



Migrant Worker Health Expert Working Group
67 University Avenue West, Waterloo, ON, N2L 3C5
Phone: 1-519-635-9850
Email: www.migrantworker.ca/contact/
Website: www.migrantworker.ca

October 6, 2021

David Field
President and CEO
Legal Aid Ontario
40 Dundas Street West, Suite 200
Toronto, ON M5G 2H1
Via email: fieldd@lao.on.ca

Rod Strain
Vice President, Clinic Law Services
Legal Aid Ontario
40 Dundas Street West, Suite 200
Toronto, ON M5G 2H1
Via email: StrainR@lao.on.ca

Re: Impact of Legal Aid Ontario's Clinic Modernization 2020-21 on migrant workers in Ontario

Dear Rod,

We write to you today in our capacity as members of the [Migrant Worker Health Expert Working Group \(MWH - EWG\)](#), an interdisciplinary team of scholars and clinicians with decades of experience working with, and studying the experiences of, migrant agricultural workers in Canada. The MWH-EWG formed in April 2020 to address the needs of migrant agricultural workers in Canada during the COVID-19 pandemic. Since then, the MWH-EWG has provided [evidence-based guidance](#) to federal and provincial government agencies, local public health units, the Public Health Agency of Canada, and sending country officials, and we have authored several sets of recommendations to address the various health challenges faced by migrant agricultural workers in Canada.

We recently learned about Legal Aid Ontario (LAO)'s [Clinic Modernization 2020-21](#) (*Legal Aid Service Act, 2020*) and the LAO Board Rules implementation, and are concerned about the impact these changes will have on migrant workers in Ontario. We are dismayed to find out that LAO and the Ministry of Attorney General implemented the New Board Rules without addressing the concerns of all clinics and communities submitted during the consultation last May, especially those submitted by the Industrial Accident Victims Group of Ontario (IAVGO).

Migrant agricultural workers in Ontario are at a heightened risk of injury and illness. When workers do become injured, they face multiple barriers to accessing care and WSIB – such as language, logistics, and limited literacy. Most importantly, they are often discouraged from reporting by their own employers, or they are not even informed of their rights. To address the systemic barriers that prevent migrant workers from obtaining equal access to Ontario's workers' compensation system, IAVGO has prioritized the workers' compensation (WSIB) cases of migrant agricultural workers in Ontario since 2005.

Injury and illness in Ontario often have devastating impacts on workers' mental health, made worse by the many barriers they face accessing health care and interacting with the WSIB. To alleviate the psychological distress that sick and injured migrant workers experience, IAVGO has also organized peer

support networks for injured workers and has advocated for better mental health supports for injured workers. It is no exaggeration to say that their support has saved the lives of injured workers, and prevented their families from going hungry.

Importantly, IAVGO also regularly participates in research, advocacy, education and outreach efforts to inform migrant workers about their rights. They also educate the WSIB and the general public about the unique challenges facing migrant workers. IAVGO's tireless advocacy and education efforts have worked to meaningfully advance systematic changes that have helped to improve the system for all migrant workers. But they still have much work to do.

We are concerned about the impact of LAO's Clinic Modernization 2020-21 on IAVGO's ability to continue to provide these essential services to migrant workers. We have three specific concerns:

1. For injured migrant workers, WSIB appeals are lengthy, often exceeding five years. We are disheartened to learn that under the proposed Clinic Modernization 2020-21, LAO will only be providing time-limited funding that jeopardizes IAVGO's ability to represent workers in their appeals from start to finish.
2. Migrant workers in Canada are vulnerable on account of their precarious immigration status. We are concerned that according to the proposed changes, LAO would gain access to the private information of IAVGO's clients, potentially violating their clients' confidentiality.
3. Migrant agricultural workers across Ontario greatly benefit from the community development and systemic advocacy work regarding access to adequate health care IAVGO provides injured workers. We are deeply troubled to learn that resources for these kinds of services are not included in the proposed service agreement.

We know of no other clinic in Ontario with the same dedication, knowledge, and experience as IAVGO in supporting migrant agricultural workers in Ontario. We implore you and your colleagues at LAO to reconsider the proposed Clinic Modernization 2020-21 in light of the concerns submitted by IAVGO.

Sincerely,

The Migrant Worker Health Expert Working Group (www.migrantworker.ca)

Tanya Basok, PhD, Professor, Department of Sociology, Anthropology and Criminology, University of Windsor

C. Susana Caxaj, RN, PhD, Assistant Professor, Arthur Labatt Family School of Nursing, Western University

Donald C. Cole, MD, MSc, FRCP(C), Emeritus Professor, Dalla Lana School of Public Health, University of Toronto

Jenna L. Hennebry, PhD, Associate Dean, School of International Policy and Governance (SIPG);

Program Coordinator, Women and Gender Studies; Associate Professor, Communication Studies and Balsillie School of International Affairs, Wilfrid Laurier University

Eduardo Huesca, MA, Migrant Farmworker Program Coordinator, Occupational Health Clinics for Ontario Workers (OHCOW) Hamilton and Toronto Clinics

Stephanie Mayell, MA, PhD(C), SSHRC Doctoral Fellow, Department of Anthropology, University of Toronto

Janet McLaughlin, PhD, Associate Professor, Department of Community Health, Wilfrid Laurier University

Michelle Tew, RN, BScN, DOHS, COHN(C), Occupational Health Nurse, Occupational Health Clinics for Ontario Workers (OHCOW) Hamilton Clinic

Eric M. Tucker, LL.M., Professor, Osgoode Hall Law School, York University

Leah F. Vosko, PhD, Professor, Faculty of Liberal Arts & Professional Studies, York University

Analyse M. Weiler, PhD, Assistant Professor, Department of Sociology, University of Victoria