

Necessary reforms to end migrant worker unfreedom in Canada

*Presentation prepared by the Association for the Rights of
Household and Farm workers (DTMF-RHFW)*

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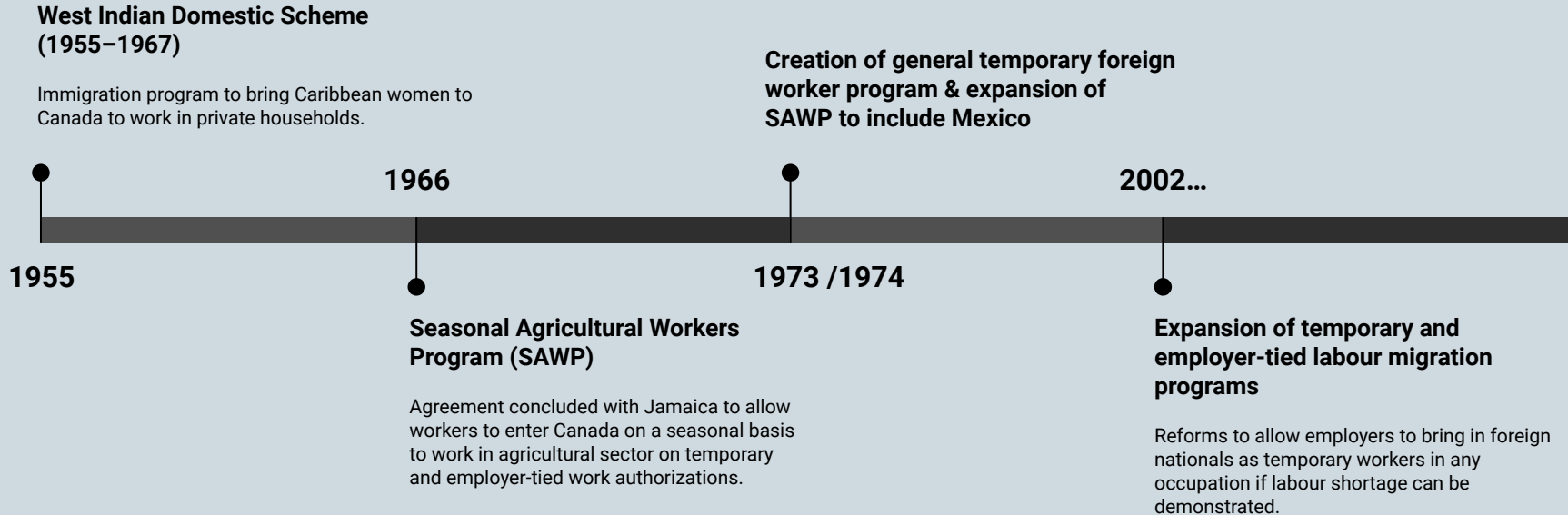
01

Overview

Main types of economic immigration policies

Permanent	Admits foreign nationals and families as permanent residents	<ul style="list-style-type: none">• Right to permanently live, work or study anywhere in Canada• Right to access same social benefits as citizens• Eventual possibility of citizenship
Open	Admits foreign nationals on open work permits	<ul style="list-style-type: none">• Right to work for (almost) any employer in Canada• Often comes with eventual access to permanent resident status
Temporary & employer-tied	Admits foreign nationals on employer-tied authorizations	<ul style="list-style-type: none">• Right to work in Canada conditional on maintaining relationship with a sponsoring, specific, employer• No or very exceptional access to permanent resident status• Lack of work and study permits for spouses/children means workers cannot be accompanied by their families

“Brief” history of modern temporary & employer-tied labour migration in Canada



Documented Problems

Employer-tied authorizations negate workers' right to **freely change employers.**

Transfers are complicated, never guaranteed, expensive, and can take many months. Workers are prohibited from earning money until transfer is approved.



Undermines workers' capacity to **resign, refuse unsafe work** and **assert their rights** and **seek legal redress** in cases of rights' violations.



Little or no consequences for employers violating the rights of workers = creates a **culture of impunity.**

Workers who have their employment terminated or quit → no choice but to accept **irregular employment**, at least temporarily, breaking the conditions of stay. As such these authorizations = **high risk of trafficking, debt bondage, and deportation.**



No/exceptional access to permanent resident status → perpetual state of dependency on employers to remain in the country = employers able to **remove worker from country/block readmission** when the worker attempts to assert rights.

Documented Problems

- Decades of reporting and research, in particular on caregiving and agricultural sectors, have established that tied work authorizations = **key factor** widespread violations of workers' rights.
- A **high incidence of rights violations** also documented in other sectors with workers admitted on tied work authorizations, such as the agri-food and the hospitality industry.
- International agencies and Human Rights NGOs, multiple Canadian human rights commissions and tribunals, labour boards, and even House of Commons' standing committees, have recognized that employer-tied work authorizations = **increased risk of abuse and forced labour.**

Canada Gazette, Part II, V. 156, No 14 - June 2022

Between 2016 and 2020, the TFWP received more than 300 tips of allegations of abuse and mistreatment through the Service Canada Confidential Tip Line. Stakeholders, such as worker advocacy groups and temporary foreign workers, indicate that temporary foreign workers are reluctant to report abuse out of fear of losing their jobs and that they do not always understand their rights in Canada. A series of stakeholder consultations with temporary foreign workers, support organizations, and consulate liaison officers in 2017 revealed that language barriers and access to information on rights and protections remain serious impediments to worker protections, as does the fear of employer reprisal and deportation in response to speaking out or reporting mistreatment or poor working conditions. Instances of workers being improperly charged recruitment and other fees were also highlighted as a particular area of concern. Abuse, exploitation, and mistreatment of temporary foreign workers have also been widely discussed in the national media, with more than 4 150 articles addressing this topic between August 2019 and May 2021.

Documented Problems

- Efforts by governments to protect migrant workers through increased employment rights and recruitment regulation, greater oversight over employment agreements, and legal information initiatives have **failed to counteract the high risk of abuse** since the structures that prevent migrant workers from asserting their rights have remained in place.
- Band-aid solutions cannot address the risk of abuse inherent in a system where workers are deprived of their right to change employers.

Necessary reforms

Transition of unfree labour schemes into generalized free migrant worker employment programs

- Replacement of employer-tied work authorizations with **open work permits**
- Replacement of of employer-driven recruitment with annual **skills quotas** assessments
- Replacement of employer-sponsorship status validation (employer authorizations) by bilateral government recruitment-sponsorship, micro-credit and placement services
- Independent access to permanent status upon arrival

Necessary reforms

Reform	Current policy + problem	Alternative
<p>Replace employer-tied authorizations w. open work permits and employer-driven recruitment w. annual skills quotas assessments.</p>	<p>Work authorizations based on individual job offers submitted by employers → prevent workers from freely circulating Canadian labour market and trap workers in abusive/exploitative jobs.</p>	<p>Labour needs & skill shortages identified by annual skills quotas, workers issued open work permits on basis of quotas → free to accept jobs based on conditions and wages + able to leave jobs where rights are not respected.</p>
<p>Replace employer-sponsorship status validation w. bilateral government recruitment/sponsorship, micro-credit and placement services.</p>	<p>Employers validated as sponsors for the selection & integration of workers into Canadian labour market + responsible for purchase of plane ticket. Employers conflict of interest vis-à-vis workers → bad faith actions: predatory recruitment/blacklisting/unfair removal from country/employer control over access to labour market and alternative employment.</p>	<p>Bilateral government recruitment/job placement services → unbiased assistance to workers to find and accept alternative employment + minimize the risk of fraudulent job offers and debt bondage associated w. private recruitment.</p> <p>Bilateral gov't micro-loan programs to assist w. the cost of migrating → remove employer control over transportation thereby reduces risk of employer-driven repatriation.</p>
<p>Independent access to permanent status upon arrival</p>	<p>No/exceptional access to permanent status → workers dependant on employer to remain in the country + access health and social services compromised,. Workers w. workplace injury/illness denied necessary treatment and compensation benefits (even when entitled by law).</p>	<p>Option to apply for permanent status w/o employer sponsorship → workers no longer dependant on employers to remain/re-enter Canada. Workers free to move between home country and Canada. Worker can assert rights and access health & social services.</p>

Thank you

Questions, comments, concerns?

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