



[English](#) | [Français](#)



YOUR RIGHTS	CODE GROUNDS	SOCIAL AREAS	EDUCATION & OUTREACH	OUR WORK
-----------------------------	------------------------------	------------------------------	------------------------------------------	--------------------------

[Home](#) » [News Centre](#) » [Position Statement – Discrimination on the basis of sex in recruitment for the Seasonal Agricultural Workers Program](#)

Related e-Learning

- [Duty to Accommodate](#)
- [Obligation d'accommodement](#)
- [Other Forms of Discrimination](#)

Related Resources

- [OHRC submission to the Office of the Independent Police Review Director's systemic review of OPP practices for DNA sampling](#)
- [12. Employment](#)
- [ILO briefing note: Prepared by the Ontario Human Rights Commission \(OHRC\) for the Ontario Ministry of Labour](#)
- [5. Who is protected at work?](#)

Position Statement – Discrimination on the basis of sex in recruitment for the Seasonal Agricultural Workers Program

December 10, 2014

It has come to the Ontario Human Rights Commission's attention that employers in Ontario are hiring almost exclusively men to work on their farms as part of the Seasonal Agricultural Worker Program (SAWP). Research shows us that each year, less than 4% of the workers that come to Ontario through the SAWP are women^[1].

Migrant workers are protected by many of the same laws that protect other workers in Ontario, including the

Ontario *Human Rights Code* ('the *Code*').

Section 5 (1) of the *Code* states that:

5. (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

This means that employers cannot refuse to hire a person because of their sex or other *Code* –protected grounds and that they cannot include discriminatory preferences in the hiring process. The protection against discrimination in employment extends to all aspects of the employment relationship: recruitment and selection processes, terms of employment, and the termination of the employment.

The *Code* applies to Ontario employers, including farmers who recruit temporary foreign workers through federal programs, including the Seasonal Agricultural Workers Program and administrators and recruiters who operate in Ontario. An employer cannot use an employment agency or administrator to hire employees based on preferences related to sex or other *Code* grounds unless these are genuine job requirements.

Employers, agents and other parties who are involved in the recruitment of workers for the SAWP should ensure that their hiring practices are in compliance with the Ontario *Human Rights Code*.

[1] See for example: Kerry Preibisch & Evelyn Encalada Grez (2013) *Between hearts and pockets: locating the outcomes of transnational homemaking practices among Mexican women in Canada's temporary migration programmes*, *Citizenship Studies*, 17:6-7, 785-802



About the Commission
Annual Reports
Business Plan
News Centre
Contact us
Expense Disclosure
Accessibility
Feedback
Privacy Statement
© Queen's Printer for Ontario