

A Message from KAIROS' Dignity and Rights Circle on International Migrants Day, 18 December 2014

KAIROS affirms the ongoing need to make efforts to ensure respect for the human rights and fundamental freedoms of migrant workers in Canada and around the world.

In the past year, the Government of Canada introduced changes to the Temporary Foreign Workers Program (TFWP) that affect hundreds of thousands of migrant workers in Canada. The changes were in response to public criticism of the program and are an attempt to address some of its weaknesses.

These changes brought some improvements. The elimination of the live-in requirement for workers in the Live-in Caregivers Program is a welcome change. The commitment to strengthen information sharing between federal government departments and other levels of government is a positive step towards ensuring that migrants' rights are respected in the workplace.

Another change is a commitment to more workplace inspections, although it is not clear that these inspections include determining if temporary workers are being abused. When the changes were announced in June, the Canadian Council for Refugees noted that there had been **no** workplace inspections in 2014. Weak enforcement of the rules leaves migrant workers vulnerable and makes it extremely difficult to ensure their rights are being respected.

While these changes will improve the situation facing migrant workers, there are still significant problems with the TFWP. The program still ties a worker to a single employer who has the power to send them back to their country of origin at the employer's own discretion. And the worker has no recourse.

There are other provisions that continue to discriminate among different categories of temporary workers. For example, some workers may have access to permanent residence while others do not. Some can obtain open work permits while others cannot. Some are required to live on their employer's property, while others are free to live wherever they choose. Some can bring their families to Canada while others cannot.

The program's former requirement of a Labour Market Opinion (LMO), which was designed to prevent migrant workers being hired for jobs that could be filled by Canadians, has been replaced by the Labour Market Impact Assessment (LMIA). Despite the name change, it remains relatively easy for employers to claim that they have exhausted all attempts to find local workers and that they have no choice but to search internationally for temporary labour.

The Gospel calls us to act against injustice

In this Advent season we celebrate the coming of the Christ Child and the promise of a new creation, reconciling us to God and to one another. In 2006, KAIROS adopted the following Basic Affirmations:¹

We believe that God wants the well-being of all people. As Creator and Redeemer, God loves all people equally and wants justice and peace for all. All people have the right to enjoy in their own country the economic and social opportunities necessary to live in dignity. (John 3: 16; Micah 4: 3-4; Jeremiah 9: 23-24; Isaiah 32: 16-17). This teaching calls us to respond to international disparities in human security and economic well-being, which force people to move. It also challenges the "us" versus "them" mentality which underlies public hostility to migrants.

We believe that God wants people to live with certain mutuality and that this is the basis of peace and justice. This is indicated in the basic Biblical call that we are to love our neighbours as ourselves. (Leviticus 19: 18 and Mark 12: 31) This means that we must not seek our own security and well-being at the expense of others but in ways that advance their security as well; that the rights we claim and the standards we hold must also apply to others. This teaching informs our work to assert and defend the rights of migrants in Canada.

'Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.' Matthew 25:40.

¹ "Strangers no longer: The churches in solidarity with migrants."

KAIROS policy, 1 June 2006.

The LMIA is also problematic in that employers in communities with low unemployment rates (under 6%) are barred from hiring foreign workers, although the data do not include nearby First Nations' communities that may have high unemployment, leaving those workers out of the labour equation.

Data from Statistics Canada show that approximately 75% of new jobs created in Canada in 2010 and 2011 were filled by employers accessing temporary work permits at a time when 1.4 million Canadian residents were unemployed.¹ There are situations of skills shortages, but a transparent and objective method to verify the need to issue temporary work permits would help to improve the credibility of the program.

In short, despite the changes, more needs to be done to ensure that Canada's Temporary Foreign Worker Program is based on fair and equitable labour standards that ensure that migrant workers have access to dignified work, a fair wage and safe working conditions in accordance with article 23 of the *Universal Declaration of Human Rights*.²

What can you do?

Remember that our migrant worker brothers and sisters are created in the image of God and retain their dignity even when they live and work in foreign countries. As Churches we are called to stand and walk in solidarity with the most marginalized. This is an invitation to take action.

- Offer a prayer for all migrants on December 18. Include migrant workers in the Prayers of the People at your church.
- Migrant workers work in hotels and restaurants, on farms and as live-in caregivers. In some communities it is easy to meet and befriend migrant workers. Make them feel welcome. Organize social occasions for them. On International Migrants Day and throughout the year help to make them feel they are appreciated and valued.
- Ask the leadership of your church to speak out for the rights of migrant workers.
- To strengthen KAIROS' advocacy, accompaniment and solidarity, reach out to other groups working for migrant workers' rights, such as MIGRANTE Canada, Agricultural Workers Alliance, United Food and Commercial Workers (UFCW), and the Canadian Council for Refugees.
- Write your Member of Parliament and the Minister of Employment and Social Development Canada, the Hon. Jason Kenney. Ask that the Government of Canada:
 - a. Ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.
 - b. Implement a comprehensive monitoring system to ensure that the rights of migrant workers are protected. Annual reports on the results of the monitoring should be available to the public.
 - c. Fund settlement agencies to provide services and assistance to migrant workers.

¹ Response to the Proposed Regulatory Changes Amending the Immigration and Refugee Act as it Relates to the Temporary Foreign Worker Program, CLC, January 21, 2014.

² http://www.claiminghumanrights.org/udhr_article_23.html#at25

- Contact Alfredo Barahona at KAIROS if you would like to organize a migrant justice public education event/presentation for your congregation or community. 1-877-403-8933, x 251, or abarahona@kairoscanada.org

PRAYER OF THE FARM WORKERS' STRUGGLE

*Show me the suffering of the most miserable;
So I will know my people's plight.*

*Free me to pray for others;
For you are present in every person.*

*Help me take responsibility for my own life;
So that I can be free at last.*

*Grant me courage to serve others;
For in service there is true life.*

*Give me honesty and patience;
So that I can work with other workers.*

*Bring forth song and celebration;
So that the Spirit will be alive among us.*

*Let the Spirit flourish and grow;
So that we will never tire of the struggle.*

*Let us remember those who have died for justice;
For they have given us life.*

*Help us love even those who hate us;
So we can change the world.*

Amen.

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Seasonal migrant agricultural workers in southwestern Ontario.

Photo: Alfredo Barahona/KAIROS