

Report Card

Migrant workers in Ontario

SUBJECT	GRADE	COMMENTS
Legislative protection of migrant workers	C+	The 2009 Employment Protection for Foreign Nationals Act (<i>EPFNA</i>) provides certain protections for live-in caregivers with respect to recruitment issues, including prohibiting recruitment fees. Ontario has no other migrant worker-specific legislation, and is one of only two provinces that deny agricultural workers the right to collectively bargain, which affects many migrant farm workers.
Enforcement of Employment Standards and related legislation	C	Employment Standards officers have the power to conduct proactive investigations for compliance with EPFNA, but in practice enforcement is mostly reactive. Employment Standards legislation also relies on claims or complaints filed by workers to enforce their rights, but migrant workers are deterred by fears of losing their job and being removed. Proactive spot-checks of farms employing migrant workers have been carried out, but employers receive 24-hours notice, reducing effectiveness. There are serious gaps in enforcement of Occupational Health and Safety legislation, but they may be addressed by a proposed new strategy currently under development.
Access to permanent residence	D	In Ontario migrant workers in the low-skilled streams do not have access to permanent residence via the Provincial Nominee Program.
Welcoming migrant workers (settlement and support services)	C-	Migrant workers are eligible for provincially funded immigrant settlement services, but due to limited funding services are not widely available. There used to be a toll-free line for live-in caregivers to receive information and support, and to leave tips about possible violators of EPFNA, but this was discontinued.
Access to information for migrant workers	C	Information on Employment Standards and EPFNA is available online translated into various languages, but many workers don't have internet access or know where to find these resources. Reaching workers is difficult because the information-sharing agreement with the federal government remains unfinished, which means that the province doesn't always know where migrant workers are located.
Awareness raising of responsibilities among employers	C	Most awareness-raising of employers is done during monitoring visits, but these are infrequent. The Ministry of Labour sometimes gives information sessions with employer groups and at industry conferences.
Access to healthcare services	B	Seasonal agricultural workers in Ontario have access to provincial health coverage on arrival. Other migrant workers must wait 3 months for access, during which their employer must provide health insurance.

Ontario and Migrant Workers: Much Work to be Done

Ontario hosts more Temporary Foreign Workers by far than any other province. The large numbers make it all the more important that the province improve protection and support for migrant workers. The urgent need for action is highlighted by the fact that there have been several recent cases of migrant workers being trafficked into Ontario.

The *Employment Protection for Foreign Nationals Act (EPFNA)* currently applies only to workers in the Live-in Caregiver Program, but Ontario could easily extend its coverage to all other migrant workers through regulatory change. The effectiveness of *EPFNA* and of other labour legislation depends on adequately resourced and proactive enforcement, which are absent at this time.

According to the 2012 report *Made in Canada*, "Among the most common complaints that migrant workers raise are that they do not know what their rights are when they arrive in Ontario; they do not know how to find out what their rights are; and they do not know what organizations are available to assist them." The necessary task of improving access to information would be facilitated with increased proactive enforcement and an employer registration regime. Legislation establishing a registration regime for both employers and recruiters, which Ontario currently lacks, could help to address the widespread problem of predatory recruiters as well as non-compliance with labour standards. It would also ensure that the provincial government knows where migrant workers are being employed in Ontario.

Encouragingly, Ontario is moving towards an integrated approach to Occupational Health and Safety enforcement in order to respond to the gaps faced by vulnerable workers, including migrant workers, by developing a province-wide strategy, following a review by an Expert Advisory Panel which included many community partners.

Low-skilled migrant workers, other than seasonal agricultural workers, must wait 3 months before they are eligible for provincial health coverage. During this time employers are responsible for providing coverage, but in many cases it is not as extensive as OHIP, and some workers fall through the cracks. Workers also need a letter from their employer to apply for OHIP, and there have been reports of unscrupulous employers not providing this letter.

Migrant workers who suffer injury while employed in Ontario have been disproportionately affected by the rule which deems a worker ineligible for compensation, if they could theoretically do a job not requiring the injured body part. Neither the job nor the retraining required to carry it out may be available in the worker's home country.

Migrant workers contribute meaningfully to the Ontario economy. They should not simply be used for their labour - Ontario should work with the federal government to open pathways to permanent residence for all migrant workers.

NUMBER OF TEMPORARY FOREIGN WORKERS IN ONTARIO

(ON DEC. 1)	2006	2011	2012
	71,801	106,960	119,899



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