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**ONTARIO
FEDERATION OF
LABOUR**

December 18, 2020

SENT VIA EMAIL: NC-TFWP-APT-PTET-EPA-GD@hrsdc-rhdcc.gc.ca

Greetings,

Re: Stakeholder Consultations on Mandatory Requirements for Employer-Provided Accommodations in the TFW Program

Please find below the submission of the Ontario Federation of Labour (OFL), to the Consultations regarding Mandatory Requirements for Employer-Provided Accommodations in the TFW Program.

Annually, approximately 20,000 migrant workers come to Ontario to work on farms and in greenhouses. These workers play a vital role in the industry, and therefore, in Ontario and Canada's economy. Migrant farmworkers spend the majority of their time while in Canada at work. Farm work is physically demanding, involving a variety of hazards.

As such, an occupational health and safety focus is of critical importance in supporting the health of this rather vulnerable population. Yet, governments rarely enact policies that have these migrant workers' best interests as their foremost priority.

For decades, migrant farmworkers in Ontario – and undoubtedly nationally – have experienced systemic discrimination and oppression. These social injustices have significantly contributed to COVID outbreaks among marginalized migrant workers across Ontario. The pandemic has created serious risks for the migrant workers who grow and pick our fruit and vegetables. Provincially, farmworkers are at least 10 times more likely to contract COVID-19 than the overall population. In fact, three migrant workers have died in Ontario due to the virus and two of them were working in the Windsor-Essex County region, in Southwestern Ontario.

The Ontario Federation of Labour, with it more than 54 affiliates and over one million members, has long recognized that migrant rights are human rights. In September 2020, the OFL joined the Migrant Rights Network and over 280 organizations – which include over 8 million people – from across all sectors and parts of the country – to reaffirm the call for full and permanent immigration status for all.

All migrants must be entitled to equal protection, of all their human rights. It is time for meaningful reform.

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A recent report from OFL affiliate, UFCW Canada, one of the country's leading advocates for agricultural workers, and the Agricultural Workers Alliance (AWA) describes the urgent and required legislative changes to protect the health, safety, and rights of tens of thousands of migrant agricultural workers who are essential to Canada's food supply. The report – [The Status of Migrant Farm Workers in Canada, 2020](#) – calls for 14 Federal and Provincial legislative and regulatory reforms to a system that currently leaves migrant agricultural workers more vulnerable to exploitation, health risks, and employer reprisal, than nearly most all other Canadian workers.

Urgently needed Federal reforms include:

1. Make union representation a necessary condition of the Temporary Foreign Workers Program, as the best practical measure in providing proper representation and protection to Canada's most precarious and vulnerable worker population.
2. End employer-specific work permits and replace them with open work permits, or at least, occupation-specific work permits.
3. Expand the Agri-food Pilot program to allow for an additional 5,000 permanent residency opportunities, per year, dedicated to the primary agricultural stream.
4. Establish a tripartite sector council dedicated to reducing Canada's over-reliance on Temporary Foreign Workers by collaborating on innovative active labour market policy options.
5. Establish a federal tribunal to properly allow for the review and appeal of repatriation decisions in advance of TFWs being sent home by employers.
6. Provide SAWP and TFWP workers with access to Canada's Employment Insurance Program which they have paid into since 1966.
7. Sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was adopted by the United Nations General Assembly in December 1990.

Source: The Status of Migrant Farm Workers in Canada, 2020, UFCW Canada and the Agriculture Workers Alliance (AWA).

Migrant workers are the essential backbone of Canada's economy. However, workers who are hired through the TFW program, administered by Employment and Services Development Canada (ESDC), are only allowed to work for the specific employer who hired them. Their "closed" work permit and the exclusion from collective bargaining rights of agricultural workers in Ontario, where about 40 per cent of temporary migrant agricultural workers are employed, creates an undeniable power imbalance. With limited rights, even taking a sick day as a migrant agricultural worker could result in the migrant worker unjustly being sent home, without cause.

A just and fair society means that everyone in the country has the same rights. That means everyone in the country must have access to worker rights and protections, the ability to join a union, as well as permanent and full immigration status.

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The creation of Minimum Accommodation Requirements for Primary Agriculture is a crucial step forward to ensure migrants live in decent and dignified housing. Nearly 1,600 migrant farmworkers have been infected by COVID-19 in Canada, and to our knowledge - three have died. Migrant farmworkers are in crisis today. We urge you to implement improved guidelines as soon as possible, and in time for the 2021 farming season.

Migrant workers' experience has long demonstrated that temporary status under a tied work permit creates significant power imbalances in the employer and employee relationship that is unlike any other in Canada. Therefore, these accommodation requirements must be accompanied by proactive enforcement mechanisms and anti-reprisal protections so that workers are able to enforce new rights.

We believe that the accommodation requirements as proposed do not meet the principles of worker self-determination, humanity, dignity, and decency that each of us deserves in a home. The accommodation requirements must be reformulated in a way that workers at each house are able to determine for themselves what their ideal home should be. The requirements must also pay close attention not just to housing workers, but ensuring all social and personal needs are met.

To this end, we completely support the [submissions by the Migrant Rights Network - Food and Farmworkers group based on input from over 450 migrant farmworkers](#).

We call on you to revise the requirements to ensure:

1. Privacy: Worker housing must allow for privacy. This means that workers must have their own bedrooms, must not be forced to share kitchens and bathrooms with more than one person, and be able to easily spend time alone to recover from a long day's work.
2. Space: Migrant farm worker housing must include communal as well as private space, both indoor and outdoor, where they can relax during their spare time, watch TV, play sports, host guests, socialize and grow food. They must have storage space for their personal belongings and have separate change rooms to be able to keep dirty and pesticide infested work clothes away from living spaces for cooking and resting.
3. Quality of life: Migrant workers must have laundry, kitchen, shower, and bathroom facilities under one roof, so they do not have to travel large distances between them. They must have clean drinking water, hot water for showers, heating in winter, and cooling in the summer. They want furniture and basic amenities (such as blenders, coffee makers, fridges, and stoves, etc.) to be in good condition and have access to phones and free internet. Workers must not be isolated or under employers' control: their homes must be away from workplaces and employers' homes, and closer to grocery stores, remittance services, health facilities and community.
4. Family unity: Migrant worker housing must allow for family reunification, and immigration laws must change to ensure full and permanent immigration status and family unity for all.

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5. Worker control: Migrant workers want the freedom to choose when to be alone or in social spaces; to be quiet or loud; when to cook and where to eat; to live without employer surveillance or control over their movement or visitors; to choose when to eat or shower without having to negotiate with others. Migrant workers deserve the freedom to make choices in their housing, not live under the current institutionalized conditions.

Similar guidelines must be developed for other migrants in employer-controlled housing, specifically live-in migrant caregivers.

Thank you for your attention to this submission and the recommendations outlined herein. We look forward to seeing concrete and meaningful action emerge in support of Canada's migrant workers.

Sincerely,



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President

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