



Justicia/Justice for Migrant Workers
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Canada

August 21, 2023

**TO: The Right Hon. Justin Trudeau, Prime Minister
The Hon. Randy Boissonault, Minister of Employment, Workforce Development
and Official Languages
The Hon. Marc Miller, Minister of Immigration, Refugees & Citizenship Canada**

**RE: Repatriation of whistleblowers and implementation of “Recognized Employers’
Pilot”**

J4MW is writing with regard to the repatriation of several migrant agricultural workers who were terminated after raising concerns about alleged workplace harassment and deplorable housing conditions, as well as the federal government’s continued focus on employer-driven amendments to the Temporary Foreign Worker Program (“TFWP”). We raise these concerns to your government because they are indicative of system-wide problems, and it is insufficient to resolve these on an individual basis.

Repatriation of whistleblowers

Seven migrant farmworkers were repatriated this past week after participating in an action to raise issues at their agricultural workplace regarding harassment and housing conditions. According to the workers, the terminations occurred during the same weekend that many were celebrating Emancipation Day.

Videos were widely circulated on social media depicting the issues faced by the workers and how the employer responded to the issues. As several workers involved in the stoppage were sent home, other workers are raising concerns that they could be next. At the same time as workers were being repatriated, the employer was permitted to employ a new group of workers from another source country. **Both the premature repatriation and the employment of new workers are attempts by the employer to suppress workplace resistance.**

We have raised to your government on a repeated basis that the measures in place to protect workers are far from acceptable and that complaint-based mechanisms do not keep workers safe. The TFWP is an employer-driven program that creates an immense power imbalance between employers and workers. This incident demonstrates that the existing mechanisms not only fail to protect workers, but actively facilitate their precarity both here in Canada and back home.

Recognized Employers Pilot

At the same time this group of workers have been repatriated, Employment and Social Development Canada has instituted the “Recognized Employers Pilot” to reward those employers deemed to be compliant with the TFWP with longer-duration LMIA and simplified LMIA applications for additional workers. In its backgrounder, ESDC claims this will “reduce administrative burdens.”

Tens of thousands of migrant agricultural workers come to Canada each year to satisfy a so-called labour shortage in the agricultural industry. As we and many others have stated, for decades, these workers come to live and work in Canada under conditions that would not be tolerated by any Canadian. These conditions have been recognized by your government, through your Auditor General; Immigration, Refugees, and Citizenship Canada; ESDC itself; and at Parliament and so we will not reproduce them here.

Despite this labour shortage, we continue to hear reports from workers who are terminated, even during heavy seasons like harvesting season, due to a “lack of work.” Many of these workers are terminated after raising concerns about their living and working conditions, about their treatment, and about the lack of respect and dignity they receive while working at farms across Canada. Workers who complain are routinely disciplined and repatriated (not deported, as there is a separate scheme for migrant agricultural workers) to their home countries. They are denied access to justice and basic information, even when they know they have rights.

The TFWP compliance mechanisms are weak at best. Employers are given notice of inspections, allowing them to remove extra beds from bunkhouses, clear out workers’ belongings, exterminate pests, and fix maintenance issues. They are permitted to select workers to be interviewed by ESDC agents. They are permitted to sit within earshot of interviews, and workers are even provided with employers’ phones or offices to do interviews. The “anonymous” hotline provided by ESDC to report violations is only available in English and French and requires a Canadian phone number. Nowhere in the TFWP compliance guidelines is there any mention of anti-reprisal protections for workers who raise concerns.

ESDC has shared that they are continuing to develop policies that protect workers. In the meantime, ESDC has developed a pandemic-specific policy that allows employers even more freedom to demonstrate compliance with the TFWP. Employers are permitted to provide photos and videos, “virtual tours upon request.” It seems as though the federal government is continuing to develop policies that serve employers at the expense of farmworkers, and is expanding a system where workers are tied to one employer with no social nor labour mobility.

The administrative burdens that exist are not with LMIA's - they are with the tens of thousands of work permits that must be processed every year, and which are increasingly being refused for tenuous reasons. Instead of removing barriers for employers to bring workers to Canada, we call for permanent status on arrival. We call for the freedom to move and stay.

J4MW is demanding the following steps are undertaken:

- Permanent status for all current and former migrant workers
- An end to the tied work permit system
- An end to unilateral repatriations and disbarment from employment in Canada
- Full inclusion in and access to programs such as Employment Insurance, healthcare and Canada Pension Plan (including proactive facilitation of access)
- Sectoral bargaining for all agricultural workers
- Access to and choice in further education
- Family reunification for migrant workers

We look forward to your urgent reply.

Sincerely,

Justicia for Migrant Workers

Reply to: j4mw.on@gmail.com or harvestingfreedomcampaign@gmail.com