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Honorable Yasir Naqvi
Attorney General
Ministry of the Attorney General
11th Floor, 720 Bay Street
Toronto, Ontario M7A 2S9

October 12, 2017

Via: Email and Fax

Dear Minister,

RE: Migrant Workers Alliance for Change support for Bill 164, Human Rights Code Amendment Act, 2017

The Migrant Workers Alliance for Change (MWAC) is Ontario's largest migrant worker rights coalition, comprising labour unions, faith based organizations, grassroots migrant worker groups and community legal and health organizations. We write in support of Bill 164 and of the position that the Ontario **Human Rights Code** should be strengthened by expanding its coverage to prohibit discrimination on the basis of 'immigration status', 'police records' and 'social condition'. We urge you to expedite the passing of this Bill and implement it as soon as possible.

Legal decisions and story after story told by migrant workers that make up our core membership make it clear that migrant workers face unique barriers to full participation in social, cultural and economic life. Moreover, migrant workers frequently face discrimination and abuse as a result of their temporary immigration status. Seeking legal remedies for violations of fundamental rights and invoking protections that all workers should have at the Human Rights Tribunal, has been uniquely challenging both by virtue of the immigration system and by the need to base their claims on a complicated combination of human rights code-based grounds including race, place of origin, and/or citizenship.

To illustrate the importance of the issue, we draw your attention to a 2015 decision of the Human Rights Tribunal of Ontario in which migrant workers vulnerability to abuse resulting from their temporary immigration status, forced dependence on a single employer and the unique impact created by a complexity of factors including poverty, gender and language and social barriers, was acknowledged. Following a finding that Presteve Foods Ltd., had sexually harassed and discriminated against women from Mexico, employed under the auspices of the Temporary Foreign Worker Program, one of the two remaining complainants of the original 39 observed, "I want to tell all women that are in a similar situation, that they



should not be silent and that there is justice and they should not just accept mistreatment or humiliation. We must not stay silent. [As a migrant] one feels that she/he has to stay there [in the workplace] and there is nowhere to go or no one to talk to. Under the temporary foreign worker program, the boss has all the power - over your money, house, status, everything. They have you tied to their will. It has been 8 years to obtain justice but 8 years and justice is finally here today."

This worker found assistance. Her case was brought forward by Justice for Migrant Workers and UNIFOR Canada, both members of MWAC. Without the support of these organizations it is unlikely that she would have been able to access justice. Most migrant workers do not have these supports. Expediting and implementing Bill 164 gives migrant workers a tool by which they will more easily be allowed to vindicate abuses of their rights and pave the way for swifter access to justice.

The expansion of grounds to access justice in the **Human Rights Code** is a critical step forward which, MWAC supports, but we remain of the view that a complaint driven system alone will be insufficient to adequately respond to the specific vulnerabilities created by temporary worker programs. Accordingly, we continue to urge the government to adopt measures related to create a proactive system of recruiter regulation, employer inspections and migrant worker specific anti-reprisal mechanisms. These are all matters that the provincial government has the power to address. To this end, please find attached MWAC's summary of broader recommendations that we hope Ontario will further consider.

The proposed Bill 164 is an acknowledgement of the reality that lack of permanent resident status is used to abuse, exploit and discriminate against Ontarians. Therefore, in addition to the actions we have identified above that Ontario can take within its own jurisdiction, we urge Ontario to also call on the federal government to create an inclusive and comprehensive regularization program so that all Ontario residents - migrant or undocumented - become permanent residents, which would decrease vulnerability and the likelihood and frequency of human rights abuses.

I would be delighted to discuss these matters with you further. You can reach out to me at 416-453-3632.

Best wishes,

Syed Hussan
Coordinator

Cc: Nathalie Des Rosiers, MPP (Ottawa—Vanier)