



# Media Briefing Paper

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Cheryl McNamara, Media and Advocacy Coordinator, KAIROS Canada • 416-875-0097 (C) • [cmcnamara@kairoscanada.org](mailto:cmcnamara@kairoscanada.org)

## Grant permanent residency for migrant workers, human rights groups urge

Crowded, filthy living quarters with no running water. Illegal confinement and surveillance. Chronic underpayment and long working hours. Harassment, sexual abuse, racial slurs, and the threat of deportation. Months and years separated from families. Access to little support and benefits.

This sounds like a nightmare from another place, another time.

And yet for too many foreign migrant workers these conditions are a daily reality in Canada, and have been for decades.



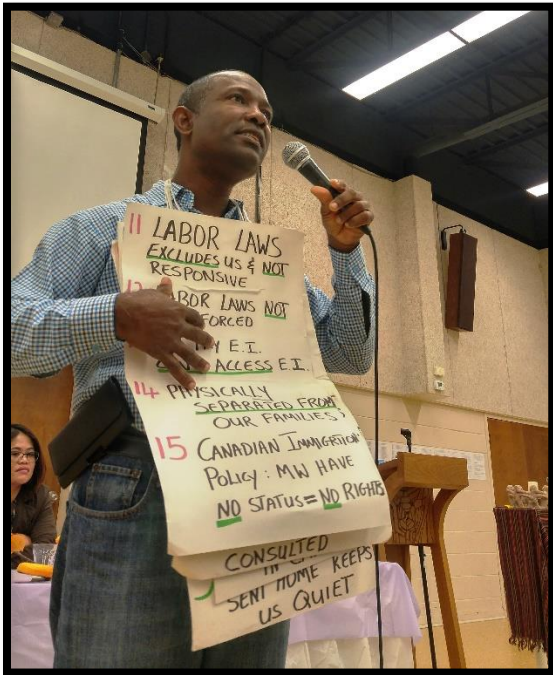
And now we have COVID-19, attacking and exacerbating vulnerabilities in bodies and societies, and especially in the workplaces of thousands of overseas migrants.

Rather than safeguard their rights and wellbeing during the pandemic's onset, federal and provincial governments entrusted employers to do so. The failure of this approach was made clear when the virus raged through in care facilities in April, meat processing plants in May, and then on farms in June.

This outcome was no surprise to migrant workers, academics and advocates who have been sounding the alarm of workplace neglect and abuses for years. It also speaks loudly to the disconnect that Canadian governments and society have when it comes to protecting Canada's vital care and food sectors.

While the essential nature of their work is lauded, efforts to help the workers have been too little and too late.

[Migrant justice advocates are urging](#) the federal government to grant all migrant and undocumented workers permanent residency as an effective and efficient solution to safeguard the wellbeing of workers and communities.



Permanent residency would empower workers to leave abusive employers and access health and other benefits such as Employment Insurance. Migrant workers contribute to EI, however many are unable to access it if they work less than 12 months in a calendar year.

Despite [recent musings by the Prime Minister](#) that a pathway to citizenship could be considered for migrant workers, the federal government has kept permanent residency off the table for most migrant workers, opting for financial and oversight measures that have proven ineffective in safeguarding workers from COVID-19 and workplace abuses.

In a [recent op-ed in the Winnipeg Free Press](#), migrant justice activists Karen Hamilton and Diwa Marcelino observe: “In the context of a global conversation about systemic racism, we must understand that an immigration

system that is based on maintaining the temporary status of racialized migrant workers is a systemically racist system.”

Indeed, there was a time when Canada granted European migrant workers permanent residency upon arrival to Canada. This ended when workers began arriving from the Global South.

## **A short history of migrant workers in Canada**

Since Confederation, Canada has brought in migrant workers, initially women caregivers, to fill positions that too few citizens wanted.

To fill the demand for live-in domestic servants, Canada recruited single women from Great Britain, granting them permanent residency upon arrival. It served a secondary purpose of nation-building, anticipating that these women would eventually marry and have families of their own.

European caregivers who could not afford the travel costs to Canada were indebted to the recruiters or employers to pay off their loans while working in Canada, which typically lasted up to a year.

After World War II, the need for foreign migrant labour in care and other sectors increased. Workers from racialized countries were initially recruited as a last resort, as reserve labour and worked for lower wages than their white counterparts, according to Audrey Macklin in her [1992 article in the McGill Law Journal](#)

that covers the history of foreign domestic workers in Canada. However, Canada struggled to fill the positions with Europeans, and caregivers from the Caribbean protested these exclusionary policies.

Responding to protests from these workers, British Caribbean governments pressured Canada to hire them. The result was Canada's Caribbean Domestic Scheme in 1955, which granted a limited number of caregivers a pathway to permanent residency after one year of working in Canada. They were paid less than white caregivers and subjected to pregnancy tests. Pregnant Black women were immediately deported.

In 1960 Canada began to address its racist immigration policies. It [implemented regularization programs](#), including the Chinese Adjustment Statements Program, and provided permanent residence status to illegal and undocumented migrants. These programs ended in 1986. While there were some flaws with these programs and not all illegal/undocumented migrants were able to become permanent residents, efforts were made to provide everyone with status. Canada could glean some lessons from these experiences.

In 1966, Prime Minister Pearson's [White Paper on Immigration](#) attempted to ascertain who should be permanently admissible to Canada and who should not, noting "that the answers must involve no discrimination by reason of race, colour or religion." Citing the trend towards "white-collar" work and a decline in manual labour, the paper called for the recruitment of high-skilled immigrants over those deemed low-skilled. Despite this observation, that year the government founded the Seasonal Agricultural Worker Program (SAWP) to bring in workers from Mexico and Caribbean countries to work in agriculture and food processing.

Hope for an end to racial discrimination in migrant workers programs ended in 1973 when the government replaced permanent residency with the Temporary Foreign Workers Program (TFWP), a series of programs that folded in existing ones, including the SAWP and Foreign Domestic Movement for Caregivers. Workers from Mexico, the Caribbean and Asia under the SAWP were ineligible to apply for permanent residency status.

These workers, indispensable to essential sectors, became disposable, despite the ongoing and growing demand for their services.

Under the TFWP, most workers were tied to one employer, and risked deportation if they complained of abusive workplace conditions or became injured or ill during the season. [According to data](#) obtained by the Toronto Star from the Mexican Ministry of Labour, more than 5,500 workers have been deported midway through their contracts over the past decade alone.

While the recently introduced [Open Work Permit for Workers at Risk](#) provides workers with the opportunity to leave abusive situations, the onus is on the workers to provide proof of abuse. Because there is no guarantee that the permit will be granted and fearing deportation and the loss of the vital income that sustains their families, many workers remain silent.

This was evident in the [small number of compensation claims](#) to the Workplace Safety and Insurance Board from farm workers and domestic caregivers during the pandemic, despite the spike in COVID-19 cases.

“The federal government knows that as long as workers can be deported at a moment’s notice, any other rights or protections they may have on paper will remain inaccessible,” said Karen Cocq, a co-ordinator with the Migrant Workers Alliance for Change in an [interview with the Toronto Star](#) in July.

Over the years, caregivers fared a bit better than seasonal workers, but not by much.

Caregivers finally received a pathway to permanent residency through the Live-In Caregiver Program in 1992 after years of advocacy. However, this program was mired in a backlog that saw caregivers wait for years while separated from their families, often leading to mental stress and marital breakdowns. Not only were caregivers, who looked after children, the elderly and people with medical needs, tied to one employer, they had to live with them too, making them vulnerable to abuse. While the live-in requirement was officially removed in 2010, caregivers were still vulnerable to long work hours and unpaid overtime.



In 2019, the government replaced these problematic caregiver programs with two five-year pilot programs that make it easier for migrant caregivers to become permanent residents after two years of work in Canada, live separately from their employer, and to change jobs quickly and easily. These pilot programs also allow family members to accompany them through work and study permits. [Since the pandemic](#), however, many caregivers are once again expected to live with their employers for safety

precautions, separating them from their families.

This pathway is available only to caregivers. Migrant farm and processing plant workers are not allowed to apply, even if they have worked for most of the year in Canada and for decades.

*“It is a popular misconception that Canada does migrant workers a favour by allowing them to work hard, for little money, in hazardous and degrading conditions. The truth is that we are in their debt. We can no longer continue treating this work as essential and the people who do it as dispensable.”*

Harald Bauder, Immigration Settlement and Studies Program, Ryerson University; Dr. Jenna Henneby, International Migration Research Centre, Balsillie School of International Affairs, Wilfrid Laurier University; Audrey Macklin, Faculty of Law, University of Toronto; Dr. Myer Siemiatycki, past founding director, Immigration Settlement and Studies Program, Ryerson University. [The Hill Times op-ed.](#)

## **And then the pandemic hit**

*“These people are cruel and I’m tired of them. They have no heart for Black people, they use us like slaves. I tried getting away from this farm for a very long time and I cannot.”*

Delroy, seasonal worker for 23 years, father of five and caring for his elderly mother back home. He asked the liaison office for a transfer to another farm and was refused. From [Unheeded Warnings: COVID-19 and Migrant Workers in Canada](#)

First the pandemic struck Canada's long-term senior's homes, exploiting systemic vulnerabilities of which workers and advocates have long sounded the alarm. Low paid and "unregulated" caregivers were working long hours and visiting multiple homes to make a living, becoming unwitting vectors in the process.

When seasonal workers arrived in Canada in the spring, COVID struck overcrowded meat processing plants and farms. Public health officials have confirmed that workers did not bring COVID-19 to Canada.

When the federal government announced on April 13 a \$50-million program to help farm and food processing employers cover the cost of self-isolation requirements for overseas workers, governments and employers assured the public that measures would be taken to ensure compliance.

[According to Agriculture Minister Marie-Claude Bibeau](#), the funds were contingent on employers following public health guidelines, and that federal ministries of immigration and employment, in addition to local public health units, would make targeted inspections.

"We can trust that employers care for the health of their community, they care for their workers, they want to have healthy workers and they will put in place what is needed," she said.

One would think. And yet, by late June farms and processing plants joined long-term care facilities in becoming the country's biggest COVID-19 hotspots.

Despite [assurance by Scotlynn Growers](#) that every precaution was taken to prevent infection, by late spring, it was home to [one of Ontario's largest recorded COVID-19 outbreaks](#), including the death of Juan Lopez Chaparro, a husband and father of four who depended on his income.

The situation was so dire that on June 15 the Mexican government temporarily halted its nationals from traveling to Canada until Canada credibly resolved the mounting crisis on its farms.

By August 5, [the Public Health Agency of Canada reported](#) that 21,697 of cases were confirmed in long-term care and seniors homes, 3,060 in meat production/packing facilities and 1,978 in agricultural work settings, by far the highest rates compared to other settings. All these sectors rely heavily on the labour of foreign migrant workers.

By that date, KAIROS' Migrant Justice Coordinator, Connie Sorio was getting an average of three to five calls for help per day from caregivers and meat processing and farm workers.

"Many migrant workers found themselves isolated and discarded when the pandemic hit," says Sorio. "I have fielded many calls from workers in various sectors who were fired, received minimal support after contracting the virus, and who felt trapped in unsafe and abusive workplaces. Caregivers were given the choice to either live with their employers or lose their jobs. Many also don't know their rights in Canada. It has become the responsibility of migrant rights groups to reach out to them and advocate for their rights."



Investigative reporting from the Toronto Star and Globe and Mail, and a scathing report by the Migrant Workers Alliance for Change, confirmed that many migrant farm workers were subjected to overcrowded living and working conditions, little personal protection, limited mobility, and the threat of deportation if they spoke out against their conditions.

“That no precautions were provided for migrant workers prior to travel and that governments took no measures to ensure farm workplaces were prepared for workers’ arrival speaks to the appallingly low priority given to the health and safety of the workers themselves,” writes The Migrant Workers Alliance for Change in their report, [Unheeded Warnings](#).

Indeed, [six agencies from three levels of government](#) are supposed to monitor, inspect and enforce migrant housing alone, exemplifying more a bureaucratic Gordian Knot than robust oversight.

*“My experience with my last employer in the last 10 months was horrible. I was working for 12 to 13 hours - from 7:45 am to 8pm, every day, five days a week. On Saturdays, they pay me \$100 for hours work. I was not paid overtime. When the pandemic started in March, I was not allowed to leave the house - not even to go outside in the backyard to get fresh air. My room in the basement has no windows. I had to phone the nanny in the neighbourhood to buy me some food, toiletries and other essential stuff as they did not provide me these.”*

Marissa, a migrant caregiver from the Philippines.

## Calls for Permanent Residency



On July 31, the [federal government announced](#) that it would further invest \$58.6 million to protect migrant farm workers from COVID-19. The funds would cover supports to migrant workers and migrant worker support organizations, improvements to farm inspections and housing. The government did not specify a dollar amount that would directly benefit migrant workers, including wage replacement while on sick leave.

While this announcement is welcome, no amount of band aid solutions touches the gross inequities of the TFWP, which COVID-19 amplifies.

Indeed, on August 4, Employment, Workforce Development and Disability Inclusion Minister Carla Qualtrough [acknowledged](#): “COVID definitely shone a spotlight on cracks in the system. This whole program needs an overhaul.”

The Minister promised new rules for how Canada treats migrant workers before the next growing season.

Human rights organizations want these new rules to include permanent residency for all migrant workers, including those who have fallen through bureaucratic cracks. Such a move will demonstrate genuine appreciation for the services that migrant workers provide and help eliminate the systemic barriers embedded in temporary foreign worker programs.

In June, hundreds of civil society organizations, including KAIROS, signed the [Just Recovery for All](#) principles in response to COVID-19. In addition to the climate crisis and racial inequalities, the document recognizes the precarious nature of migrant work and calls on Canada to “rebuild a single-tier immigration system with permanent resident status for all.”

That same month, the Migrant Rights Network kicked off the [Status for All and Landed Status Now](#) campaign. It calls on the federal government to immediately grant permanent resident status to all undocumented persons and, in future, to all migrant workers upon arrival.

On August 14, the federal government announced that it will grant permanent residency [to some asylum seekers](#) who cared for patients in hospitals and long-term care homes at the height of the pandemic. Yet it continues to keep permanent residency off the table for farm and meat processing workers and domestic caregivers.

Foreign migrant workers are vetted prior to coming to Canada. Canada could create an efficient one-step solution by granting all overseas workers permanent resident status upon arrival to Canada as part of building a fair and inclusive country.

“There are claims that migrant workers will leave these sectors once granted status,” says Sorio. “Of the many caregivers I interact with, I would say that four out of five who become permanent residents and citizens continue to work as caregivers or as personal support workers.”

Canada’s foreign migrant workers policies are based on a long history of racism that continues to this day. These policies have forged a two-tiered system that prioritizes profit over the welfare of racialized people and are a blight on Canada. They must end. Immediately.

*“When it comes to migrant workers, this is more than a pandemic. Whether it be border controls and access to flights, the absence of translation and interpretation, or the systematic failure of government to provide even basic employment standards, these interlocking systems are creating extreme hardship and death.... The priority must be to equip migrants with the power to protect themselves - permanent resident status is the only solution.”*

[Unheeded Warnings](#): COVID-19 and Migrant Workers in Canada

## Resources

### Reports

The United Food and Commercial Workers Union Canada and the Agriculture Workers Alliance. [The Status of Migrant Farm Workers in Canada, 2020](#). August 2020.

The Migrant Workers Alliance for Change, [Unheeded Warnings: COVID-19 and Migrant Workers in Canada](#). June 2020.

Royal Society of Canada, [Restoring Trust: COVID-19 and The Future of Long-Term Care](#). June 2020

Canadians for an Inclusive Canada. [The story of the Live-in Caregiver Program](#).

Carolina Berinstein, McMaster University, et al. [The Regularization of Non-Status Immigrants in Canada 1960-2004](#). November 2004

Macklin, Audrey, [Foreign Domestic Worker: Surrogate Housewife or Mail Order Servant?](#). McGill Law Journal, Vol. 37, 1992.

### Select News Reports

August 7, 2020. Canada's National Observer. [Temporary farm workers want to end "crazy" wait for health insurance in light of COVID-19](#)

August 5, 2020. The Chronicle Herald. [Nova Scotia groups call for action on migrant worker rights](#)

August 4, 2020. The Globe and Mail. [Migrant workers on farms across Canada are being told they can't leave, raising human rights concerns](#)

July 30, 2020. CTV News. [Migrant worker who got COVID-19 says he was fired from Ontario farm for speaking out](#).

July 20, 2020. The Windsor Star. [Migrant farm workers short of food, protective equipment, activists charge](#)

June 27, 2020. The Toronto Star. [The Ontario government says migrant workers have equal rights and access to benefits, but do they?](#)

July 25, 2020. The Toronto Star. [A Jamaican migrant worker suffered catastrophic injuries on the job, then was told he could work as a 'shoe shiner' and had his workers' compensation cut off](#)

July 18, 2020. The Toronto Star. [Could the pandemic be the moment needed to make Canada's immigration system more fair?](#)

July 17, 2020. The Western Producer. [Report paints gloomy farm labour picture](#)

July 2, 2020. CBC News. [How undocumented migrant workers are slipping through Ontario's COVID-19 net](#)

June 23, 2020. The Toronto Star. [A third migrant worker is dead and the farm where he worked had a long history of complaints — an inside look at Scotlynn Growers](#)

June 10, 2020. Vice. [Migrant Caregivers Are Stuck With Their Bosses 24/7 Because of Coronavirus](#)

May 3, 2020. The Globe and Mail. [How Cargill became the site of Canada's largest single outbreak of COVID-19](#)

April 5, 2020. The Canadian Press. [Advocates warn of 'disaster' if more protections not given to migrant workers](#)

### Select Opinion Articles

August 5, 2020. The Hill Times op-ed. [Migrant workers have paid their dues and should be given a path to permanent residency](#)

July 31, 2020. Winnipeg Free Press op-ed. [Give migrant workers permanent status](#)

July 25, 2020. The Toronto Star op-ed. [Ontario's migrant agricultural workers deserve better](#)

July 13, 2020. Winnipeg Free Press editorial [Ottawa must enforce temporary-worker rules](#)

June 13, 2020. Globe and Mail op-ed. [Canadians have farmed out tragedy to the migrant workers who provide our food](#)

May 7, 2020. The Hill Times op-ed. [From disposable to indispensable: providing foreign migrant workers with a pathway to permanent residency](#)