

Landmark human rights ruling highlights systemic abuse of temporary foreign workers

TORONTO, May 27, 2015 /CNW/ - The Human Rights Tribunal of Ontario has found Presteve Foods Limited discriminated against two women from Mexico working under the Temporary Foreign Worker program. One of the two remaining complainants out of 39 received the highest damages award in the Tribunal's history. The Tribunal found that the women were exposed to sexual solicitation, sexual harassment, discrimination in employment, and a sexually poisoned work environment.

One complainant in the case, known by her initials O.P.T., wishes to make the following statement:

"I want to tell all women that are in a similar situation, that they should not be silent and that there is justice and they should not just accept mistreatment or humiliation. We must not stay silent. [As a migrant] one feels that she/he has to stay there [in the workplace] and there is nowhere to go or no one to talk to. Under the temporary foreign worker program, the boss has all the power - over your money, house, status, everything. They have you tied to their will. It has been 8 years to obtain justice but 8 years and justice is finally here today."

The union representing O.P.T. and intervener groups say that the ruling underscores the failings of both the provincial and federal government to protect temporary foreign workers. They say that the "closed" work permit imperils workers, especially women.

"While an absolute vindication for these women, the real take-away from the case is that the Temporary Foreign Worker Program creates the conditions that allowed this exploitation to go unchecked," said Niki Lundquist, Unifor, Counsel to the Applicants. "Handcuffing workers to employers creates vulnerability and without meaningful oversight, abuse is inevitable."

"Workers in these programs are held hostage by a single employer. There is no way to leave. While we are satisfied the Tribunal ordered financial compensation to two of the women who were assaulted and threatened with deportation, the case cries out for a systemic overhaul of the programs and protections for migrant workers," said Grace Vaccarelli, Human Rights Legal Support Centre.

"This decision is an indictment not only against Jose Pratas and Presteve Foods but an indictment against Canada's temporary foreign worker program. We hope this decision breaks the silence of tens of thousands who toil under exploitative working and living conditions," said Justicia for Migrant Workers organizer Chris Ramsaroop.

In his ruling, adjudicator Mark Hart repeatedly commented on the vulnerability of O.P.T. as a migrant worker: "...migrant workers, like OPT live under the ever-present threat of having their designated employer decide to end the employment relations for which they require no reason and for which there is no appeal or review" (paragraph 216).

Unifor, HRLSC, and Justicia are calling for changes to the temporary foreign worker program that include: providing permanent immigration status for migrant workers, ending closed work permits so that migrant workers are no longer indentured to a single employer, ending recruitment fees and holding both employers and recruiters liable for violations against migrant workers.

