

IAVGO Community Legal Clinic

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April 28, 2022

Hon. Doug Ford
Premier of Ontario,
Legislative Building Queen's Park, Toronto, Ontario, M7A 1A1
doug.fordco@pc.ola.org

Hon. Monte McNaughton,
Minister of Labour, Training and Skills Development
400 University Ave, Toronto, Ontario, M7A 1T7
monte.mcnaughtonco@pc.ola.org

Jeffery Lang, WSIB President & CEO
200 Front Street West Toronto, Ontario M5V
wsibcomm@wsib.on.ca

Dear Ontario Premier Ford, Minister McNaughton, and WSIB President Lang,

Open Letter – National Day of Mourning: No More Deaths or Injury at Work

April 28th is the National Day of Mourning for workers who have been killed, sick or injured at work. Injured Workers Action for Justice (IWA4J), Industrial Accident Victims' Group of Ontario (IAVGO) and Justice for Migrant Workers (J4MW) are writing this letter to demand the Ontario governments protect all workers. No worker should ever die at work!

Today's delegation demands immediate action for all workers. Our organizations work every day with workers whose lives have changed forever because of dangerous and deadly working conditions. Today we also want to highlight the specific injustices faced by agricultural workers, a group which is disproportionately made up of temporary foreign

workers and undocumented workers. These workers face dangerous working conditions on a daily basis but governments consistently tell them that their lives do not matter.

Agricultural workers are excluded from many basic provisions of *Ontario's Occupational Health and Safety Act* and *Employment Standards Act*, as well as denied the right to collectively bargain. Agricultural workers who are migrants are also restricted in their access to supports from the Workplace Safety and Insurance Board (WSIB). Their exclusion from these protections is deeply discriminatory and exacerbates the prejudice and disadvantage that they face as racialized, migrant workers. It shows a deep disregard for their lives considering that agricultural work is one of the most dangerous occupations in Ontario. We demand better.

We urge Premier Ford, Minister McNaughton, and WSIB President Lang to take the following actions immediately to protect all workers and provide immediate support to the workers and families of workers who have died, been injured and or become sick because of work. We demand the following:

Ministry of Labour, Training and Skills Development must:

- Investigate all work-related deaths including occupational disease, regardless of the industry and immigration status of workers with no delay. Inquests should be mandatory for all workplace deaths ([More details](#)).
- Abolish [the WSIB's surplus distribution to employers](#) (*Working for Workers Act, 2021, Schedule 6*). If there is any surplus, we insist that it should be put towards efforts to ensure all injured workers are receiving their legal entitlements ([more details](#)).
- Prosecute employers under the *Occupational Health and Safety Act* when violations occur. Prosecutions are especially important when there are clusters of [occupational diseases](#) in workplaces because employers have not taken the necessary steps to prevent deaths and illness from the dangerous work environment and toxic chemical exposures.
- End the exemptions in the agricultural industry under the *Occupational Health and Safety Act* so farm workers are treated equally to workers in other occupations. Develop industry specific regulations similar to what exists in construction, mining and healthcare.
- Invest in more resources for proactive H&S and ESA inspections including a specific program to work with community organizations that advocate with

workers in precarious workplaces. Strengthen anti-reprisal measures including expedited proceedings before the Ontario Labour Relations Board.

- Expand H&S investigations to target large scale operations. The focus should be on non-unionized workplace settings such as migrant workers in agricultural operations and distribution centers in precarious workplaces.
- Implement specific regulations that address infectious hazards in the workplace to protect all workers from future pandemics.

The WSIB must:

- Provide [real health care for injured workers](#), and fund medical treatments and medication our doctors prescribe, especially for those workers and migrant workers injured in precarious workplaces and repatriated to their countries with no medical attention.
- [End the WSIB practice “deeming”](#) (cutting benefits by identifying phantom jobs) and provide benefits when injured workers are not able to get a job or no job is available in the market. It is important to end deeming especially for migrant workers who cannot legally obtain other work in Ontario.
- Change the WSIB’s discriminatory mental stress policies to protect all workers from the workplace harassment and abuse. [The WSIB denied 94% of the claims in 2018](#) and re-traumatized workers who have been already experiencing tremendous hardship.

On April 28, we will remember, honour, and mourn the workers who were killed at work. We as workers and communities are united and working together to make sure that these demands are implemented and followed by our representatives in the government. We will continue working with our allies and people in the communities to help our representatives do their jobs to protect all workers during this critical time. We urge you to respond with immediate action.

An injury to one is an injury to all!

Sincerely,

Members of Injured Workers Action for Justice,

Justice for Migrant Workers,

IAVGO Community Legal Clinic

Contact us for more info:

Email: iwaction4j@gmail.com

Real Healthcare for Injured Workers Campaign: <https://iavgo.org/get-involved/>

Bad Medicine & No Evidence Reports: <https://www.fairnessforinjuredworkers.org/>

Justice for Migrant Workers: <https://harvestingfreedom.org/>

<https://www.facebook.com/justice4mw/>

<https://twitter.com/j4mw>

Injured Workers Action for Justice: facebook.com/justiceforinjuredworkers

twitter.com/IWA4Justice

instagram.com/iwa4j

#CoverOurCare: <https://twitter.com/IWA4Justice>

#WorkersCompIsARight: <https://injuredworkersonline.org/workers-comp-is-a-right-campaign>