



Backgrounder: Migrant Workers Deserve Work Without Fees

How it's unfair!

- Migrant workers pay an equivalent of two years' salaries in fees in their home countries to unscrupulous recruiters and agencies to come work in Canada. To pay these fees, entire families go into debt.
- Often times, when workers arrive here, work conditions and wages are not as they were promised or agreed to.
- With families back home in debt, workers are afraid to complain about ill treatment by bad bosses here.
- In some cases when workers complained about recruitment fees, recruiters punished entire communities by blacklisting their ability to come to Canada.

How to make it right; remember we are in it together!

All workers should be protected from being charged illegal and exorbitant fees by recruiters and agencies. Recruiters should be licensed, employers should be registered, and the provinces and federal government should work together – and with workers' home governments – to make sure that protection is effective across all borders. Ontario can take the following simple steps:

- a) **Register all employers and license all recruiters** in Ontario and make submission of an irrevocable letter of credit part of the process of registration and licensing.
- b) **Employers and recruiters must be jointly liable** for any prohibited direct or indirect fee charged to workers regardless of where and how the fee was levied. Joint and several liability is essential in ensuring that fees charged outside of Ontario can be recovered. Loopholes in current laws (like the Employment Protections for Foreign Nations Act) have resulted in many recruiters moving the



charging of caregivers' fees outside of the province or Canada. Joint and several liability would address this practice and help to bring about portable justice for migrant workers.

- c) **Use the more expansive definition of all direct and indirect fees** (such as the ones in EPFNA), to prevent recruiters from charging for 'resume writing', 'career services', etc.
- d) **Extend the deadline for migrant workers to make complaints to 4.5-5 years.** The Ontario government has recognized the particular vulnerability of caregivers by giving them up to 3.5 years to bring forward a complaint of illegal fees. The same circumstances apply to other migrant workers in the TFWP pilot project, but with a longer timeframe. Some of these workers are eligible to work for up to four years, and require additional time to pursue recovery of recruitment fees prior to leaving the country.
- e) **Develop inter-provincial reciprocal agreements around recruitment practices** to account for recruiters who operate in multiple jurisdictions. There are currently no recourses for workers who pay recruitment fees in one province but are employed in another.
- f) **Develop agreements with foreign governments** to ensure that recruiters operating abroad can still be held accountable for charging fees and misrepresenting work.

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