
(1) INCLUSION: FULL IMMIGRATION STATUS AND ACCESS TO BENEFITS

What an Ontario Immigration Act should do: All migrant and undocumented workers must be allowed to apply for permanent residency through the provincial nominee program (PNP). In Manitoba, all temporary foreign workers coming into the province have access to permanent resident status through a PNP that allows for 'semi- and low' skilled worker settlement. A genuine Ontario Immigration Act would also ensure that all migrant workers have effective protection against exploitation and access to provincial benefits for migrant workers.

What Bill 161 does: Bill 161 gives the Ontario government the power to create new permanent immigration selection programs and temporary foreign worker programs. The government wants to expand access to permanent status through the PNP for so-called high-skilled migrant workers but leaves out low-wage migrant workers. This will entrench vulnerable working conditions and denial of rights for low-wage migrant workers. Bill 161 gives the Minister the power to include or exclude any migrant workers from provisions of the Act, but does not detail who and on what grounds.

(2) ACCOUNTABILITY AND TRANSPARENCY: REGULATING RECRUITERS AND EMPLOYERS

What an Ontario Immigration Act should do: Ontario must enact a proactive enforcement program to protect migrant workers from exploitation by recruiters and employers that meets the best practices enacted by Manitoba's *Worker Recruitment and Protection Act* and enhancements developed in Saskatchewan and Nova Scotia. This would involve employer registration, recruiter licensing (with mandatory financial bond posted), mandatory filing of information about recruitment and employment contracts.

This information must be open and accessible to the public. This process is both accountable and transparent to workers and the government. A public registry ensures that workers can access better recruiters, and a bond ensures that migrant workers can be compensated when problems arise.

What Bill 161 does: Bill 161 gives the province the power to create registries for employers and recruiters for the new selection programs to be set up under the Act. The definition of recruiter is arbitrarily limited and excludes businesses, organizations, lawyers and immigration consultants. Current recruiters bringing in migrant workers under the federal TFW programs could be excluded – so too would employers of such migrant workers. Bill 161 also does not require a financial bond, making enforcement difficult. There is no requirement for recruiters and employers to comply with other legislation (like the Employment Protections for Foreign Nationals Act) and Employment Standards Act in order to qualify for registration.

(3) BREAK DOWN SILOS: COOPERATION BETWEEN MINISTRIES

What an Ontario Immigration Act should do: Legislation works when ministries and different levels of government cooperate. The Ministry of Labour, Ministry of Citizenship and Immigration and the Federal Government should work together to support vulnerable migrant workers. Comprehensive information-sharing processes between the ministries and federal and provincial government must be developed with the goal of protecting workers. A federal moratorium on repatriations and an open work permit program for migrant workers with pending Ministry of Labour complaints should be put in place to off-set threats of reprisals and repatriation.

What Bill 161 does: The undefined registries proposed by Bill 161 are housed in the Ministry for Citizenship and Immigration (MCI) rather than the Ministry of Labour (MoL), which is the Ministry responsible and capable of enforcing employment standards violations. This limits the ability of MoL to carry out targeted enforcement and expanding protections for migrant workers, and goes in the opposite direction from best practices adopted or being adopted in Nova Scotia, Saskatchewan and Manitoba. Bill

161 gives the province the power to collect personal information from migrant workers, and share it with federal immigration authorities without detailing how this information-sharing would keep workers safe.

(4) PROACTIVE ENFORCEMENT NOT REACTIVE MEASURES

What an Ontario Immigration Act should do: The province should not rely on a complaint-driven model but should develop a proactive enforcement model coupled with anti reprisal measures to support the province's most vulnerable workers. To address the power imbalances that lead to coercive conditions at work, both the employer and recruiters in Canada and abroad should be held jointly responsible for abuses. The province must provide necessary resources to enforce any new provincial legislation.

What Bill 161 does: Bill 161 sets out an enforcement process for the selection programs and provisions for who can and cannot be on the employer and recruiter registries if developed.

AMENDMENTS TO BILL 161 NECCESARY, OR NEW LEGISLATION NEEDED

As it currently stands, Bill 161 is not a genuine immigration act for all Ontarians, including migrant workers. It is essential that key revisions be made to the Bill as outlined above, for without them Bill 161 is harmful to migrant workers, their families, and the communities they support in Ontario and beyond.