



Canadian Council for Refugees
Conseil canadien pour les réfugiés

Report: Niagara Forum on Migrant Worker Issues

Brock University - 3 December 2017



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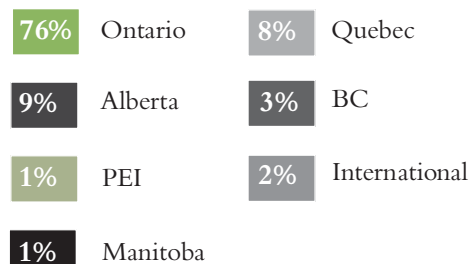
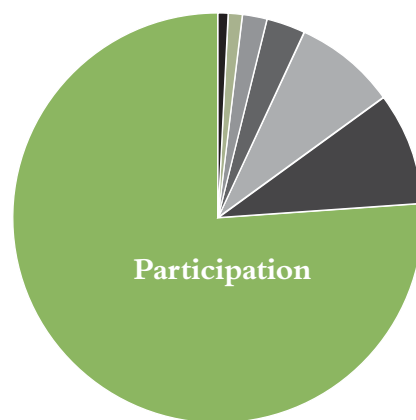
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Introduction

On 3 December 2017, the Niagara forum on migrant worker issues was held at Brock University in St. Catharines, Ontario, on the traditional territory of the Anishinaabeg and Haudenosaunee peoples, covered by the Upper Canada Treaties. More than 100 people attended the forum, and at least 25 of the participants were themselves migrant workers. Migrant justice advocates, members of the labour movement, settlement workers and community organizers also attended the forum, and participants hailed from Ontario, Quebec, Alberta, British Columbia, Manitoba, and Prince Edward Island. There were also two representatives of a Guatemalan ecumenical organization.

The forum was co-hosted and organized by the Canadian Council for Refugees and the Niagara Migrant Workers Interest Group (NMWIG). Representatives of other groups also helped with the planning of the event: Ontario Council for Agencies Servicing Immigrants (OCASI), Immigrant Workers Centre (Montreal), OPSEU, Occupational Health Clinics for Ontario Workers and Thorncliffe Neighbourhood Office (now TNO).

The event was held on a Sunday in order to increase the likelihood that migrant workers would be able to attend, and breakfast and lunch were offered in order to make the event more accessible. Kits with meeting documents were available in English and Spanish, and whisper translation into Spanish was available for those who requested it. The CCR and NMWIG thank Brock University for sponsoring the event and for hosting the event on campus. We also acknowledge the generous in-kind and financial support of the Canadian Labour Congress, OPSEU and CUPE, which not only covered meeting costs, but also permitted us to support the travel expenses of migrant workers and organizers from PEI, Alberta, BC, Quebec and Ontario.



CCR forums on migrant worker issues:	
November 2013	Waterloo ON
June 2016	Saskatoon SK
June 2017	Edmonton AB
December 2017	St. Catharines ON

Meeting objectives and list of workshops and sessions held

Forum organizers set out these objectives for the forum:

- Create a space for sharing and learning among migrant workers, grassroots support groups, social service providers and migrant rights advocates
- Offer practical information to migrant workers
- Share strategies and solutions for case work with migrant workers
- Discuss policy advocacy and common campaign strategies
- Provide an opportunity for networking among migrant workers and individuals and groups working on issues related to migrant workers

Workshops and sessions:

- Opening plenary
- Policy changes and their implications
- Novel Partnerships: Civic and institutional engagement with migrant workers
- Healthcare: How to navigate the system
- Advocacy 101 training
- How to Respond to Situations across the Spectrum of Exploitation
- Setting up and Improving Healthcare Services for Migrant Workers
- Organizing for Farmworkers Rights
- Closing plenary

What was the most useful part of the event for you and why?

“ Having migrant workers relate their own experiences in Canada | *When victims of exploitation talked about their experiences* | Learning about the many organizations that there are to help migrant workers | *Being able to understand how migrant worker issues intertwine with human trafficking issues* | To meet new people working with migrant farm workers and learning about what is happening to support and assist workers in Canada, and Niagara specifically. ”

- Forum participants -

Key issues

Exemptions from Employment Standards

In Ontario and Quebec, agricultural workers are not permitted to unionize or collectively bargain. In Ontario and some other provinces, both agricultural workers and caregivers are excluded from the basic protection of minimum wage, as well as provisions on overtime pay and maximum number of hours worked per day. Caregivers are not protected under Occupational Health and Safety Legislation in Ontario or Quebec. These exceptions result in gendered and racialized populations being at increased risk of exploitation.

The shortcomings of Employment Standards legislation across provinces was discussed at the forum and flagged as a key issue for advocacy, which some groups have already been active in.

Trafficking of migrant workers

Temporary Foreign Workers becoming victims of human trafficking continues to be a problem. The precarious status of migrant workers creates vulnerabilities, and the lack of oversight of the program creates opportunities for exploitation. A workshop that was held jointly with the CCR anti-trafficking forum allowed participants to hear first-hand from Juan de Jesus, himself a victim of human trafficking. Juan came to Canada from Guatemala to work as a chicken catcher under the Temporary Foreign Worker Program and was subsequently trafficked, along with several of his compatriots. He is now working outside of Montreal waiting for his case to move through the courts. He is supported by CCR member the Immigrant Workers' Centre.

Access to healthcare

Access to healthcare for migrant workers, especially migrant agricultural workers, was a central issue at the forum. Two workshops focused exclusively on this, and at the Policy Change workshop there was a small discussion group with agricultural workers in which many migrant workers raised challenges around healthcare as some of the key obstacles they face in Canada.

Farm workers cited a real lack of information about health coverage as a significant barrier. Many are provided with little if any information on what is covered by provincial healthcare and what is covered by their private insurance, how to submit claims, and generally how the system works. It was reported that in the case of private health insurance coverage for workers from Jamaica, neither workers, service organizations nor academics had been able to obtain any clear information in writing regarding the private health care coverage that is arranged by the Jamaican government.

Forum participants heard about the work being done in Ontario to mitigate barriers to access. Community Healthcare Centres offer services without requiring a health card, which is good for the many migrant workers who face delays in receiving their cards. This is a good model, but is not available in all communities. Occupation Health Clinics for Ontario Workers (OHCOW) offer an interesting model of mobile clinics (to counter the transportation challenges many agricultural workers face). The “self-serve” healthcare system doesn't always meet the needs of isolated workers with language or transportation barriers. It was suggested that having community health workers or case workers to help migrant workers navigate the system, in their language, would have a positive impact. Workers discussed how they continue to fear reprisals such as termination of employment and/or repatriation if their employer becomes aware of any health issues. It was suggested that guaranteeing a number of sick days by law would be beneficial to workers.

Key issues

New Caregiver Streams

Challenges and changes to caregiver programs were discussed at the Policy Change workshop at this forum. The Live-in Caregiver Program was closed to new applicants in 2014. Now caregivers can come under two streams, the Caring for Children stream and the Caring for People with High Medical Needs stream. However, there is no longer a guaranteed pathway to permanent residence. Caregivers who applied for permanent residence under the old program have also been facing high rates of refusal that may be linked to more stringent language and post-secondary education requirements that were imposed in November 2014. Some caregivers have also been waiting years for their permanent residence applications to be processed, and have thus been separated from their children and families for as long as a decade, causing extreme emotional hardship. These challenges, along with the closing door to permanent residence have resulted in a strong response from the caregiver community. This gendered and racialized workforce is fighting back for its rights, and for permanent status in Canada on arrival.

Regularization

Because of the minimal access to permanent residence for migrant workers in the TFWP and the SAWP, there was plenty of discussion of issues related to status and access to permanent residence at the forum. Participants are concerned about migrant workers falling out of status, and it is felt that they need support for renewing and extending work permits, and that there should be access to legal aid in every province and territory. Participants discussed Humanitarian and Compassionate applications (H&C) as a possible solution for some workers falling out of status, but acceptance levels are very low and cases can take years to resolve.

Concerns around immigration consultants

Many migrant workers have bad experiences with people acting as recruiters, immigration consultants, and immigration lawyers. Common abuses include excessive fees, illegal fees, and bad advice as a way of prolonging the relationship with the client and thus receiving additional payment (for example to pursue a status – such as refugee or student – for which the worker is ineligible, or which will not facilitate access to permanent residence). In Alberta, some migrant workers have been counselled to become international students as a way to access permanent residence, only to discover once they have invested a lot of money that there is no pathway for them via their studies. This is a big challenge, and it seems that the Immigration Consultants of Canada Regulatory Council has not had a big impact on weeding out predatory consultants. This is a transversal issue that it was felt CCR members should consider taking a position on.

Evaluations

People attended this forum with a wide variety of expectations. Some people attended with the goal of learning about migrant worker issues, while others who are already aware of the issues went with the goals of networking and strategizing for action. As a result, some had their expectations met to a great extent, and some less so. In the participant evaluations, people reported appreciating hearing from the migrant workers speakers, and learning about initiatives to support and organize with migrant workers in the Niagara region. People appreciated the venue, location, speakers and scheduling of the day, and the opportunity to connect with others. The excellent turnout was noted, including the substantial migrant worker participation.

It was suggested that there should be a report back from the different sessions so that people could hear the outcomes of sessions they weren't able to attend. Participants also wanted more time for networking and meeting others in small group discussions. Several of the participant evaluations said that other events like this should be held in the future.

Feedback from the partner organization – NMWIG – was overwhelmingly positive. The event spurred some reflection and discussion about representation, as well as language used by non-migrant workers when talking about migrant workers. Overall the event was felt to be a success, and NMWIG members heard from migrant workers who attended that they especially appreciated the opportunity to connect with other workers from other parts of the province.

Future directions

Over the course of the four forums on migrant workers issues that CCR has organized, in some cases with local partner organizations, it has become clear that these meetings are popular and that they fill a gap. Migrant workers and the people who serve them and organize in solidarity with them don't have many opportunities to connect with others doing similar work in different places. Migrant workers themselves are usually working, and may be isolated and face transportation barriers. There is little to no funding to work with migrant workers, and most support groups are stretched to capacity providing front-line support to and organizing advocacy efforts focused on this population, so organizing events isn't a possibility.

We have also learned that there may be support available for these meetings from some unions, many of whom have migrant worker members, or stand in solidarity with migrant workers more generally. However since resources for organizing these forums have so far only been secured at the last minute, CCR aims to seek support in advance in order to plan these meetings more sustainably, and to work towards more concrete outcomes. Members of the CCR subcommittee on migrant workers would like future meetings to be smaller, and to focus more on networking and strategizing with migrant workers and others active on advancing migrant worker rights in Canada, rather than presenting workshops for education and awareness-raising.