

November 26, 2020 - No. 80

Full and Permanent Immigration Status For All!
**Migrant Farmworker Wins Important Case
at Ontario Labour Relations Board**



- **Migrant Workers Alliance for Change Press Conference**

Stop the Deportations of Migrant Students!

- **Migrant Students in Action to Defend Their Rights**

Meeting Workers' Demands Is Key to Control COVID-19

- **Condemnation of the Use of Ministerial Orders Against Saguenay–Lac-St-Jean Health Care Workers**
- **Demonstration of Outaouais Public Sector Workers**

Full and Permanent Immigration Status For All!
**Migrant Farmworker Wins Important Case
at Ontario Labour Relations Board**

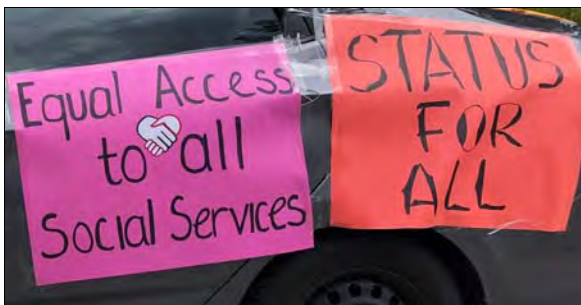
In the first case of its kind, Mexican migrant farmworker Luis Gabriel Flores succeeded in his claim that he had been the subject of an unlawful reprisal, the termination of his employment by his employer, Scotlynn Farms. Mr. Flores was fired on June 21. On November 9 the Ontario Labour Relations Board (ORLB) ruled in favour of Mr. Flores and awarded him \$25,000 in lost wages and compensation.

Mr. Flores is a father of two from Mexico. He has been a migrant farm worker in Canada, coming every year, since 2014. He arrived this year on April 18 in the midst of the first wave of the COVID-19 pandemic and, along with his co-workers, was quarantined at a hotel before starting work at Scotlynn Farms in Norfolk, Ontario. Crowded and unhealthy living conditions at the farm made it impossible for the workers to take precautions such as physical distancing, and they were not provided with personal protective equipment (PPE), proper food and adequate rest. Scotlynn Farms is a major agribusiness that realized \$75 million in revenue in 2019 while migrant workers like Mr. Flores earn \$14.18 an hour and work up to 80 hours a week.



Within two weeks of starting work several of Mr. Flores' co-workers started showing COVID-19 symptoms. Their repeated requests for medical attention were ignored. By the end of May about 200 workers at Scotlynn Farms has become infected, including Mr. Flores. Scotlynn Farms has the largest recorded migrant farmworker COVID-19 cases to date. During their quarantine several workers, including Mr. Flores, assisted by the Migrant Workers Alliance for Change (MWAC), spoke with several media outlets about the substandard living conditions and lack of protections for migrant workers, to make the public aware.

On June 20 the workers were informed that their colleague Juan Lopez Chaparra, another worker from Mexico, had died of COVID-19. The workers asked why more had not been done to prevent the death and protect all the workers. The following day, June 21, the founder of Scotlynn Farms arrived at the bunkhouse apartment unit where Mr. Flores was living and informed him, in the presence of another worker, that he was fired for speaking to the media and would be sent home to Mexico the next day. With the help of MWAC, Mr. Flores was able to stay in Canada and filed a claim with the OLRB on July 30, claiming unlawful reprisal, a violation of Section 50 of the *Occupational Health and Safety Act*. Based on evidence and witness testimony, the OLRB ruled in favour of Mr. Flores on November 9 and awarded him \$25,000 in lost wages and damages.



Migrant Workers Alliance for Change held a press conference outside the Toronto constituency office of Deputy Prime Minister Chrystia Freeland on November 12 to announce the decision and repeat the demand for an end to discrimination against migrant workers who are denied basic rights and for full immigration status for all migrant workers. Speaking about his situation, Mr. Flores said "My case is not the only one and many are far worse.

We need a change in the system now to prevent these injustices -- we need full immigration status for all now so that we can defend ourselves and get the respect and equality we deserve." He added that he will continue to fight for the rights of all migrant workers to permanent status in Canada. The press conference was also addressed by John So, Employment Lawyer at Parkdale Community Legal Services who represented Mr. Flores in his complaint to the Labour Board, and Syed Hussan, Executive Director of MWAC, who noted that Mr. Flores' case was just the tip of the iceberg and denounced the Trudeau Liberal government for being long on promises and short on action to protect migrant workers. He underscored that the federal government creates the conditions and is responsible for enabling the abuse and exploitation of migrant workers by employers. Migrant rights

advocates and migrant workers have organized actions across the country demanding that the Trudeau Liberals regularize the status of the more than 1.6 million people who are in Canada without status, denied basic rights to health care, income support and other social programs and persecuted if they speak out about the inhumane working and living conditions that many face.

Workers' Forum congratulates Luis Gabriel Flores for his courage in defending his rights and the rights of all migrant workers, and MWAC and other activist organizations for their advocacy, and reiterates the demand for Status for All Now!

(Photos: J4MW, OFL, PardilesGampoa)



Migrant Workers Alliance for Change Press Conference



To draw attention to the situation of migrant workers and the demands of Canadians for permanent immigration status for all migrant workers, Migrant Workers Alliance for Change (MWAC) held a press conference outside the Toronto constituency office of Deputy Prime Minister Chrystia Freeland on November 12. Speakers at the press conference were Syed Hussan, Executive Director of MWAC, Luis Gabriel Flores, a migrant worker from Mexico, and John So, Employment Lawyer at Parkdale Legal Services. The following are excerpts from their remarks:

Syed Hussan: "We are here today because Gabriel Flores has won a historic legal claim against his employer, Scotlynn Farms. Mr. Flores was awarded \$25,000 by the Ontario Labour Relations Board [OLRB] because his multi-millionaire bosses at Scotlynn Farms dismissed him for speaking up for his co-workers, for asking for his rights, for speaking up for co-workers sick with COVID-19, for asking for accountability and for speaking to the media.

"...It is the federal government that is truly responsible for what Mr. Flores and countless other migrant workers have suffered and the only real compensation and repatriation possible is a change in federal immigration laws providing full and permanent immigration status for all. That is why we are here outside the Deputy Prime Minister's office, calling on the federal government to act."

He pointed out that with the second wave of COVID-19 hitting farms now there are over 85 infected workers on Ontario farms and that "What happened to Mr. Flores could be happening right now to any of these workers" and that "intimidation, violence, abuse and exploitation will continue as long as employers have the power to terminate any workers who stand up for their rights" and called on the federal government to "ensure full and permanent immigration status for all so that migrants have the same rights as everyone else in this country."

Luis Gabriel Flores: "I am here to celebrate a historic victory for migrant workers in Canada. While at this time we have won a battle, we have to keep fighting for equal rights for all migrant

workers in this country.... We want permanent residency so we can defend ourselves and get the respect and equality that we derive. We want permanent residency because we want to reunite with our families and to be able to receive the medical attention we deserve. And we need decent housing." He said that his win at the Labour Relations Board did not mean that the situation had changed for his former co-workers and urged others -- "Do not be afraid. Dare to raise your voice" and to reach out to organizations like MWAC for assistance and support.

John So: "This is the first case that the OLRB has heard with respect to migrant farm workers who have been penalized and fired for speaking out about working conditions. What is astounding isn't that we won the case. What is astounding is that it took so long for us to have a decision relating to this issue. People who work with migrant workers have known for decades, it has been an open secret that any migrant worker who speaks out is sent home, penalized or fired or isn't invited back next season." He said that even though Mr. Flores has won his case the same conditions that allowed Mr. Flores to be exploited and to be penalized still exist, and that the OLRB, as a reactive institution, can only respond to those who are able to present a case and that is not something that thousands of workers are able to do. He ended by saying that "The only way we can prevent what happened to Mr. Flores from happening again is to eliminate, change, reform, the system that causes this exploitation, this precarious situation, this marginalization to occur."



(Photos: Status For All, OFL)



Stop the Deportations of Migrant Students!

Migrant Students in Action to Defend Their Rights



November 24, 2020. Rally at the Constituency Office of Marco Mendicino, Minister of Immigration

Migrant students and their supporters delivered petitions containing over 16,000 signatures to the Toronto constituency office of the Minister of Immigration, Refugees and Citizenship, Marco Mendicino on November 24. This was the latest of several actions that students have organized to raise public awareness of their situation and to put forward their demands for changes to the immigration rules.

The requirement that migrant students have to meet in order to be granted permanent residence status in Canada come under the Department of Immigration's Post-Graduation Work Permit Program (PGWPP). A migrant student who has studied in Canada must work, after graduation, for 12 to 24 months in a managerial or skilled professional position. Thousands of students who have work permits have lost suitable jobs due to the pandemic and not been able to find work that meets these conditions. To make ends meet many are working in non-skilled jobs or in part-time positions and none of this work counts towards the 12 to 24 month requirement. Work permits are non-renewable and it is estimated that thousands will face deportation in the near future because they have been unable to fulfill the requirements.



The petition that was delivered calls for immediate changes to the rules, including making work permits renewable and counting all work, not just work in managerial and professional positions.



Several students spoke at the action on November 24, as well as a spokesperson for the union representing 17,000 unionized faculty at Ontario post-secondary institutions who expressed their full support for the demands of the students for renewal of work permits, for counting all work, and for an end to the deportations.

Migrant Students United, issued this appeal on their Facebook page: "Time has been stolen from us, and the consequences of inaction will be devastating. Minister Mendicino: Make work permits renewable. Value all work for permanent residency. Ensure full and permanent status for all. Don't punish migrant workers for the pandemic." They are asking for assistance to achieve their demands and that people "Call Minister Mendicino at 416-781-5583 or 613-992-6361 and demand that he make work permits renewable and ensure #StatusForAll."

(Photos: WF)



Meeting Workers' Demands Is Key to Control COVID-19

Condemnation of the Use of Ministerial Orders Against Saguenay--Lac-St-Jean Health Care Workers

Health care workers in the Saguenay--Lac-Saint-Jean region of Quebec firmly oppose the use of government ministerial orders to impose untenable conditions on them, in the name of curbing the second wave of COVID-19. Outbreaks of the virus are on the rise in the region. On November 24, Public Health confirmed 1,103 active cases in the area and 103 deaths since the beginning of the pandemic. On November 24 alone, it confirmed 104 new cases and seven new deaths. Hospitalizations related to COVID-19 are also on the rise. It is estimated that there are currently over 120 outbreaks in the region, in almost every sector: hospitals, residential and long-term care centres (CHSLDs), private residences for the elderly, childcare facilities, schools and workplaces unrelated to health care.



Health care workers report that the response of the Saguenay--Lac-St-Jean Integrated Centre for Health and Social Services (CIUSSS) is to use the Legault government's ministerial orders to change at will the working conditions of staff without consultation and their authorization which, in the case of unionized staff, is in violation of their collective agreements.

For example, 12-hour shifts have now been imposed on nurses and orderlies at the Alma Hospital, as well as on all nursing staff and orderlies working in certain CHSLDs. According to CIUSSS management, the reorganization of

schedules must remain in effect until the end of the outbreak. In addition, the CIUSSS has begun applying the ministerial order to force part-time nursing staff to work in areas where there are outbreaks.

Julie Bouchard, President of the Saguenay--Lac-St-Jean Union of Health Care Professionals, strongly condemned these measures. She pointed out that they may lead to more resignations and sick leave.

"It will not help the health care community if we lose them because of this," she told the press. She deplored the fact that all the working conditions of nursing staff have been set aside without their consent and that the Quebec government refuses to implement the solutions proposed by the union to improve working conditions to keep staff at work and attract others.

"We want professional-ratio patient care in order to provide quality and safe care to the population. We also want full-time work to be reinvented. For example, four days could be considered as full-time to encourage people to join the network."



July 9, 2020. Health care workers in Saguenay--Lac-St-Jean rally in support of their demands.

Before the start of the pandemic, the regional chapter of the Interprofessional Health Care Federation of Quebec (FIQ) evaluated the need for nurses and registered nursing assistants (RNAs) at approximately 200. Professionals who have left the workplace (for health reasons for example) or who have since moved to administrative duties, along with early retirements, have added to the shortage. According to Julie Bouchard, another 75 nurses, RNAs and respiratory therapists who have withdrawn since the beginning of the second wave must be added to the shortfall.

On November 21, nurses in the obstetrics department at the Alma Hospital informed the union that they are considering resigning *en masse* as a result of untenable conditions, in particular the mandatory 12-hour shifts, to which mandatory overtime is sometimes added.

A letter by one of them addressed to the union was published in part in a regional newspaper. In it, the worker explains that besides being a nurse, she is also a single mother with two children. She is unable to fulfill both roles under the current conditions.

"I can't even stay until 8:00 pm ... what are my children going to do between 4:00 pm and 8:00 pm?" she writes. "Who's going to pick them up from daycare, make them supper, do homework, bathe and tuck them in? And then pick up my dirty dishes, wash my soiled hospital clothes, prepare their lunch and mine for the next day, along with my supper, as the cafeteria isn't open during the evening?"

Julie Bouchard talks about the distress these employees are experiencing: "It's a cry from the heart from the girls. It's a cry for help because they can't take it anymore."

She notes that the health system is at its limit and that a serious change in working conditions, based on the demands of health care personnel, is necessary to curb COVID-19.

These events reveal that the government and the administrations it has put in place as part of its restructuring of the health system have no other response to the crisis of COVID-19 than to destroy the workforce that sustains the system and prevents it from collapsing completely, thus further aggravating all the problems.

It is urgent that the demands and solutions put forward by health care workers be implemented.

(Quotations translated from original French by Workers' Forum. Photos: FIQ.)

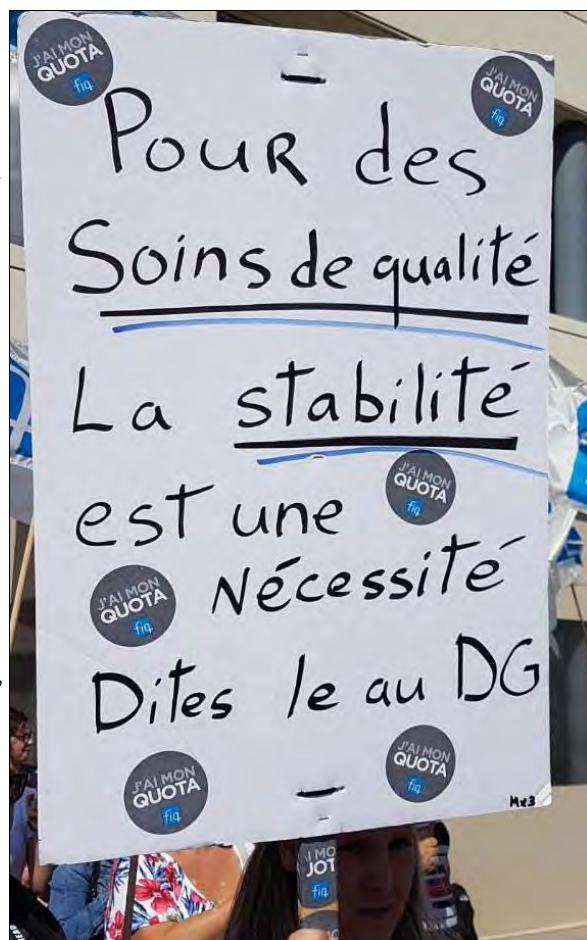


Demonstration of Outaouais Public Sector Workers

Close to a hundred public sector workers in the Outaouais region demonstrated Saturday, November 14 in the streets of Gatineau and in front of the Gatineau Hospital as part of actions organized across Quebec organized by the Confederation of National Trade Unions (CSN). These are health and social services workers, education workers as well as government agency workers who are presently negotiating the renewal of their collective agreements.

The main demand presented by the CSN in these actions is for major investments in the public system, among other things, by investing in the necessary resources to meet the needs of the workers in the field. "Our public services have been falling apart for some time. Now we can see the extent of the damage and how the population as a whole is suffering from this", says a statement by the CSN.

It also points out that the main reason given by the government to justify today's confinement measures is the weakened response capacity of the health system, greatly diminished by the cutbacks and austerity measures of the last decades. The CSN states: "M. Legault has said it on many occasions: we have entered this crisis with a weakened system and that is why he has had to, during these months, make decisions which, in turn, have had an impact on the whole of Quebec, with numerous breaches of services in health and social services and the cancelling of surgical interventions and aftercare. In the education system, where human and financial resources have been stretched to the limit for months on end, there are alarming signs of overall exhaustion. There is also the



suspension of commercial activities and the impacts this has on our economy."

Demonstrators reiterated that the staff shortages can only be resolved by improving the working conditions, beginning with lightening the workload which had become unbearable and which is decimating essential workers, especially in this period of pandemic. They also denounced the ministerial ruling which allows, among other things, regional employers to impose full-time work on part-time workers, against their will.

(Quotations translated from original French by Workers' Forum. Photo: FIQ)



Website: www.cpcml.ca Email: office@cpcml.ca