

## Ontario proposes sweeping new law to protect workers

Province would bar employers from charging recruitment fees to all temporary foreign workers, according to legislation introduced Wednesday.

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RENE JOHNSTON / TORONTO STAR

Yasir Naqvi, Ontario's labour minister, announces new legislation to protect vulnerable workers at the downtown Toronto YMCA Wednesday.

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**By:** [Laurie Monsebraaten](#) Social justice reporter, and Nicholas Keung Staff Reporters, Published on Wed Dec 04 2013

Advocates for vulnerable workers are pleased with [sweeping new Ontario legislation](#) that proposes to strengthen workplace protections.

The [Stronger Workplaces for a Stronger Economy Act](#), introduced by Labour Minister Yasir Naqvi Wednesday, would better protect workers hired by temporary help agencies and unpaid interns, co-op students and trainees.

It would also bar employers and recruiters from charging recruitment fees and seizing personal documents from all temporary foreign workers.

The measures for migrant workers expand on a 2009 law that bans recruitment agencies from charging fees to [live-in caregivers](#).

However, advocates for migrant workers say the proposed labour legislation falls short by failing to establish a registry of employers and recruiters. In Manitoba, a registry requires employers and recruiters to contribute to a bond that would compensate abused workers.

As in other provinces, the number of temporary foreign workers in Ontario — from farm workers to meat packers, live-in caregivers, general labourers and chefs — has skyrocketed from 91,000 in 2008 to 120,000 in 2012.

Despite the 2009 law, Lisa Draman of Toronto's Caregivers Action Centre said recruitment fees are still rampant.

"Again, it all goes back to how the law is going to be enforced and implemented. [Migrant workers are afraid to lose their jobs by speaking up](#) and nobody is monitoring," she said.

"We have filed complaints to the ministry but they are dismissed because they said the transactions were made outside Canada."

Carlos Suentes, 31, had to take out a loan for \$1,670 to pay a Honduras recruiter for a job at a mushroom farm in Whitby in 2012.

"Instead of working to support our families, a lot of migrant workers have to borrow money to pay third parties," said Suentes. "These agents work with (Canadian) employers. We have to register employers and the agents they use to hold them accountable."

The proposed act will also eliminate the \$10,000 cap on the recovery of owed wages and increase the period of recovery from six and 12 months to two years for employees.

And it will make temporary help agencies and employers jointly liable for employment standards violations and [workplace safety](#). The move would help decrease the number of companies that hire temp agency workers solely to toil in unsafe conditions. It would also ensure those workers are properly paid.

"Our government recognizes that as our economy is changing, the nature of work is also changing," Naqvi said. "And our laws have to keep up."

Enforcement is also key, he said. The Liberals have already boosted annual spending in the area by \$7.5 million and are committed to fulfilling their 2008 [Poverty Reduction Strategy](#) promise to raise it to \$10 million, he added.

The changes, if passed, could help hundreds of thousands of Ontarians, said former Toronto temp agency worker Tom Wu, 58.

In 2008, Wu and six other factory workers were denied holiday pay by both their temp agency boss and the client company. Wu and the others were each owed about \$700 for working on seven public holidays.

The group wasn't paid until the Workers' Action Centre got involved, Wu said.

"This announcement is good news for temp agency workers," said Wu, who is now self-employed.

According to a [groundbreaking study by McMaster University and United Way Toronto](#), released last February, a staggering 50 per cent of Toronto and Hamilton-area workers at all income levels are engaged in precarious work, described as work that is temporary, with no benefits and often poorly paid.

Naqvi, who attended a subsequent United Way symposium on the issue, said the group's work, along with a [report last summer by the Law Commission of Ontario](#), helped inform the proposed changes.

United Way President Susan McIsaac praised the government for responding to the changing workplace outlined dramatically in the report.

“It is the right thing to do and I’m thrilled that they are really pushing through on this issue,” she said. “We still have more to do. This is not the end.”

Enforcement is key to the success of any changes, said Deena Ladd of the Worker’s Action Centre, a non-profit workers’ collective.

The province also needs to raise the [minimum wage](#) to 10 per cent above Ontario’s poverty line or Low Income Measure, which is about \$19,000 after taxes for a single person, said Deena Ladd of the Worker’s Action Centre, a non-profit workers’ collective.

A [provincial advisory panel](#) studying the issue for the government is expected to report within the next two weeks.