contractors (Reynolds, Royer, and Beresford 2016). Some cities reported that the inadequate provision of services by a private contractor undermined their citizens' faith in government (Reynolds, Royer, and Beresford 2016). Municipalities also reported that when services are not adequately provided under an outsourced contract, they lacked the power and control to fix the problem other than to levy fines against the offending company. This was seen in the case of poor service provisions by Emterra in Winnipeg (Ridgen 2015).

One important consequence of outsourcing municipal services, and the focus of this report, has been the increasingly precarious working conditions created as a result of outsourcing. Municipalities often award the contract to the lowest bidder (as cost savings is a primary driver behind the rationale to outsource). Consequently, companies will often restructure their workforce from full-time employees to temporary contractor or subcontractor relationships (Flecker and Hermann 2009). These relationships reduce the employer's costs, because the employer is no longer required to pay union standard wages or contribute towards pension plans or other employee benefits. This focus on cost reductions however, creates low-wage jobs and a reduced commitment to upholding safety standards (Flecker and Hermann 2009).

It is from this context that this research emerges. This report documents how outsourcing municipal services has eroded job quality and safety for Winnipeg workers. It attempts to give voice to those workers who have taken up these positions, despite the low pay and danger involved. The voices of these workers have traditionally remained unheard because they occupy a marginalized space in our community.

This report also explores how bringing garbage collection, either fully or through a mixed model, could improve working conditions and replace precarious work with decent jobs. While bringing services back in-house was one recommendation identified early on in the research process, it became clear through conversations with the THA swamper that simply bringing services back in would largely leave these workers out. Understanding their vulnerability allowed us to craft more nuanced recommendations that are explained in detail. Briefly, they include a strategy for the City to employ those who are ready to solidify their labour market attachment; improvements to provincial legislation and its enforcement; and, use of a 'socially conscious clause' in all future RFP's for municipal contracts that would stipulate fair wages and working conditions for any workers contracted to do city work through THAs. This clause should be extended more broadly to all workers completing work on behalf of the City, so that workers receive a living wage, safe working conditions, adequate training, and job security.

Methodology

The research employs a mixed-methods approach. Qualitative interviews with temporary labourers who had worked as garbage collectors in the City of Winnipeg after services had been outsourced gave us a better understanding of their experiences.

Semi-structured interviews of thirty to sixty minutes were conducted between Feb-

ruary 2017 and May 2017. Interviews included twenty individuals who had either previously worked, or were currently working through THAs doing garbage collection in the City of Winnipeg. Concerns that workers would not get re-hired if the THA knew they had talked to us made us take great care to ensure complete confidentiality of participants. Workers were recruited at employment locations, using posters put up in community organizations as well as on the online classified website Kijiji. Recruitment criteria involved having worked, at some point, collecting solid waste collection throughout the City of Winnipeg after the collection was outsourced (2006 or later) and having being hired through a THA. No restrictions were put on age, ability, gender, or race.

All research participants were assured complete confidentiality and where they are directly cited in this report a pseudonym was given. Because of the marginalized nature of the participants, ethics approval was sought and granted for this research study. Additionally, swampers were observed working from afar on five separate occasions. No contact was made with the workers during these observations.⁴

The workers' experiences and researcher's observations were then compared to broader trends in the labour force via a literature review of existing data. Various governmental departments and organizations such as Workers Safety and Health, Workers Compensation Board, the Occupational Health Centre, CUPE Local 500, and the Manitoba Building Trades and Allied Hydro Council were also consulted.

Research Findings

This research documents the impact that outsourcing has had on the nature of jobs in solid waste collection and what that means for the workers who are performing these duties. We found that the outsourcing of Winnipeg's solid waste collection has resulted in the reduction of unionized jobs and replaced many of these jobs with contractor and subcontractor positions as well as a reliance on using THAs to staff these contractor and subcontractor positions. These positions pay less than when collection remained in-house, the tenure of positions is insecure, and occupational safety and health standards remain insufficient and regulations are often not adhered to.

As part of this research, the voices and experiences of the workers themselves were documented. Twenty individuals were recruited to be interviewed who have either currently or previously worked as swamper through THAs. They spoke of a desire to achieve permanent full-time work so that they could support themselves and their families. They also spoke about some of the challenges they faced in achieving work through THAs. While many appreciated the access to same day payment, almost all of the informants felt that they were being taken advan-

tage of by the THA and Emterra. Many felt they were treated by their employer as disposable despite doing work that no one else wanted to do for minimal pay. When speaking about injuries they incurred on the job, many seemed resigned to the fact that the system was not responsive to them or their situation, instead responding that when they were hurt they would 'just suck it up' or take a few days off work to recover at home. Overall we found these workers demonstrated an impressive resilience to life circumstances which many would find challenging. Many also had a drive to achieve permanent employment despite some significant barriers such as a lack of education, unstable housing situations, addictions issues, and/or criminal records.

Participant Demographics

Of the twenty interviewed participants, all identified as male. Three of the twenty were between eighteen and twenty four; six between twenty-five and thirty-four; five between thirty-five and forty-four. Ten self-identified as First Nation and three as Metis. Fourteen of the participants were single; three had common-law partners; and three were divorced. Twelve of the participants

had children; two of them lived with and supported their children.

Eight identified as currently being unemployed, ten had achieved regular part-time work through THAs and two were presently working full-time hours. Eleven of the twenty self-reported a total annual household income of less than \$20,000 per year, eight reported between \$20,000–40,000 per year and one reported a total household annual income of between \$40,000–\$60,000.

Ten reported graduating high school and three reported going on to either enroll in, or complete, a university or trade school degree. The remainder did not complete high school.

The interview schedule was semi-structured in order to capture the richness and depth of the informants' experiences and stories. Major themes emerged during analysis and sections below are grouped according to these themes: precarious working conditions; workplace safety and health; and barriers to employment. Some issues relating to these workers' experiences bleed between these categories however (e.g. risk of injury may fall under both working conditions *and* occupational safety) and at times may be presented, in part, in both thematic groups for greater clarity.

Precarious Working Conditions

In Manitoba a temporary help agency (THA) is defined as an agency that

...assigns their employees to their client's worksite for temporary work.⁵

This working relationship is known as a 'triangular employment relationship' (Longhurst 2014) because while the client firm supervises the worker, the worker is the employee of the THA.⁶ THAs in Manitoba must be licensed by the Province.⁷ This employment relationship can be understood in contrast to a standard employment relationship in which a worker is directly and indefinitely employed and working under the supervision of the employer (Longhurst 2014)

In 2007 Statistics Canada collapsed the categories of temporary workers, making it difficult to know specific characteristics such as size and activity of the temporary help agency sector (Galarneau 2010). This statistical invisibility of this worker population creates a gap in knowledge about THA workers. We do know however that the rate of temporary job creation is outpacing permanent jobs (MacEachen et al. 2014).

Staffing low-skill jobs via THAs remains enticing to employers because they provide the flexibility to quickly increase or decrease the workforce in relation to their changing needs and marketplaces (Connell and Burgess 2002). This employment relationship reduces labour costs because this type of employment does not pay the benefits and higher wages that full-time standard employment often demands. Unfortunately, this flexibility and cost reduction for the employer comes at the cost of increasing precariousness for workers.

Precarious work is characterized by "uncertainty, lack of control, low income, and limited access to regulatory protections [and] it is shaped by employment status, the form of employment, social location and social context" (Vosko and Clark 2009: 27). Precarious work exists across a spectrum and the intensity of how workers experience precariousness varies according to their socio-economic status.

This increase in precariousness is something we are seeing in the solid waste collection services in Winnipeg, especially for those workers hired through THAs. Workers caught in the THA working relationship have little control over their schedules or types of jobs they do. Workers show up at the agency when they open (many open at five-thirty am) and once registered, wait until a job comes up. According to interview participants, some days they may not receive any work at all. Additionally, if a worker declines a job (for any reason) they may not be offered another that day. Many interview participants reported being 'blackballed' after declining a job they did

not want to take indicating little choice of what type of job they receive:

You can't pick or choose the job that you want to go to...one day I went in and I worked it out with my [garbage truck] driver because he was a good driver and he liked the way that I worked...he said every time you go into [temp agency] just wait there for me...because I like your work and you can come on my truck day after day. So I said alright...and I went in and [the boss at temp agency] was like "okay go with this driver" and I said "that's not my regular driver, I'm waiting for [the driver]" and he goes "well you don't pick and choose here" and I said " Why not? You guys pick and choose for us, it should be both ways" he goes "no you're going with this guy or you can go home"... —*MARCO, Swamper*

This lack of control in their working environment is disconcerting given that 'job strain', which is characterized by high demands and low levels of control over how work is performed, leads to exhaustion, depression, lower job satisfaction, and ultimately to stress-related illness (Lewchuck et al 2009).⁸

Another example of the precarious conditions temporary workers endure in their lack of ability to assert their rights. Many interviewees spoke about the prevailing sentiment amongst workers that you simply don't report workplace abuses because if the driver or the client-firm is unhappy with the worker, they will indicate on the worker's slip (which is returned to the THA at the end of the day) 'Do Not Return' (DNR). In the case of swampers, a DNR can be issued for a variety of reasons by either the driver — whether contracted or employed by the client firm, or the client firm (in this case Emterra). There is no formal means to dispute a DNR.

While employer feedback remains an important component of the working relationship, unequal power dynamics in the triangular THA relationship puts many workers in a vulnerable position. Social and economic marginalization

leads to an intensification of the experience of workplace precariousness. For example, if a worker has some financial security, even minimally, they are able to refuse work more easily than a worker without any financial cushion. Fear of being unable to achieve future employ reduces these workers' ability to assert their rights when it comes to refusing unsafe or unsuitable jobs.

An additional problem is the lack of clarity as to who is actually in charge of supervising the swampers. In some cases the workers reported that the driver would issue the DNR and in some cases it was Emterra. While the driver is the one who is actually working with the swamper and therefore is best suited to evaluate their work, the interests of truck drivers who are contracted by Emterra and swampers hired through THAs diverge because swampers get paid by the hour while drivers get paid by the geographic area they cover in a day ('per map'). This issue is expanded upon in the following section on workplace safety and health.

According to interviewees the DNR can even be issued when workers raise safety concerns. In one case, an interview informant reported receiving a 'DNR' for telling the garbage truck driver that the rear platform (upon which the swampers stand when driving short distances) was loose and he did not feel safe standing on it:

[t]he last time I was ever on a [garbage] truck there were these two footings on the back where the swappers stand and one of them became loose and the driver didn't want to call the dispatch office to fix it —*STEVE, Swamper*

This worker went on to describe how after going above the driver and reporting this to the dispatcher, he was given a DNR and was not allowed back on the trucks.

Another example of precariousness in this form of work is that some of the swamping positions for Emterra workers are being filled 'under the table'. This practice appears to be occurring as a result of Emterra contracting out the gar-

bage truck driver positions. According to CUPE Local 500, the drivers were encouraged by Emterra to become contractors during and following the successful unionizing of the yard, in what is assumed to be an effort to reduce labour costs.⁹ CUPE estimates that approximately fifty per cent of the driver jobs are now contracted out. This means that these drivers lease the garbage trucks and are expected to cover all costs incurred for the operation including, in some cases, hiring the swampers themselves. When recruited by the drivers, workers are sometimes offered a flat rate of pay (reports from informants averaged approximately \$125 per day regardless of the length of day) and this is paid 'under the table' (i.e. no formal work contract or a paper trail of the employment). A number of interviewees reported this situation.

'Under the table' is one of the most precarious working relationships because if a worker does experience abuses of his/her rights as a worker, formal government structures or systems that are meant to protect the worker become less effective at doing so because there is no proof of the working relationship. Additionally, if the worker gets injured on the job the investigation into compensation becomes especially difficult as there is no record of employment for the worker. In conversation with the Worker Compensation Board (WCB) of Manitoba we learned that Emterra could be found responsible for ensuring that the contractor (in this case the driver of the garbage truck) is providing adequately safe working conditions for the swampers even if the driver is technically a contractor of Emterra. As garbage collection is deemed a 'compulsory industry' under WCB regulations, either the driver or Emterra is required to carry worker injury insurance. WCB also noted however that these investigations occur on a case-by-case basis, and that investigating under the table engagements makes it especially difficult to prove working relationships and thus, to find fault or award compensation.

A fourth reason temporary work is so precarious is the low pay. While many workers noted that one aspect that they liked about working for THAS was that they were paid daily (most THAS offer a daily cash-advance with the remainder of their cheques being paid out weekly or bi-weekly¹⁰) some interview subjects noted that this created a 'poverty trap' situation. One worker describes this as:

...you're stuck in that cycle. It plays on you mentally. You're like 'I need the money [but] I don't want to do this job'. They call Labour Ready 'slave ready', that's what we felt like we were doing right? We would work eight hours and come back with a little over sixty bucks sometimes. —IAN, *Swamper*

When asked why workers used THAS to gain employment the response was that they had few other options:

Well I've gone through temp agencies my whole life, it's a way to avoid going to welfare.
—ANTHONY, *Swamper*

Every interviewee noted that he felt that the pay was too low for the amount of work they were expected to do. One respondent noted that since the job is so physically demanding, he couldn't do it every day, and had to take some days off following particularly demanding days.

Since outsourcing, the rate of pay for Emterra swampers employed through THAS is now \$11.00 per hour (minimum wage). In 2005, the last year the City employed workers doing solid waste collection, swampers were paid an hourly rate of \$18.05. Adjusted for inflation, THA swampers are making \$11.08 less per hour than their counterparts in 2005.

Cost savings aren't just realized by reducing wages however. By contracting out the work, the employer is able to reduce costs of pensions and other benefits that a more formal working relationship requires.¹¹ Government jobs in services such as solid waste collection provided, a decent

living but they have now been reduced to the lowest paid, risky, and least desirable forms of work.

Interviewees also noted that they get paid less than those swampers who are employed directly by Emterra and stated that one way to improve their lives would be to increase their rate of pay:

I guess get the actual pay that you should be getting paid. Like what people that are actually employed by them [are making].

—PAUL, *Swamper*

A number of informants they felt that they were being taken advantage of and they have good reason to feel this way. Emterra employees are not only paid better than their temporary counterparts, but they also have an extended health plan and their safety boots are paid for by the company.¹² Pay gaps between temporary and permanent employees extend across sectors: the average median hourly wage for temporary workers in Canada is \$16.95 compared to \$23.00 for permanent employees.¹³ Low wages are an important aspect of precarious work because socio-economic status affects a variety of important areas of a person's life including health outcomes as well as limiting other opportunities such as higher education (Lewchuck et al 2013).

Unsurprisingly, none of the workers interviewed reported receiving any benefits through their work. Many of them scoffed when they were asked this question and one interviewee even noted that the lack of benefits is one reason why client firms like using THAs. He also noted his frustration with the cycle of being trapped in a temporary position even though he was consistently being sent out to the same client firm over and over again:

No [doesn't receive benefits] and I think that's why they [Emterra] go through there [the THA] and that has to stop. Temp is temp but when is it not temp? When it's consistent.

—TERRY, *Swamper*

A lack of benefits means that when life circumstances such as illness or injury arise, these work-

ers become even more deeply entrenched in poverty and subsequently increasingly vulnerable to accepting precarious work. This is disconcerting given that waste collection is actually quite a risky profession.

Workplace Safety and Health

Waste collection was rated as one of the most dangerous jobs in America (Guilford 2015). Risks include ergonomic injuries; cuts; exposure to toxins, bacteria and vehicle fumes; exposure to used syringes; as well as crushing injuries and motor vehicle collisions (Tibbetts 2013)- all of which were reported during interviews. In the United States thirty-three fatal injuries occurred per hundred-thousand workers making garbage collectors more than three times as likely to die on the job than police officers (Guilford 2015).¹⁴

While deaths in Canada are thankfully fairly rare, a 2010 report by CUPE claimed that some sort of injury affected thirty-five per cent of garbage collectors in Canada each year (Tibbetts 2013). Research has shown that temporary workers are at a greater risk than their permanently employed counterparts as a result of poor oversight and intense competition (MacEachen et al. 2014). In Winnipeg one hundred and thirty-eight claims were accepted by WCB for both of the City's garbage contractors Emterra and Progressive between 2012 and 2016.¹⁵ The WCB groups the number of accepted injuries together in order to avoid disclosing the number of injuries specific to each company therefore it remains difficult to know how many were injuries incurred under Emterra's workplace. Additionally, we were unable to obtain a breakdown of accepted injuries relating to job tenure (i.e. temporary versus permanent employees that made injury claims). It should also be noted that this number only represents the number of claims that were *accepted* by WCB. Only one of the informants who reported being injured on the job ever filed a claim with the WCB, which means that statistics collected by WCB do

not necessarily paint an accurate picture of injuries experienced by THA swampers.

When asked why those who incurred injuries on the job didn't report it, many workers noted that they thought they would either get in trouble for reporting, or they would subsequently be denied further work through the THA:

I heard through another guy that if you try to go to workman's comp [Worker's Compensation Board] they [the employer] will deny you were even injured there and then you get in trouble... and then you'll be in a lot of trouble for nothing and then you're not getting anything so just suck it up. —PHIL, *Swamper*

This kind of response was repeated over and over again by the THA swampers. This demonstrates the importance in giving voice to these workers' experiences. Because they don't consider formal government structures as a way of improving their circumstances, these data cannot be relied upon to tell us the whole story about the lives of these workers.

This unwillingness to report injury was particularly troubling when workers detailed the occupational health and safety environment in which they worked. Workers cited a lack of training; a lack of supervision; speed of work; and, lack of breaks as concerning issues in their daily work lives. Workers also indicated that they did not report injuries or safety concerns, and that when they did, they were sometimes punished (by not receiving future work with Emterra or the THA).

When asked if they received any safety training on the job, the majority of interview participants stated that they received their safety training from another swamper (in many instances these coworkers were reported to also be THA workers):

[T]he day I started with Emterra, it was with the guy, the other swamper, he showed me how to operate the arm and the compactor. It wasn't the company themselves. It was the other guy I

was working with [who was also a THA worker].

—ANDY, *Swamper*

A second swamper, when asked if training was provided to him when working on the trucks stated:

Oh there's no training. I mean it doesn't take a rocket scientist to do it but they don't give you training at all. —BILL, *Swamper*

One worker noted that the Emterra gave him a form about the rules of the work but didn't receive any formal training and that any training that was given was up to the individual driver or coworker:

No, no training. Just the drivers or other workers would show you. But it would be his choice, no one would tell him to do it.

—CRAIG, *Swamper*

These claims of lack of training are corroborated by infractions laid against Emterra by Manitoba Workplace Safety and Health, the provincial body responsible for ensuring safe work conditions. WSH conducts spot checks on industry and also relies on citizen complaints to ensure compliance by industry.¹⁶ Between January 2012 and present, the department issued twenty-two stop work orders (SWOs) against Emterra. In a SWO issued on April 22 2015, swampers were observed by a WSH inspector riding on a rear platform while the truck reversed along a main roadway. This practice is prohibited by established safe work procedures developed by Emterra. The inspector noted in his report that these workers were from a THA, it was their first day on the job, and that they were *not trained in safe work procedures*.¹⁷ It was similarly noted that these same workers were not wearing personal protective equipment (PPE) (also a violation). One month later the same violations were again observed by WSH seemingly indicating a lack of commitment by Emterra to address these safety violations in a meaningful and permanent way.

One worker noted that in the morning meeting (which would be an ideal opportunity to review safe work procedure) little is said to the workers about safe work and that even the push to wear PPE is a recent phenomenon:

They'll just say make sure to wear your PPE, it just started though. There was a while where they were letting us run around in just t-shirts, no reflective nothing. But then guys got hurt and Workplace Safety and Health came into it
—BILL, *Swamper*

A full year after the initial SWO was issued to Emterra for not providing adequate training to day labourers, another SWO was issued for a similar violation. On June 15 2016 a SWO was issued for not having a system in place for conducting new worker orientations that comply with safety and health regulation. Twenty days later on July 15th another SWO was issued for an observed lack of safety orientations for contracted workers.

In addition to a lack of training in safe work procedure, there also appears to be a lack of supervision of the THA swampers. In the above instance of the stop work order being issued, Emterra claimed that the drivers of the trucks were responsible for ensuring the work was carried out safely, however the inspector from WSH noted that he was not satisfied that the driver had been adequately trained to perform supervisory responsibilities.

As of June 2017, approximately half of the solid waste collection drivers for Emterra were contractors.¹⁸ This means that many of these drivers have to oversee aspects of garbage collection (such as safety procedures) that they may be unwilling or unprepared to perform. This practice of contracting and then subcontracting out hazardous jobs disconnects the workers from safe work standards contributing to greater precariousness. It was repeatedly reported during interviews that drivers are often not watching carefully enough while some drivers are even on their phones during collection:

That's where a lot of accidents happen. You know guys aren't paying attention and you're yelling at the guy [the driver] to stop and...you're running down from two houses with it [the garbage cart]. Then you gotta run it all the way back. —RUBEN, *Swamper*

Another worker noted how important the role of the driver was in ensuring their day went smoothly and safely:

[Y]eah, just like I said if you have a good driver you want to stick with him. It makes the job easier and safer. If you have a good driver he's constantly watching you and watching what's going on around the truck. When you're hauling bins back and forth you're not really aware of what's going on around you it's supposed to be the driver's job. So it's good to have a good driver —DAVE, *Swamper*

One worker described how a watchful driver saved him from incurring a potentially deadly injury:

[o]ne day when the back lanes were extremely slippery, sometimes you have to walk alongside the truck and there's not a lot of room to manoeuvre because of the snow bank, and I slipped under the truck and fortunately the driver was looking at the back and so he stopped but there could have been consequences.
—JASON, *Swamper*

Unfortunately, while we see how important the driver is when it comes to ensuring the safety of the swampers, there does not appear to be any formal mechanism in place to ensure that the driver is capable and willing to perform a supervisory role.

Swampers interviewed indicated that another major area of concern for them was the speed at which they are expected to complete the routes. While many informants reported liking the long hours often required on these routes (because it meant that in the case of being employed through the THA receiving overtime pay when the day exceeded eight hours) they also reported

the speed at which they were expected to collect the garbage was very physically demanding and that the fast pace could be dangerous especially in the winter time:

It's gruelling work, it's fast paced [but] it all depends on the driver. I work with different drivers but generally it's fast-paced. In the wintertime it's very difficult, you're in back lanes, it's icy, slippery...it's difficult to find your footing in the wintertime. —*ASHTON, Swamper*

Another worker clarified an important issue relating to the pace of work:

And I guess some of the problem, the truck drivers don't get paid by the hour so they make you work fast. And if you don't work fast they won't pick you next time. And it's mandatory to use the tipper, but if you use it, because it's slow, they will consider you a slow worker.

—*BILL, Swamper*

Because the drivers often influence whether or not a particular swamper will receive work the following day (through the aforementioned DNR process), they are able to set the pace for the collection. As drivers are paid per map, they have a vested interest in completing their route in the shortest amount of time. Additionally, if garbage collection is not completed on time the City can levy fines against the company for late or missed pickup creating additional pressure for the driver to complete his route quickly. This pressure however means that swampers often found it too slow to use the mechanical arm with which garbage trucks are equipped and instead reported often having to hoist the bins into the truck manually despite the fact that that 'hand-bombing', as it is known, is a violation of the company's own safe work procedures. Hand-bombing by swampers during their collection routes was seen occurring on each of the five separate observation occasions. The tipping arm was used only when it appeared that the bins were too heavy to hoist into the back of the truck.

One interview participant recommended that the best way to improve overall working conditions for swampers would be to slow the pace and allow them to use the tipping arm:

if the drivers let us take our time and use the tippers [manual lifting arms]. But they don't like that at all, because like I said they get paid by the mile... The longer we take, we waste their time. Mostly the truck drivers, I would say, not really the employers, cuz the boss, Bill at EZ Workforce he told me it's mandatory they use the tipper but uh, the truck drivers they won't say anything but they won't pick you [if you don't want to hand-bomb]. —*BARRY, Swamper*

Unfortunately, slowing the pace of work is unlikely under this type of working relationship because as previously noted the drivers have a vested interest in completing their route in the shortest amount of time when they become contractors of Emterra.

It was also indicated that coffee or lunch breaks were left up to the individual driver's discretion. In some cases swampers reported having to ask the driver for a break because they could not continue on. Under Section 50(1) of The Employment Standards Code (C.C.S.M. c. E110) employees must be given a thirty-minute unpaid break after every five consecutive hours of work. While some informants indicated that drivers did indeed offer breaks, the fact that this is left up to the discretion of drivers demonstrates how vulnerable these workers are to being exploited by these triangular working relationships. If drivers are paid per area covered rather than an hourly rate, there is an increased incentive to not stop for breaks. Additionally, as the driver holds the power to DNR a worker, workers may not want to ask for a break for fear they will not be picked for more work in the future.

As previously noted, workers frequently reported during the interviews that they did not disclose injury, safety or health concerns, nor violations to either their employer (the THA)

or Emterra because they felt that they would be blacklisted from receiving future employment through the THA if they said anything. These concerns seem to be justified: in one instance the employee was actually told not to come back for reporting unsafe working conditions to the driver and an Emterra dispatcher.

He [the dispatcher] thought it was my fault I guess... when I got off the truck he was not happy he put a do not return [DNR].

—*STEVE, Swamper*

The treatment of this worker came after another worker was reportedly injured while riding on the back of an Emterra truck through a busy intersection (which is a violation of safe work protocols established by the company).¹⁹ This instance was reported as having occurred in fall of 2016, one year after Mayor Brian Bowman committed to investigating serious allegations made about Emterra failing to provide safe working conditions to their employees, contractors and subcontractors. A request was submitted to the City's CAO requesting the findings from this investigation. As of the date of publication, no response has been received from the City.

Another interviewee described his interaction with a temp agency he was working for after he got hurt on the job:

The day I hurt myself, I went there [the temp agency] the next day to get an advance and he told me he needed me to go out so I went out and that's when I quit. Halfway through.

When asked what happened after he quit due to injury the worker responded that the THA never sent him out again. When asked if he had returned to the same agency looking for work the swamper responded:

I tried to go back but he won't send me out.

The worker indicated that he informed the boss of the agency of his injury but the boss didn't believe that he was injured:

I told him but I don't think he believed me.

—*BILL, Swamper*

One worker described how he sprained his thumb while on the job, but was told to continue on despite concerns that he may have broken something:

I was gonna grab the bin so I could pull it and I guess I pushed it because I was kind of rushing and I kind of just really jammed it. I couldn't stop because I told him I broke my thumb or something and he just told me to go on. He [the driver] said, uh, I won't get my time slip if I don't finish. I did finish that day though. That was only 8 hours in.

When asked if he was offered the option to go to the hospital he indicated that he went on his own after work

I just went there myself, they didn't really care. It happens a lot....Well a lot of workers get injured but they don't really say anything.

When asked why workers don't say anything when they get hurt, he stated:

Um, because the employer will get problems, they will get in trouble.

This worker went on to describe how that while the THA and client-firm don't explicitly tell the workers not to report, it is clear to the workers that the employer does not want them to say anything and that the workers feel like there will be repercussions for them if they complain about being injured:

...they don't have to say it [to not report the injury]. They won't say nothing but you know.

—*AJ, Swamper*

Lack of concern about workers' health and safety was also described by another worker who said that when he needed use of the first aid kit because he had cut his hand on an aluminum can in the trash, there was nothing in it:

Well I picked it [first aid kit] up and there was nothing in it. There was a tensor bandage [and]

a little thingy of gauze. There should have been stuff in it but it had never been replaced.

—DAVE, *Swamper*

This worker's claim is supported by a stop work order Emterra received for not having first aid kits in the truck.²⁰ Additionally, in the same swo, the inspector noted that the fire-extinguisher required to be kept on the truck was not working.

Finally, a swo was issued to Emterra in August of 2015 for 'very' unsanitary conditions. The observations by the inspector noted that the men's washroom (which was located below the supervisor's office) was in "extremely unsanitary [conditions] due to accumulation of human waste and other bodily fluids due to lack of cleaning". Upon re-inspection six days later the inspector placed the improvement order status as 'non-compliant' due to the fact that the men's and women's washrooms remained in "very unsanitary" conditions including the "toilet, and enclosure, urinal, shower, wash basin and floor." Additionally, "flat and vertical surfaces near toilet and urinal" appeared to be contaminated with human waste. These working conditions and the unwillingness by Emterra to address them in a timely manner seem to be a good indication of a persistent culture regarding the lack of concern for the health and safety of both their employees and contractors.

One respondent noted the difference in the culture of safety between the mine where he had previously worked and working on the garbage trucks:

When I worked in the mine, safety was the number one issue. The company prided itself on its safety protocols and the percentage of days worked without incidence. And I believe accidents are caused they don't just happen.

—ANGELO, *Swamper*

Another worker spoke about the difference in safety culture working in the construction sector where they would have a safety meeting

every morning and working through the THA as a swamper where there was little to no discussion of safety:

I found that the difference between the construction site and this type of job [collecting garbage], on the construction side for the most part they are very in-tune to safety. You get an orientation in the morning, the supervisor will come and ask 'are you doing things safe'? And also on a construction site, the majority of the employers [get] your 15-minute coffee break, you [get] your lunch break. A lot of the time if they saw you over-exerting yourself they would let you know 'slow down you don't have to push so hard' which was not the case picking garbage because it's all fast pace and it's just 'get the job done'.

This worker went on to note that the pace and perspective on occupational safety was different when working on construction crews:

Generally speaking on the construction site there's a steady pace of work it's not necessarily fast paced unless there's an urgency to getting the task done but generally they expect you to work at a steady pace...and make sure they have water for you and make sure you take your coffee. After doing a difficult task you switch with someone else. —BILL, *Swamper*

While garbage and recycling collection remains a risky profession, these risks can be managed. However the strong emphasis that outsourcing places on reducing costs (in this case by using THAs) seems to encourage a culture of unsafe work.

The weakened employment relationship that occurs through THAs also disconnects workers from the government structures that were created to protect them. Many swampers noted in their interview that they did not see formal government structures (such as the Labour Board or WCB) as helpful, or in some cases, even an option. As previously noted, many workers who were injured on the jobs did not report injuries to

either the THA or any other formal government branch such as Worker's Compensation Board because they feared not being able to get work through a THA in the future. Another workers indicated he didn't have the financial stability to wait the period between being injured and received a decision about his claim:

I couldn't afford it [to time off to report and wait on a decision on a claim]. Like I said nobody is nice enough to pay your bills for you when you're down and out. It doesn't matter how good a friend you have. And if they do, I'd like to be friends with them. —KEITH, *Swamper*

It becomes clear then, that one of the biggest problems with this form of employment relationship is that these workers do not fit well into existing worker protection frameworks. This observation is supported in the literature on the growing problems with precarious employment (Vosko 2006).

Unions find organizing these workers incredibly challenging because there is a high turnover with these workers and increasing fluidity at the workplace itself. It is nearly impossible to organize the drivers who operate as contractors because they are ostensibly self-employed, so the union would have to negotiate separate agreements with each and every driver. It has been observed that restructuring the workforce with contractor and subcontractor relationships is demonstrative of a concerted effort by companies to obfuscate and undermine collective bargaining agreements.²¹

Even in standard employment relationships claims suppression by employers has been documented as a problem (Fernandez 2013). It has been noted that this occurs because WCB premiums are tied to the employers' claim record, meaning that the greater the number of claims that are made at a particular workplace, the higher the premiums for that workplace will be. While on one hand this can be seen as a good incentive for employers to ensure a safe workplace by improving safety standards, less scrupulous em-

ployers simply try to prevent workers from filing claims. In the instance of THA workers, it seems that the precarious nature of the working relationship, combined with these workers' overall social precarity acts as a claims suppressant itself.

Barriers to Employment

"That's all these temp agencies are right? You got a deal with a lot of negative aspects, that's why people are there. Because they can't keep a normal job right?" —MARK, *Swamper*

Many of the temporary labourers interviewed for this project reported facing high barriers to employment including a lack of education, criminal records, addictions issues and struggles to find affordable housing. This part of the story is important. By understanding what barriers these workers face in achieving employment, we can better construct responsive and more effective policy recommendations.

Barriers to employment mean that many workers go to THAs because they have few other options. Fewer options in terms of securing employment however, makes these workers more vulnerable to being exploited by THAs and the client-firms that employ them.

Out of twenty interviewees, only ten reported graduating high-school and only three reported going on to either enroll in, or complete, a university or trade school degrees. Many saw lack of education as a barrier to attaining full-time permanent employment. When one interviewee was asked why he chose to work at the temp agency he responded:

Because I didn't stay in school... I dropped out of school when I was in grade seven and started doing demolition and construction since I was thirteen or fourteen years old [sic].

—ISAAC, *Swamper*

Statistics Canada corroborates the linkage between achieving steady employment and edu-

cation, reporting that even during an economic downturn, the likelihood of being employed increases with the higher the level of educational attainment (Ferrao 2017). One worker spoke of how he wanted to go back to school but was unable to get enough hours for Employment Insurance to pay the tuition fees. Another worker wanted to go to trade school to become a plumber but again, couldn't afford the fees.

Out of twenty workers, half reported having a criminal record. Many identified this as being a barrier to achieving stable, full-time employment. While it is understandable that employers may be hesitant to employ individuals with a criminal record, studies also show that individuals released from custody who are employed in the first six months of release “evidenced fewer [subsequent] convictions than offenders who were unemployed.” (Gillis, Motiuk and Belcourt 1998).

Addiction was another theme that emerged in speaking with these workers. Many did not mention struggles with substance misuse, however the interviewer did not ask workers directly if they were experiencing active addiction because we did not want to potentially create a triggering situation for the respondents. One question however was designed to provide the opportunity for workers to speak about addictions if they chose, asking instead how they handled stress in their working and daily lives. While many responded that they simply ‘sucked it up’ or didn't think about their stressors, some responded with descriptions of how they would use alcohol or other substances to alleviate it. One worker described how he handled his work stress:

Smoke cigarettes, beer on weekends. I like my weed. —ANDY, *Swamper*

Another worker spoke about how he witnessed that many of the workers who use THAs to make a living find themselves stuck there because they struggle with addiction:

But the reason that they go there is because they are stuck into that rut where they have to get paid every day and a lot of them have addiction, yeah, that's part of the problem.

—BRYAN, *Swamper*

One worker, when asked to describe any employment barriers he faced, stated that alcohol addiction was preventing him from getting full-time permanent work and that was why he went to the THAs for employment. When asked if he had a hard time showing up for work he stated

Not show[ing] up for work but I show up drunk sometimes. —BRUCE, *Swamper*

One worker spoke about how poor working environments exacerbated his desire to drink:

Yeah you know what I'll be honest with you, after you're finished working a terrible job all you want to do is go for a drink

—ALEX, *Swamper*

What became clear throughout the interviews with these workers was that many of them wanted to work despite some fairly significant barriers and difficult life circumstances. One informant spoke about the difficulty in getting a job because while he was expected to look presentable at work, the neighbourhood in which he lived was rife with gangs and if he didn't dress like a ‘gangster’ he would become a target to be ‘jumped’ (i.e. attacked for not wearing gang symbols or colours). Another young man spoke about his difficulties with finding affordable housing indicating that he was presently ‘couch surfing’ despite the fact that he had to get up every day at five am to get to the THA for work. This same worker described how his cousin who suffers from schizophrenia attacked him while he was couch-surfing at his aunt's house. The attack left him injured and struggling to complete his work, although he continued doing garbage collection through the THA.

A barrier to achieving stable, full-time employment that was mentioned (but not explicitly

identified as a barrier by workers) is the legislation and governmental structures that have been established, ironically, to protect workers. These laws and structures however are ineffective at protecting these workers and in some instances actually exacerbate the exploitation that workers face.

For example, a legislative provision that allows THAs to charge client firms a premium, if it hires the worker permanently, acts as a disincentive for companies to hire workers into a more secure employment relationship. Under Section 15.1(1) of the Worker Recruitment and Protection Act, the THA may charge a fee to the client firm if the worker is hired by the client firm within 8 months of first being assigned by the THA. The Act allows the THA to “charge the client a fee that is no more than 20 per cent of the annualized wages paid by the agency to the temporary help employee as a result of the employee being assigned to perform work for the client” (Province of Manitoba 2009). Additionally, there is no limit on how long a company can employ a temporary worker before giving him or her a permanent job, showing how Terry’s complaint about being ‘consistently temporary’ is so hard to overcome. There is also no law that prevents a company from paying the temporary worker less than their permanent counterparts.

Conclusion

The above sections detail how precariousness is an important aspect in the lives of these workers. It demonstrates how, in the case of Emterra, the triangular working relationship creates a culture of unsafe work through a lack of training, supervision, and culture of not reporting safety concerns or injuries. It illuminates how the barriers that these workers face in securing and maintaining employment often leads them to seek work through THAs making them vulnerable to exploitation and puts them at risk of injury. Finally, it highlights how legislation not only allows for the continued exploitation of these workers by failing to mandate consistent rates of pay regardless of tenure type, it additionally discourages companies from hiring these workers on full-time leading many workers to becoming ‘permanently temporary’.

While slowing the speed of work, mandating breaks, increasing the pay, improving tenure, increasing supervision and strengthening training procedures would indeed improve the lives of these workers, the triangular working relationship provides an effective barrier to these remedies. The recommendations in this report, therefore, go beyond these obvious remedies.

Recommendations

Bringing solid waste collection back-in house, or through a mixed model would address some of the concerns about worker exploitation resulting from triangular working relationships. Simply bringing solid waste collection back in-house however, will not help these workers unless there are systematic efforts to bring them in through employability programming. This recommendation is expanded upon below.

Secondly, legislation that allows for the exploitation of temporary labourers is unacceptable and needs to be changed. The caveat to this recommendation however is that simply changing worker legislation will not ensure better working conditions for THA workers. As noted above, their social and economic position prevents them from turning to these institutions to address their concerns or injuries. Additionally, the triangular working relationship has a tendency to suppress worker claims. Therefore addressing legislative and regulatory weaknesses must be understood as only *one part* of a larger strategy to protect workers.

Brantford Ontario struggled with some of the same issues raised in this report. As a result, it became the first city to ban the use of temporary staffing agencies for city jobs. Brantford City

Council noted that they would no longer use these agencies to staff city positions in a move to set the standard for other area businesses. The council noted that the use of labour through these agencies has grown in recent years, however these jobs tend to trap workers in a cycle of poverty and insecurity (Mojtehdzadeh 2017a).

While a commitment to improving the quality of city jobs remains a laudable goal, simply banning the use of THAs will not help the plight of the most marginalized workers. Many workers use THAs because they lack the required formal education, training, and job experience that the standard labour market often demands. This means that they would not necessarily qualify for city jobs were they to apply for them through formal labour market structures (i.e. submitting a resume, going for a formal interview, referencing past job experiences etc.). Utilizing THAs to staff outsourced municipal projects however should not result in greater precariousness for these workers. A socially conscious clause that outlines better pay and working conditions could help to ensure that government is not subsidizing precarious and exploitative work. Such a clause could be worked into government contracts which would encourage THAs to improve their

working conditions for their workers in order to qualify their employees for these contracts.

Workforce Staffing Solutions is a THA that's doing things differently. Operating as a social enterprise, *Workforce* provides employment opportunities to people who face barriers to employment. Unlike conventional THAs, the goal is to get their workers permanent full-time employment. This demonstrates that temporary employment agencies can operate according to socially conscious principles.

With the above background in mind, we recommend the following:

Bring Solid Waste Collection services back in-house, either completely or through a mixed-model

The tide is turning on the global experiment of outsourcing public services with many municipalities bringing their services either completely back in-house or a mix between contractor and in-house service models. Everything from energy, to waste, to water services are being reclaimed by the public sector. Between 2000 and 2015, two hundred and thirty five cases of water re-municipalization in thirty-seven countries and affecting over a hundred million people occurred, with France and the US leading the pack (Kishimoto, Lobina and Petitjean 2015). The number of these cases doubled in the 2010-2015 period compared with 2000-2010 possibly indicating an accelerating trend.

A Probe Research poll commissioned by CUPE Manitoba suggests that fifty-nine per cent of Winnipeg residents surveyed believe the City should look into having city workers carry out waste collection before signing any new contracts.²² The poll also suggests that fifty-eight per cent of respondents would prefer to have City employees collect garbage and recycling, compared to thirty-two per cent who were in favour of using private contractors, provided that both options cost roughly the same. These results seemingly indicate that

public support exists for in-house garbage services in Winnipeg.

A solid business case can be made for providing garbage and recycling collection in-house. The rationale for outsourcing municipal services has often been that private companies can do it cheaper. Many municipalities in Canada however are bringing services back in because those promises to lower costs have not manifested with many municipalities actually achieving cost-savings by bringing services back in-house (Reynolds, Royer, and Beresford 2016).

Precedence for bringing services back in-house at a cost-savings exists all across Canada. The City of Ottawa found 'impressive operational savings' by bringing solid waste collection in-house. By working with the union, the City was able to achieve \$677,530 in savings by re-municipalizing solid waste services.²³ The much smaller community of Conception Bay South in Newfoundland and Labrador anticipated it would save \$100,000 from bringing waste services back in (Reynolds, Royer, and Beresford 2016). The City of Calgary noted that while the drive for profit can, in some cases, promote efficiencies, it can also add an additional five to twenty per cent to the cost of private sector delivery that is not included with public sector service delivery (City of Calgary 2014). The solid waste services in Calgary are completely in-house.

The City of Winnipeg's most recent RFP stipulated that the contract need not be awarded to a private company if the services could be provided at a better cost savings in-house (City of Winnipeg 2016: 12).²⁴ CUPE Local 500 however was not approached by the City to discuss the City's internal costing.²⁵ The numbers that were completed by the City for in-house collection estimated \$32.3 million per year, while estimates for contractors were \$24.8 million per year. The City however would not provide details as to how this figure for in-house services was calculated.

CUPE Local 500 notes that cost savings are achieved when services are brought back in-

house because they don't pay fuel taxes, they are self-insured and there is no profit margin to contend with.²⁶ While it has been noted that if the city were to bring services back in, there would be a substantial cost relating to the purchase of equipment as the City no longer owns its own trucks and facilities. What should also be noted however is that the RFP states that vehicles and equipment used in the performance of the contract shall be new (City of Winnipeg 2016). If the cost of new vehicles is worked into the contract price, it should remain immaterial whether it is a private contractor or the City that purchases the equipment. If bringing services entirely back in-house would prove too onerous to the City's financial budget, a mixed-model should be explored.

It also important to think about any cost-savings achieved through outsourcing municipal service through a long-game strategy lens. While labour cost reductions may initially seem like a way to save money, this is in effect, robbing Peter to pay Paul. One Winnipeg City Councilor even acknowledged this, noting that the very low price of Emterra's bid ended up with the City "bearing the cost for that" (Pursaga 2016). Unemployment and underemployment have significant economic impacts such as increased benefits payments; lost income-tax revenues; and wasted capacity as well as negative social impacts on individuals and communities (*The Economist* 2011).

The creation of precarious jobs through municipal outsourcing should be of concern to the provincial government as it is responsible for monitoring and inspecting workplace safety as well covering the costs of social benefit programs organizations that help knit together the social safety net when these workers experience difficulties. While the socio-economic issues described by workers have a human cost there is also an economic cost. A recent policy report by the Government of Canada estimates the cost if barriers that inhibit marginalized groups from participation in various facets of society are maintained to be between \$72 and \$236 billion a year

(Government of Canada 2013). If we broaden our understanding of 'cost' beyond a short-term reduction in budgetary expenditures, the costs of bad jobs are indeed high.

The good news however is that improving the quality of employment can reduce these associated costs. An in-house model provides higher quality jobs because of the union protections associated with it. At a minimum, this work should provide a living wage, pegged at \$14.54/hour for Winnipeg. Jobs should be a pathway to income and economic security, not a dead-end poverty trap. Further, taxpayer dollars should not be subsidizing exploitative jobs and questionable employment relationships.

When interviewees were asked if they would consider working as a swamper on a full-time permanent basis, approximately half indicated that they would if the pay were better. Responses as to what constituted sufficient pay varied between \$15 to \$20 per hour. Comparatively, in Edmonton, garbage collectors make an average salary of \$55,481 or \$27.63 per hour.²⁷ These responses demonstrate that there is a labour force willing to perform these tasks at an affordable rate of pay. Currently, while swampers getting work through THAs only make minimum wage, the THAs likely receive significantly more than that.²⁸ Therefore, the only real reason for hiring workers through this triangular working arrangement is to avoid paying benefits as well as to 'hire and fire' workers as needed. Increasing the take home pay of the workers however, has significant benefits. It has been found that when lower income households see a sustained rise in incomes, most of that increase is spent, and almost all of that spending stays in the local economy on food, better health care and more education (Yalnizyan 2017).

Create a stream in municipal solid waste-collection to absorb workers who experiences barriers to entering the labour market

Thirteen out of the twenty workers interviewed identified as either Indigenous or Metis, two

groups that experience marginalization. Marginalization occurs when an individual is “blocked from opportunities to self-develop, is excluded from participating in society, and does not have certain rights that the dominant group takes for granted.” This impacts an individual’s ability to participate socially, economically, culturally and politically. Reduced participation occurs not because of individual merit, talent, or failure but as a result of membership in a particular group of people (Government of Canada 2013). The government of Canada has put proposed a concerted effort to reduce barriers that marginalized groups face. The Province of Manitoba and the City of Winnipeg should do the same, particularly as they plan how to implement the Calls to Action in the Truth and Reconciliation Report.

While bringing services back in-house will create better paying and more stable employment for many workers, the most marginalized workers who, for a variety of reasons, may only be able to gain employment through THAS are left out if bringing services back in-house is the only recommendation presented to address these poor working conditions. Many of these workers interview poorly, do not have consistent work experience or references and some have criminal records. For the workers who are relatively labour-market ready despite these challenges, garbage collection might present a way to absorb these workers into the labour market.

Interestingly, many of the workers interviewed noted that they enjoyed both the physical nature of the job and being outdoors. Many indicated that if the pay was better, the pace of collection was a little more reasonable, and they received benefits that they would be willing to do the work on a permanent full-time basis. This shows that if the working conditions are safe and a living-wage was provided, garbage collection could actually present an opportunity for those who wish to enter the work force but who otherwise face barriers to employment.

Garbage collection is indeed tough work and requires sufficient fitness in order to keep up with the trucks and drag the cart over to the manual lifting arm on the rear of the truck. It does not however, require tremendous amounts of skill or training to do. If municipal solid waste collection were brought back in-house the City of Winnipeg could implement a program like the one used by other organizations such as BUILD and Manitoba Green Retrofit, which train and mentor young workers with barriers to employment to build skills and move on to permanent work.

The right framework could provide these workers with valuable work experience and incentive to continue to ‘work up the ladder’. As it stands, there is little incentive to stick with swamping work through the THAS because the pay is paltry, the work is hard as well as risky and many of these workers see no way out of their precarious situations creating a sense of hopelessness about their futures the cycle of poverty they find themselves in.

Address legislative and regulatory weaknesses that have failed to keep pace with the realities of a precarious labour market

Legislation allows for THAS to operate the way they do, and therefore the Province has a role to play in not only ensuring that THAS operate according to legislation and regulation, but equally importantly that the existing laws and regulations reflect the realities of an increasingly precarious labour market. As it stands, workers employed under the title of temporary are paid less and are at a higher risk of injury than their permanent counterparts (MacEachen et al. 2014). Legislation allows this to happen. The labour market has transformed significantly over the past 30 years, and legislation must keep pace and reflect these changes.

In Ontario, a Province that has seen temporary employment become the fastest growing component of non-standard employment, the government is working towards protecting the

rights of these workers (Province of Ontario, 2017). In 2014, Ontario updated their Employment Standards Act to make both the THA and their client companies responsible for workers' wages, public holiday pay and overtime which was meant to ensure that these workers were receiving their minimum rights under the ESA (Mojtehdzadeh 2015). In 2017, a motion proposed that workers employed through THAs receive the same pay and benefits as their full-time counterparts and require companies to make temp workers permanent after six months on the job (Mojtehdzadeh 2017b). This motion was passed unanimously in Ontario's legislature in April of this year. In Australia, employers who hire temporary workers are required to pay them a fifteen to twenty per cent premium on their hourly wage to compensate for a lack of benefits (Mojtehdzadeh 2015).

The most exploitative components of Manitoba's regulation, such as the clause that allows THAs to charge employers a 'finder's fee' for hiring a worker on permanently acts as a disincentive for companies to bring these workers into a standard employment relationship and should be eliminated. Additionally, limits could be placed on how long a client-firm is allowed to employ a temporary labourer before giving him or her a permanent job. While it remains outside the scope of this report to document every legislative change that should be made, investigation by the Province on how legislation can keep up to labour market realities should occur.

It remains insufficient however to simply adjust regulations or reform legislation. Regulations and legislation alone do not provide adequate protection for these workers because it puts the onus on them to understand the regulations and advocate for their rights in relation to them. It shifts the burden of responsibility onto the worker to then file a grievance or report their employer to the respective governmental agencies. Many of these workers however, do not hold the social position to advocate for

themselves. Additionally, as participants noted, even if they are aware of their rights, many marginalized and precarious workers simply do not have the financial security that the slow process of government decisions often demand. Fear of reprisal for filing grievances or concerns seems to be justified. Further, enforcement of regulations relies primarily on complaints and the enforcement side is over-burdened. Thus, while adjusting regulations and legislation to better protect THA workers is a start, it remains only one component of a broader strategy.

Establish a socially conscious clause in all City contracts

Simply banning the use of THAs will not help the plight of the most marginalized workers. Many workers use THAs because they lack the required formal education, training, and job experience that the standard labour market often demands. This means that they would not necessarily qualify for City jobs were they to apply for them through formal labour market structures (i.e. submitting a resume, going for a formal interview, referencing past job experiences etc.). The establishment of a socially conscious clause for City contractors would demand that any THA engaged to fill vacancies in City contracts must meet a certain standard to ensure fair pay and fair working conditions.

Workforce Staffing Solutions is a social enterprise THA that is committed to providing employment opportunities to people who face barriers to employment.²⁹ Unlike conventional THAs, the goal of Workforce Staffing is to get their employees permanent full-time employment. The agency screens and interviews potential employees and matches them with client firms. Many of the employees they send out may otherwise not do well in the formal job market, however through Workforce, they are able to gain employment. For their part, Workforce ensures that safety and human resource issues are handled appropriately. This enterprise demon-

strates that THAs need not be exploitative and can in fact operate according to socially progressive principles and values if there is a will and incentive to do so.

More broadly, applying a socially conscious clause to all work done on behalf of the city would ensure that workers doing this work would receive a living wage, safe working conditions, adequate training, and job security. Other cities are reframing how they do business as part of a wider community economic development strategy. The City of Victoria for example, has established a Social Procurement Framework which prioritizes doing business with businesses that deliver goods and services in a way that benefit the wider community. This effort is part of a wider strategic focus, which aims to “create employment opportunities for those who have been on the margins of the economy...” (City of Victoria no date: 12). This practice could be extended to all contracts procured by the City.

Interestingly, it was Bill Waddell, the Vice President of Emterra in speaking to APTN about violations to workers safety, who identified the

City’s own RFP process as promoting low wages stating that the RFP process “encourages bidders to keep wages as low as possible in order to win City contracts”. Waddell further noted that a “Fair Wage Policy, which would prescribe wages, vacation and holiday pay and benefits that contractors must provide to workers doing City work” could help address the race to the bottom for these workers’ wages (Ridgen 2016). A living wage policy instituted for *all workers* who contract for the City could be part of a ‘socially conscious clause’ which would improve quality of living for contract workers as well as keeping more money in the local economy instead of going to companies who are headquartered outside of Manitoba.³⁰ Vancouver recently instituted a Living Wage Policy for contracted workers to the city. This means that all workers contracted by city agencies will be guaranteed a living wage of \$20.62 in wages and benefits (Britten 2017). New Westminister, Ucluelet First Nation, Huu-ay-aht First Nations, Quesnel and Port Coquitlam are other municipal governments that have committed to paying a living wage to all employees.

Conclusion

The relationship between the outsourcing of Winnipeg solid waste collection and the increased use of temporary workers to do these jobs should be of concern to both government officials and citizens alike. Presently, taxpayers and City government are subsidizing exploitative working conditions. While two new contractors have been selected to take over the job in the fall of 2017, no substantial discussion has occurred about the quality and nature of the jobs that these companies will provide. Nor have any meaningful mechanisms to prevent such exploitation been established.

An over-emphasis on bottom lines by municipalities leads to poor paying and low-quality jobs that have negative consequences for both the individuals forced to work these jobs as well as the broader society in which these jobs are created. The complexity of this research remains in the fact that we are examining both the general and the specific. That is, the general trend of outsourcing municipal services and the specific way in which it manifests in Winnipeg's solid waste collection services. The difficulty then is that creating recommendations to address one issue does not necessarily adequately address the other. Hence our broader recommendations that

attempt to address both. Unfortunately, the intersection of the outsourcing of municipal jobs and precarious temporary employment achieved through THAS does not lend itself to easy answers. Creative solutions, as presented in this paper, must be considered.

Bringing municipal solid waste services back in-house, or through a mixed-model, would improve the quality of both service provision and jobs and could be done in a sound financial way. Additionally, with a few changes to the character of work, solid waste collection could present an opportunity for the City to absorb workers who face barriers to employment but who also maintain a strong desire to work. With support these workers could become better employees and improve their life circumstances at the same time.

The regulations that allow for these exploitative conditions also need to be addressed. Ontario and other jurisdictions are committing to improvements to their regulations. Manitoba can too. Finally, to ensure that the City of Winnipeg is not subsidizing jobs that are exploitative, a socially conscious clause would ensure that all work done on behalf of the City would provide workers with a living wage, safe working conditions, adequate training, and job security.

Addendum

In 2016, Nearing the end of Emterra's contract, the City released a Request for Proposals (RFP) for a new contract to begin in October of 2017. Perhaps as a result of the public outcry over poor quality of services and unfair labour conditions, the City made some changes to the RFP.

Encouragingly, highlights of the new RFP include stricter measures regarding health and safety practices including the criteria that the winner of the bid must:

- Have a certified workplace safety and health program in place and hold certification either through Construction Safety Association of Manitoba or the Manitoba Heavy Construction Association or an independent reviewer acceptable to the City
- Provide all appropriate health and safety equipment
- Ensure that all employees and employees of subcontractors receive mandatory health and safety training (City of Winnipeg 2016)

Further, the RFP restricts subcontracting to fifty percent of all work and requires that all subcontractors be named in the RFP. Any subsequent subcontractors have to be approved by the City. Two companies were awarded the contract, GFL and Miller Waste Management, which is set to begin in the fall of 2017.

By creating a selection criteria based on factors other than just the lowest bid the City is taking positive steps towards improving working conditions. The RFP however does not make mention of basic wage requirements or guarantee full-time regular work, which may mean that significant improvements for these workers will remain elusive. Additionally no criteria are established for approving the subcontractors (e.g. THAs that haven't been fined for violations of the WSH Act or Employment Standards etc.) nor how the City plans to enforce mandatory health and safety training for subcontracted employees. Thus, a case can still be made for bringing services back in-house or mixed-model.

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Endnotes

- 1** For more please see “Memphis Sanitation Workers Strike 1968” Martin Luther King JR The Global Freedom Struggle Encyclopedia. Retrieved June 7th from <http://stanford.io/2sgxJv9>
- 2** Freedom of Information Request to Manitoba Workplace Safety and Health. FIPPA #2017.30 “Copies of all Stop Work Orders, Administrative Penalties involving Emterra Group between Jan 2012 through June 2015”. Emphasis added.
- 3** This report’s definition of quality relies solely on compensation as measure.
- 4** This means that it was not possible to determine which workers observed were temporary contractors and which were employees of Emterra.
- 5** Manitoba Employment Standards Website. Retrieved May 16, 2017 from <http://bit.ly/2qoUWtF>
- 6** Under the Manitoba Employment Standards Code (C.C.S.M. c.E110) the THA is “employer of the temporary worker and this relationship exists regardless of whether or not the worker is assigned to perform temporary work for a client: 5.1(1) If a temporary help agency and an individual agree that the agency will assign or attempt to assign the individual to perform temporary work for clients or potential clients of the agency, then under this Code, (a) the individual is a temporary help employee of the temporary help agency; and (b) the temporary help agency is the individual’s employer.” And “Employment relationship continues 5.1(2) A temporary help employee does not cease to be employed by a temporary help agency because he or she is assigned, or is not assigned, by the agency to perform temporary work for a client.
- 7** Worker Recruitment And Protection Act (C.C.S.M. c. W197)
- 8** It should be noted that this conceptualization of ‘job strain’ assumes a standard employment relationship.
- 9** Personal conversation with CUPE Local 500 staff members.
- 10** Most agencies pay out a percentage of the total pay and hold back the rest for the weekly payday. According to Manitoba Labour Standards “employers are not allowed to charge interest or fees for cashing cheques or providing payroll advances.” Some interviewees claimed that they had been charged interest on advances, however when calling around to various THAs in Winnipeg all of the companies stated that they do not charge interest on cash advances.
- 11** Personal conversation with CUPE Local 500 staff members
- 12** CUPE. “Proposed Collective Agreement between Canadian Union of Public Employees Local 500 and Emterra (Drivers and Swampers)” March 26 2014.
- 13** Statistics Canada. “CANSIM. Table 282-0074. Labour force survey estimates (LFS), wages of employees by job permanence, union coverage, sex and age group annual (current dollars).” Retrieved June 27 2017 from <http://bit.ly/2ueADhx>
- 14** Unfortunately, these data do not specify the form of employment that is represented, although it stands to reason that it is a combination of both in-house and outsourced jobs. These numbers are specific to the United States.

- 15 Numbers were received via personal communication with WCB Business Intelligence Unit.
- 16 Conversation with Workplace Safety and Health May 16 2017.
- 17 Freedom of Information Request to Manitoba Workplace Safety and Health. FIPPA #2017.30 “Copies of all Stop Work Orders, Administrative Penalties involving Emterra Group between Jan 2012 through June 2015”. Emphasis added.
- 18 Personal communication with George Bouchard, CUPE National Staff Representative.
- 19 We remain unable to independently verify this occurrence, which was relayed to researchers by an informant (not the individual who was in the accident). We attempted to get WCB as well as MPI to confirm the occurrence of this event however we were unable to receive detailed information due to cited privacy concerns.
- 20 Freedom of Information Request to Manitoba Workplace Safety and Health. FIPPA #2017.30 “Copies of all Stop Work Orders, Administrative Penalties involving Emterra Group between Jan 2012 through June 2015”.
- 21 Personal communication with CUPE Local 500
- 22 Probe surveyed a random sample of six hundred Winnipeg adults by telephone Sept. 13–26. The results are considered accurate within four percentage points nineteen times out of twenty compared to a sample size of the entire Winnipeg adult population.
- 23 Numbers compiled by CUPE Local 500 President Gord Delbridge; personal memo to Brian Bowman.
- 24 The RFP states: “the City will have no obligation to award a Contract where: (c) the prices are materially in excess of the City’s cost to perform the Work, or a significant portion thereof, with its own forces...”
- 25 Personal conversation with Gord Delbridge.
- 26 Personal conversation with Gord Delbridge.
- 27 Province of Alberta Website. “Occupations and Educational Programs: Refuse Collector” Available at <http://bit.ly/2trnW2g>
- 28 THA contacted were unwilling to divulge how much they were paid to hire labourers to perform this work.
- 29 Workforce Website. ‘About Us’. Retrieved June 27 2017 from <http://bit.ly/2th6AsP>
- 30 Emterra is headquartered in Halton Ontario and the new contractors GFL and Miller Waste are headquartered in Toronto and Markham ON, respectively.



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