

St. Lucian wins racial harassment case against Canadian farm operator

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The Human Rights Tribunal of Ontario has delivered a decision finding that a major greenhouse operator in Leamington, Ontario, did in fact engage in racial harassment of a St. Lucian national who was employed there as a migrant farm worker.

In *Monrose v. Double Diamond* (citation: 2012 HRTO 1273) Adrian Monrose, a St. Lucian who came to Canada as a migrant farm worker, was subjected to racist slurs by his employer during his second season working at the Double Diamond greenhouse. When he tried to report and challenge this mistreatment his employment was terminated and he was immediately sent home to St. Lucia.

He eventually made his way back to Canada and filed a human rights complaint with the assistance of the Justicia for Migrant Workers group and human rights lawyer Shane Martinez.

The matter was heard by the Human Rights Tribunal of Ontario this past March, and a decision was released on July 23, in which Vice Chair David Muir held that Monrose had indeed been subjected to racist abuse in the workplace. He was awarded \$5,500 for lost wages, \$3,000 for damages to his feelings, dignity, and self-respect, and \$15,000 for violation of his right to be free from reprisal (e.g. the termination of his employment and repatriation to St. Lucia).

Monrose v. Double Diamond represents the first ever decision issued by the Tribunal in favour of a migrant farm worker.

Martinez, who represented Mr. Monrose pro bono throughout the case, stated "This decision reaffirms the dignity and great worth of a hardworking man who left his family in St. Lucia to come to Canada as a migrant farm worker. Unfortunately, there are others whose stories are never told after they are repatriated and banned from the Seasonal Agricultural Workers Programme. The Tribunal's findings signal an urgent need for all levels of government to safeguard the human rights of migrant farm workers. One of the first steps towards doing this is to replace the outdated and unfair contracts that allow employers to commit abuses like those which occurred in this case."

The Seasonal Agricultural Workers Programme (SAWP) has been in operation since 1966. Countries that participate in the SAWP include Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Mexico, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.

Migrant workers employed under this programme are tied to an employer, do not have equal access to social entitlements, are denied labour and social mobility and do not have the ability to apply for permanent residency to Canada. The SAWP is one of several migration programmes that comprise the Temporary Foreign Workers programme which employs over 400,000 migrants under its numerous schemes.

Justicia for Migrant Workers (J4MW) is a volunteer, political non-profit collective comprised of activists from communities across Canada. J4MW works with migrant workers, labour and community allies to advocate for strengthening labour and social protections for all workers irrespective of status.

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Shane Martinez (L) and Adrian Monrose (R)

