

January 18, 2021

Temporary Help Agency Consultations  
Employment and Labour Policy Branch  
Ministry of Labour, Training and Skills Development  
400 University Avenue, 15th Floor, Suite 1502  
Toronto, Ontario  
M7A 1T7  
[TemporaryHelpAgencyConsultations@ontario.ca](mailto:TemporaryHelpAgencyConsultations@ontario.ca)

**RE: 20-MLTSD 012 - Temporary Help Agency Consultations**

The Ontario Federation of Agriculture (OFA) appreciates the opportunity to provide comments to the Ministry of Labour, Training and Skills Development on proposals outlined in the Temporary Help Agency Consultation document. OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted, and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

OFA represents the interests of Ontario's farm businesses – the employers of farm labour. In that role, we take our obligations to farm workers seriously and believe that all farm workers, from both Canada and abroad, should be treated with dignity and respect, and be provided with a safe, fair and rewarding work environment.

The nature of agricultural production is a fundamental driver for OFA's position and advocacy on farm labour issues. Our farm workplaces are different. At its core, farming attempts to control the growth of plants and animals under conditions that are rarely under a farmers' control. To do this successfully, it requires a very *flexible* approach to managing people, and a *flexible* approach to matching human resources with the demands of food production.

Agricultural production is a highly seasonal activity, and there is a high variability around when crops are planted, and when they are ready for harvest. The challenge of growing food that is subject to highly variable weather conditions creates high risk and vulnerability of employers, especially when the vast majority of our products are marketed in a domestic or international marketplace where competition is strong, margins are very tight, and the returns on investment are not dictated by the producer.

In general, OFA supports the notion of greater oversight within the temporary help agency sector to protect vulnerable workers from abuse and create a fair and balanced competitive environment. Without question, workers from temporary help agencies constitute a vital source of labour in the agricultural sector, complimenting both regular employees and the temporary foreign workers (TFW) arriving from outside of Canada every year. As stated earlier, the nature of agricultural

---

production necessitates a flexible approach to matching human resources needs with the demands of food production often requiring labour on the farm at specific times and not at others. While we agree there is a need for increased oversight among agencies that provide temporary help, we insist that it must be done in a manner that respects the need for this type of labour in the agricultural sector and does not unduly impact the supply of labour or create unworkable barriers to a very valuable segment of our labour demands.

OFA does not have a preference between a temporary help agency registry or a licencing system. Both have their merits, and the approaches are not necessarily mutually exclusive. Seeking labour from underground agencies is less a function of employers' desire to evade the rules as it is an ignorance of their responsibilities or the pressure of an immediate demand for workers. In that sense, requiring employers to seek out a government administered registry of temporary help agencies may not be as effective as a licencing system. Employer clients can simply ask their existing labour providers for proof that they are licenced to operate in Ontario.

Regardless of the approach that is ultimately adopted, it must not be unduly complex such that it causes disruption to this valuable labour source. We believe the primary goal of this initiative should be to bring the underground agencies into the light, rather than collapsing the labour market supply of temporary workers.

We favour a phased in approach to applying a temporary help agency registry or licensing system. It will take some time for our farm employers to adjust to new approaches to accessing temporary help; our preference is for a phased in approach to applying penalties to those client employers hiring from unregistered agencies. We there should be no administrative penalties under the Employment Standards Act (ESA) or offences under the Provincial Offences Act (POA) should be applied to client employers for at least three years following the adoption of a registry or licencing requirement. Furthermore, we insist that any regulatory changes to temporary help agencies must occur outside of peak demand for this type of labour in the agricultural sector, to reduce the potential negative impacts to our farm businesses and to food security in Ontario.

In combination with any regulation of temporary help agencies, we recommend that the Ministry of Labour, Training and Skills Development (MLTSD) actively communicate new requirements to employers, and any potential for administrative penalties or offences. In the agricultural sector, this is done most efficiently through commodity organizations and their industry partners. Agricultural organizations will need clear communications materials they can adapt and extend to their farm employer members.

OFA looks forward to working with MLTSD on this initiative and towards protecting the health and safety of workers in the agricultural sector.

Sincerely,



Peggy Brekveld  
President