



**IMRC**  
International Migration  
Research Centre



October 14, 2016

Mr. Mitchell and Honourable Murray  
Special Advisors  
Changing Workplaces Review  
ELCPB 400 University Ave., 12<sup>th</sup> Floor  
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**Re: Submission to the Changing Workplaces Review on the Interim Report**

Dear Mr. Mitchell and Hon. Murray:

Please accept this letter on behalf of Dr. Jenna Hennebry and Dr. Janet McLaughlin, Professors and Research Associates with the International Migration Research Centre at Wilfrid Laurier University. We have each conducted over a decade of individual and collaborative empirical research with temporary foreign workers in Ontario, primarily in agriculture.

Our September 18<sup>th</sup> 2015 submission to the Review, written in collaboration with our late esteemed colleague, Dr. Kerry Preibisch, draws on evidence gathered from our surveys with over 1,000 migrant farmworkers, and hundreds of interviews with migrant workers, government officials, employers, health care providers, WSIB officials, among others, as well as official statistics from government organizations. We stand by the recommendations we have made in this submission, and kindly ask that you refer to this document (found at <http://imrc.ca/research-publications/>) for additional details.

As the appointed Advisors to the Changing Workplaces Review, we urge you to make recommendations to reduce precarity for all Ontario workers, regardless of immigration status, sector or job category. With the expansion of labour relations rights for agricultural workers in other provinces, Ontario now stands out as a jurisdiction that continues to deny agricultural workers the right to bargain collectively as part of a union. This exclusion can no longer be justified. Ontario, the province with the most agricultural workers in the country, should be a leader, not an outlier.

We reiterate the following recommendations from our September 18<sup>th</sup> submission:

1) All categories of workers in agriculture should be fully included in both the ESA and the LRA. They should have the right to bargain collectively and to form and join unions and the freedom to exercise these rights.

- 2) The provincial government should take a lead in helping to promote the rights of migrant workers and their ability to exercise them. We echo the Law Commission of Ontario's recommendations that could enhance these workers' empowerment, such as: accessible education to both employers and workers about rights; reprisal complaints hearings prior to deportations; an independent decision-making process for migrant workers prior to repatriation; and greater supports for migrant workers in making claims.
- 3) Temporary foreign workers should be entitled to severance pay based on their accumulated work periods, even if they are not consecutive.
- 4) There should be more proactive enforcement to ensure employers' compliance, rather than putting the onus on workers to bring forth complaints. The Ministry of Labour (MOL) should use the ESA to strengthen the evaluation and accountability measures aimed at employers, such as requiring on-site workplace and housing inspections, and levying fines or other employer sanctions for non-compliance.

In addition, the Migrant Workers Alliance for Change has developed recommendations to further migrant worker rights, outlined in ***Ensuring Migrant Worker Fairness***. We endorse those recommendations.

Thank you for your serious and careful consideration of our recommendations designed to strengthen the protection of labour rights for all Ontario workers, particularly those who are most vulnerable.

Yours truly,



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