



January 29, 2021

Temporary Help Agency Consultation
Ontario Ministry of Labour, Training and Skills Development
400 University Ave, 15 Floor, Suite 1502
Toronto, ON M7A 1T7
Via email: TemporaryHelpAgencyConsultations@ontario.ca

Re: Regulatory Registry - Temporary Help Agency Consultations

Dear Ministry,

The Christian Farmers Federation of Ontario (CFFO) is an Accredited Farm Organization representing the interests of over 4,000 farm families in Ontario who are called to the vocation of farming. CFFO policy promotes economically, socially, and environmentally sustainable farming, advocating that farmers receive fair return for their production and stewardship efforts.

The agricultural sector has been facing challenges in fulfilling labour demands for many decades, with increasing difficulty over the past decade or so. This problem became even more acute in the 2020 growing season due to both heightened complications in fulfilling labour positions and problems with outbreaks among farm workers.

Farm work varies over the course of the growing season, with sometimes brief periods of high labour demand and other periods of low demand. Because of this, many farm businesses have turned to temporary help agencies as a viable solution to help meet labour demands, especially during peak periods.

Consultation with Industry

The CFFO is in support of the recommendations made by the Labour Issues Coordinating Committee (LICC), including maintaining/continuing the use of existing policy tools to maximum effect and communication to growers and temporary help agencies before turning to new solutions. We also emphasize the importance of ongoing consultation with industry should any new policy tools, such as a registry, be developed.

Temporary Help Agency Registry

The CFFO recommends that a registry for temporary help agencies should be, especially in the initial period, voluntary. The registration process should require temporary help agencies to demonstrate compliance with labour laws and standards, even on a voluntary registry. We would recommend a period of three years for the voluntary registry before registration becomes mandatory.

Registration should also offer key benefits for those businesses that voluntarily participate in the initial period. The registry should enable temporary help agencies to demonstrate to potential customers that they operate in compliance with labour law and other industry standards or best practices. For temporary help agencies serving farm businesses, for example, this should include the ability to

demonstrate that they are following laws and local regulations related to COVID-19 safety and protection for workers. Benefits to participants could also include designing the registry to allow businesses seeking temporary help agencies to not only easily find agencies that are registered, but also allow searches by sector and location.

The CFFO would support a move over time from a voluntary registry to a mandatory registry, and possibly, as a last resort, to a system of license-to-operate for temporary help agencies, in order to help ensure that all temporary help agencies are following required labour laws.

Penalties for Non-Compliant Agencies and Client Employers

It is important that before any penalties are put in place, suitable time and notification is provided to make temporary help agencies and their clients aware of the registry process, how to get registered, how to know if a temporary help agency is registered, and when registration will become mandatory.

For businesses contracting with temporary help agencies, government needs to make clear what qualifies as “evidence that they contracted with a registered agency.” For example, would a valid HST number be sufficient, or will there be identification specific to the registry that will be required?

Once the period of voluntary participation is over and the registry becomes mandatory, this should be accompanied by strict fines to ensure compliance by both temporary help agencies and their clients.

Alternatives to a Registry

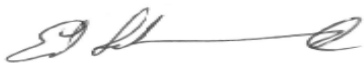
The CFFO sees a system of license-to-operate as a last resort to ensuring compliance of temporary help agencies. A system of license-to-operate would require more oversight from government and more red tape for businesses, both temporary help agencies and their clients. However, if it is clear that the registry system is not addressing the key concerns about temporary help agencies operating underground or disregarding labour laws and regulations, then a license system may be merited. We recommend that after a period of time operating with the registry (e.g., five years), the effectiveness of the registry system should be reviewed before considering a more onerous system of licensing.

Conclusion

The CFFO wants to see greater assurance for farm businesses contracting with temporary help agencies that the agencies are following the law, that the workers they hire through these agencies are being treated fairly, and that industry best practices are being followed, especially as concerns protecting workers from exposure to COVID-19. We encourage government to use existing policy tools and communication with temporary help agencies and their clients to increase use of law-abiding temporary help agencies. We support the recommendation to start a registry for temporary help agencies to better ensure standards are being met. For the sake of optimal compliance, we recommend that such a registry be voluntary for an initial period and that it offer clear benefits to participating businesses.

We appreciate your consideration of our concerns and comments.

Sincerely,



Ed Scharringa, President
Christian Farmers Federation of Ontario