



Canadian Council for Refugees
Conseil canadien pour les réfugiés

FORCED LABOUR HAPPENS IN CANADA

THE WASAGA/BARRIE CASE OF MEXICAN MIGRANT WORKERS IN CANADA



Introduction

In 2019, more than 60 migrant workers from Mexico were caught in a network of labour exploitation in Wasaga/Barrie Ontario. Forty-three workers were directly removed from the trafficking situation by police. This case tells us a lot about labour trafficking in Canada.



Why do Mexicans migrate?

- » Economic necessity: poverty and economic duress, tied to losses of livelihoods, lead to the need to look outside of Mexico for vital income.
- » Crime and violence: Mexico faces a continued urgent concern over high crime rates, primarily related to drug trafficking rings and cartels. Violence against women, forced disappearances and corruption are also major challenges in Mexico.



What leads them to Canada?

- » Many Mexicans travel to Canada every year, with numbers on the rise since the visa requirement was lifted.
- » But, most Mexican residents enter through the Seasonal Agricultural Worker Program (SAWP), a program allowing workers to work on Canadian farms for up to 8 months.
- » Some recruiters deceive workers with false promises of work opportunities, status and a future in Canada.

(Migration Policy Institute, 2019)

facts

24,000

Average number of Mexican labourers formally in the Canadian agricultural sector annually

3,000

Average number of Mexicans gaining permanent resident status annually

32,770

In 2018, a new record was set with 32,770 Mexicans entering Canada on work permits

393,000

Travel from Mexico decreased dramatically when a visa requirement was introduced in 2009. Travel rebounded after the visa was lifted in 2016. In 2017, 393,000 Mexicans traveled to Canada.

(Migration Policy Institute, 2019)

Did You Know...?

TOP 20

Mexico is in the top 20 countries with the highest homicide rates in the world

(United Nations Office on Drugs and Crime, 2018)

43.6%

of people are living below the national poverty line

(World Bank 2018)

THE SAWP is designed to specifically recruit Mexican and Caribbean agricultural workers.

The SAWP's Employment Agreement outlines the obligations of each party and it's the employer's responsibility to:

- » pay for transportation
- » provide housing
- » pay the prevailing wage
- » set the contracted terms of the job, according to the labor laws of the specific province

(Employment and Social Development Canada)

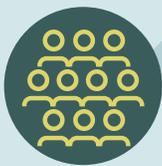
THE IMPLEMENTATION OF NAFTA in 1994 led to large agricultural corporations shutting out small-scale farmers, leading to unemployment and extreme poverty. The devaluation of the peso the following year made the economic situation even worse.

This poverty and economic duress led Mexicans to look outside their own country for economic security. Economics is also linked to Mexico's crime and violence.

(Mexican Law Review, 2019)



What Happened to the Group in Wasaga/Barrie?



A recruiter made promises to poor people in isolated neighborhoods. They were promised a lot of money, legal documents and better living and working conditions in Canada



Migrants were made to pay 25-60,000 pesos, and their own flight tickets



Then made to pay \$400/month in rent, with 28 people living per house in terrible living conditions



Then made to pay a \$17/day fee to be put on a job waiting list



Women and men were afraid to leave because their employer and landlord controlled everything, and threatened to call the police and immigration authorities

Leaving the Trafficking Situation



How did people leave?

» Mostly through word of mouth. Survivors connected with front-line service providers who took a trauma-informed care and human rights approach. The front-line workers made sure survivors understood the steps and risks in moving forward and established a safer space, and system of informed consent.

Who was involved in helping them get status?

- » Grassroots organizations referred workers to authorities, establishing how important it is to use a human rights approach:
- » Local police
 - » Regional police
 - » Federal officers: Canadian Border Services Agency (CBSA) and Immigration, Refugees and Citizenship Canada (IRCC)



What Kind of help were they seeking?

- » Personal safety and security
- » Legal protection and status to be able to access safe jobs and services



Did they get this help?

YES

- » In February 2019, 43 survivors were freed through interventions by the Ontario Provincial Police (OPP) and CBSA.
- » Later, 14 of the workers escaped or received support through the FCJ Refugee Centre, or Legal Assistance of Windsor.
- » With grassroots support during interviews with the IRCC, workers were granted Temporary Resident Permits for Victims of Human Trafficking (VTIP-TRPs), Open Work Permits, and Interim Federal Health coverage (IFH).

NO

- » Due to the abusive situation, six people left their residence before the police raid in February. They were considered ineligible to receive TRPs, and remain in Canada in limbo.

What happens to them now?



» Their immediate priority was to gain temporary legal status, and have time to reflect.



» Their VTIP - TRPs, Open Work permits and IFH coverage gave them some immediate protections and access to services, but this is not a long-term solution.



» Their initial VTIP-TRPs only lasted for six months. Since the workers agreed to be witnesses in the ongoing criminal investigation, they were granted subsequent one-year TRPs.



» To gain stability, they are applying for permanent status on humanitarian and compassionate grounds.



» Arrests were made against four people on charges of criminal organization for human trafficking, but this case has yet to go to trial, and restitution to the survivors remains unclear.

The case continues, only time will tell what happens to these survivors.

Few Pathways to Protection

Was it easy to get a TRP?

» Actually no. Only 5 to 22 new TRPs were issued per year between 2011-2015. That's not very many if you consider that Canada is a destination country for trafficking, and some 80,000 Temporary Foreign Workers come to Canada every year. (IRCC 2018)

» The TRP is the **only** available federal tool for protection of internationally trafficked persons in Canada.

» A person without legal immigration status in Canada may apply to IRCC for a TRP.

» While waiting for a TRP, a person can't access publicly funded services, including mental and physical health and welfare.

If a TRP is not a permanent pathway, what are their options?

After their experience of exploitation, these workers still face risks for themselves and their families back home.

So what are their options for staying in Canada?

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There are only three options for permanent pathways in Canada:

- 1 TRP - PERMIT HOLDER CLASS:** If they can hold their TRP for 5 years as a continuous resident in Canada, they can apply for permanent residence under the Permit Holder Class.
- 2 REFUGEE CLAIMS:** They can make a refugee claim, but the key is establishing a well-founded fear of persecution or need for protection based on concerns in the country of origin.
- 3 APPLICATIONS ON HUMANITARIAN & COMPASSIONATE GROUNDS:** These applications (under IRPA section 25) don't specifically address trafficking, but officers can consider unique or exceptional circumstances such as adverse conditions in the country of origin.

Was What Happened to These Workers Trafficking?

Human trafficking involves an action taken through various means for the purpose of exploitation.

However, this is not clear-cut in practice because exploitation can take many forms and interact with psychosocial factors.

What is key is examining the combination of three factors:

ACTION (WHAT): the act used to place a person in a situation with a trafficker.

MEANS (HOW): the strategies used to keep the person with the trafficker.

PURPOSE (WHY): the exploitation of the person through some type of work or activity.



So how does their situation fall along the spectrum of exploitation?



The workers experienced offenses that could fall in all of these categories along the spectrum, including employment violations, unequal treatment or discrimination, threats and restricted movements.

Was this a typical case?

» There is no “typical” trafficking case, which means there can be no “one size fits all” approach to these cases either. However, as reported in the U.S. Trafficking in Persons Report (2019), Canada is a source, transit, and destination country for men, women, and children subjected to sex trafficking, and a destination country for men and women subjected to forced labor.

» Forced labour overwhelmingly involves foreign-born people, all with precarious immigration status. So, in some ways what happened in Ontario is consistent with labour trafficking cases that rely on the exploitation of foreign-born workers.



What if they want justice?

» Legal proceedings for trafficking cases are very complex and fall on the *spectrum of exploitation*, meaning you can look to human rights remedies, labour rights remedies, or criminal violations.

» As of May 2019, there have only been 227 human-trafficking specific and/or related convictions under the Criminal Code, and one conviction under the Immigration and Refugee Protection Act. Most cases and prosecutions under the Criminal Code are for domestic sex trafficking.

(RCMP Human Trafficking National Coordination Centre, 2019).



What are the barriers to reporting?

» The Temporary Foreign Worker Program is employer-specific, therefore workers who are deceived into working outside of their contracts' terms of conditions face arrest and removal.

The same applies to people who try to escape exploitative conditions by finding alternative work.



What Needs to Change?

» We need to make protection accessible to trafficked persons and have clearer statutory protection for trafficked non-citizens.

» TRPs are an important tool but they are difficult to access. TRPs are issued at the discretion of the immigration officer, inconsistently, and in different ways across regions.

» Prospects after a TRP are unclear, there is no right to family reunification, and there are barriers to health care coverage. These are all barriers to protection for potentially trafficked persons.

» There is now an Open Work Permit for Vulnerable Workers but it is not available for workers without status. This means the most vulnerable do not actually have access.

What else needs to change?

The CCR has five main demands to provide protection and justice for trafficked persons:

- 1 Address root causes of trafficking
- 2 Permanent protection
- 3 Protection of rights
- 4 Access to justice
- 5 Access to services

What can you do?

- » **CALL ON THE GOVERNMENT** to make these changes, call or write your **MP**

- » **SHARE THIS** with others

- » **IF YOU ARE A SURVIVOR**, call the new national human trafficking hotline:
1-833-900-1010 or visit: www.canadianhumantraffickinghotline.ca

- » **IF YOU ARE A SERVICE PROVIDER OR ADVOCATE**, share what trauma-informed practice looks like

- » **IF YOU ARE AN ADVOCATE**, get involved with the CCRs anti-trafficking work

For more information and resources

ccrweb.ca/en/trafficking

The CCR supports and coordinates anti-trafficking efforts across the country to develop and strengthen the network of NGOs working to protect trafficked persons. The CCR supports their work through creating opportunities for education, sharing best practices, and strategizing at the national level, as well as creating and sharing resources. The CCR also advocates to protect trafficked persons through legislation and policy reform.



**PROTECTION AND JUSTICE
FOR TRAFFICKED PERSONS**
ccrweb.ca/trafficking



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