

# Migrant workers & Ontario

## *Briefing note for Members of Provincial Parliament*

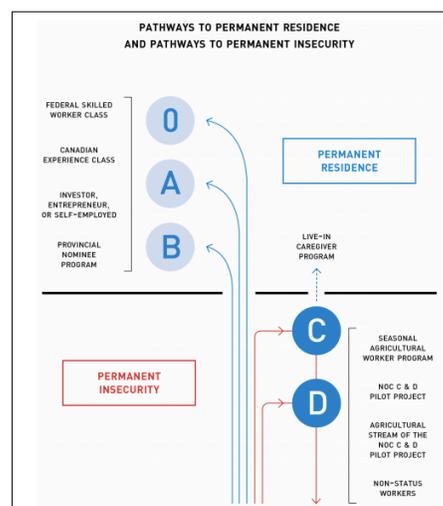
### Who are migrant workers?

Migrant workers are Ontarians that live and work in our province on a temporary work authorization permit.

Migrant workers grow our food, build our roads, work in restaurants and factories, and they take care of children, the sick and the elderly. Ontario works because they do.

Most migrant workers can't live in Ontario permanently despite some of them having worked here for decades, and most cannot bring their families here to visit them. Other limitations on them include:

- They are only allowed to work for the single employer who is listed on their "tied work permits". They are not allowed to take on additional work to supplement their income.
- If they are laid off and work in the agriculture sector, they are almost immediately deported.
- If they are in another sector, like construction or caregiving, they have 90 days to find a new employer willing to pay a \$1,000 processing fee and have the government process their papers. The process takes several months, so most workers can't do so.
- Permits are time-limited, anywhere from a few weeks to four years. Then workers have to leave the country, no matter how many years they've been working in Ontario.

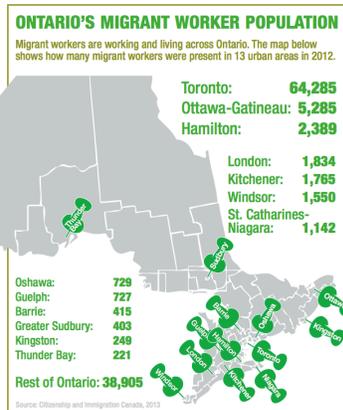


### Why should lawmakers care?

1. Migrant workers pay all federal, provincial and municipal taxes but don't get many of the social entitlements that they've paid for. Migrant workers are simply asking for the same rights other Ontarians have, it's not expensive, and it's just fair.
2. If employers can get away with paying migrant workers less, or forcing them to work longer hours in worse conditions - the overall conditions in the labour market suffer. By improving conditions for migrant workers, you can ensure that all workers in Ontario prosper.
3. Inconsistent labour rights, and exemptions from protections for some workers, means that bad employers can generate greater profits; while law-abiding employers are forced out.
4. Many migrant workers' psychological and physical health deteriorates rapidly due to their lack of full labour rights. Their "tied work permits" make it easy for workers to be forced to work long hours as fast as possible, which leads to many accidents and other health and safety hazards. Even

though many workers can't access full health care services, their ill health poses a significant public health challenge.

## Why is this an Ontario issue?



Work permit rules are part of immigration law made at the Federal level. Migrant workers deserve permanent immigration status on arrival, and that's the Federal government's responsibility. But Ontario also has a major role to play. Migrant workers' access to employment rights, social services, education and retraining, healthcare, decent housing, social assistance and other services are all under Ontario legislation. As well, unlike Alberta and Manitoba, Ontario has not created a path to permanent residency for low-waged migrant workers through its provincial nominee program.

As a Member of Provincial Parliament, you have the power to ensure that migrant workers are treated fairly.

## What is the Changing Workplaces Review?

The Ontario Ministry of Labour has retained two special advisors, Michael Mitchell and the Honourable John C. Murray. The advisors will provide the government with a written report and recommendations on changes to the *Employment Standards Act* and the *Ontario Labour Relations Act*. Following the release of this report, Ontario lawmakers are expected to debate and pass a law to expand employment protections in Ontario.

## What changes do migrant workers need?

Today, migrant workers live in fear, with fewer rights, and are forced to pay huge fees to work in Ontario. It's time for fairness, full protections and work without fees.

### From 'fear' to 'fairness'

We all know how hard it is to speak up when we have a bad employer, or if we are not getting our full wages. Imagine how much harder it is when speaking up doesn't just mean losing your job, it means being forced to leave the country. Imagine how hard it is when your employer controls your housing and when your contract isn't enforceable. What's worse is that employers know this, and bad bosses will push workers to work harder for lesser pay, knowing they won't complain.

As Maria, a Filipina Live-In Caregiver explains, "The government should encourage that workers are not scared. They should say whatever the problem, come right away to us. Because as an

News / GTA

### Abuse of migrant workers 'endemic' in Canada, new study says

It is bad laws, not just bad employers that expose Canada's temporary migrant workers to abuse and exploitation.

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COLIN MCCONNELL / TORONTO STAR FILE PHOTO

Senthil Thevar, seen here in 2011, was promised \$15 an hour by a recruiter in India to work as a chef in a Toronto restaurant. Instead, he only earned \$8 hourly, sharing accommodation in a cold basement, with no vacation and holidays. His story is documented in a new Metcalf Foundation report.

employee I am scared of the government, and I am scared that if I complain, I will get deported.”

Fairness means:

- Instead of waiting on vulnerable workers to complain, labour laws must be proactively enforced.
- When a worker is brave enough to make a complaint, they must be able to stay in the country while claims are processed.
- Migrant workers have contracts but often no ability to enforce them. It's time to make contracts enforceable under the Employments Standards Act.

### From 'fewer rights' to 'full protections'



Many agricultural workers don't get minimum wage, overtime pay, time to eat, or even bathroom breaks. As there are no industry specific regulations, in some farms, there are simply no toilet facilities in the fields where migrant workers spend the majority of their day. Agricultural workers and caregivers cannot organize into unions nor bargain collectively. So not only are workers afraid to speak up, even if they do, they don't have a lot of rights.

As Chris, a Jamaican Farmworker, insists “You as a farm worker you do like 60 hours a week. What it comes down to it, you are doing overtime, you don't get overtime. You are doing all of the stuff because there is no rule or there is no law there for we to get

that. You don't have no holiday, no time off, no day off. You have to do it. That is what is the system is set up for we and it's not right.”

Full protections means:

- Migrant workers deserve the same rights as everyone else. There should be no special rules and exemptions by occupation.
- Agriculture workers and Caregivers must be able to unionize, and bargain collectively and sectorally.

### From 'Paying to work' to 'work without fees'

Workers from around the world pay between \$1,500 to \$10,000 to recruiters to get a job. Recruiters abroad work with recruiters in Ontario who liaise with Canadian employers. To pay these sums, many workers take on huge debt before they arrive. With this debt hanging over their heads, workers are less willing to speak up or complain when faced with employer or recruiter abuse.

Juan Miguel, a temporary foreign worker from Honduras, says “I paid \$1500 in Honduras to come work here in Canada. Here I worked in an unsafe job at a mushroom farm for a year to be able to pay back that debt. On top of that, my employer regularly stole my wages and I



couldn't file a claim with the Ministry or I would have been fired and sent back home."

It's time to ensure work without fees. This means:

- All recruiters must be licensed and all migrant worker employers registered.
- These recruiter and employer registries must be made public so workers abroad know which recruiters are legitimate.
- Employers and recruiters must be held jointly financially liable for all fees paid. Joint liability must include any fees paid at any point in recruitment process. This way, employers and recruiters can't pass the buck to recruiters abroad.

## **What else can Ontario do?**

While the Changing Workplaces Review only focuses on the Employment Standards Act and the Ontario Labour Relations Act, there are a few other laws that need to be modernized to ensure basic rights for migrant and undocumented workers. This includes laws around workers' compensation, particularly deeming, healthcare provision, housing, social assistance and provincial access to permanent residency. All Ontario services should be available to all Ontarians, with or without immigration status.

We need decent, permanent and well-paid work for all Ontarians, not just migrant workers. Ontario should:

- Increase the minimum wage to \$15 an hour;
- Provide paid sick days; and
- Provide vacation and overtime pay to all workers.

Precarious, temporary, and migrant workers should all be provided equal rights at work.

## **For more information, please contact**

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