



JUSTICE FOR GARVIN YAPP
At your Day of Mourning Event

Brought to you by [Justicia 4 Migrant Workers](#)

ABOUT GARVIN

Garvin Yapp was a Jamaican migrant worker who worked in Canadian fields for 34 years. He was tragically killed in a workplace accident on August 14, 2022. Although the Province of Ontario (Ministry of Labour) initiated an investigation and prosecution into his death against his employer, the charges were dropped.

In addition to the lack of prosecutions into the death of migrant workers, there has never been a coroner's inquest into the death of a migrant worker in Ontario, and every year, we hear of many incidents of migrant workers' injuries and deaths that could have been prevented on Ontario farms.

Specific Protection	Agriculture	Construction (O. Reg. 213/91)	Healthcare (O. Reg. 67/93)
Working at Heights	NO	YES	YES
Lighting	NO	YES	YES
Ventilation	NO	YES	YES
Heat	NO	YES	YES
Hygiene	NO	YES	YES
Electrical Equipment	NO	YES	YES
Ladders	NO	YES	YES
Scaffold	NO	YES	YES
Confined space	NO	YES	YES

- The above table shows that in the construction and healthcare industries, the provincial government has enacted specific regulations ([O. Reg. 213/91](#) and [O. Reg. 67/93](#)) under the *Occupational Health and Safety Act* which outline specific protections for workers working within those industries. However, no such regulation exists for the agricultural industry and its workers. This means that there are no specific protections for these workers, such as heat protection.
- Migrant workers are unable to raise concerns due to their precarious immigration status in Canada. There are still no anti-reprisal mechanisms in place to protect workers from discipline, termination, and repatriation for raising concerns.
- For this reason, Ontario needs to take a proactive approach to protecting migrant workers. It cannot rely on employers to protect workers' safety.

OUR DEMANDS

- Justice for Garvin Yapp. The province must undertake a prosecution with respect to this workplace death;
- Strengthen anti-reprisal measures and proactive inspections;
- Implement additional workplace protections for agricultural workers in line with workers who work in occupations such as construction;
- Permit third party complaints at the Ontario Labour Relations Board;
- End agricultural exclusions under the Employment Standards Act;

- Incorporate race and gender analysis in both occupational health and safety and employment standards;
- End deeming for all injured workers under Ontario's workers' compensation system
- Develop a fair and equal process for return to work and access to healthcare for workers under Ontario's workers' compensation system
- Provide fair and equal access to healthcare irrespective of status
- Implement weather related protections to ensure workers have protections during heat and cold working conditions;
- Shut down farms and paying workers in extreme crisis events;
- Implement paid breaks and providing permanent paid sick days for agricultural workers;
- Provide sufficient shelters, functioning bathrooms and drinking water for workers at the expense of the employer;
- Provide first aid, hydration stations, and on-site medical support (RN or RPNs);
- Ensure that agricultural harvesters are being paid holiday pay;
- Implement clear trigger temperatures for extreme heat and humidity, including indoor temperatures (e.g., greenhouses);
- Extend OSHA protections to cover agricultural worker accommodations;
- Implement agriculture-specific regulations that protect workers from pesticides and other chemicals, from airborne illnesses and poor air quality, and when working at heights

WHAT YOU CAN DO (ACTION ITEMS)

TAKE A PHOTO OF YOURSELF HOLDING A SIGN

- Take a photo of yourself holding a sign that says "Justice for Garvin Yapp" or a similar statement
- Send that photo to us at harvestingfreedomcampaign@gmail.com
- Additional messages can say #StatusNow #NoMoreDeaths, #Endtheinjustice
- You can either send us by email or text to us at 519-903-7376.
- If you post to social media please tag us on one of our social media handles - on Instagram (@harvestingfreedom), X/Bluesky (@j4mw) or Facebook (Justice for Migrant Workers)

 WRITE TO THE MINISTER OF LABOUR and MINISTER OF IMMIGRATION

- Write to the MOL and IRCC with the following sample script:

MOL Email: david.piccini@pc.ola.org

IRCC Email: Rachel.Bendayan@parl.gc.ca

Hello,

My name is [insert name here]. I am [introduce yourself here, make it personal!]. I am writing to demand that this government take action to protect migrant farmworkers in Canada.

April 28th is the National Day of Mourning to remember workers killed at work. This year, I am honouring the death of comrade Garvin Yapp, a migrant farm worker from Jamaica who was employed in Canada for 34 years. Yapp died on August 12, 2022 while working on a farm in Canada.

Agricultural workers continue to toil under dangerous, dehumanizing and deadly work because of a myriad of legal exclusions under the province's labour laws, and a lack of anti-reprisal measures to protect workers. Migrant workers endure additional barriers as a result of their tied work permits, the threat of being sent home at the whim of their employer and not being able to return to work for the following season. Canada's migrant worker programs are employer-driven, which subjects workers to an uneven playing field.

Despite increased awareness regarding the plight of migrant agricultural workers to date, no action has been taken to address the unequal power imbalances that migrants endure. Agricultural workers are still denied the right to organize and collectively bargain. There are no specific protections under OHS Act for agricultural operations and agricultural workers are denied minimum wage, overtime, holiday pay, vacation pay, and minimum hours of work per day and per week. Employer-provided accommodations are excluded from the Residential Tenancies Act and are excluded from OHS Act protections.

I demand that:

- Canada and Ontario implement a safe and healthy workplace for migrant farmworkers
- Ontario ends the exclusions of agricultural workers under the ESA and OHSA
- Canada and Ontario strengthen anti-reprisal protections and enable proactive protections and work with community groups to address workplace injustices
- Canada and Ontario give agricultural workers the right to unionize
- Canada and Ontario ensure that all workers have equal access to health care regardless of immigration status
- Ontario ends the discrimination under the WSIB and fully protect all workers including migrant workers

Sincerely,
[Your Name]

PHONE ZAP

- Call the Minister of Labour and Minister of Immigration with the following sample script:

MOL Phone: 416-326-7600 or 905-372-4000

IRCC Phone: 613-995-7691 or 514-736-2727

Hi there,

My name is _____, April 28th, is the Day of Mourning where workers and their families across Canada come together to remember those who have died as a result of work. We come together to honour and commemorate the lives of workers who were killed at work. While it is often portrayed as the fault of workers, I want to set the record straight. Workers will continue to die until steps are taken by your government to protect workers from unsafe conditions. I am contacting you to demand justice for the families of the deceased. Workers are being killed as a result of lax workplace protections and enforcements. Workers such as Garvin Yapp, a migrant farm worker who

worked in Canada for over 30 years. Agricultural workers as you may know are excluded from a myriad of legal protections. I am demanding that your government take action to ensure that no more families endorse the pain and suffering as a result of the negligence of employers.

I am demanding that:

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 SHARE ON SOCIAL MEDIA (coming soon)

- Follow us on Instagram [@harvestingfreedom](#)
- Share the following graphics on Instagram, Twitter, Facebook, etc:
- Use **#NoMoreDeaths, #AnInjuryToOneIsAnInjuryToAll, #EndExclusions, #Justice4GarvinYapp, #FarmworkersFeedCommunities, and/or #AteTodayThankAMigrant** and make sure to tag us!

Minister of Labour

Instagram: @OntarioAtWork

Facebook: OntarioAtWork <https://ww.facebook.com/OntarioAtWork>

X: @ONTatwork

Minister of Immigration

Instagram: @Rachel_Bendayan

Facebook: Rachel Bendayan
X: RachelBendayan

Thank you for your solidarity!

