



# PERMANENTLY IMPERMANENT: MIGRANT AGRICULTURAL WORKERS IN CANADA

ACTION CANADA 2018/2019  
TASK FORCE REPORT

**ACTION**  **CANADA**  
Building Leadership for Canada's Future      Développer le Leadership pour l'Avenir du Canada

## ABOUT ACTION CANADA

The Action Canada Fellowship is a public policy leadership program that aims to enhance young leaders' understanding of the country and public policy choices for the future.

The theme selected for this year's fellowship is the *future of food*; we, the authors, decided to look specifically at migrant agricultural workers' impact on our food system.

## ACKNOWLEDGMENT

Many individuals and organizations have generously given their time, expertise, and leadership to make this work possible. The authors would like to thank: Action Canada and the Public Policy Forum for allowing us to be part of this incredible opportunity; our task force advisor, Brian Topp, for his invaluable advice and guidance; Bert Monterona for his art, all those stakeholders who participated in our panels and interviews, including industry experts, community leaders, academics and government representatives, and finally; the farmers and producers seeking a better system for Canada, and the individuals and organizations outspokenly advocating for migrant workers' rights — including workers themselves. In this report, we humbly seek to build upon the amazing work already being done by so many.

Though we offer no panacea, we hope all readers will find something of value in this report.

## DISCLAIMER

This project has been undertaken pursuant to an Action Canada fellowship, delivered in partnership by the Public Policy Forum (PPF) and Action Canada. The views, opinions, positions and/or strategies expressed herein are those of the authors alone, and do not necessarily reflect the views, opinions,

positions or strategies of their employers or their universities, PPF, Action Canada, Action Canada Foundation or the Government of Canada. PPF, Action Canada, Action Canada Foundation and the Government of Canada make no representations as to the accuracy, completeness, reliability, non-infringement or currency of any information in this paper and will not be liable for any errors or omissions in this information, or any losses, costs, injuries or damages arising from its display, use or publication.

## ABOUT THE AUTHORS

**Matthew Klassen**, BKI, MSc, is a policy advisor to Ontario's Minister of Education, based in Guelph, Ontario.

**Sally Guy**, MA, BSW, RSW is the Director of Policy and Strategy at the Canadian Association of Social Workers, based in Ottawa, Ontario

**Sophie Gagnon**, LL.B, J.D., is a lawyer and executive director at Juripop, a legal aid clinic based in Montreal, Que.

**Tahara Bhate**, BSc MD MHSc CCFP is a practising physician in Calgary, Alberta, and a clinical faculty member at the Cumming School of Medicine, engaged in teaching and research.

**Umang Khandelwal**, BA, LL.B, is an incoming articling student at Blake, Cassels and Graydon LLP in Toronto.

## ABOUT THE ARTIST

Bert Monterona is an artist, educator and cultural worker doing designing, illustrations, painting, murals, sculpture, and installations. He is the recipient of many awards and grants. He believes that this painting brings a big message that Temporary Farm Workers and migrants contribute to the economic well-being of a nation. [bertmonterona.com](http://bertmonterona.com)

# TABLE OF CONTENTS

About.....	2
Executive Summary.....	4
Introduction.....	5
Where We Are and How We Got Here.....	6
Methodology.....	8
Policy Recommendations.....	9
Settlement.....	9
Health Care.....	11
Program Administration.....	13
Employment Relationship.....	15
Conclusion.....	16
Appendix - Consultations.....	17
References.....	18



# EXECUTIVE SUMMARY

## OUR VISION

It's 2030: Canada's vibrant, prosperous agricultural sector is a competitive world leader. Local and international consumers enjoy safe, quality, well-priced food produced in Canada.

The 50,000+ migrant workers who come to this country each year as part of agricultural worker programs make a fair living in a dignified environment, their rights upheld through well-structured policies, and Canada is a world leader in terms of its international human rights obligations.

Migrant agricultural worker programs are simple to navigate and streamlined for employers, producers and administrators alike.

The Canadian agricultural sector is well positioned for the next 50+ years, knowing there is a skilled and reliable workforce ready to respond to evolving demands, including climate change: warmer temperatures will increasingly require a greater workforce to accommodate the changing face of Canadian agriculture.

## WHAT WE KNOW AND WHAT WE HEARD

It's 2019: Farmers, employers and producers say migrant agricultural worker programs are confusing, difficult to navigate and suffer from siloed government departments. Government officials note that processing the documents filed by farmers is an onerous, lengthy and paper-based process. Migrant workers and the advocacy groups that work with them report cases of abuse made possible by precarious work environment and a lack of oversight. Academics and other stakeholders worry about climate change, labour shortages in the agricultural sector and also about Canada's reputation on the world stage as a leader in human rights.

Our analysis of our consultations and literature review revealed three key themes:

- **Reform over abolition:** There was consensus among stakeholders we consulted that there is need for significant reform to the SAWP and other TFW programs; however, none of the stakeholders we consulted thought Canadians or migrant workers would be better off if the channel for bringing these workers in were closed entirely.
- **Power imbalance:** The stakeholders we consulted and the literature review noted that the current system provides limited rights to migrant workers, and that cultural differences and fear of retribution make migrant workers hesitant to exercise the rights they do have. This leads to a significant power imbalance where workers need to please their employers; however, feel that they are viewed as interchangeable from the employers' perspective.
- **Policy solutions, but no panacea:** Our consultations and the literature revealed a number of potential policy recommendations that would make necessary fixes to the system and many of those recommendations are featured in the policy recommendations section below. However, there is acknowledgement that no policy solution is a silver bullet and that there are broader systemic challenges related to economic imbalance that are expected to persist.

## WHAT WE RECOMMEND

We offer policy recommendations in four categories: settlement, healthcare, program administration and employment relationship. These recommendations are meant to be practical and are in pursuit of a balance between the concerns and requirements of all stakeholder groups, including producers, consumers, workers, and administrators.



# INTRODUCTION

Have you eaten a tomato lately? Chances are, it was picked by one of the over 50,000 temporary foreign agricultural workers who come to Canada each year.

Gabriel Allahdua was one of them. After living in a tiny bunkhouse with 62 other migrant workers with no ability to speak up for fear of deportation, his message is simple: If Canadians knew more about this invisible population, they would demand change.

Farmers and producers are also demanding change. They say red tape and siloed government departments result in a confusing, difficult-to-navigate system that's restraining the Canadian economy, threatening the livelihood of producers and increasing the cost of food for Canadians. Canadian products are increasingly competing in globalized markets and migrant workers are a crucial piece of the puzzle because they help Canadian farmers and producers stay afloat and keep food prices affordable.

As it stands, the program isn't performing at its best. Its complexity and inaccessibility threatens the sustainability of Canada's economic prosperity and international human rights reputation.

Above all, this is a highly complex, socially charged issue that touches all levels of government. Though there is no one immediate solution upon which all stakeholders will agree, we believe there is a need for difficult, yet responsible, compromises in creating policy recommendations. Our recommendations target the short and long term, and are designed to be implemented as a constellation of solutions that work for migrant workers, producers, government and consumers alike. We hope these options will help create the framework for a 'win-win-win-win' policy future for Canada.



# WHERE WE ARE AND HOW WE GOT HERE

In the mid-1960s, repeated failed attempts at filling gaps in the Canadian agriculture labour force led the federal government to turn to the Caribbean for a temporary supply of foreign workers. In the months that followed, 264 Jamaican workers came to Canada the country to provide much-needed help at southwestern Ontario farms.

What was then conceived as a band-aid solution to a temporary issue has grown into a defining aspect of our national primary agricultural industry.

Today, Canada's primary agriculture production chain is dependent on migrant workers to harvest our fields, attend to our greenhouses and transform produce. Seasonal work by migrant workers now accounts for half of Canada's paid agricultural workforce. Most of these workers arrive from Mexico or the Caribbean.

## THE SEASONAL AGRICULTURAL WORKER PROGRAM

Migrant workers now enter the country through the Seasonal Agricultural Workers Program (**SAWP**), which falls within the primary agriculture stream of the Temporary Foreign Workers (**TFW**) program administered by Employment and Social Development Canada (**ESDC**).

The SAWP allows employers who produce specific commodities to hire foreign workers on a temporary basis when they prove unable to hire Canadians and permanent residents. The foreign workers are only allowed in Canada for a maximum of eight months between January and mid-December and must return to their originating country as soon as their contracts expire.

The workers must be citizens of Mexico or one of the 11 participating Caribbean countries. Participating foreign governments play an important role in recruiting workers. They screen and select workers, ensure that workers meet all program requirements and appoint liaison officers to assist workers in Canada.

Workers who are hired through the SAWP are only allowed to work for the specific employer who hired them. Their "closed" work permit does not allow them to work for another farmer, even if they are no longer needed on the farm that hired them. Once they have hired a worker, employers can also request that they return to their operations the following years.

Participating employers must comply with several requirements, which include providing workers with "adequate, suitable and affordable housing," ensuring eligible workers are registered for health insurance and providing workers with appropriate health and safety training and equipment. ESDC routinely conducts inspections intended to ensure compliance with those requirements and excludes from the program employers who break the rules.

## THE ISSUES WE ARE FACING

In 2016, the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities undertook a study on the TFW program, including the SAWP, to better understand its impact and to identify potential for improvement. The initiative followed the many concerns that employers and workers alike had been expressing since the TFW program underwent significant reforms a few years earlier.

In its final report, the standing committee highlighted the discrepancies in the various perspectives through which participating organizations and individuals viewed the program.



While some groups described the SAWP as a tool designed to “[respond] to labour market needs” creating a positive impact on the Canadian economy and protecting national food sovereignty, others focused on its negative impact on migrant workers’ families and originating countries’ economies. Advocacy organizations condemned what they described as systemic racism entrenched in the program structure and referred to modern slavery when describing some migrant workers’ working conditions in Canada.

The disparities observed by the standing committee are reflective of the many voices commenting the program in academic literature, media outlets and advocacy programs.

### WHAT’S NEXT?

The debates surrounding the regulation of a temporary foreign workforce in Canada’s primary agriculture market do not show signs of calming down anytime soon, as need for this labour force is expected to continue to grow in the coming years. While automation is likely to reduce the need for low-skilled workers in several industries, agriculture experts believe that farming will still be dependent on human workforce as many facets of the industry cannot be automated.

According to the Canadian Agricultural Human Resource Council, the gap between the demand for agricultural workers and the supply of available workers has doubled in the past decade, reaching an astounding 60,000 workers in 2014. This appears to be a continuing trend, as this figure is expected to increase almost two-fold by 2025.

The Canadian Agricultural Human Resource Council notes that the industry’s seven per cent vacancy rate is higher than in any other industry in the country, resulting in a concerning \$1.5 billion in lost sales. This presents a compelling argument for a simpler, more efficient system to fill these gaps.





# METHODOLOGY

**In developing our recommendations, it was essential to engage with a wide range of stakeholders to get a balanced understanding of the key challenges relating to migrant agricultural workers and potential policy solutions.**

We began with a thorough review of academic and advocacy literature, as well as of government policies and reports. This vast literature addresses the challenges facing, and opportunities for reforms to, Canada's seasonal agricultural workers program and other temporary foreign workers programs. In assessing this literature, we focused on articles in the Canadian context from the past 10 years.

This literature review informed the questions we asked and stakeholders we consulted throughout the process. Working off initial hypotheses, we consulted with advocacy groups, employers of seasonal agricultural workers, academics with deep expertise in the subject, as well as the Government of Canada. See appendix A for a full list of those consulted.

Our stakeholder engagement and literature review yielded a plethora of prescriptions, challenges and opportunities facing the future of migrant labour in Canada. We filtered these through stakeholder assessments, learnings from literature and feedback we heard on our study tours across Canada (Ottawa, Saskatoon, Montreal, Toronto). Following this initial round of consultations, we then developed our own potential policy pathways, pitching these ideas to various stakeholders for response. We sought to strike a balance between policy vision and the Overton Window. In other words, we were seeking policy solutions that would create change while being fiscally and politically feasible.



# POLICY RECOMMENDATIONS

## SETTLEMENT

During our consultations with all stakeholders, issues of settlement and integration came up over and over again. A lack of language training for workers and employers meant safety protocols and other training were very lengthy and difficult to undertake, costing employers time and money — and threatening workers' safety.

There is much research outlining the economic and social costs of a lack of social cohesion in a given community. Beyond the compassionate argument for improving workers' quality of life, low social cohesion can cause breakdowns in society. Increased crime leads to property damage and potentially the loss of property values; social isolation, in turn, can lead to increased health-care costs. There are also many strong economic arguments for promoting community and social cohesion.

### RECOMMENDATION 1:

The Government of Canada should enhance supports to ease the settlement of migrant workers into Canadian society, including measures to address the unique language, lifestyle and community needs of migrant workers to erode the barriers to rights and services experienced by workers, while also facilitating community-building.

The Government of Canada should immediately develop a toll-free telephone line, accessible in English, French and Spanish, to answer workers' questions about their rights, Canadian health and social systems and other settlement-related questions. All workers should be made aware of this line prior to arrival.

Stakeholders also identified the social and physical isolation experienced by workers, a number of whom do not have telephone or internet access. We recommend that the Government of Canada mandate all employers who provide housing to give their residents access to a telephone line.

Language can present barriers to accessing rights and services. Governments across Canada should provide documents in the mother tongues of workers and in plain language. Necessary documents include safety information, as well as administrative and legal documents. While some of these services are provided by not-for profits and community organizations, it is the role of government to facilitate and enhance these services to make sure they meet the needs of workers.

The Government of Canada should strengthen official language training supports for migrant workers. Official language training would increase workers' access to services and rights, while improving interactions with employers and society at large. A better understanding of the language of operation on the farm will also mean that safety and procedural training will be more effective, which supports workplace safety and productivity.

We also propose the development of a tax credit for farmers and producers who elect to pursue training in the language spoken by the migrant workers they employ (e.g., Spanish-language classes).

## RECOMMENDATION 2:

The federal government should consider allowing migrant agricultural workers an option to apply for permanent residency that could eventually lead to citizenship.

The arguments for permanent residency from many migrant workers and Canadians alike is that those who play a critical role in our economy and community should earn a right to apply for citizenship, but this is a deeply controversial issue. For migrant workers, advocates and some employer and producer stakeholders, it is a non-negotiable issue of rights and dignity. For governments however, this could present a precedent for all other migrant workers and create inequities when considering other groups seeking permanent residency in Canada.

It is our position that workers' precarity is socially and economically costly. Strong research demonstrates that precarious work and a lack of community integration contribute to poor physical and mental

health and thus, poor productivity. Although not a silver bullet, the rights unlocked by permanent residency would go a long way toward addressing the current inequity experienced by migrant workers. The possibility of permanent residency would be highly beneficial to this population. Additionally, the stability provided through permanent residency would help address the problems of trafficking and employer-employee power disparities.

That said, we recognize that permanent residency for any class of applicant cannot be considered in isolation. It must be considered in the context of the system as a whole. For example, the Government of Canada has announced that it is reviewing the Caring for Children and Caring for People with High Medical Needs pilot programs to determine how caregivers will apply for permanent residency after the pilots expire on November 2019. These pilots could provide the federal government with a model for how to begin exploring the possibility of a pathway to permanent residency for migrant agricultural workers.





## HEALTH CARE

One of the major elements of concern identified through consultation, especially through direct discussion with current migrant workers, was access to health services. This population has unique barriers to accessing timely and appropriate care, as well as significant sources of morbidity and even mortality related to occupational safety.

While health care is generally a provincial responsibility, there are potential mitigation strategies available to provincial and federal governments to remove barriers and increase equitable access to health care in this population. We propose the following.

### RECOMMENDATION 3:

Provinces should remove barriers to provincial health coverage for migrant farm workers. Specifically, B.C. should ensure access to health care on arrival for all SAWP participants and allow migrant workers to access the exemption from the monthly MSP (Medical Service Plan) fee available to low-income workers.

In earlier iterations of the program, access to provincial medical insurance programs was a significant barrier. The majority of migrant workers are covered under provincial health plans across Canada, however, they were subject to the three-month waiting period common to all new provincial residents. With the timeframe of employment for migrant workers dictated by growing seasons and often lasting just months, workers were sometimes only covered by provincial insurance for a short period within their employment. Workers also need to re-apply for

coverage for each time they re-enter the province on a new work contract, which compounded these problems. Employers were required to supply private health insurance in the interim, which was problematic due to concerns with enforcement and access to care within a system not structured to accept private claims.

In response to these concerns, Ontario and Quebec have made allowances to have seasonal agricultural workers enrolled in provincial health plans upon arrival. Saskatchewan and Manitoba do not host a large number of workers, but they, too, provide coverage on arrival. Alberta and the Atlantic provinces the Maritime provinces provide coverage on arrival, but only for work permits of six to 12 months. This is problematic given that most SAWP permits are for less than a year, but these provinces also host significantly fewer workers.

In addition to Ontario and Quebec, B.C. is the other province responsible for a significant proportion of SAWP workers. At this time, the province still requires workers to wait the requisite three-month time period. In addition, B.C. does not offer this group of workers the same reduction in MSP premiums as other low-income earners in B.C. At a cost of \$38/month, many workers choose to forgo enrollment, leaving them with no coverage at all once the employer-provided coverage lapses after three months.

B.C. should immediately update its policies to better reflect practice in other parts of the country, ensuring equitable access to health care amongst SAWP participants and between workers and Canadian citizens.

Removing these barriers allows the spirit of the original policy to be implemented, namely that workers should have their health needs treated equally to other Canadians while working in Canada.

#### RECOMMENDATION 4:

The federal government should provide health-care coverage through currently established infrastructure for the Interim Federal Health Program for Refugees, that provides coverage to migrant workers that need to remain in Canada for medical reasons after expiration of their work permit.



A major concern revealed through consultation is that it is not uncommon for workers to lose health-care coverage specifically after a workplace injury, as they are no longer able to work under the terms of their contract, at which point they lose their jobs and their provincial coverage. These workers also lose their standing in Canada with their dismissal and therefore must return to their home countries. This is of grave concern for workers who are actively undergoing treatment, or who require specific treatment for workplace injury, who may not be able to access appropriate care in their home country, or whose medical condition does not readily permit travel. Quebec provides some provisions to support continuing medical care in the country of origin, but this is the exception.

The issue of deportation after injury is addressed elsewhere in this document, but the corollary is that if workers lose their employment status, their health coverage will also be revoked, even if workers unjustly lose their jobs due to workplace injury or require additional time in Canada to complete treatment. Employers can address this by continuing their health coverage throughout their time in Canada, even if they are no longer employed. Under such a program, even if workers lose their jobs due to workplace injury, or require additional time in Canada to complete treatment, the federal government, through oversight of a worker's immigration status, will be best placed to ensure no interruption in care. Because the Interim Federal Health Program is well established and provides funding for care as opposed to delivery of care, it would be feasible to roll this population into the established program structure. This option uses the fewest resources to address the issue of providing medical care in these circumstances.

## PROGRAM ADMINISTRATION

An important area of focus is reforming key aspects of program delivery to ensure fairness and effectiveness of the program for all stakeholders involved.

The plethora of studies on the SAWP, as well as our consultations with academics, advocacy organizations, employers and migrant workers themselves point to a gap in adequate and well-timed enforcement.

One migrant worker from Jamaica shared with us his employer's disregard for the rights and regulations specified in the program provisions. His employer was reluctant to provide safety equipment when, for example, he was spraying pesticides on the farm. The employer didn't want to give the public the impression that the spraying is harmful to food production. As such, the employer provided legally mandated safety equipment only when the inspector was scheduled to visit. The worker described the impacts of these practices on his health, which were severe.

On the employers' side, farmers and employers note that inspections are poorly timed. For instance, housing inspections are often done in the winter, months before workers actually move in. This frustrates many employers as issues found during inspection are often scheduled for repair later in the year. The follow-up to demonstrate that the issue has been rectified then requires more resources for the farmer and the government. A better-timed inspection, for example, just prior to workers' arrival, would mean fewer resources used for the same outcome.

### RECOMMENDATION 5:

By 2020, the provinces should increase enforcement of workplace standards, including an increase in the number of unannounced inspections within certain parameters.



***The Temporary Foreign Workers program is broken. The government recognizes that.***

Derek Johnstone,  
United Food and Commercial  
Workers Canada



Government should ensure inspectors have the correct training and information to perform all types of inspections required of them; many farmers note that inspectors arrive ill-informed of the particular bio-safety protocols of some operations, slowing the process and causing undue disruption.

According to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on the Temporary Foreign Workers Program, recent reforms include what ESDC officials have described as “stronger” enforcement measures and “tougher” penalties meant to ensure greater employer compliance with program requirements. While there has been an increase in the number and scope of inspections as well as expansion of the authority of inspectors, most of the issues that persist point to the need for unannounced inspections to ensure compliance.

However, it is critical to balance farmers’ and producers’ legitimate concerns about the timing of unannounced inspections. A poorly timed inspection, during peak harvest, or in environments with special bio-safety protocols can potentially result in significant financial loss. Provinces should work to develop a system of inspections that is designed to be minimally disruptive, especially during peak season.

#### **RECOMMENDATION 6:**

By 2023, the federal government should create a single office to co-ordinate all activity relating to migrant agricultural workers, which includes departmental officials from ESDC, Immigration, Refugees and Citizenship Canada and Agriculture and Agri-Food Canada. This new migrant agricultural workers’ office should oversee the creation of a federal-provincial secretariat to co-ordinate and align best practices between governments.

At the outset, it is important to acknowledge the difficulty of establishing frameworks to encourage collaboration between federal government offices, but especially between the federal government and the provinces and territories. However, in situations of great complexity that straddle jurisdictions, this is the only way to reach meaningful solutions. And precedents do exist. For instance, the Provincial-Territorial Immigration Secretariat comprises permanent and ad-hoc project working groups and could serve as a model for the work proposed here.

To provide more context, in its report in May 2018, the Canadian Federation of Agriculture reported two general areas for improvement: improving service delivery through more efficient processing and increased transparency, and reducing overall administrative burden. Farmers and producers also report a confusing system in which it is difficult to tell which government office is responsible, or to whom to turn for clear information on rights and responsibilities. This silo effect causes the program to function at a less-than-optimal level for producers in the food chain and it also increases costs for the government.

One example in which pan-Canadian co-ordination would help harmonize existing provincial requirements for employers to bring in migrant workers: Many migrant workers report being subject to abusive recruitment practices prior to coming to Canada. For example, Manitoba has a proactive licencing system for recruiters, requiring employers to register with the government before recruitment. Employers cannot access the federal program unless they comply. Saskatchewan’s Foreign Worker Recruitment and Immigration Services Act requires recruiters to be licenced and post a deposit should compensation be required. It also requires contract transparency and doesn’t allow recruitment fees. In contrast, Ontario has a less robust system of protection.

A migrant agricultural worker’s office could help provinces share best practices, including through a biannual meeting that brings together industry representatives and program administrators.

## EMPLOYMENT RELATIONSHIP

The current power imbalance between employers and seasonal agricultural workers acts as a barrier to a safe and dignified workplace for workers. One major contributor to this power imbalance is the workers' right to remain in Canada, or return to Canada the following year, is tied to their continued employment.

According a 2014 report by the Metcalf Foundation "the precariousness of perpetual recruitment leaves workers vulnerable to being blacklisted from the SAWP if their conduct fails to meet the employer's or government's demand for a 'compliant' workforce." The current system has led to outcomes that are not aligned with Canada's desire to uphold the human rights of all those who live and work here, such as injured workers being repatriated to their home countries because they are no longer of use to the employer.

Furthermore, the current system of immigration status being tied to a specific employer means migrant workers have little power to leave subpar employers. According to that same Metcalf Foundation report "Tied work permits create a prime source of insecurity that recruiters and employers exploit." While many employers treat their workers with respect and dignity, the system does not provide the same inherent protections that Canadian workers enjoy. The variability across Canada in terms of the labour rights of agricultural workers and the extent that they benefit from generally applicable provincial standards further amplifies the issue.

There is also significant room for improvement from the employers' perspective. Many farmers and producers report program applications to be onerous and lengthy, and lacking flexibility in terms of timing and deadlines, considering the volatile nature of the agricultural sector. Additionally, there are complaints about the length of the labour market impact assessment process. Each year, government must review pages of applications, many of whom have safely and responsibly employed migrant workers for years.

We have two recommendations intended to improve the power imbalance while respecting employers' need for a stable, sustainable and scalable workforce. Our recommendations are intended to address the root cause of the power imbalance; however, governments should also explore near-term steps such as providing increased protection for wrongful dismissal of workers, including whistleblower protection, and providing migrant workers with full access to labour protections, including the right to unionize in Ontario and the access to minimum-wage protections in British Columbia.

### RECOMMENDATION 7:

By 2022, the federal government should replace the current system of employer-tied work permits with flexible work permits, using a model that identifies provincial hiring needs by type and specialty, and hires workers to work for any agricultural employer within a province and specialty.

It is imperative that the hiring needs of employers be effectively matched with a supply of reliable workers. However, the current system not only constrains workers, but also leads to administrative burden for employers. Furthermore, L'Union des producteurs agricoles indicated to us that moving away from the tied work permit would allow workers to be employed by multiple agricultural producers whose products grow in different and complementary seasons. Stakeholders also noted that this could create a more nimble workforce. If one employer has a bumper crop while another has an off-year, workers would be more mobile to meet changing demands.

The federal government should rectify this situation by working with the provinces to identify their individual hiring needs and determine the number of seasonal agricultural workers each province needs. Then workers could work for any employer in the agricultural sector in that province. This would maintain the alignment between hiring needs and available labour while ameliorating the power imbalance.

If the federal government started working with the provinces following the 2019 federal election, this system could be up and running by 2022, in advance of the 2023 federal election.

#### **RECOMMENDATION 8:**

Governments should work together, ideally through the aforementioned federal-Provincial Secretariat, to examine the potential of a trusted employer program and parameters of entry.

A trusted employer program could provide a more streamlined process for employers who have demonstrated a good track record. Such a program would reduce the burden on government, provide an opportunity to pilot the process of moving away from paper-based applications toward an online database that tracks relevant data, and fast-track employers' labour needs. It would also motivate employers to treat workers fairly and responsibly.

This recommendation is contingent upon governments improving the enforcement of the rights of workers. Governments must keep records on the employers' treatment of the migrant workers they hire.

## CONCLUSION

Temporary foreign workers are too important to our agricultural system to not have an optimally efficient, sustainable program that works for employers and government while ensuring Canada is upholding the human rights of all those who call Canada home, whether permanently or temporarily.



## APPENDIX – CONSULTATIONS

### GOVERNMENT

Adam Arsenault (Agriculture and Agri-Food Canada), interviewed by Action Canada Task Force 3, Dec. 4, 2018

### ACADEMICS

Dr. Anelyse M. Weiler (University of Toronto), interviewed by Action Canada Task Force 3, Oct. 29, 2018

Dr. Don Wells (McMaster University), interviewed by Action Canada Task Force 3, Nov. 9, 2018

Dr. Gerardo Otero (Simon Fraser University), interviewed by Action Canada Task Force 3, Nov. 5, 2018

Dr. Janet McLaughlin (Wilfrid Laurier University), interviewed by Action Canada Task Force 3, Nov. 9, 2018

Dr. Jenna Hennebry (Wilfrid Laurier University), interviewed by Action Canada Task Force 3, Nov. 5, 2018

### PRODUCERS

Denis Roy (Union des producteurs agricoles), interviewed by Action Canada Task Force 3, Nov. 22, 2018

Jenn Pfenning (Pfenning's Organic Farm and the National Farmer's Union), interviewed by Action Canada Task Force 3, Nov. 16, 2018

### ADVOCACY ORGANIZATIONS

Derek Johnstone (United Food and Commercial Workers' Union), interviewed by Action Canada Task Force 3, Oct. 31, 2018

Diana Bronson (Food Secure Canada), Action Canada Webinar, and through electronic correspondence, Oct. 24, 2018

Former migrant workers during Resetting the Table: Food Secure Canada's 10<sup>th</sup> Assembly's session titled Injured Migrant Workers and Structural Violence: Turning Individual Stories into Collective Action. Nov. 13, 2018

Gabriel Allahdua (Former migrant worker / Justicia 4 Migrant Workers), interviewed by Action Canada Task Force 3, Nov. 15, 2018

Robyn Bunn (Radical Action for Migrant Agricultural Workers), interviewed by Action Canada Task Force 3, Dec. 18, 2018

## REFERENCES

- Ball, D. P. Nov. 18, 2015. [Seasonal Farmworkers in B.C. Face Health-Care 'Apartheid'](#). Toronto Star
- Braganza, C. Sept. 16, 2016. [What You Need to Know to Understand Migrant Labour in Canada](#). TVO.
- Budworth, M.-H., Rose, A., & Mann, S. 2017. [Report on the Seasonal Agricultural Worker Program. Inter-American Institute for Cooperation on Agriculture Delegation in Canada](#).
- Canadian Agricultural Human Resource Council. 2017. [A Review of Canada's Seasonal Agriculture Worker Program](#). Canadian Agricultural Human Resource Council.
- Canadian Council for Refugees. 2018. [Evaluating Migrant Worker Rights in Canada 2018](#). Montréal. Canadian Council for Refugees.
- Canadian Federation of Agriculture. 2018. [Fostering Trust and Compliance: A roundtable discussion on International Farm Worker Programs](#). Ottawa. Canadian Federation of Agriculture.
- Faraday, F. 2012. [Made in Canada: How the Law Constructs Migrant Workers' Insecurity](#). Toronto. Metcalf Foundation.
- Faraday, F. 2014. [Profiting from the Precarious](#). Toronto. Metcalf Foundation.
- Gardner, M. Oct. 23, 2018. [Migrant Worker Outreach Expands from Local Parish to Regional Ministry](#). The Anglican Church of Canada
- Gouvernement du Québec. Aug. 7, 2018. [Carte d'assurance maladie](#). Immigration Québec.
- Government of Canada. March 23, 2018. [Determine your Eligibility in Canada — Interim Federal Health Program](#). Government of Canada.
- Government of Canada. Nov. 25, 2018. [Hire a Temporary Worker through the Seasonal Agricultural Worker Program — Overview](#). Employment and Social Development Canada.
- Government of Canada. March 16, 2018. [Hire a Temporary Worker through the Seasonal Agricultural Worker Program — Program requirements](#). Employment and Social Development Canada.
- Government of Canada. Oct. 12, 2018. [Interim Federal Health Program: Summary of coverage](#). Government of Canada.
- Government of Canada. Oct. 26, 2018. [Caring for People with High Medical Needs Program: About the process](#). Government of Canada
- House of Commons, Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. 2016. [Report on the Temporary Foreign Worker Program](#). 42<sup>nd</sup> Parl., 1<sup>st</sup> sess. Rept. 4. Parliament of Canada website.
- Justicia for Migrant Workers. June 1, 2006. [The Seasonal Agricultural Workers Program](#). Justicia for Migrant Workers.
- Migrant Worker Health Project. 2018. [Health Care and Insurance for Migrant Workers: FAQs](#).
- Miranda, H. June 12, 2017. [Creating a new vision for migrant worker health care](#). Rabble.
- Miranda, H. June 13, 2017. [Logistical Barriers Prevent Migrant Farm Workers from Accessing Health Care](#). Rabble.
- Mojtehedzadeh, S., Keung, N., & Rankin, J. Oct. 9, 2017. [Leamington is at the Frontlines of the Boom in Migrant Workers. Here's how it's Changed](#). Toronto Star



Mussell, A. April 2015. [The Economic Impact of the Seasonal Agricultural Worker Program in the Ontario Horticulture Sector](#), Canadian Agricultural HR Council.

Niagara Migrant Workers Interest Group. 2018. [Home](#). Niagara Migrant Workers Interest Group.

Otero, G., & Preibisch, K. Nov. 18, 2015. [Citizenship and Precarious Labour in Canadian Agriculture](#). Canadian Centre for Policy Alternatives, B.C. Office.

Province of British Columbia. 2018. [Know your Rights as a Temporary Foreign Worker](#). Welcome B.C.

Ralph, S., & Gutierrez, T. 2015. [Helping to Improve Health Equity for the Seasonal Agricultural Workers of Norfolk](#). Grand River Community Health Centre. Toronto. Alliance for Healthier Communities.

Rankin, J. Oct. 8, 2017. [Unscrupulous recruiters keep migrant workers in 'debt bondage.'](#) Toronto Star.

Silverman, S. J., & Hari, A. June 9, 2016. Troubling the Fields: Choice, Consent, and Coercion of Canada's Seasonal Agricultural Workers, *International Migration*, 54(5), 91-104.

Umbrella Multicultural Health Co-op. 2018. [Umbrella Mobile Clinic](#). Umbrella Multicultural Health Co-op.

Union des producteurs agricoles. May 31, 2016. [Mémoire présenté au Comité permanent des ressources humaines, du développement des compétences, du développement social et de la condition des personnes handicapées](#). L'Union des producteurs agricoles.

United Nations. Dec. 18, 1990. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#). Office of the High Commissioner — United Nations Human Rights.

Weiler, A., McLaughlin, J., & Cole, D. Dec. 22, 2017. [Helping Migrant Workers must be Part of New Food Policy](#). Toronto Star.





## ABOUT PPF

The Public Policy Forum builds bridges among diverse participants in the policy-making process and gives them a platform to examine issues, offer new perspectives and feed fresh ideas into policy discussions. We believe good policy makes a better Canada.

© 2019, Forum des politiques publiques  
1400 – 130, rue Albert  
Ottawa (ON) Canada, K1P 5G4  
613.238.7858

ISBN : 978-1-988886-46-6

PPFORUM.CA  
@PPFORUMCA



## ABOUT ACTION CANADA

During the 10-month Action Canada Fellowship, Fellows enhance their leadership skills, forge lifelong connections with people and communities across the country and promote greater civic engagement among all Canadians as they dive into critical public policy topics. In 2017, the Public Policy Forum and Action Canada joined forces to expand Canada's top accelerator of emerging leaders.

ACTIONCANADA.CA  
@ACTIONCANADA

## WITH THANKS TO OUR PARTNERS

