

Part-time, Poorly paid, Unprotected

Experiences of precarious work
in Retail, Food Service, & Hospitality
in Victoria, BC



The Vancouver Island Public Interest Research Group



[Spring 2016]



The **Retail Action Network** is a network of workers and labour activists that fight for workplace justice, increased wages, and better conditions for retail, food service, and hospitality workers.

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The **Vancouver Island Public Interest Research Group (VIPIRG)** is a non-profit organization dedicated to research, education, advocacy, and other action in the public interest.

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Acknowledgement

This work has been conducted on unceded and unsundered Coast Salish territories, specifically of the Lkwungen and W̱SÁNEĆ people. We would like to acknowledge the connection between ongoing settler colonialism and the forms of capitalism that produce the working conditions we are addressing in this report.

This report resulted from a collective effort of people involved in precarious and low-wage work in retail, service, and hospitality as well as the Retail Action Network and the Vancouver Island Public Interest Research Group. We would like to thank all of the workers who participated for sharing their experience, insights, and stories.

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Background of this Report

Retail Action Network

The Retail Action Network (RAN) formed in September 2015 to call attention to workplace justice issues in the retail, food service, and hospitality industriesⁱ in the Greater Victoria region of British Columbia. **We are a network of workers and labour activists that fight for improved working conditions, better wages, and workplaces free from harassment and discrimination.**

Research

In addition to our workers solidarity actions and campaign, the Retail Action Network immediately undertook a community-based research project starting in the fall of 2015. **Our goal was to hear directly from workers in the retail, food service, and hospitality industries about the types of workplace conditions and issues they face.**

With the help of the Vancouver Island Public Interest Group (VIPIRG), we designed a survey and held focus groups to find out more about the experiences of waged workers in retail, food service, and hospitality in Victoria.

Until now, little work had been done to illuminate these struggles of retail, food service, and hospitality workers in Victoria, where the issues take on a heightened importance: **the low-wage work of retail, food service, and hospitality industries employ nearly one-fifth of the workforce in Victoria,¹ a city where the cost of living is high and constantly increasing.**

We talked to over fifty workers whose experience collectively spanned various roles at different workplaces in diverse sectors of the retail, food service, and hospitality industries, and found they faced common issues and themes. **This research process allowed for different and individualized experiences of injustice in the workplace to be connected to each other and to the broader systems of power that have fostered that injustice.**

This report

In this report, we begin by setting the context of living and working in Greater Victoria, examining low wages, high cost of living, and employment trends, particularly in relation to work in the retail, food service, and hospitality industries. **We characterize retail, food service, and hospitality work as “precarious work,” providing workers with very little in the way of wages, benefits, job security, stability, protection, or basic respect and dignity.** Existing employment standards are not adequate to protect workers in retail, food service, and hospitality. The key contribution of this report is its **exploration of key areas of concern – low-wages, lack of benefits, unstable scheduling practices, unfair job expectations, disregard for workers’ health and safety, poor treatment, workplace justice – through the workers’ own experiences and voices.** We would like to thank these workers for sharing their experiences with us. By bringing these various and similar experiences together, we hope this report will help provide a grounding to fight for workplace justice.

ⁱ A note on terminology: We use the terms “retail, food service, and hospitality” to refer to the industries in which we are working. When it comes to retail, we are referring to stores that sell a variety of consumer goods. Food service and hospitality includes cafes, restaurants, take-out food services, bars, hotels, other lodging services, and more. The official categories according to the North American Industry Classification System (NAICS), used by Statistics Canada, are “retail trade” (code 44-45) and “accommodation and food services” (code 72). WorkBC has combined retail trade with wholesale trade (“Wholesale & Retail Trade”), which means their statistics give a different (& inflated) impression of the industry standards.

Summary of our findings

- Retail, food service, and hospitality workers face **precarious working conditions**:
 - They face **job instability and insecurity**; earn **low wages**; often **don't receive benefits** like paid sick days, vacation, or health benefits; are typically **not unionized**; have **minimal control** over their work conditions; and face **poor treatment** by their employers.
- Low wages, combined with unstable and part-time hours, make it **difficult for workers to afford basic living expenses** in Victoria.
- **Employers demand flexibility** and availability from workers, while **offering them little in return** in terms of livable wages and job security.
- **Existing Employment Standards are inadequate** to care for the needs and interests of workers in retail, food service, and hospitality in Victoria.
- Workers commonly **feel exploited, disrespected, and taken advantage of** by their employers in retail, food service, and hospitality in Victoria.
- There is often **little opportunity for workers in retail, food service, or hospitality in Victoria to leverage workplace or legislative power in their favour**, even when employers are blatantly disregarding existing employment standards.
- Many workers enjoy aspects of their jobs, but **would like to see some changes to working conditions** in order for them to do their jobs well, with higher wages ranking as the foremost priority.

Workers in retail, food service, and hospitality are structurally rendered vulnerable by legislative and workplace practices. **The precarious working conditions faced by these workers have been produced – and they can, and must be, changed in order to work towards greater workplace justice.**

Context of Working and Living in Victoria

Wages and Costs of Living

Minimum wage

As of April 1, 2016, **BC has the lowest minimum wage in the country**² at \$10.45 an hour, and \$9.20 an hour for alcohol servers. The current **Fight for \$15** campaign across the United States and Canada calls to the difficulties of living on a low wage, and demands an increasing the minimum wage to \$15 an hour. **Approximately 27% of workers in BC – more than 500,000 people – earn less than \$15 an hour.**³

Minimum wage is paid in retail, food service, and hospitality more frequently than in other industries. In 2013, across the country, about 27% of workers in accommodation and food services and 17% in wholesale and retail trade earned minimum wage.⁴ Both of these rates are much higher than the total percentage of minimum wage earners across Canada and across industries (6.7%), making it clear that **retail, food service, and hospitality workers are paid the minimum wage much more commonly than workers in other industries.**

Living Wage

Even a \$15 minimum wage is still not enough for low-wage workers to maintain a decent standard of living in Victoria, where the cost of living is high and ever increasing. The 2015 “Living Wage”ⁱⁱ for Greater Victoria is \$20.05/hour.⁵

Many residents of Victoria are not making a Living Wage. Nearly half of residents working full-time are paid below the \$20.05/hour rate.⁶ **Withholding the level of income required to afford basic living costs in Victoria from many residents is a significant and increasing concern.** The Victoria Foundation’s *Vital Signs 2015* report lists the “adoption of a ‘living wage’” as crucial to improving the quality of life in Victoria.

Cost of living in Victoria

The number one issue in Greater Victoria in 2015 is “Cost of Living”, according to respondents of the Victoria Foundation’s *Vital Signs* report – and this has been ranked the foremost issue of the region since 2009. The cost of rent alone is high and increasing rapidly. In April 2015, the average rent for a private apartment in Greater Victoria was \$918 (up from \$904 in 2014).⁷ According to the *Vital Signs* report’s calculations, **even people working full-time at minimum wage cannot find affordable housing**ⁱⁱⁱ – they would have to spend 50% of their income to rent a bachelor apartment in Greater Victoria, leaving little money for other basic costs such as food and transportation.

ⁱⁱ The Living Wage is “the hourly wage that two working parents with two young children must earn to meet their basic expenses (including rent, child care, food and transportation), once government taxes, credits, deductions and subsidies have been taken into account,” according to the Community Social Planning Council.

ⁱⁱⁱ Using the definition of “affordable housing” as spending no more than 30% of gross monthly income on housing, a definition supported by BC Housing: <http://www.bchousing.org/Initiatives/Providing/Subsidized>

Workplace precarity in retail, food service, and hospitality

Importance and precarity of service sector work

The retail, food service, and hospitality industries are the largest industries in BC, employing almost a quarter of BC's workforce. The retail industry employed about 15% of the province's working population in 2013, while accommodation and food service industries employed about eight percent. Although these industries are the backbone of BC's economy, the workers within these industries are not often afforded treatment that recognizes their importance with respect. In fact, **workers in the retail, food service, and hospitality industries are vulnerable workers in precarious employment.**

Workplace precarity in the food service industry in Victoria has previously received national attention. In 2014, three McDonald's locations in Victoria were exposed for abusing the national Temporary Foreign Worker Program (TFWP) to source cheap labour for industries and positions for which it was not intended, which called attention to similar abuses across the country.⁸ **The exploitation of workers in retail, food service, and hospitality is unfortunately widespread beyond the abuses of the TFWP.**

Workers in the retail, food service, and hospitality industries are structurally being rendered vulnerable workers in precarious employment. According to the Law Commission of Ontario, **“precarious work is characterized by job instability, lack of benefits, low wages and degree of control over the process. It may also involve greater potential for injury.”**⁹ Those who are working in such conditions are considered to be “vulnerable workers” – not because of characteristics of the workers themselves, but rather because of the vulnerability of the employment situation they are in. Low wages and job insecurity are key factors that create worker precarity.

Aspects of precarious work

Low-wages

Workers in retail, food service, and hospitality in BC make well below the provincial average, according to WorkBC, and there is also a gendered wage gap. In the accommodation and food services industry in BC, men make on average \$15.21 per hour (compared to a provincial average of \$26.36), while women make on average \$13.50 per hour (compared to a provincial average of \$22.05). It is particularly important to note the gendered disparity in pay, since women make up a majority of the workforce in this industry.¹⁰

Part-time work

In addition to low hourly wages, **part-time work is common in retail, food service, and hospitality – of particular concern is involuntary part-time work.** While some workers may be seeking part-time employment, many are simply unable to find full-time employment. This involuntary part-time work makes up a significant, and increasing, portion of employment in retail, food service, and hospitality.

In 2014, over a quarter of all workers in Greater Victoria were involuntary part-time workers. They wanted full-time work but couldn't find it due to reasons beyond their control.¹¹

There are more part-time workers in retail, food service and hospitality than other industries. According to WorkBC, 40.7% of accommodation and food services workers and 26.7% of Wholesale and Retail Trade workers are part-time, as compared to the provincial average of 21%.¹²

The prevalence of involuntary part-time work means workers in these industries often cannot access the number of hours they are seeking – they work a lower number of hours, and at a lower wage, than other industries. In 2015, the average number of hours worked per week was 41.5 for mining, oil and gas extraction, 37.5 for manufacturing, but only 26.3 for retail and 23 for accommodation and food services.¹³

Temporary, Seasonal, and Casual Work

The accommodation and food services industry, in addition to offering low-wages and part-time hours, is also unstable in that it is **sensitive to tourism activity**. In 2013, temporary and seasonal jobs in accommodation and food services represented about 19% of all jobs in the industry in BC – much higher than the provincial average of 11.4%.¹⁴

Why part-time is a problem

Part-time, temporary, and casual forms of work have increased over the past several decades, which means precarious work is on the rise. These types of work lack security and provide workers with limited benefits. According to the Law Commission of Ontario, part-time work is also a contributing factor to income inequality.¹⁵

Sometimes part-time work is not qualified by the number of hours worked, but it is a status that devalued labour by excluding workers from benefits and job stability. The Retail Action Project out of New York City found that “many so-called part-time workers are working full-time hours (a median of 35 hours a week during high seasons) while being excluded from the entire benefit structure of health insurance, paid time off and sick days.”¹⁶

Multiple jobs

With the high cost of living and the low wages in Victoria, some need to take on multiple full- or part-time jobs in order to make ends meet. **Nearly a quarter of Greater Victoria residents held multiple simultaneous jobs in 2014:** 17% had two jobs, and 6% had three or more jobs, either full- or part-time.¹⁷

Across the country, the numbers of retail workers with simultaneous jobs have been increasing. According to a 2015 Statistics Canada Labour Force Survey, the number of retail workers working multiple jobs increased by 3,500 between 2011 and 2015.¹⁸

Lack of Unionization or Worker Protection

Retail, food service, and hospitality workers are much less likely to be unionized than workers in other industries. While 31.5% of workers in BC belong to a union, this provincial average is more than double the percentage of unionized retail workers. Moreover, unionization rates are dropping. Between 2008 and 2013, union membership for retail workers fell by 3.3%, leaving fewer than 14% of retail unionized.¹⁹ Only 9% of workers in accommodation and food services had union coverage in 2013.²⁰

The low and shrinking unionization rates mean a growing number of workers are left without protection to fight for justice, dignity, or improved conditions in the workplace. Non-unionized retail, food service, and hospitality sector workers are left waiting for minimal, incremental wage increases under the Employment Standards legislation, or the simple benevolence of their employers.

The inadequacy of the Employment Standards Act

In the absence of a union to help negotiate better working conditions and protections, workers in retail, hospitality, and food service rely on inadequate Employment Standards legislation to regulate the labour market. **The basic standards established within the Employment Standards Act (ESA) are often inadequate and fail to address many concerns workers in these industries face, leaving workers without protection.** Some of the precarious workplace conditions we highlight are actually legal, according to the ESA. For example, the minimum wage established in the ESA is far below a living wage, and it allows for an even lower wage for liquor servers.

Enforcement of the existing, inadequate Employment Standards poses challenges that leave workers vulnerable. Navigating the process of filing a complaint can be difficult, and it can take a long period of time for assessment or resolution. Workers living on low wages may not have substantial financial savings to rely on while awaiting the assessment of a claim for owed wages. Furthermore, **the onus of enforcing the ESA and documenting concerns is on the worker**, even though the workers faces power imbalance both with regard to their employer, and with regard to navigating the legal system.²¹

Global context

While this report focuses on retail, food service, and hospitality workers in Victoria, the issues facing these workers reflect broader global trends, and connect local workers in Victoria to worldwide struggles. **These trends are fundamentally connected to the context of neoliberal capitalism, built on and perpetuating ongoing systemic colonialism, racism, and patriarchy.** Although the report does not cover these complex issues of oppression in any depth, the experience of local precarious work conditions connect with broader global inequality through the various unequal relationships throughout the chain of production and consumption. From the extraction of resources and the exploitation of indigenous communities, to the global inequity in manufacturing and production, to the distribution to various points of consumption, and to the waste produced by this cycle of consumption, **there are important connections to be made between the struggles of workers here in Victoria and to global exploitation.**

Research Process

Methodology

Community-based action research

This report is part of a community-based action research project, where the research design and process has included the involvement of Retail Action Network members and workers in retail, food service, and hospitality. The data collection, analysis, and report writing has been conducted by the Vancouver Island Public Interest Research Group (VIPIRG), in consultation with the Retail Action Network, the Community Social Planning Council (CPSC), and Together Against Poverty Society (TAPS).

Community-based research is an attempt to work against exploitative research practices, and emphasize collaboration and co-creation of knowledge between research ‘participants’ and researchers. Rather than research *on* it is research *with* the people affected by a particular issue. **The impetus to explore these issues came directly from our personal experiences and struggles working in retail, food service, and hospitality** and from a desire to bring together and strengthen the voices of others who have had similar experiences of workplace injustice. The results of this research will be used by the Retail Action Network in ongoing campaigning and organizing to fight for better working conditions and workplace justice.

Our questions & concerns

Our research was driven by a few key questions:

- What issues are retail, food service, and hospitality workers in Greater Victoria facing in their workplaces?
- What wages are they earning? How many hours are they working? What benefits are they receiving?
- What sort of scheduling practices are employers using?
- Are employers abiding by existing employment standards?
- What do workers feel and do when they face a workplace injustice?
- What types of workplace practices allow workers to feel valued? What types of workplace practices make workers feel devalued and degraded?
- What is the distribution of power like in these workplaces?
- What would workers like to see changed? What are some steps forward?
- We focused on some key areas:
 - Wages & benefits
 - Scheduling
 - Job expectations
 - Health & safety
 - Discrimination & harassment
 - General distribution of power and treatment of workers in the workplaces

Research methods

To answer the questions and concerns outlined above, we used two key research tools: surveys and focus groups.

In order to investigate these issues with workers, we used two key research tools:

- 1) The **survey** – A wage-workers survey, which involved a series of mostly yes/no or quantifiable questions about wages, scheduling, benefits, and other workplace practices, was completed by more than 50 participants. The survey provided space for participants to provide information about the three most recent workplaces.

Surveys were distributed in a variety of ways: they were available at participating local organizations (TAPS, CSPC, VIPIRG); distributed on campus at the University of Victoria; circulated throughout the Retail Action Network, and our personal connections within the industries; and available at RAN events.

We selected the responses that fulfilled all of our criteria:

- i. Work experience within the past five years;
- ii. In retail, food service, or hospitality;
- iii. Within Greater Victoria.

This selection process resulted in analysing information from 53 workplaces and 37 participants.

- 2) **Focus groups** – We held six different two-hour dinner and discussion focus group sessions involving 22 participants. The sessions were held at TAPS and CSPC offices. We spread the word about the focus groups to survey participants, through social media, through the Retail Action Network, and on online job searching forums.

Conversations during focus groups were semi-structured: they were facilitated, but also casual and dialogical, with topics arising organically throughout the conversations. Often the experience voiced by one worker would trigger another person to share their similar experience. Several participants commented that it felt therapeutic to have the opportunity to discuss shared workplace woes with other people who could understand and relate. Participants received a \$15 stipend, bus tickets, and a meal as a thank you for their time and for letting us learn about their experiences.

Who we talked with

Throughout our surveys and focus groups, we heard from a variety of people who shared the experience of working in retail, food service, and hospitality in Greater Victoria. We talked with servers, baristas, sales associates, cashiers, stock people, line cooks, grocery clerks, bussers, bakers, dishwashers, and more.

The demographics of our survey respondents is as follows:

- We talked to a broad range of ages, with our youngest participant at 18-years-old and our oldest participant at 67-years-old. The average age of participants was 31.7 years old.
- The majority of respondents (61%) identified as a woman/female, with 19% identifying as male, and 11% identifying as non-binary or trans.
- Twenty-two percent of respondents identified as a person of colour.
- Eight percent identified as indigenous.
- Most participants were not currently students. Less than half of the respondents were enrolled in full- or part-time studies.
- Fifty-eight percent had completed some or all of an undergraduate program.

Findings

What we heard from workers

- Retail, food service, and hospitality workers face **precarious working conditions**:
 - They face **job instability and insecurity**; earn **low wages**; often **don't receive benefits** like paid sick days, vacation, or health benefits; are typically **not unionized**; have **minimal control** over their work conditions; and face **poor treatment** by their employers.
- Low wages, combined with unstable and part-time hours, makes it **difficult for workers to afford basic living expenses** in Victoria.
- **Employers demand flexibility** and availability from workers, while **offering them little in return** in terms of livable wages and job security.
- **Existing Employment Standards are inadequate** to care for the needs and interests of workers in retail, food service, and hospitality in Victoria.
- Workers commonly **feel exploited, disrespected, and taken advantage of** by their employers in retail food service, and hospitality in Victoria.
- There is often **little opportunity for workers in retail, food service, or hospitality in Victoria to leverage workplace or legislative power in their favour**, even when employers are blatantly disregarding existing employment standards.
- Many workers enjoy aspects of their jobs, but **would like to see some changes to working conditions** in order for them to do their jobs well, with higher wages ranking as the foremost priority.

Workers in retail, food service, and hospitality are structurally rendered vulnerable by legislative and workplace practices. **The precarious working conditions faced by these workers have been produced – and they can, and must be, changed in order to work towards greater workplace justice.**

Low Wages

Workers in retail, food service, and hospitality in Victoria earn very low wages (see Fig. 1 for wage breakdown). Low wages are especially relevant in a city such as Victoria, with a high cost of living. It is very difficult to meet basic life expenses in Victoria off these wage rates. **Focus group participants felt the minimal rate of pay was especially disproportionate given what was expected of them** (to be constantly available, to work hard, and to put up with poor treatment from management and customers).

- **Nearly all respondents, 96%, were making under \$15.**
- Approximately a third of workers who responded to the survey were making minimum wage.
- **Zero workers we talked to earned the living wage for Greater Victoria (at least \$20.05).**
- Very few workers received raises throughout their time of employment.
 - 78% responded that they had not received a raise.

“You can’t survive on [minimum wage]. Everybody will agree to that.”



Figure 1 Wages earned by workers who filled out our wage-workers survey.

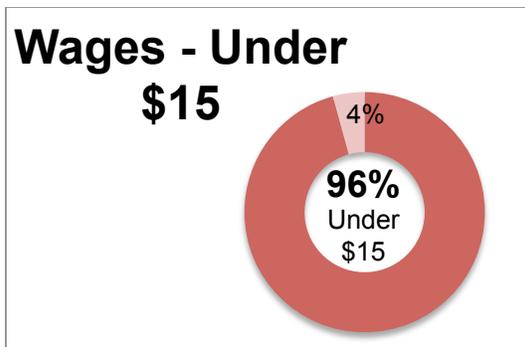


Figure 2 Percentage of workers (96%) who made under \$15.

“They’re paying you dickidee-doo, why would you go out there and work your ass off? Why would you give 200% to somebody that’s trying to squeeze you?”

Wage theft

Workers talked about the various ways their employers deprived them of their already low wages by engaging in practices of wage theft:

- Expecting workers to **come in early or stay late** without pay. (Such as to open up, do cash out, or closing tasks.)
 - **42%** of respondents said they have worked off the clock without pay
- **Poor record-keeping by employers** leading to less pay. For example, employers not properly keeping track of hours; not providing workers with a paystub to verify their hours worked or rate of pay; and making supposed 'mistakes' on paycheque (which one participant noted would always result in less pay than deserved, never more).
- **Unregulated tips**, such as no documentation or accountability about how tips distributed. This allows employers to get away with shady practices. Some workers reported employers stealing tips from workers.
- **Missing overtime or holiday pay**. Several workers shared employer expectations that overtime would not be paid at the overtime rate. One worker in the restaurant industry commented, "You know you just don't get it - it's not even a question." Another worker in clothing retail shared a story about an employer who asked to split up a long work day (of 18 hours) into multiple days, to avoid paying overtime.
 - **41%** of respondents were not paid overtime pay when earned
- **Paying below minimum wage rates**. We encountered several employees being paid the outdated minimum wage rates, after they went up in September 2015.

"Maybe to them it's not a lot, but to me it's my grocery money."

In the workers' own words:

- "You get what you pay for when you're buying things. Why not when you're employing people?"
- "Retail isn't rocket science but it doesn't mean you're not working hard and shouldn't get paid well."

Lack of Benefits

In addition to low wages, **the workers we talked with seldom received benefits from their workplace.** The most common offering by employers, beyond wages, was staff discounts. Only a handful of workers had some amount of medical or dental coverage, while next to none had costs such as transportation or childcare covered. Paid sick days or parental leave were also extremely rare.

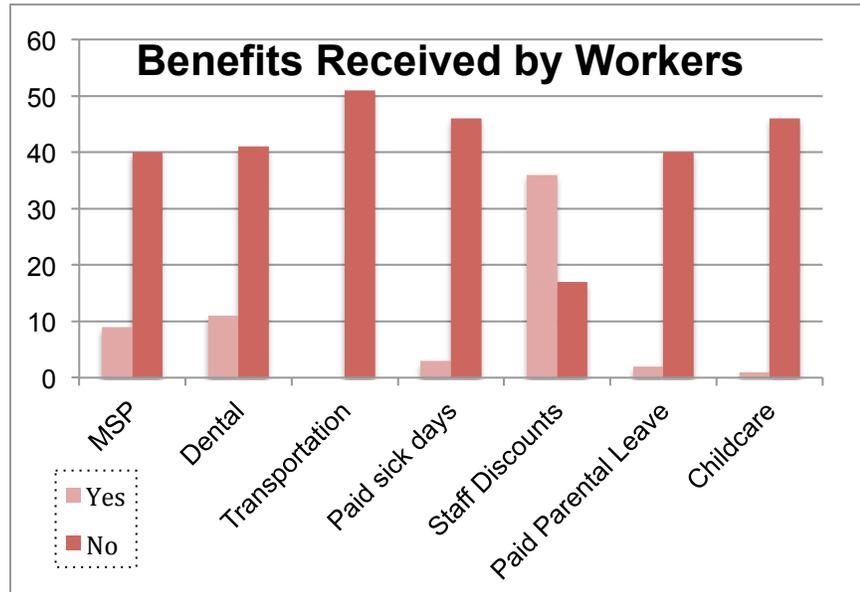


Figure 3 Benefits received by workers

Lack of paid sick days

“If you’re making minimum wage, you can’t afford to be sick.”

Paid sick leave was an issue that came up continually during our focus group discussions. Only three of the 53 workplaces in our survey offered paid sick days. **Without paid sick days, staying home sick from work means missing out on pay the workers expected to earn and rely on to live.**

Even if a worker can afford to stay home to take care of their health, in most work places that we heard about, the responsibility is on the worker to find a replacement for their shift – this means calling coworkers to cover their shift, and coming in to work if they are not successful at doing so.

Workers often expressed fear of losing their job or losing work hours over taking a sick day. One worker shared a story of demotion following a brief sick leave, even though he had a doctor’s note:

“I was a Dairy Manager [in a grocery store]. I was told ‘you cannot be sick. You cannot be sick.’ But I had a legitimate illness. I went in to go see a doctor. I was off for 2 days. I came in, and I had been demoted, taken out of my position, and told I was going to be a ‘Floater’. Previous to that I was a Supervisor, and then a Manager of a department.”

In addition to impacting workers, the practice of people working while sick—especially in customer service and food service positions—is a public health issue that concerns everyone. **Providing paid sick days can prevent the spread of illness, speed up recovery, and reduce health care costs.**

Unstable Scheduling Practices

Scheduling practices were a cause of frustration for many workers we talked to. Retail, food service, and hospitality industries are dominated by part-time employment, where the worker is often seeking more hours to afford their cost of living. **Employers frequently make demands of worker flexibility and availability, while providing no security, stability, or predictability in return.** While some workers may choose this type of work due to its flexibility, the flexibility in this sector seems to be driven primarily by employer needs with little regard for workers' lives outside work or need to earn a livable wage.

Involuntary part-time work

Most workers we talked to were part-time employees, and **many were seeking more work hours, making them involuntary part-time workers.** The need to increase their hours of work, meant workers had to make themselves available for work at any point in time, and jump at an opportunity to take a shift last-minute.

Part-time status is often **excluded from the employment benefits and security** that have traditionally been associated with full-time work. Even workers who were technically working full-time hours often did not receive benefits. Many felt that this part-time status was deliberate on the part of their employer, so they did not have to provide any benefits or provide any sort of security.

"When I applied, it was with the understanding that it would be 40 hours a week. But there is no such thing at the grocery store or in retail."

Last-minute, on-call, and fluctuating scheduling

"Your life is in limbo for \$10.25* an hour."

Last-minute scheduling is a very common practice in these retail, food service, and hospitality jobs. Many workers talked about receiving their scheduling only a day or two in advance. This last-minute scheduling rendered workers unable to make plans in their lives, including doctor's appointments, and other non-work obligations, and left them not knowing how much pay they would earn the next week.

One worker shared her experience of waiting up, tired and wanting to go to bed, on a Sunday night to find out if she worked the next morning:

"You'd find out on a Sunday night, sometimes not until 10-11pm at night, what your schedule was for the week, starting the following Monday morning [next day]. So you're tired and wanting to go bed, but you know you couldn't."

Even when schedules are released to workers, they often end up changing throughout the week, including the day of, and sometimes without the worker even being alerted to the change. Workers talked about being blamed for not knowing about last-minute schedule changes, or for the discrepancies between online schedules and those posted in the workplaces.

On-call scheduling

On-call scheduling is the increasingly prevalent practice of scheduling a worker to be "on-call" for a particulate date and time. To be on-call means a worker must wait until the day to see if they are needed at work. This requires a worker to reserve their day for work, in the hopes that they will be called in and given hours – but sometimes they are not. Depending on

"What? I'm on call? How do I live? I don't know if I'll be working tomorrow."

the workplace, the worker either calls in or shows up to the workplace at the scheduled time to find out if they will be working that day. Nearly a third of workers we heard from have been scheduled on-call shifts. While on-call scheduling is not at all ideal, many workers talked about needing to take the shifts whenever offered, with the hope to increase their hours as a matter of survival.

“You just work as much as you can, because don’t know if the next day you’ll only work 2 hours.”

Open-ended shifts

Common in the food service industry, “open-ended” scheduled shifts don’t include an end time, which means a worker doesn’t know when they will be done and how many hours they will work and be paid for. With the practice of open-ended scheduling, employers can avoid guaranteeing workers a certain number of hours and pay, while exploiting workers labour power for as long as they can if needed.

There are a variety of ways that workers end up working and being paid for less hours than they were scheduled. One of the common ways is a just-in-time adjustment of hours, being let off early or being asked to start late. A majority of workers we talked to, 57%, have had this experience. As a result of being let off early or being asked to stay late, **71% lost hours**, and therefore wages, they expected to have.

These flexible scheduling practices benefit the employer by allowing them to pay for only as much labour power as needed, however they can be severely detrimental to workers. **Workers have very little choice over the amount and timing of work hours, and are often expected to remain available for work at the employers request, leaving them with little stability as far as both earnings and schedule are concerned.** Workers are essentially held captive without being afforded the guaranteed means of survival.

Lost expected work hours due to being let off early or asked to start late

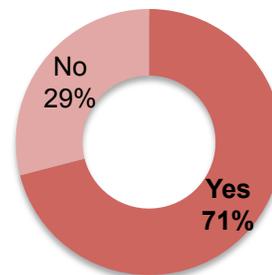


Figure 4 Percentage of workers who lost work hours they expected to have, as a result of being let off early or being made to start late.

In the workers’ own words:

“I was hired part time, but I asked my manager [if I could] pick up more shifts. He would never add me to the schedule. He would just call me every day and be like, ‘can you be here in half an hour?’ And I couldn’t, because I have a life, and I make plans, and I was in school at the time. Then, because I couldn’t take 3 or 4 shifts in a row, he got mad at me, saying I shouldn’t have asked for more if I couldn’t schedule my life around this minimum wage job.”

Unfair Job Expectations

Although the workers in these industries are paid low wages, and are involuntarily limited to part-time hours and status, **employers still maintain unfair job expectations of worker availability, commitment, and performance – without offering much in return to the worker, such as compensation, stability, or even opportunity for advancement.**

Many workers talked about the **unclear and potentially intentionally vague job descriptions they have been expected to perform, leaving them confused about what their job is and if they are doing it well.** Workers also talked about the lack of opportunity for advancement, coupled with the expectation of high degree of performance.

Representing the company

Many of the workers we talked to in retail, food service, and hospitality spoke knowingly of the employer's implicit expectation that the worker would relinquish their personal identity to represent the brand. Several noted that this expectation – a form of **emotional labour**,²² **requiring workers to perform or suppress certain emotions for the sake of their job** – was disproportionate for the rate of pay they received. Some workers even noted that this performance of emotional labour could actually impact their ability to protect themselves, thereby putting their safety in jeopardy:

“When you’re working any job where you have to deal with customers, there is a ‘persona’. You no longer have an identity; you are the company. Everything that you say and do -- and you’re told that -- has to be a portrayal of the company. So you can’t stand up for yourself, because you are always supposed to be putting this company before you. This company is not a person, you can’t hurt a company -- all you can do is hurt its profits. But you’re actually putting yourself at risk.”

Uniforms

Employee uniforms are the visible display of representing the company or brand. There were a variety of complaints about the ways that uniforms functioned in their workplaces.

Spending money on uniform

There is a common expectation that workers are to buy their own uniforms. While employers occasionally provide parts of a uniform, workers are expected to purchase other pieces of the uniform. Moreover, in almost all cases, workers were responsible for cleaning their own uniforms. This expectation to purchase and maintain a company uniforms contravenes the BC Employment Standards Act:

Special clothing

25 (1) An employer who requires an employee to wear special clothing must, without charge to the employee,

(a) provide the special clothing, and

(b) clean and maintain it in a good state of repair, unless the employee is bound by an agreement made under subsection (2).²³

Even when there wasn't an 'official' uniform, workers talked about their employers expectations that they wear company apparel, or generally present oneself in a particular way (getting hair done, nails done, wearing nice shoes) – but on the low-wages workers received, this was difficult to do.

Gendered uniforms

Particularly in the food service industry, there are different uniforms or clothing expectations based on the perceived gender of the worker. One worker talked about the expectations to conform to their perceived gender, even though they did not identify with it. Many other workers talked about the widespread expectation that women wear objectifying uniforms when serving, such as short skirts and low-cut tops. This was seen by workers to be discriminatory and degrading.

Nametags

To many workers, the requirement of wearing nametags represented a power imbalance in relation to the customers – having someone automatically know their name without giving it, and not knowing theirs in return. Several workers commented that customers would frequently use their names when giving the worker a hard time or getting angry at them, which made the interaction feel more abusive. Workers also commented on receiving uncomfortable attention from customers if their name did not match their perceived gender, or if they had names that were uncommon in the white European world.

Disciplinary Measures

Very few workers seemed to have formalized performance reviews or disciplinary measures at their workplaces. The most common disciplinary measures seemed to involve depriving a worker of shifts. Some workers shared the fear of calling in sick, in anticipation of being punished with less hours or undesirable shifts the following week.

“You’d be punished by not being able to pay rent. It’s really shitty power move by an employer when it comes down to survival.”

Tacit firing

Several workers shared the experience of not being fired directly but rather being given no shifts on the schedule, which effectively and immediately denies the worker of their employment and their wages. According to workers, it is a fairly common practice: employers often don’t tell the worker why it’s happened or even have a conversation about it – all of a sudden the worker is without a job, even though they haven’t officially been fired. When an employer terminates a worker who has been employed for longer than three months, the worker is entitled to either notice or severance pay, according to the BC Employment Standards Act. In the case of tacit firing, employers can be successful at circumventing the existing Employment Standards.

Training inadequate

“I would have preferred if you had showed me how to do it

Workers spoke of the lack of training they received. **Many workers felt as though they were simply thrown into their jobs without adequate training.** In several cases, workers were unclear about their job expectations or how to do their job well.

Some workers brought attention to an aspect of training – worker rights – that employers may have intentionally omitted:

“They never tell you about your rights, and what is entitled to you. If you don’t ask, they’re not going to give it to you – and they can get away with it, because you haven’t asked for it.”

Disregard for Workers' Health & Safety

Occupational health & safety

There are particular types of occupational health and safety concerns that arise in retail, food service, and hospitality work that put workers at risk, including standing for long periods of time, absence of breaks, and discrimination and harassment. One of the most common workplace hazards discussed by workers we talked to may be surprising to those who have not worked in these industries; the **customers posed a significant safety concern for workers**. Workers also reported inadequate training, accountability, or enforcement when it came to workplace safety concerns.

Lack of training about safety

Precarious workplace conditions frequently pose increased safety concerns. **Many workers we talked to reported inadequate training, accountability, or enforcement when it came to workplace safety concerns.** They often did not receive training in the first place, and rarely knew who to go to report workplace safety concerns or hazards. The employer frequently ignored any safety concerns that were brought to their attention by the workers we talked with. This leads to workplaces that are unsafe and ill-equipped or unwilling to properly train workers in a way that protects their health and safety.

“On a body my age, at 55 years old, it’s hard. It’s hard to be standing in one place for eight hours. The first two days I was there, I couldn’t walk.”

Standing for long periods of time

Standing throughout the entirety of a shift is common in retail, food service, and hospitality work, but it is not something that everybody is able to do without it having an impact. Often sitting, or even leaning against a counter or wall, is not permitted. This makes these forms of work inaccessible and represents an occupational health and safety concern.

Absence of Breaks

Breaks at workplaces in retail, food service, and hospitality are often short, if they are available at all. Workers who work longer than five consecutive hours are entitled to a half-hour unpaid break by the ESA, but **this break is minimal and may not always be practiced.** According to many workers, half an hour is a short period of time to acquire and consume a meal. Furthermore, these breaks may not actually be available if the workplace is busy; a worker may work throughout their break, or be called back to work once they have taken their break. The overall culture of workplaces in these industries does not often encourage or allow for proper breaks.

The lack of breaks is significant because not taking breaks can be an every day stressor and can impact workers health. It can also potentially put workers at serious risk of injury, especially if working with equipment or machinery.

“I worked a 9 hour shift on Saturdays. I guess we were probably allowed to get breaks, but the culture in that bakery was that we wouldn’t. We would maybe stop moving and stand there and eat some food at one point. But we’d never sit down for a break, ever.”

Customers as a threat to safety

Customers were the most common workplace safety issue discussed by the workers we talked with. **Workers reported that customers could be verbally abusive, aggressive, homophobic, and racist. Workers also shared that customers commonly sexually harassed them.** Many workers felt underprepared by their employer to be able to handle customers who are verbally abusive and aggressive.

“They never warned you about customers who would be verbally abusive. You don’t know how to protect yourself.”

Workers called attention to the expectation by the employers that they would just “take” this treatment, and there was a fear of being reprimanded or losing their jobs if they did stand up for themselves.

“Well, the policy is to suck it up. There’s no policy because it’s expected that you’ll just take it.”

Discrimination & Harassment

Although we heard about several instances of discrimination and harassment, we suspect **discrimination and harassment might be more common in retail, food service, and hospitality in Victoria than we currently have evidence to support.** We know that, when it comes to larger trends, marginalized people disproportionately bear the brunt of the precarity of these forms of work. Women, racialized people, indigenous people, newcomers, people with disabilities, and youth are some of the marginalized groups who are overrepresented in these precarious forms of employment.²⁴

The **gendered disparity in pay, with men earning significantly more than women in these industries and others**, is just one element of the widespread injustice on the basis of identity. Several workers explained the gendered division of labour within their workplaces. Women are more commonly in the customer service oriented roles, like servers and cashiers, while men were more likely to be in positions like stockers, back-of-house, in the kitchen. In a few workplaces, this gendered division of labour also demonstrated a gendered difference in pay, with women getting paid less. Some workers also commented that there is also a racialized division of labour within their workplaces.

Workers shared experiences of discrimination faced in their workplaces. Such experiences are linked to vulnerability. As one worker suggested, **the more a worker needs the job, the worse an employer treats them.** For instance, we heard of employers seeming to favour immigrant workers because they were easier to exploit, given that they may be more afraid to stand up for themselves, and may not know their rights or be in a position to exercise them. We heard of younger people being taken advantage of more often, and broader trends support the fact that young people are paid significantly lower wages.²⁵ In addition, one worker, who had a disability and could not access the employee washroom located at the bottom of stairs, had to go elsewhere to use a washroom and they were required by their employer to clock out when doing so.

Overall Poor treatment

A ubiquitous theme was overall poor treatment of workers by employers. **Workers felt taken advantage of and exploited by their employers**, asked for an unreasonably high level of availability and dedication without behind rewarded with decent wages, job security, or basic dignity and respect. **Workers described feeling powerless, used, exploited, and replaceable.**

In the workers' own words:

- “I kind of feel like all minimum wage jobs are pretty crappy.”
- “As a service worker, you give up power as you enter your job.”
- “I usually feel exploited as a worker in the service industry. A lot of just feeling used, feeling down, trying to get out, and get something else.”
- “They squeeze you like a lemon.”
- “I’ve always felt 100% replaceable.”
- “It’s a two way street: You’re working because you need the job and the money and they give you the job because they need somebody to do the job. But obviously, it’s not the way they look at it. It’s like they’re doing you a favour...”
- “If you need the job, then you’ve gotta take this [poor treatment]”
- “They want you to think you have freedom. But if you really need the job, you’re doomed. Because they are going to push you and push you and push you. There’s no end, really, to that.”

Incompetency and abuse of power by employers, managers

Another common experience workers shared was feeling that their **employers and management were not competent at their jobs and that they abused the power they held over workers**. Several workers felt that they were blamed for issues that were within the organization or company as a whole. **Poor communication** between the employer or management and staff was also commonly brought up throughout our sessions, which made it harder for workers to understand the expectations of their jobs and do them well. While a handful of people had supportive employers or managers, many workers felt **unsupported by their employers**. They described that employers or managers were never there when you needed them to help resolve a concern or to stand up for the worker when they were facing abuse from customers.

“What do you do when you have an ineffectual manager or supervisor? You go to them with a concern expecting help, and you a) get no help; b) get verbally abused; or c) get a complaint against you.”

High turnover

“The turnover is so great because they treat people so bad that nobody stays there.”

Perhaps the high turnover rate in these industries has been used as a justification for not treating workers well: people don't stay in these jobs long anyhow; these are transitional jobs so they don't have to be good jobs; workers aren't loyal so they shouldn't be rewarded with decent treatment; etc. But the **high turnover rates are largely an indication of poor employment situations, not a reflection on individuals' work ethic or the respect they are**

deserving of. The average length of employment, according to our wage workers survey, was just over 8 months. Although several people reported staying in positions for longer than two years, the most frequent response was under 6 months. Many workers recognized the high turnover rate at their workplaces, and associated poor treatment and unjust workplace conditions with the high number of workers entering and leaving.

At least one worker shared a positive workplace experience, where good treatment and working conditions have encouraged workers to stay. But in many cases, loyalty or commitment was not rewarded.

“I worked there for three years -- never got seniority, never got a raise, never got a thank you. Nothing.”

What prevents workers from standing up for themselves

Needing the job and its income for survival means workers are often afraid of risking their employment by standing up for themselves or asking for what they are owed, even when their employers are in clear contravention of existing Employment Standards. These forms of low-waged precarious employment often involve living paycheque-to-paycheque without any savings to fall back on. Some workers talked about being made to feel like their employer is doing them a favour simply by employing them, so they are made to feel ungrateful or greedy for asking for things that are due to them by law.

“I still want to work in retail, because I do like people and I like the job.”

Several workers highlighted the **importance of support** in bringing up concerns to their employer:

“Part of it is having people who have your back, so that you have that feeling of support -- that you’re not in this alone. There are people who are fighting the same fight. There’s a great deal of courage that can be found in a unity like that.”

Limitations of the Employment Standards System

The BC Employment Standards Act (ESA) is meant to protect workers but falls short in many cases, particularly for those working in retail, food service, and hospitality. Some of the unfair and unstable workplace practices we have highlighted in this report are technically legal, according to the ESA. Even if workers do wish to file an Employment Standards complaint for workplaces operating in contravention of the ESA, the process of filing a complaint is difficult, there is not adequate support, and resolution may take a long time or may never come. Existing Employment Standards leaves retail, food service, and hospitality workers in precarious workplace conditions.

Inadequacy of the existing Employment Standards Act

The ESA currently offers a minimum wage that is the lowest in Canada, and far below a living wage. An unfair and detrimental exception for liquor servers mean they get an even lower minimum wage, at \$9.20 per hour. Some workers, in their three-month “probationary” period, are not afforded full protection under the ESA can be fired without cause, notification, or compensation. There is no provision for paid sick days. The ESA fails workers on the regulation of scheduling, with no guarantee for stability of hours (no protection for hour cuts below 50%) and no protection from on-call scheduling.

Complications of filing an Employment Standards complaint

Even if a worker wishes to file a claim against an employer who is not meeting their basic legal duties, it is not an easy process. Many workers are deterred from even taking this action, due to the intimidating power imbalance between workers and employers. The social construction of the worker-employer relationship as a private matter is also a barrier, as noted by an Employment Standards Advocate at the Employment Standards Legal Advocacy Project (ESLAP) at Together Against Poverty Society (TAPS).

The complaints process is rife with power imbalance and offers little support. In order for a worker to pursue their employer, the worker must be comfortable communicating their issues in terms of

legal jargon, they must produce evidence that their employer neglected their responsibility, and they must detail and defend their experience of potentially traumatic incidents to a government authority, often with the perpetrator of their workplace abuse present. The onus for enforcement of employment standards regulations rests with the worker, who has the least power.²⁶ If workers need assistance with the filing an Employment Standards complaint, TAPS is the only organization in the BC Employment Standards Branch jurisdiction specifically providing that support.

Employment Standards Branch priorities:

According to the Employment Standards Advocate at TAPS, the Employment Standards complaint process tends to focus on unpaid wages rather than resolution of all standards including scheduling, record keeping, and other non-monetary contraventions. While unpaid wages are certainly a priority, workers deserve to have assurance that all employment standards in the ESA will be protected and enforced.

Timelines and time commitments:

The timelines and time commitments associated with filing an Employment Standards claim is one of the key challenges to this system working towards workplace justices. There are deadlines for workers to file a complaint after the incident, but no guarantee of the procedural timelines of the Employment Standards branch.

As explained by the Employment Standards Advocate by email,

“The timelines and time commitment required by employment standards in BC are not accessible for most low-income workers, especially folks who need language, health-related, or communications accessibility. **Many workers end up deciding that the process is not worth their energy in terms of compensation or a sense of justice.** We have many clients who have to prioritize their immediate personal, family, health and income needs above the arduous process of Employment Standards complaint. However our caseload also shows us how strong the need for basic standards for hours, pay, and the employment relationship is strongly needed – judging by the number of employers who, for example, pay below minimum wage, don’t give breaks, or keep large numbers of staff on-call, without benefits.”

Outcomes:

The outcomes for workers, after all that effort, can be unrewarding. There is a pressure on complainants to participate in a mediation process, which can require as much of the worker as a hearing, but which encourages a worker to settle for less than they earned. Occasionally this process is useful, but often it is not, according to the Employment Standards Advocate. They also noted that there is no effective remedy with teeth for employer who retaliates, besides a lengthy process of adjudication and fines.

The existing Employment Standards system leaves workers in precarious workplace conditions, and offers little support or protection.

What would improve workplace conditions

Among the workers we spoke with there was a clear consensus that wages are too low, and that this should be improved through policy change: **BC's provincial minimum wage needs to be increased.** There was a strong desire for what their job demands to be matched with an appropriate wage. Benefits were another key component to compensating workers adequately.

“A shift in the way people think about workers in general. It’s kind of dehumanizing sometimes. More than just a living wage, you should be treated with human dignity.”

In addition to wages, the workers we talked with also greatly stressed the importance of **feeling respected and treated with dignity by their employer.** Workers expressed wanting to be recognized as a whole person, rather than simply a service provider. **Many felt deprived of this at their current or recent workplaces.**

“If you want me to feel this loyalty to this company, then treat me like I’m a part of it.”

As a part of basic dignity and respect, **workers wanted to be recognized as an integral part of the workplace, and they wanted to see their voices included in decision-making and daily operations.** They spoke of wanting to see mutual respect and community within the workplace, with time and

space devoted to coming together to develop strategies for the workplace. Workers also wanted support from their employers when they faced challenges or hazards within the workplace.

Working towards Workplace Justice

Closing notes by Retail Action Network Organizer, Eric Nordal:

It is evident that retail, food service, and hospitality workers in this province are being exploited by their bosses and being failed by Employment Standards in BC. As workers in these industries, we face many challenges that continue to make our working lives more precarious and less valued every year.

Through the Retail Action Network, we are fighting for change to happen for workers that are in these positions, and have identified the services and the campaigns that are essential for a successful worker's movement to take shape here in the Greater Victoria area. There are three main areas of focus that our organizing is dedicated to:

(1) Build Community

One of our main focuses is to build a community of support that will fight for increased wages, improved working conditions, and equality in the retail, food service, and hospitality sector. We understand that precarious employment and difficult living conditions can have a destabilizing effect on families, friends, and communities as a whole. It is important to us that we focus on rebuilding a community that can provide one another with support in difficult times, as well as to build towards something more transformative and representative of our needs not only as workers, but as an entire community.

From this understanding of our need to rebuild our communities, we:

- Host monthly social events called Working Class Wednesday where workers in retail, food service, and hospitality gather for food and entertainment with a focus on workplace justice and building solidarity amongst an entire industry.
- Host an annual MayWorks festival that connects the arts and culture communities with the local worker's movement in Victoria.
- Look forward to building a worker-led and operated cafe, retail space, and / or Worker's Action Centre where we can showcase the highest standards of employment while offering a space for workers to find support through advocacy and education.

(2) Win Victories

Winning victories for workers that are facing exploitation from their bosses is an essential part of the organizing that we doing. Too often, workers face mistreatment at work, and end up walking away without any sense of justice. As outlined in this report, this is due almost entirely to a failing legislative body to regulate these injustices, as well as an unchecked power imbalance that shapes most workplaces in retail, food service, and hospitality. It is important for us to win victories in these situations so that workers know that there is a way to get support through community mobilizations, to practice and build our collective strength as a community, and to put business owners on notice that it is not going to go unnoticed if they mistreat their workers.

From this understanding of our need to win victories for workers, we:

- Have put together a "flying squad" that mobilizes through direct actions and social pressure campaigns to support workers that are being mistreated by their employers.
- Provide guidance and support for workers in navigating the Employment Standards Act in partnership with our friends at the Employment Standards Legal Advocacy Project.

- Look forward to organizing workplaces from within by running long-term campaigns to unionize or change employment practices at some of the most exploitative workplaces in the region.

(3) Raise the Standards

Retail, food service, and hospitality workers are disproportionately affected by the lack of protections through BC's Employment Standards Act. As outlined in this report, many instances of abuse and mistreatment by employers is not considered to be in contravention of the ESA. The current legislation is lacking decent standards and has completely ignored certain issues altogether. As workers, it is important that we raise the standards and re-write legislation and employment practices through our experiences as those most at risk of abusive relations with employers. It is our understanding that we can do more than observe unfair practices, we can organize and actively change them, both at a provincial level, and more directly within workplaces.

From this understanding of our need to raise the standards in BC and within workplaces, we:

- Have identified the major concerns that workers face in retail, hospitality, and food service through the publication of this report and with the research done by the Vancouver Island Public Interest Research Group.
- Are developing a call for changes to legislation within the Employment Standards Act that not only addresses wages, but a broad range of working conditions.
- Look forward to pushing for changes around specific policies within workplaces in the Greater Victoria area by identifying current standards and using a range of organizing techniques to make measurable improvements to precarious retail, food service, and hospitality workers.

The Retail Action Network is thankful for all of the workers who shared their experiences and stories with us throughout this research process. We will continue to organize with and for retail, food service, and hospitality workers in the years ahead and in order to effectively fight for workplace justice, increased wages, and improved working conditions for those in our communities.

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