

February 27, 2024

VIA EMAIL

The Honourable Doug Ford
Premier of Ontario
Premier@Ontario.ca

The Honourable David Piccini
Minister of Labour, Immigration, Training and Skills Development of Ontario
David.Piccini@Ontario.ca

Dear Premier Ford, Minister Piccini,

Re: Premier/Del Monte Labour Dispute and Temp Agencies

I'm writing to you about the outcome of a recent labour dispute at the Del Monte plant in Oshawa, which raises significant concerns for our union given the blatant use of temp agencies to exploit and lay off highly precarious, low-paid workers. On behalf of our 315,000 members across Canada, including more than 160,000 members in Ontario, I am very concerned about how these temp agencies are able to circumvent Ontario employment laws and we look forward to working with the government to address these issues.

On January 12, 71 members of Unifor Local 222 began a strike at the Del Monte food processing and distribution plant. Del Monte uses Premier, a third-party temporary employee agency to hire and manage its workers at the facility. Unifor's bargaining rights are with Premier.

These workers performed backbreaking work in near-freezing temperatures while being asked to work long hours on often erratic shift schedules. Many of them are newcomers and migrant workers.

For their troubles, the temp agency's take it or leave it offer to nearly half of the employees in this bargaining unit was an increase of just five cents an hour in the first year of the agreement.

The employer somehow thought these workers should have been elated to have received last year's statutory minimum wage increase in Ontario. Thirty-three members of Local 222 at Del Monte were told they're worth no more than \$0.05 cents above minimum wage – \$16.60 an hour – while receiving zero benefits and no sick days.

In order to reach an agreement, the 71 Unifor members at Del Monte subsequently dropped all non-monetary demands: three paid sick days, three days of bereavement leave and a basic benefit program. They also lowered their wage ask from \$20 to \$18 an hour. Still, Premier remained unmoved, forcing the members to take strike action on January 12.

In response, on February 2, Del Monte decided to cancel its contract with the temp agency and shutter its plant. This effectively resulted in all 71 workers being terminated from their employment at Del Monte – without notice or severance pay.

To say that this is an outrage would be a gross understatement. Del Monte is a company that brings in over \$4 billion USD in revenues annually and is expected to post profits of nearly \$400 million for 2023. This has been a banner year for companies all along the food supply chain, raking in record profits while raising prices under the cover of inflation.

The fact that Del Monte can use a third party to distance itself from the bargaining process and wipe their hands of how their workers are being treated is unconscionable. It underscores the pernicious role that temp agencies play in creating an underclass of precarious workers in Ontario, who are exploited and forced to subsist off of poverty wages.

On behalf of Unifor, I look forward to the Ontario government taking action to address the root problems of this dispute and eliminate existing loopholes being manipulated by temp agencies. The 71 members of Local 222 who worked at Del Monte were effectively permanent employees, many having worked at the plant for over five years. Companies should not be allowed to muddy the employment relationship and collective bargaining process by using third-party intermediaries to staff permanent jobs.

Moreover, all of the workers were denied termination pay and at least 23 members who had worked at the plant for more than five years were denied the severance pay owed to them, since Del Monte cited the economic impact of the strike as the reason behind the shuttering of the plant. I recognize the efforts this government has made to address a number of issues surrounding temp agencies by implementing a temp agency licensing regime and bolstering penalties for those who violate the law, the success or failure of these initiatives must be measured by their impact on real workers caught up in the temp agency system.

The recent changes to the Employment Standards Act (ESA) do not address the roots of the recent dispute or prevent these members of Local 222 from being mired in poverty wages and substandard working conditions through an exploitative temp agency system.

We would like to see the Ontario government implement measures to prevent workers from being mired in temp agency work when they effectively function as full-time employees for facilities such as the Del Monte plant in question. Such an arrangement will always serve to undermine the collective bargaining rights of temp agency workers

since companies can always threaten to cancel temp agency contracts when workers unionize, press for demands, and/or go on strike.

Furthermore, the ESA failed to protect the Local 222 members' right to notice of termination, termination pay, and severance pay given the current regulatory exemptions relating to strikes and lockouts.

Unifor calls on the government to revoke the following:

- Reg. 288/01, s. 2 (1), para 8, which disqualifies from notice of termination and termination pay requirements “an employee whose employment is terminated during or as a result of a strike or lock-out at the place of employment.”
- Reg. 288/01, s. 9 (1), para 1, under which disqualifies from severance pay requirements “an employee whose employment is severed as a result of a permanent discontinuance of all or part of the employer’s business that the employer establishes was caused by the economic consequences of a strike.”

Unifor is available to discuss this further.

Sincerely,

A handwritten signature in cursive script that reads "Lana Payne".

Lana Payne
Unifor National President

cc. Len Poirier, Samia Hashi, Tim Mitchell, Sam Snyders, Jeff Gray.

/klcope343