



CANADA'S DISPOSABLE WORKFORCE: **Addressing Abuses Against Migrant Workers**

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Executive Summary

The federal government has announced that for the first time ever it will be setting limits on the number of temporary residents allowed in Canada. This change has been motivated by a belief that the influx of migrants ought to be controlled – often making false linkages between the housing crisis and a rise in immigration. These proposed changes are reactionary measures that neither address the rampant abuse of migrants in the Temporary Foreign Worker Program (TFWP), nor provide relief for the housing crisis. Migrant workers and activists have repeatedly called on the federal government to address the abusive conditions that Temporary workers are subject to. This abuse cannot be explained by the actions of a few bad employers, rather it needs to be understood as the outcome of a federal program that denies migrants the same rights and protections that every Canadian is entitled to.

Any reforms to the TFWP must first and foremost act on calls from activists and migrant workers to address the structural inequalities embedded within the TFWP. Addressing these inequalities entails ending the use of employer-tied work permits and creating accessible and clear pathways to permanent residency for all migrant workers including those who are undocumented. Additionally, policymakers should refrain from relying on anti-immigrant rhetoric and focus on evidence-based solutions to address the housing crisis. Creating direct links between immigration and housing shortages creates an environment that is hostile and dangerous for migrants. The federal government cannot continue to ignore the mistreatment that migrant workers in the TFWP are forced to endure. Honoring Canada's domestic and international human rights obligations demands taking action now.

CPJ and its work in this field

Citizens for Public Justice (CPJ) is a national, progressive organization of members who are inspired by faith to act for social and environmental justice in Canadian public policy. Our work focuses on three key policy areas: poverty in Canada, climate justice, and refugee and migrant rights. We

conduct policy analysis and public justice framing on a range of refugee and migrant rights issues to promote and advance human rights-based Canadian immigration policies. Through high quality research, policy monitoring, and publishing, we bring attention to the impact of legislative change on migrants, refugees, asylum-seekers, and on the groups that privately sponsor them to come to Canada. CPJ communicates its analysis and framing through public presentations, writing, advocacy, and workshops to audiences including public officials, media outlets, religious leaders, national coalitions, and CPJ members.



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Introduction

In March of 2024, Immigration Minister Marc Miller announced that the federal government would set a limit on the number of temporary residents that can enter Canada beginning in the fall. He noted that the objective is to reduce the proportion of temporary residents in the population from 6.2% to 5% by 2027. As of May, the government decreased the number of temporary foreign workers (TFWs) that the food service and accommodation sectors could hire. Employers in these sectors can now hire no more than 10% of their workforce from the Temporary Foreign Worker Program (TFWP) for low-wage positions.¹ Previously this figure stood at 30%. However, seasonal industries such as agriculture and fishing are exempt from this cap. This news marks a significant shift in the direction of federal policy. The Temporary Foreign Worker Program (TFWP) has long been positioned as a beneficial tool for employers to help fill labour shortages and foster economic prosperity. Miller explains that this shift in policy is in response to growing affordability pressures in the country. He states *“It’s undeniable that ... the increase of numbers has contributed to the impact on affordability, particularly in the cost of shelter, but also the carry-on effects this can have on the healthcare system, in the education system”*.

Through statements like these, migrants have long been scapegoated for the affordability crisis experienced across the country. However, there is ample evidence demonstrating they are not to blame for Canada’s lack of affordable housing and overburdened healthcare system. In fact, migrant workers hired through the low-wage stream of the TFWP are often getting the shorter end of the stick, contributing tremendously to the economic growth and social fabric of the country while being systematically denied basic rights and services.

For decades, migrant workers, activists, and human rights experts have raised alarm over the systemic exploitation that TFWs have been forced to endure. The denial of permanent status for migrant workers and a dependency on employer-tied or closed work permits have fostered an environment of widespread abuse. While a reduction in the reliance on temporary forms of labour is a welcome development, any policy decision regarding the TFWP must be accompanied by policies that uphold the rights of TFWs. Addressing the abusive conditions of the TFWP necessitates acting on promises to implement a broad regularization program and ending the use of employer-tied work permits.

Overview and Discussion

Over the last two decades, Canada has been increasingly reliant on the TFWP. Since its introduction in 1973, and more specifically, the introduction of the “low-wage” worker category in 2002, the number of TFWs has increased significantly. Between 2006 and 2014, over 500,000 workers were brought into Canada through the TFWP, most of them falling into the category of low-wage.² TFWPs like the Seasonal Agricultural Worker Program (SAWP) are dependent predominantly on racialized migrant workers.³ In 2023, the majority of migrant workers entering through the TFWP were seasonal agricultural workers, with over 70,000 coming to Canada

1 Employment and Social Development Canada, “Minister Boissonnault Reducing the Number of Temporary Foreign Workers in Canada,” Canada.ca, August 26, 2024, <https://www.canada.ca/en/employment-social-development/news/2024/08/minister-boissonnault-reducing-the-number-of-temporary-foreign-workers-in-canada.html>.

2 Josh Wingrove, “Ottawa to Revise Foreign-Worker Rules as Employers Complain of Delays,” The Globe and Mail, January 27, 2014, <https://www.theglobeandmail.com/news/politics/ottawa-to-revise-foreign-worker-rules-as-employers-complain-of-delays/article16510288/>.

3 Migrant Rights Network, April 9, 2021, <https://www.ourcommons.ca/Content/Committee/432/HUMA/Brief/BR11244435/br-external/MigrantRightsNetwork-e.pdf>.

that year.⁴ In the same year, primary agriculture or labour performed on farms and greenhouses generated \$31.7 billion, or 1.4% of the country's gross domestic product.⁵ The labour that TFWs perform greatly benefits the Canadian economy, and yet the government continues to systemically devalue it through the exploitative structure of the TFWP. While TFWs contribute to Canada's economic success, many are forced to endure poverty, food insecurity, and a lack of adequate housing or access to health care, in addition to other abuses.

In 2023, UN Special Rapporteur, Tomoya Obokata warned that Canada's TFWP is a breeding ground for contemporary forms of servitude.⁶ Obokata urged the Canadian government to create pathways to permanent residence for all migrant workers. Employer-specific work permits and denial of status work in tandem to keep TFWs in the margins of Canadian society despite their labour being essential for this country's economic growth. It is important to note here that the exploitation of workers in the TFWP is not merely an oversight, but rather it is central to the configuration of the program itself. Canada has manufactured a cheap and flexible labour pool that has been vital to its economic prosperity. And yet, despite migrant labour being indispensable, it is routinely devalued by policymakers who have failed to address the well-documented exploitation of TFWs. Migrants have long been positioned as an economic tool, the utility of temporary residents is rooted in the denial of status. These are the circumstances that allow the government to shrink and expand the temporary resident pool in accordance with the political climate while simultaneously neglecting the conditions of temporary work in this country.

Programs such as the SAWP are by and large employer-specific work permit regimes. The tying of a migrant worker to their employer facilitates a power imbalance that gives way to rampant abuse. TFWs are subject to abusive conditions such as unsafe housing, violence, surveillance, and the denial of basic rights such as minimum wage and overtime pay.⁷ Many migrant workers are unable to freely voice their concerns and assert their rights to employers due to fears of deportation.⁸ Abuse experienced by TFWs at the hands of their employers is compounded for those who occupy multiple intersections of oppression. A recent senate committee study on Canada's temporary migrant workers found that women and gender-diverse individuals are more vulnerable to "sexual and physical violence in the workplace, and often face inadequate sexual and reproductive healthcare".⁹ The study notes that the lack of "...structural protections in the Temporary Foreign Worker Program both dissuades women and gender-diverse people from reporting these experiences and encourages them to accept mistreatment and exploitation in the workplace".¹⁰ Closed work permits limit the option of an exit in abusive workplaces, a right that is guaranteed for every Canadian and yet is denied for TFWs.

4 Government of Canada, Statistics Canada, "Temporary Foreign Workers in the Agriculture and Agri-Food Sectors, by Industry," Temporary foreign workers in the agriculture and agri-food sectors, by industry, April 18, 2024, <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3210021801>.

5 Agriculture and Agri-Food Canada, "Government of Canada," Agriculture and Agri-Food Canada, June 27, 2024, <https://agriculture.canada.ca/en/sector/overview>.

6 Canada: Anchor the fight against contemporary forms of slavery in human rights, a UN expert urges | Ohchr, accessed April 5, 2024, <https://www.ohchr.org/en/press-releases/2023/09/canada-anchor-fight-against-contemporary-forms-slavery-human-rights-un>.

7 Harsha Walia, Robin D. G. Kelley, and Nick Estes, *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism* (Chicago, IL: Haymarket Books, 2021).

8 Jillian Kestler-D'Amours, "'Overtly Racist': Lawsuit Challenges Canada's Migrant Farmworker System," Al Jazeera, February 9, 2024, <https://www.aljazeera.com/news/2024/2/9/overtly-racist-lawsuit-challenges-canadas-migrant-farm-worker-system>.

9 Senate of Canada, "Act Now: Solutions for Temporary and Migrant Labour in Canada," SenCanada, accessed September 5, 2024, <https://sencanada.ca/en/info-page/parl-44-1/soci-temporary-and-migrant-labour/>.

10 Ibid.

Open Work Permits Now

The growing reliance on TFWs has been met with a growing movement of migrant workers, activists and organizations calling on the federal government to address the abusive conditions of TFWPs. A central campaign in this movement is the “[Open Work Permits Now](#)” campaign, which calls for the abolition of employer-specific work permits and the introduction of open work permits for all migrant workers regardless of their national origin or occupation.

The inability to change employers has denied migrant workers basic workplace rights, and has led to well-documented abuse. A recently proposed [lawsuit](#) brought forward by two agricultural workers, Kevin Palmer, and Andre Peters, alleges that Canada’s TFWP violates the Charter of Rights and Freedoms and is seeking \$500 million in damages. The lawsuit claims that tied employment violates sections 7 and 15 of the Charter, noting that “...tied employment creates a relationship of dependency and exploitation.” Such exploitation includes having to work through extreme heat waves without proper attire or enough water.¹¹ There have been discussions surrounding the use of sector-specific work permits as a replacement to the current employer specific work permits.¹² However, such a reform would be a band-aid solution to a systemic problem that severely limits the freedoms of TFWs. Subverting the acute power imbalance that migrant workers must endure requires the implementation of open work permits.

Status for All

The #StatusForAll campaign from the Migrant Rights Network (MRN) calls for the creation of a broad [regularization program for all migrants](#), including the estimated 500,000 undocumented migrants currently living in Canada. The majority of individuals that are undocumented initially came to Canada on temporary work, study, refugee claim permit.¹³ In many cases, workers may not even be aware that they no longer have status or may fall victim to fraudulent immigration consultants.¹⁴

Paths to permanent residency for TFWs working in agriculture and other low-wage positions are extremely limited. TFWs can spend years working in Canada without being able to secure status. For example, only 2% of agricultural workers in the SAWP were able to gain permanent residence even after 10 years of working in Canada.¹⁵ Without status, migrant workers’ lives are in a state of limbo: they are unable to access essential services (like healthcare), and are forced into exploitative jobs. Regularization offers security, human rights protections, and access to essential services. It can also empower migrant workers to pursue further education and apply for jobs requiring more formal qualifications. The benefits of regularization extend to the families and communities of TFWs and undocumented persons, and it is an essential step to ensure that Canada is a safe and welcoming place for everyone.

11 Harvesting Freedom, “Open Letter Re: Heat Stress,” Harvesting Freedom, September 8, 2023, <https://harvestingfreedom.org/2023/09/08/open-letter-re-heat-stress/>.

12 “Federal Government Sides with Employers and Their Exploitative Practices,” Federal Government Sides with Employers and their Exploitative Practices | Canadian Council for Refugees, accessed September 5, 2024, <https://ccrweb.ca/en/immediate-release-federal-government-sides-employers-and-their-exploitative-practices>.

13 Regularization in Canada, accessed September 5, 2024, <https://migrantrights.ca/wp-content/uploads/2022/07/MRN-Brief-Regularization-July-2022.pdf>.

14 Senate of Canada “Act Now”, 2024

15 Statistics Canada Government of Canada, “Analytical Studies Branch Research Paper Series How Temporary Were Canada’s Temporary Foreign Workers?,” How Temporary Were Canada’s Temporary Foreign Workers?, January 29, 2018, <https://www150.statcan.gc.ca/n1/pub/11f0019m/11f0019m2018402-eng.htm>.

Language Matters

Studies have demonstrated that the language and rhetoric used in the media and by policymakers has the ability to shift public attitudes and public policy. Framing refers to the “...process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue...given how a topic is characterized”.¹⁶ The role that framing has in shaping attitudes and policy choices points to the importance of scrutinizing and avoiding the use of harmful and false narratives that draw direct linkages between the housing crisis and migration wherever possible. An Environics Institute survey from 2023 found that more than four in ten Canadians strongly or somewhat agree there is too much immigration in Canada. These findings demonstrate an increase of 17 percentage points since 2022, making it the largest one year change recorded for this question.¹⁷ The Environics Institute notes that this shift is driven in large part by concerns that immigration is having a negative impact on housing availability and affordability.

The Federal Government has long maintained the position that TFWs have been greatly beneficial for the economy. It is now choosing to position those same migrant workers as contributing to the affordability crisis. Rather than continuing to scapegoat migrants, policymakers should act on the repeated calls by migrant workers, activists, and human rights experts to address the abusive conditions of TFWPs. A broad regularization program, and an end to employer-tied work permit regimes are two crucial steps in achieving this.

Policy Recommendations

It is time for migrant workers who contribute significantly to Canadian society to be treated with the dignity and rights they inherently deserve. Reforms to the TFWP are certainly needed – but caps will not achieve the desired objectives, both for migrant populations or host communities. Instead, we call on the Government to:

- **Implement a broad regularization program:** CPJ echoes MRN’s calls for a broad regularization program that creates accessible, barrier-free pathways to permanent residency for all migrants including undocumented migrants which entitles them to a minimum standard of rights such as family reunification, choice of residence, ability to switch employers, and equal access to healthcare and education.
- **Replace the use of employer-tied work permits with open work permits:** The Federal government must end the use of employer-tied work permits and issue open work permits to all migrant workers, regardless of national origin or occupation.
- **Language matters:** Policymakers should scrutinize, reject, and avoid false narratives that scapegoat migrants for the affordability crisis. Such rhetoric fosters an environment that is hostile towards and unsafe for migrants.

16 Dennis Chong and James N. Druckman, “A Theory of Framing and Opinion Formation in Competitive Elite Environments,” *Journal of Communication* 57, no. 1 (March 2007): 99–118, <https://doi.org/10.1111/j.1460-2466.2006.00331.x>.

17 Canadian public opinion about Immigration and Refugees, accessed September 5, 2024, https://www.environics-institute.org/docs/default-source/focus-canada-fall-2023/focus-canada-fall-2023---canadian-public-opinion-about-immigration-refugees---final-report.pdf?sfvrsn=75312743_2.

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