

# **Community Legal Services of Niagara South; Paliare Roland & Migrant Workers Interest Group - Niagara (NMWIG)**

## **Media Release**

For Immediate Release, Thursday November 17, 2011

### **Lawsuit launched in Canada on behalf of Repatriated Agricultural Migrant Workers**

Welland – A lawsuit has been filed before the Ontario Superior Court of Justice against Tigchelaar Berry Farms, The Attorney General of Canada and her Majesty The Queen in Right of Canada as represented by The Minister of Human Resources and Skill Development Canada and The Minister of Citizenship and Immigration Canada by a Toronto Law Firm acting on behalf of agricultural foreign workers who were repatriated to Mexico and who allege their employment contracts were breached by repatriation without sufficient reasons.

Lawyers Andrew Lokan & Michael Fenrick from the Toronto law firm Paliare Roland Rosenberg Rothstein LLPs partnered with Community Legal Services of Niagara South (CLSNS) to assist with this legal challenge derived from issues brought up by the Migrant Workers Interest Group – Niagara (NMWIG), a network of organizations interested in the welfare of agricultural migrant workers in Niagara.

Thousand of agricultural workers come to Canada annually under the Seasonal Agricultural Workers Program (SAWP). “SAWP is a formal government program of “managed” labour migration. It facilitates the temporary migration of Mexican and Caribbean agricultural workers into Canada to meet seasonal demands for low-skilled, “reliable” labour in the agricultural industry”.

Many of these seasonal agricultural workers are encouraged to come to Canada with stipulated start and finish dates of employment, which are often not respected by the employers and they are often repatriated without providing them with reasons for the sudden repatriation. Additionally, they are charged for the cost of the repatriation trip even when they have already paid for their return trip to their country of origin.

The Statement of Claim alleges, among other things, that the Defendants have breached the plaintiffs’ contracts of employment and ask for:

- a declaration that the plaintiffs were repatriated and their employment terminated without “sufficient reason” contrary to their contract and s. 7 of the *Canadian Charter of Rights and Freedoms* (“Charter”) and/or ss. 1(a) and 2(e) of the *Canadian Bill of Rights*.
- a declaration that the Plaintiffs’ rights under s. 7 of the Charter have been infringed
- damages for breach of contract and damages for breach of the Plaintiffs’ Charter rights

**For more information** and copies of the Statement of Claim contact: Terry Hunter at 905-735-1559 Ext. 20 or Andrew Lokan at (416)646-4300 or Michael Fenrick at (416)646-4300