



July 12, 2016

VIA REGULAR MAIL

The Honourable Kevin Flynn
Minister of Labour
Ontario Ministry of Labour
400 University Avenue, 14th Floor
Toronto, ON M7A 1T7

Dear Minister:

Re: “Sweet & Sour: The Struggle of Chinese Restaurant-Workers”

We are writing on behalf of the Federation of Asian Canadian Lawyers regarding the recently released report by the Metro Toronto Chinese & Southeast Asian Legal Clinic (MTCSALC) about the working conditions of Chinese restaurant-workers in Ontario. FACL is a diverse coalition of Asian Canadian legal professionals who promote equity, justice, and opportunity for Asian Canadian legal professionals and the broader community. We are a national organization with regional chapters across Canada.

As you are aware, the MTCSALC report indicates there are persistent and widespread violations in the Chinese restaurant industry of rights guaranteed to Ontario workers under the *Employment Standards Act* and *Occupational Health and Safety Act*.

Specifically, it found that:

- **43%** of the workers surveyed did not receive minimum wage;
- **only 11%** of those surveyed who had worked overtime received overtime pay; and
- **the majority** of the workers reported not receiving vacation pay and public holiday pay.

Many survey respondents also reported other workplace issues such as verbal abuse by employers, unsafe working conditions leading to workplace injuries, and interference by the employer in the workers’ pursuit of WSIB claims and other legal entitlements.

The report also documents the failure of the legal system to protect these vulnerable workers. It was particularly troubling to see that:



- **only about 20%** of workers surveyed had filed a complaint with the Ministry of Labour; and
- of those who have gone through the claim process, **less than 10%** had recovered their owed wages.

The report contains 16 recommendations from MTCSALC, in addition to a number of recommendations made by the workers themselves. The report also refers to the 68 recommendations contained in a similar report that was completed almost 30 years ago concerning Chinese restaurant workers. Sadly, very little has changed over the last three decades.

While the MTCSALC report focused on Chinese restaurant workers, FACL is deeply concerned that the experiences of these respondents are reflective of the challenges facing all vulnerable workers in Ontario. Accordingly, we call on the Ministry of Labour to implement the recommendations contained in this report. In particular, we ask the Ministry to develop effective strategies in outreach and education among workers (recommendation #13) as well as employers — especially those in linguistic minority communities — in order to ensure that they know their employment standards obligations and have the information, help, and support to meet those obligations.

We urge the Government of Ontario to work with community organizations and workers' rights advocacy groups to dedicate the appropriate resources to strengthen the systems and processes that are in place to protect workers in this province. FACL is willing and available to meet with you and your officials to discuss meaningful ways to address these concerns, and we look forward to hearing from you.

Yours truly,

Gerald Chan
FACL
Co-Chair, Advocacy & Policy Committee
GeraldC@stockwoods.ca

Phil Tsui
FACL
Co-Chair, Advocacy & Policy Committee
Phillip.Tsui@ontario.ca