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## Oral Submissions to Ontario Minimum Wage Panel

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### Check Against Delivery

*September 6<sup>th</sup>, 2013*

Thank you so much for letting me present here today. My name is Syed Hussan and I am the coordinator for the Migrant Workers Alliance for Change, a coalition of migrant workers and allied organizations. The Migrant Workers Alliance for Change, or MWAC for short, is made up of community groups like Justice for Migrant Workers, Caregivers Action Centre, and Migrant Ontario that organize with migrant workers in Ontario's farms, factories and homes; as well as national unions like United Food and Commercial Workers and CAW and legal clinics like Parkdale Community Legal Services, Windsor Legal, Industrial Accident Victims' Group of Ontario and others.

Migrant workers that are part of MWAC and our member organizations work across Ontario, and in fact across Canada. There are at least 120,000 migrant workers in Ontario right now, over half of whom are deemed low-skilled. So-called 'low-skilled' workers are part of three key immigration programs: the Live In Caregiver Program, the Temporary Foreign Worker Low Skilled Program and the Seasonal Agricultural Workers Program. Migrants in these categories are Ontarians for all intents and purposes, living the majority of the year in the province, working here, building families and friendships and contributing to the quality of life. As such I am going to speak of them, and I, as an Ontarian deemed a migrant worker.

We at MWAC fully support calls to increase minimum wage to \$14/hour and to be tied to the rate of inflation. At \$10.25, the minimum wage forces workers below the poverty line.

We support the position of the Campaign to Raise the Minimum Wage that the minimum wage should be set 10% above the poverty line, using the Low Income Measure and assuming a 35-hour work week. Furthermore, the minimum wage should be updated every year with the cost of living.

Migrant workers live and work in our communities. A raise in the minimum wage will support the local businesses and communities where they live.

However, under current minimum wage laws, many migrant workers cannot get the current minimum wage. Ontario's laws need to be reformed in three key ways to ensure that Ontario residents deemed migrant workers are actually able to access this minimum wage like their colleagues and neighbours:

- (1) Ontarians in the agriculture industry including those deemed migrant workers are excluded from Ontario's minimum wage laws. This is fundamentally unfair and unjust. All minimum wage exemptions in the Employment Standards Act must be removed.
- (2) Many Ontarians that are denied full immigration status by the federal government face legal obstacles that make it impossible for them to assert their right to minimum wage. In our experience, a great number of workers are being denied minimum wage or overtime pay. Specific anti-reprisal laws must be developed and these legal obstacles removed.
- (3) Ontario currently does not track employers and recruiter of Ontarians deemed migrant workers and therefore has little enforcement capacity. All employers and recruiters in Ontario must be registered, must be forced to put up lines of credit, and must be held jointly and severally liable for any violations.

Let me elaborate.

Many immigrants that arrive in Canada as agricultural workers (including Farm Employees, Harvesters, Flower Growers, and those engaged in processing, packing or distribution of fresh fruit or vegetables) are by law excluded from minimum wage. The entire industry is unjustly exempted, which results in pushing some of the most vulnerable Ontario residents further into poverty. All exemptions under the Employment Standards Act must be removed.

Secondly, workers that are technically able to access minimum wages, face multiple legal barriers in doing so. Ontarians deemed migrant workers are tied to their employers through closed work permits. This means employers are able to immediately deport seasonal agricultural workers who try to enforce minimum wage rights. We have received many reports of employers threatening other migrant workers with deportation or contacting immigration authorities, even when they do not

have the authority to remove the workers. For workers to actually get minimum wage, this panel should recommend:

- a) An expedited process for investigating minimum wage complaints under ESA;
- b) That the anti-reprisals provisions of the ESA and OHSA should explicitly prohibit an employer from forcing “repatriation” on an employee who has filed an ESA or OHSA complaint. The ESA should be further amended to provide for onus-shifting in ESA claims where the migrant worker has been repatriated (not limited to the allegations of reprisals).
- c) Building on the model already being developed in Alberta, this panel should recommend that Ontario work with the federal government to ensure that migrant workers who have filed complaints are granted open work permits.
- d) Most Ontarians deemed migrants workers are by law only allowed to complaints within six months of unpaid wages. This time limit is less than the usual three or four year term of migrant worker contracts. As such, the time period for making complaints about employer violations must be extended to 4.5 to 5 years.
- e) We have met many migrant workers who are owed over \$30,000 in unpaid wages, overtime and other statutory benefits. In line with other jurisdictions in Canada, there should be no monetary limit on amounts recoverable through the ESA.

Finally, the licensing of recruiters and registering of employers of Ontarians deemed migrant workers and their joint liability is central to ensuring minimum protections for workers facing any labour rights violations. Ontario should adopt a proactive system of employer registration, recruiter licensing (including the mandatory provision of an irrevocable letter of credit or deposit), mandatory filing of information about recruitment and employment contracts, and proactive government inspection and investigation in line with the best practices adopted under Manitoba’s Worker Recruitment and Protection Act and Regulations. This will ensure that Ontarians deemed migrant workers are able to access the minimum wage they deserve.

All of these changes must take place with community consultation and be led by those that have been denied their full right by being termed migrant workers.