

Five tragic deaths of temp workers at Fiera Foods

September 25, 2019: Enrico Miranda

Enrico Miranda who had worked at Fiera for several years through a temp agency, was crushed by a machine that turned on while he was cleaning it. Enrico had immigrated to Canada from the Philippines several years ago.

October 25, 2018: (Name withheld by family)

A 52 year old man who was working through a temp agency was killed when he was pinned between a tractor trailer and the loading dock of a Fiera Foods company – Upper Crust.

September 2, 2016: Amina Diaby

Amina Diaby was just 23 when she was killed while working at Fiera Foods through a temp agency. She was strangled when her headscarf became entangled in a machine that was not properly maintained. Fiera Foods plead guilty under the Occupational Health and Safety Act and was fined \$300,000 for the death of Amina Diaby. An investigation found that neither Diaby nor her co-worker had received training at the location for the use of emergency safety buttons.

December 14, 2011: Aydin Kazimov

Aydin Kazimov, 69, was crushed by a transport truck outside Marmora Freezing, a company of Fiera Foods. Aydin Kazimov was also hired by Fiera through a temp agency. Fiera Foods was convicted and fined \$150,000 under the *Occupational Health and Safety Act (OHSA)*.

September 26, 1999: Ivan Golyashov

Ivan Golyashov was just 16 years old when he died while cleaning a Fiera Foods' dough machine. He was cleaning the machine when it was accidentally turned on by a coworker. Both workers were employed by Fiera through a temp agency. Fiera Foods was convicted under the *Occupational Health and Safety Act (OHSA)* and fined \$150,000.

Why is this happening?

Fiera Foods is well known for using temp agencies.

In 2018, the Toronto Star reported that about 70% of their workforce was hired through temp agencies. Temp agency workers are more than twice as likely to get hurt on the job compared to permanent employees.

In 2017, Toronto Star reporter, Sara Mojtehdzadeh, went undercover as a temp worker at Fiera Foods. She found that most Fiera temp workers received about five minutes of safety training, no hands-on instruction and was paid cash at a payday lender without any documentation or deductions. These are all flagrant violations of the laws that are supposed to protect us at work.

Fiera has been slapped with 191 orders for health and safety violations over the past two decades, for everything from lack of proper guarding on machines to unsafely stored gas cylinders. It has been repeatedly been fined and convicted under the OHSA. Yet still, here we are in 2019 bearing witness to another death of a temp agency worker.

So why does a multi-million dollar food industry giant that produces pastries for grocery stores and fast food outlets across North America, continue to violate labour laws? Why does this company continue to be a model employer in the eyes of the Workplace Safety and Insurance Board (WSIB)?

At a facility where there are hundreds of people working around the clock, there was just one lost-time injury claim registered in 2016. This is a company that has received \$4.7 million in government loans and grants to expand capacity and create “good” jobs. These deaths happen because employers know they can violate health and safety laws with impunity, especially since there are no consequences for companies using temp agency workers under the *Workplace Safety and Insurance Act*.

The Ontario government must act now!

We demand Conservative Premier Doug Ford act immediately to:

1. Enact existing legislation:

Section 83(4) of the *Workplace Safety and Insurance Act* (WSIA) makes companies using temp agency workers responsible for the cost of workplace injuries and death under the WSIB. The legislation is in place and the regulations are written and ready to go. The Premier just needs to enact them. Only when faced with serious penalties under the WSIA will companies like Fiera begin to protect workers' health and safety.

2. Make it illegal for companies to rely permanently on temp agency workers for the bulk of their workforce.

The government can do this by:

- Ensuring temp agency workers become directly-hired workers of the client company after three (3) months of assignment;
- Providing just cause protection for a temp agency worker if, at the end of the assignment, another temp worker is hired to do the work previously done by the terminated temp worker;
- Placing a 20% cap on the number of temp agency workers used by a company at any given time;
- Ending all penalties or fees when a client company hires workers directly.

3. Restore the legal protections that were cancelled by the Ford government.

These measures include the right to equal pay for equal work for part-time, contract, and temp agency workers; paid sick days; fairer scheduling rules; a \$15 minimum wage; and more.

We also demand that:

Fiera Foods be investigated for criminal negligence causing death under Canada's Criminal Code.

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