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This migrant worker refused to take part in a Toronto auto shop's 'wage take-back' scheme. He was fired. Then he fought back

Earlier this year, an Ontario labour tribunal found that the worker was fired as “thinly veiled” retribution for refusing to participate in scheme.

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Martin Ramos, a Mexican mechanic who took on his former employer who fired him after he refused to participate in a wage scheme.

By Sara Mojtehedzadeh Work and Wealth Investigative Reporter

It seemed like the perfect match. Martin Ramos had nearly two decades of experience as a mechanic in Mexico. The Etobicoke truck repair shop couldn't recruit one locally. In filling the job, Ramos would get a good wage and a two-year work permit.

Instead, Ramos would spend most of those two years in a complex legal battle, forcing him to turn to cash gigs to survive amid deportation fears — even after coming to Canada through a government-approved channel.

Earlier this year, the provincial labour tribunal ruled that Ramos was fired by the Etobicoke repair shop as “thinly veiled” retribution for refusing to participate in a “wage take-back” scheme.

The repair shop had demanded he make “voluntary repayments” on his own earnings.

When Ramos insisted on receiving the hourly wage set out in his work permit, he was subjected to “coercive” tactics by both the repair shop and the recruiters who placed him there, according to the Ontario Labour Relations Board.

In firing Ramos, the repair shop was motivated “in part, if not entirely” by the fact that he had stood up for his workplace rights, the board found, calling Ramos's termination “reprisal ... plain and simple.”

The repair shop, Niva Services, denies the reprisal. The Star's story is based on labour ministry documents and more than 100 pages of evidence submitted to the provincial labour board.

Ramos's case highlights the barriers [vulnerable workers](#) face in challenging abuse. It is also an unusual example of a [temporary foreign worker](#) successfully taking on their exploiter — and winning a substantial pay out as a result, said Parkdale Community Legal Services lawyer John No, who represented Ramos.

Academic research shows successful reprisal claims are extremely uncommon at the [Ministry of Labour](#). Initially, the ministry rejected Ramos's reprisal complaint.

“Most people leave it there,” said No. “It's incredibly rare for someone to push back.”

Ramos was determined to take it as far as he could, he said in an interview.

“I left everything back in Mexico to come for a better life.”

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Ramos, who is originally from Mexico's Jalisco state, started working in repair shops when he was 13. He believed a job in Canada would mean better opportunities and a higher standard of living. In the summer of 2021 he approached RK Immigration Consulting (RKIC) about potentially working in Toronto, having heard about the recruiters through a friend.

Ramos mostly worked on cars and pickup trucks. He gave the recruiters his resume along with a video of him fixing a Nissan Sedan. The recruiters told him they had work for him at an Etobicoke truck repair shop called Niva Services, where he'd receive additional training on heavy-duty vehicles.

Ramos agreed to the gig, and signed a recruiter agreement that required a \$1,000 application fee upfront plus a further \$7,000 to be paid in installments after his arrival in Canada, copies of the agreement show.

It is illegal in Ontario for recruiters to charge workers any fees related to hiring them.

A labour market impact assessment (LMIA), the federally-required paperwork to bring foreign workers to Canada, states Ramos would earn \$29.50 an hour at Niva. An accompanying letter from the company said there were "insufficient" domestic candidates and Ramos had "proved he was more than capable" of performing repairs on heavy duty trucks.

Employers are legally required to meet the working conditions described in their government-issued LMIA.

After Ramos received his work permit for the role, recruiters instructed him to delete all communication with them and tell Canadian border officials that he found the position through the federal government's job bank, Ramos's submissions to the board allege.

The repair shop also hired a second Mexican mechanic, Jonathan Garcia Guzman, through the recruitment agency.

Three days after arriving in Canada, the two men met with the Richmond Hill-based recruiting firm. There, they learned they would receive a reduced wage at Niva for "one or two weeks" while the repair shop evaluated their experience.

After their first two weeks of work, the men raised the wage discrepancy with the truck repair shop. Niva said that while their wage was set at \$29.50 “for documents,” they would need to pay the company back \$4 an hour on their earnings.

The two men subsequently began recording their conversations with their employer.

According to transcripts of those conversations, Niva Services cited a number of reasons for the wage clawback, including that the men lacked experience, had not brought their own tools from Mexico, and took too long to make repairs.



Parkdale Community Legal Services lawyer John No, seen here in 2015.

Brian B. Bettencourt/Toronto Star

The men also approached Richmond Hill-based RKIC about the dispute. The recruiters repeated Niva’s message: the two workers were not “professionals” and worked too slowly to earn their full wage.

Ramos says he was willing to accept a reduced wage, but only if the arrangement was put into a contract. The men asked RKIC to write down the new terms of employment, but were instead told to pack their bags as the recruiter said she was “f**king sick of them,” according to a transcript of their conversation.

Niva Services then fired them less than two months after their arrival, saying they did “not meet Canadian truck mechanic standards,” according to text exchanges seen by the Star.

Niva Services, which also has offices in Brantford and Florida, did not respond to multiple requests for comment. In submissions to the labour ministry, the company said it fired Ramos over performance issues, not wage negotiations, and had issued numerous written warnings and “other notices” prior to his termination.

A spokesperson for RK Immigration Consulting, which is named in the labour board’s findings but not a party to the case, said the recruiting firm was “not involved” in the tribunal decision.

Citing company policy, the emailed statement said RKIC could not disclose personal information about clients.

Due to his closed permit that tied his immigration status to employment at Niva, Ramos struggled to find work after being fired. He took cash gigs clearing snow in shopping plazas and cleaning up construction rubble to survive.

Parkdale Community Legal Services helped Ramos and his colleague prepare a complaint with the Ministry of Labour about their treatment at Niva. When Ramos learned he’d need to provide government officials with his address, though, he halted the process out of fear he would be deported.



WORK FORCED

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His colleague, Garcia, proceeded with the reprisal complaint, eventually persuading Ramos to follow suit. Garcia won his claim while Ramos was rejected, despite both men submitting the same evidence.

The labour ministry did not comment on why its officers reached different conclusions in two cases based on the same evidence. A spokesperson for the ministry said it could not comment on individual claim outcomes for privacy reasons. The spokesperson also said the government has taken “significant strides in bolstering our enforcement and introduced tougher penalties for employers.”

Garcia won a small financial sum, around two weeks pay, as a result of his successful ministry claim. Ramos, on the other hand, had to seek a review at the provincial labour board.

The board subsequently ruled that it was “clear” that his termination was related to his “resistance to the wage take-back” rather than performance, as the ministry had ruled.

The board awarded Ramos \$62,000 in lost earnings and damages for the reprisal. In assessing those damages, the board took into account Ramos’s “vulnerability as a foreigner on a work permit” as well as the distress he suffered.

“He found it difficult to make it through the Christmas period alone, away from his family in a foreign country that he barely knew, with his career aspirations in tatters,” the decision notes.

Niva unsuccessfully asked the board to reconsider its decision.

Ramos is now seeking an open work permit and has applied for permanent residency — a new battle that comes with its own share of uncertainty.

Nonetheless, he says, his fight at the labour board sends an important message to fellow workers.

“I want people to not face the same problem as I faced.”



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