

Support Migrant Workers

MIGRANT WORKERS
Alliance for Change

The Stronger Workplaces for a Stronger Economy Act, 2014 (Bill 18)

Thanks to pressure from workers and the public, the Ontario government has re-introduced legislation that will make some improvements to the working conditions of workers, including migrant workers. Bill 18 will ban recruitment fees for all migrant workers; remove the arbitrary monetary cap on reclaiming unpaid wages and tougher penalties for employment standards violations. These are good steps but comprehensive changes are still needed.

Migrant Workers and Bill 18

Migrant workers are often forced to pay recruiters thousands of dollars in fees, just to find a job. Many workers have little choice but to borrow the money, which can mean a debt burden on workers and their families, making them even more vulnerable to exploitation.

Bill 18 extends the current law that bans recruitment fees for live-in caregivers to all migrant workers under the federal Temporary Foreign Worker Program. While this provision is a step forward, it also relies on a complaints-based model for law enforcement, a model that has been proven to be ineffective for caregivers.

Bill 18 still allows employers to recover certain costs (to be defined by government) from migrant workers, which could undermine the very protections Bill 18 is supposed to create. No worker should have to pay to work.

Bill 18 should be strengthened by adopting and improving on best practices from Manitoba, Saskatchewan and Nova Scotia.

Bill 18 will extend the time period in which workers can file claims against employers for unpaid wages, from six months to two years. The Bill also allows workers to claim up to two years worth of unpaid wages (formerly it was only six months) and removes the \$10,000 limit on the amount of unpaid wages workers can claim. There would be no limit under this law. These measures represent a real victory for workers. However, many migrant workers are tied to their employers for up to 4 years and are unable to assert their rights during this period.

Bill 18 and the legal process:

Bill 18 will be debated in the Ontario legislature sometime after October 20th. If it passes this stage, it will likely be sent to a sub-committee of Member of Provincial Parliament (MPPs) from all political parties. At this committee stage, organizations may be able to depute, and amendments may be made.

We want Bill 18 amended so that it:

Eliminates any provision or potential provision under which employers "recover" recruitment or employment costs from migrant workers;

Gives migrant workers at least five years to file complaints so that they can seek justice after their contracts have finished;

Makes the government responsible for proactively enforcing the law and eliminates the self-reporting provisions of the Bill;

Allows third-party complaints and fast-track investigations where reprisals are alleged;

Extends joint responsibility to both employers and recruiters for any exploitative, migrant worker recruitment practice;

Licenses recruiters and registers employers and requires recruiters to provide a guaranteed security deposit from which migrant workers can be compensated when recruiters violate laws.



Get in touch with us. Email coordinator@migrantworkersalliance.org so that we can get these important amendments made. Sign up for updates at www.migrantworkersalliance.org. Find us on Facebook and on Twitter @MWACCanada. To see other protections in Bill 18, and amendments needed, visit www.workersactioncentre.org.