

December 6, 2022

Temporary Help Agency and Recruiter Licensing Framework Consultations
Employment and Labour Policy Branch
Ministry of Labour, Immigration, Trade, and Skills Development
400 University Avenue, 15th Floor, Suite 1502
Toronto, Ontario
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Submitted online via Ontario's Regulatory Registry

RE: 22-MLITSD015 - Temporary Help Agencies and Recruiters Licensing Framework Consultations

The Ontario Federation of Agriculture (OFA) is pleased to provide comments to the Ministry of Labour, Immigration, Trade, and Skills Development (MLITSD) regarding the proposed Temporary Help Agencies and Recruiters Licensing Framework. 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 supports the notion of greater oversight of temporary help agencies to protect vulnerable workers from abuse and create a fair and balanced workplace 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. 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 increased oversight of temporary help agencies is warranted, we insist that it must be done in a manner that helps meet the agricultural sector's labour needs and does not unduly impact the supply of labour or create unworkable barriers.

Definition of "Recruiter"

The consultation discussion paper proposes "that the term "recruiter" would be defined to include any person who, for a fee, finds or attempts to find, employment in Ontario for prospective employees". And that it "would also include any person who, for a fee, finds or attempts to find, employees for prospective employers in Ontario."

OFA views this proposed definition of "recruiter" as too broad and therefore would require many exemptions to remove unintended persons from the licencing and security requirements. OFA is

concerned that such a broad definition could result farm employers no longer having access to job matching and human resources consulting services from their current providers.

Employers along the agriculture and food value chain are facing significant challenges with labour shortages. OFA has aimed to make it easier for employers to find, train, and retain the workers they need, and help employ Ontarians with meaningful jobs during COVID-19 and beyond. OFA's project, Feeding Your Future: Enhancing Agri-Food Readiness Along the Value Chain, was initiated in 2020 to address agri-food labour supply and training challenges by offering a job matching concierge service, specialized agri-training, collaborative marketing and rapid response initiatives. OFA has partnered with a suite of agri-HR platforms to provide targeted, timely concierge services and informative webinars to agri-food businesses. Specialized agri-training was developed and is delivered in partnership with experts and educational institutions to provide online, self-directed safety and awareness training for new entrants to the agricultural industry. A robust communications strategy, including dedicated social media platforms and a website, targets job seekers to learn more about careers and opportunities in the agri-food sector. This project was funded by the Canadian Agricultural Partnership, a five-year federal-provincial-territorial initiative.

OFA believes there is an important distinction to be made between a "recruiter" and those assisting employers to be successful in their recruitment efforts.

OFA recommends the government ensure the definition of "recruiter" does not include:

1. persons providing fee-for-service human resources consulting to an employer attempting to recruit workers;
2. persons offering worker recruitment advice, coaching, and/or training to employers for a fee; and
3. persons facilitating employer-employee job matching, including but not limited to hosting a job-fair, advertising job openings, and/or maintaining an online database of available jobs.

OFA also strongly recommends that MLITSD 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 appreciates the opportunity to provide comments to MLITSD on this proposal. We look 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

cc: OFA Board of Directors