

# Essential But Disposable Labour: Episode 6

## Dead Ends

**Sarah:** Welcome to essential but disposable labor, migrant workers exploited in Canada. The goal of our podcast is to center the voices of migrant workers who come to Canada for dignified employment only to find themselves in situations of exploitation and precarity in a limited number of biweekly episodes. We will join in conversation with former and current workers, immigration specialists and front-line advocates to understand the systems and policies that perpetuate this labor market. In their own words, workers tell us their stories, dreams and realities and share what folks at home can do to make Canada a more equitable place for all. Thank you for being here. Let's get started.

**Sarah:** My name is Sarah Quinta, and I'm thrilled to be joined today by Shelley Gilbert who works with Legal Assistance of Windsor (LAW). Shelley is a coordinator of social work services and a graduate of the University of Windsor. She has been on staff since 1994. Shelley is responsible for laws, community development programs and the WECEN- anti-human trafficking project. We're thrilled to have you with us, Shelley.

**Shelley:** Thank you.

**Sarah:** We are also joined by Hannah Deegan of the Associations for the Rights of Household and Farmworkers (ARHF). Hannah was called to the bar in 2017 and holds a degree from McGill University. She's responsible for developing the ARHF advocacy education program and became aware that Canada's Temporary Foreign Worker Programs were incompatible with fundamental rights of migrant workers during her internship with PINAY, Filipinas women organization in 2013. Thank you for being here.

**Shelley:** Thank you for having us.

**Sarah:** On today's episode, we really want to dig into the options for recourse available to migrant workers here in Canada. We talked quite extensively on this podcast about the power imbalances, the challenges, particularly around exploitation and oppression, how many workers particularly those in the agricultural sector, but also in a variety of other industries really are subjected to horrendous treatment, both by employers, but as well, the system that really is meant to be there to support human wellbeing. And sometimes it can be hard to understand the nuance of the various work permits and what those pathways really look like for migrant workers. So we're hoping to get a little bit of clarity around that today. And so I guess I'll start off by asking, Shelley, if you would be so kind, maybe you can tell us a little bit about the spectrum of exploitation? And what are some of the immigration remedies available to workers who are experiencing challenges with their employer, whether it be exploitation or abuse or what have you?

**Shelley:** So, one of the things that working with migrant workers has taught me is that workers will often discuss a number of different violations or methods of exploitation that they've experienced over a span of time. So, workers will very often talk about experiences that appear to be violations of things like employment standards, the Employment Protection for Foreign Nationals Act. They may also then begin discussing violations that appear to be exploitive, and abusive in the areas of human rights, for instance, and experiencing racist behavior by employers, by recruiters by other colleagues at times, etc. And then may also talk about criminal code violations, they may be victims of crimes of violence in the workplace, they may be experiencing sexual abuse in their workplace, they may have issues such as their documents being taken by their employer, and they may be experiencing other forms of criminal code violations at that workplace. And so, we want to make sure that workers have the opportunity and the time that they need to be able to articulate their experiences along what we consider a spectrum of exploitation. And very often, when you look at those experiences, a cumulatively, you see that they have really experienced exploitation, coercion in the workplace. So, we really want to give workers an opportunity to think about and understand those remedies along that spectrum. Because it's really up to the person coming to us to determine what remedy they want. It takes a lot of energy for any of us to enter into a legal sphere to make complaints to go to the police, etc. So, the person in front of us gets to know what those potential remedies are. And they get to decide which ones make sense for them and which ones they want to pursue. And then it's our job at that point to help facilitate that and to support them through that process.

**Sarah:** So that brings a lot of clarity. There are so many moving pieces here. So, something that I just want to zone in on for a second with what you said, Shelley is, you have folks that may have gone into debt, particularly through the recruitment process in their country of origin, you have economic push factors, as well as many other factors that may be leading to someone wanting to join the program to go abroad to work overseas and send money home. You have remote places of work oftentimes in rural areas, which can be very challenging from a language basis. You have a number of issues around literacy and having access to documents that are in the right language as well as someone to facilitate understanding those documents and so there's isolation and this kind of power dynamic, all kinds of come together in this kind of perfect storm to really isolate workers from being able to seek help that is available. So how would a worker in this situation get connected with someone like yourself?

**Shelley:** Well, usually it is word of mouth. It is because in rural communities, and certainly in our community, many times people that we have supported, or have worked with us in some capacity are still working in the industries. And so, they are what I consider our outreach workers. So, they provide information to other workers both about what their rights are, but also who you can see for some additional support. We also run migrant worker groups where people come together for English classes, for cultural events, for a legal clinic, where myself and our immigration lawyer go out to the groups. And so, workers will find out when people are coming and invite their colleagues that they feel may be experiencing some form of exploitation to come meet with us. We try and and minimize as many barriers as possible. So, we have it on Sunday afternoons when workers are off work, we have Spanish speaking staff, people, that person those groups and help facilitate those groups. But really, it's the workers that we've worked with, who are still very much in the ground who are working in those

industries that will say, this is not right, and you have some rights in Canada, and you can speak to someone else. Because there really are very few programs that are funded to support exploited temporary foreign workers. So, it really is necessary to create a network of outreach, and to have that infrastructure so people can come forward and meet with someone that can help determine where they want to go next.

**Sarah:** And so, something else that might be helpful in terms of creating some clarity around what can be a very confusing process. We hear often many different acronyms surrounding the immigration process and what programs are designated for what whether it be the Seasonal Agricultural Worker Program, that Temporary Foreign Worker Program, as well as the various open work permits and closed work permits, whether it be for vulnerable persons, or what have you. Hannah, would you mind telling us a little bit about the open work permits for vulnerable workers what these programs typically mean and what they entail?

**Hannah:** Of course, thank you. So, I think before we talk about the Open Work Permit for Vulnerable Workers as a policy, we have to speak about the employer specific work permit because that is what this policy is responding to. So, the employer specific work permit is an authorization provided to temporary foreign workers who come through the Temporary Foreign Worker Program in the low wage streams. And as well as a variation of it is provided to workers who come through the Seasonal Agricultural Worker Program. But there's a couple of differences there. And the fact that the Seasonal Agricultural Worker Program provides a work permit that technically authorizes them to work for multiple employers, but they have to go through a series of approvals before they can actually transfer over. So, in effect is very similar to an employer specific work permit in the sense that it locks that person into the job named on their work permit. So, the employer specific work permit restricts a person's ability to earn a living in Canada to one employer. Which means that they cannot accept alternative employment and earn money from another job until they switch over the work permit. So that is a extreme form of financial dependency. There is no parallel situation that a person as a citizen or a permanent resident can understand. So, if they get fired, or they do want to change their jobs, they have to go through a process of transferring over their work permit. That is, first of all, it's a legal administrative process. It can take many months, they can face a lot of delays. It's not guaranteed that the new work permit will be delivered or the transport will be improved. And in those months that workers were prohibited legally from earning a livelihood. So, it put workers in what we call a worker starve situation, because there are not many people who can go months on end without earning money. So, the government recognized this problem. They recognize that this opened up a window for abuse and exploitation that Shelley was speaking to. They recognized, or, they didn't recognize but they had been advised multiple times by researchers, migrant workers themselves standing committees looking at the issue to eliminate the employer specific work permit. It instead they said, you know what, we're going to put in an Open Work Permit for Vulnerable Workers. Which gives a very, very specific authorization to immigration officers to issue an open work permit to a migrant worker, if the migrant worker can demonstrate reasonable grounds to believe that they're experiencing abuse in the context of their workplace. So, you make it a migrant worker in order to be able to accept another job, which is the first step to leaving their existing job, must prove to an immigration officer, they have a valid reason to do so, so that they can get

an open work permit, which allows them to accept alternative employment. And in principle, and in practice, this is obviously a very problematic policy, because in principle, it basically implies that the government has the last word on whether a worker has a valid reason to want to leave their job. In practice, the research showed that it was it's very difficult for workers to apply and go through the process. And we can speak in depth about the barriers, but generally, that is what the Open Work Permit for Vulnerable Workers is. And it was designed with three objectives in mind, which was to provide migrant workers who can prove that they're experiencing abuse with the capacity to leave their employer. It was also to mitigate the risk that workers who fled abusive situations would not be forced to work without authorization while they waited the delivery of their new work permit, which when a worker engages in unauthorized employment, the risk of trafficking, debt bondage, forced labor goes through the roof. And it was also to facilitate the participation of migrant workers who are experiencing abuse or rights violations, to be able to complain, file complaints against their employers participate in inspections. Because the the reality of the employer specific work permit is, since you are so dependent on that one employer for your continued financial situation, you won't say anything, even informally, when something goes badly. And that included when government inspectors would show up and say, hey, is there anything going wrong, the research showed that migrant workers would not say anything. So, the Open Work Permit for Vulnerable Workers work permit was designed with those three objectives in mind. And that's the policy. So, I will speak more on that. But that, in a nutshell, is what we're talking about.

**Sarah:** That gives us a little bit of the lay of the land, the landscape that I think has been kind of this back and forth between the running of the program over the last several decades, the pushback received by advocates like yourself, and trying to open up dialogue with the government in terms of some of the major gaps in these policies and how they're applied. I think that there is still a massive departure for the average Canadian to kind of imagine this process in terms of having to go through all of these administrative barriers in order to try and find a pathway forward to a somewhat healthy and respectful and dignified workplace while in the meantime, continuing to experience all of those issues potentially abuse or exploitation in the process while waiting for government to respond. And this is assuming that they're able to access these services with the social literacy, the financial backing and the connection to resource in language and terms that they are able to understand and respond seems like a very challenging mountain to try and climb.

**Hannah:** I agree completely. And you know, we add into the fact that the workplaces that they are inhabiting our workplaces, where because of the aspect of unfree labor, they are so abusive and so exploitive sometimes that it is such a culture to be in, that it bears down on the stress and the the administrative burden that's been imposed is not realistic, given the conditions that these people are surviving and dealing with.

**Sarah:** And so maybe to take a step back for just a moment. Maybe we can look at the issue of having immigration status, and perhaps the importance in general for migrant workers in Canada to ensure due process with regard to their status and the immigration process.

**Shelley:** I mean, workers want to regularize your status, if they are out of status say that most often are coming on some sort of visa, whether it's a work permit program, or as visitors for instance, and do not want to be out of status in any way. It's really important that workers have information that they need. And also, the information as to different types of immigration pathways, whether those are temporary pathways to get a work permit, to get a Temporary Residence Permit, but also permanent pathways as well. Because we know more and more individuals are coming over, and specifically women and gender diverse folks, who may be coming over as visitors, or maybe coming over even as workers, but really are experiencing horrific victimization and abuse in country of origin. And so, if they don't understand things like the refugee process, for instance, if they don't understand the humanitarian and compassionate round application process for permanent residence, then they may languish or go out of status of that temporary residence without having the information that they need to really address, why they've come to Canada and why they need the protection of Canada. So, you know, I say that immigration status is like food and water and shelter, it is a basic need. Without it right now you cannot work, you can't support yourself. People don't leave and come to Canada, and leave their families behind unless they're in desperate need to help support family and country of origin as well. So regularizing people status, and helping them to understand the various options, and how to operationalize those options is crucially important. And it's what people are asking for, they are not asking to stay as undocumented people, they are asking, how can they do the right thing, if you will, how can they do the correct thing and make sure that they are not violating any laws of Canada, under the Immigration Refugee Protection Act or in any other way.

**Sarah:** And if just to continue off of that Shelly, if a worker, someone here under immigration status, or one of these work permits were to allow their permit or status to lapse, what would end up happening then?

**Hannah:** I mean, if I could just interject the idea of allowing one status to lapse is a bit of a false representation that a lot of people hold. But when you are in working with immigration law, and specifically the temporary foreign worker program, nobody wants to fall out of status. And many people fall out of status to no fault of their own, because they paid a recruiter who didn't process their papers, or their employer didn't do what they were supposed to do to process their paper. And they find themselves all of a sudden, in a situation of irregularity that they never intended to be in. And it's very much due to the precariousness of the status that they are given. And as Shelley was saying, immigration status, especially permanent resident status, is the right to which all other rights flow from because it impacts your ability to access health care, social services, you are living in fear of detention, first of all, and then deportation, and it's a horrific regime. If somebody does find themselves out of status, Shelley will speak to that it is mind boggling. The lack of solutions available to those people and many people find themselves in that situation because the program is designed to allow that to happen. So Shelley, do you want to go into what is available to people once they have landed in the out of status, boiling water?

**Shelley:** Yeah, just wanted to say I think that's a really important point that you raised their hand up, because it is a very well-known strategy of exploiting people of traffickers to trick and deceive people

into believing that they have work authorization as visitors into believing that their work permits extensions are in process. And so, it's a strategy of recruitment. Because as workers know, once I'm out of status, and I don't have authorization to work or be in Canada, I am in big trouble, potentially. Then I'll additional coercion strategies can be used, like I'm calling the police, I'm calling immigration and you will be arrested and detained and deported, etc, etc. So, I think that is the most common strategy when we're talking about labor that is used is tricking and deceiving people into believing that they have proper status, or that that status is in process. So, you know, I think we really have to look at that. The other piece is very often people do not have the information that they need to understand what strategies they might be able to use in order to keep in status of some sort. So, we really have limited the opportunities for individuals to come and get the information that they need, and be able to act on the information as well. They either don't know it, or even if they do know it, how do they access that with very limited resources, very limited legal opportunities professionals to work with them. So, this is also the issue that people are sort of forced, if you will, to be out of status for a period of time, because they can't access the legal remedies that they need in order to address that. And so, one of the available on a temporary basis resources is Temporary Resident Permits. So temporary resident permits can be issued for people who are considered inadmissible to Canada. But there really needs to be a reason that the person needs to be here that outweighs any health or safety risks to Canadian society. So, the terminology of inadmissible to Canada is really frightening. But the most common reason that we run into with people is that they are inadmissible to Canada because they have overstayed their work permit, overstayed their visitor's permit. So, they violated some section of the Immigration and Refugee Protection Act. And so, we've just discussed the fact that why people have overstayed their work permit or their visitor's permit very often as a result of deception. But the end result of that is the person is now in violation of the Immigration and Refugee Protection Act. There're different reasons why somebody might be inadmissible if you've committed a crime here in Canada, including driving under the influence, or you have medical issues that Canada thinks it's going to take up huge resources, etc. So, there's lots of reasons that you might be inadmissible. But the largest one that we see is because people have overstayed. So Temporary Resident Permits can be available to people in all different circumstances in. Canada did develop a victim and trafficking in persons Temporary Residence Permit specifically for traffic people. But there's lots and lots of issues, of course, as we know, with the Temporary Resident Permits. So you've both got to explain to immigration, why you should remain in Canada, and also give evidence as to why you have to remain in Canada to try and overcome that. And this is really at the discretion of the immigration officer that looks at that application. One of the things that we've seen is that that application may go to one officer and be accepted and approved, and to a different officer is completely denied and rejected. So, it's really so discretionary. And there doesn't seem to be a lot of consistency across the country, even across provinces as to how different officers would accept the reasons why somebody is staying here in Canada or needs a Temporary Resident Permit, and the evidence that they're providing to do that. So very often, with the individuals that we're working with, they are asked to remain in Canada, because they've been a victim of a crime of violence, there are charges against the offender. And in order to participate in the criminal justice system, they are asked to remain here as witnesses for the criminal prosecution. And so, in those circumstances, whether it's trafficking or intimate partner violence, or some other victim, you know, some other crime, the person is required or asked to remain here in Canada. And that person may be able to make that application for a

Temporary Resident Permit for a very short period of time, usually six months to start. And then that subsequent TRPs, I don't want to call them extension, subsequent TRPs can be applied for as a victim of a crime of violence throughout the duration of the criminal court proceedings anyway. And even though the immigration has the ability to issue Temporary Resident Permits on their own, we know that very often, the Temporary Resident Permits are connected to the criminal justice system. Immigration is supposed to look for or identify any evidence supporting that person's claim that they've been a victim of a crime of violence, but the evidence that they rely on is a criminal justice process. And so, without that ability without the having a criminal justice remedy in place, very often we see Temporary Resident Permits for traffic people or for other victims of crimes of violence rejected. So, it's it's a difficult process. And you know, it's very important that people feel safe, understand the information they're providing, and that some form of evidence can be included in their application for Temporary Resident Permit.

**Sarah:** So, the burden of proof really falls to the worker to demonstrate the ways in which they have been either abused or faced oppression or exploitation. And this also assumes that the proper paperwork up until that point has been filed correctly, either on their behalf or by them or by their employer or recruiter or what have you, as well as finding some kind of temporary safe space or place where they can continue to either work or exist here while this is all being processed. This also assumes that whoever the worker has been connected to for help is also working within their best interest, someone like yourself or Hannah, these organizations, obviously are doing good work. But oftentimes, they may be connected with folks who are not operating under the workers best interests. So how then would they find pathways to some remedies to some of these challenges? Or do they just not?

**Shelley:** Well, we know there's thousands of people that haven't been able to access the supports that they need, to have the information and, and operationalize that information in a way. So, I mean, that is why there is so many individuals that are here that are scratching together money and working for cash and being exploited because they don't have the information that they need, or enough supports in any of any community across the country to be able to put these applications in and and have them properly done. So, you know that that is an ongoing issue for many, many individuals. And it's causing a lot of I mean, you're right, these are also individuals that if I had to wait until they've experienced trauma here as well. So, we also have all of those other pieces, we have basic needs that need to be met, if they fled their workplace, for instance, and now we're trying to work for cash, all of their basic needs have to be met. On top of that, they're trying to address any trauma that they've experienced as a result of their experiences here, and perhaps in country of origin or other experiences in their life as well. And at the same time, they are trying to gather the evidence and articulate their story to someone in a way that is going to make sense for an application for immigration. And so, you have all that additional worry, and stress, etc, that the person is experiencing, and they are trying to manage all of these things at the same time. It's a really difficult process for those individuals.

**Hannah:** You forgot about the fact that often and on top of everything that just Shelley just spoke about, they're carrying sometimes relatively massive amounts of debt. That that is leveraged back at home against maybe the very relatively small amount of property that they do hold back at home, the family

home. They may owe that debt to people who are unscrupulous and are threatening their family back home, if the debt is not paid. They will owe it to recruiters. And sometimes even lawyers here in Canada who have overcharged and not delivered and that that financial stress is is incredible. And for the people who that I have come in contact with, who have managed to navigate. And then like Shelley said, you're taking on the bureaucracy of immigration Canada, sometimes dealing with immigration officers who are very adversarial and are trying to discredit what you have been through. And the people that I've come in contact who have managed to then have access to what we call permanent resident status, which means that they can reside permanently in Canada, they can work for who they want to, they just have to abide and stay a certain amount of time. When I see them. When they finally have that PR status, it's looking it's like looking at a different person. It's incredible the transformation, physically, psychologically, emotionally, that PR status gives to an individual it and it makes me very frustrated, because we are forcing people to live in a environment of massive stress. It's a choice that Canada makes. And for I think Shelley probably sees this more than even I do, it does not leave a good taste in your mouth about us as a country.

**Sarah:** No, not at all. And that this has been ongoing for decades and decades, really. And as you mentioned, when we first began speaking, Hannah, that this has kind of been an experiment in some ways, but very intentional in others, in the ways that policy has been made and legislated and that this kind of labor experiment has been ongoing and the ways in which it exploits the worker preserved in many instances over many years.

**Hannah:** I mean, yeah, you know, we can't say we don't know. It's it's everyone knows it's an it's not it's not even one an open secret. It's an accepted fact. It just there doesn't seem to be any will to deal with it or to fix it, other than to sort of put in these sorts of band-aid solutions. And then Band- Aid solutions that we go, oh, my God, I can't believe it's not working well. No, I mean, it's, it's because when you have exploitation built into a system, you can't deal with the symptoms, you have to go to the root of it.

**Sarah:** So outside of immigration, and remedies, what are other ways workers or advocates allies, those advocating for policy changes? What solutions can they pursue or support? What can we do outside of kind of these specific pathways?

**Shelley:** Well, I think some of the, you know, systemic actions that we've taken, for instance, you know, advocating systemically on regularization campaigns, on the open work permit campaigns and status for all, you know, migrant workers and non-status people have been part of those fights, if you will. As well have been part of those efforts, really have, you know, help to inform those efforts. And so, in very safe ways, in ways that they're most comfortable with, and ways that they can participate, ensuring that they have those voices, and are part of those movements, I think, has been wonderful to watch. And you really see that the courage of people, the resiliency of those individuals, and they are prepared to fight for themselves and for other people in their communities and right across the country as well.

**Hannah:** Yah, I mean, I think that the individuals who are here on temporary worker status, or her who have been are undocumented, have done a fabulous job, and really speaking truth to power and to



getting their stories out there. There, there's a lot being done to sort of pin this on government policies and to hammer that point, and not to get distracted. You know, a lot of migrant workers who are able to regularize their status or to get PR, they go right back into their communities, and they help each other and educate each other. And that's really, you know, there is a lot going on. But the change to the system, it requires government policy change. And that requires that politicians and policy makers are motivated to make these changes. And that will only happen if they think that it's important in the sense that it's important for them to get elected. At the provincial level, a lot of Labor Boards and Human Rights Commissions are putting in solutions or trying to put in strategies to sort of combat the exploitation. So, in Quebec, we put in, you know, labor standards that are specifically for temporary foreign workers, we have more inspections that are going on. We're trying to understand that the complaint based, like so when you have an employment violation, you're required to complain if you're going to get a remedy. But you know, the Quebec Labor Board is starting to understand that that doesn't work when we're talking about migrant workers. So, they're trying to work around that. Unfortunately, again, the capacity for these types of strategies to really have a massive impact on the structural conditions that lead to the problems we see, is minimal, because the unfree labor, that dependency on employers for status, it's still there. And until we change that where you will continue to see like history will repeat itself.

**Sarah:** Absolutely. And this really ties into I think, my next question around what needs to change with regard to immigration policy so that we begin to stop this perpetual cycle of harm, and begin actually seeing a reduction in abuse and exploitation can either view shed a little bit more light on what some of those changes might look like?

**Hannah:** I mean, at minimum, like first step, we as a country need to reaffirm the idea that everyone, regardless of their immigration status, should have the right to freely change employers. So, that means abolishing any type of policy that prevents people from seeking and accepting alternative employment, I'm aghast that I have to say this, but that is where we are. So that means open work permits for everyone in the country, which means that we allow individuals to accept work based on the conditions and the salary offered that fundamental right to seek out the working conditions that suit us. So that's our first step. And our second step is, we need to dismantle Temporary Foreign Worker Programs. The people who are coming to Canada are coming here to fill long term positions, it is necessary for them to work here. And if they are to have equal rights, they need to be able to permanently settle here, and that way be treated as equal members of our community in status in law, right. And this is how we, for the most part used to do it as a country, right? We would bring people here and they would integrate and they would work and they would have their families here. And we moved away from that. We started to view immigrants as labor not as people so we need to move away from that and the entire world has these programs. We all saw what happened in Qatar. So, Canada needs to lead the world in, you know, going back to doing what's right. And we also need to remember that as the climate change crisis becomes worse, Canada will need to open its doors. And we will need to have permanent resident pathways for people. And we will lead to bolster our asylum and refugee system so that it is realistic for people. Like people like to say, oh, if you want to come to Canada just come legally, without realizing that we have not made that an option in a lot of instances. So there needs to be a massive reworking of

the entire way that we do immigration. So open work requirements, landed status on arrival, and as well as proper support for the people who are coming here. One of the reasons that refugees like convention refugees integrate so successfully into Canada is because by international law, they are given not a lot, but they do have certain governmental supports in place. And that means that they successfully tend to integrate very well, we have to extend those types of supports to all the people that we are bringing into Canada, because people want to work people want to succeed. And when we provide them with the support as a community, we will reap the benefits.

**Sarah:** Something I would like to circle back on and you mentioned this, Hannah, I know you've mentioned this as well, Shelley, but this legal definition that is used with regard to unskilled labor or low skilled labor, yet, these are obviously specialized positions that we require the expertise of oftentimes temporary foreign workers in many of these industries in order to actually fulfill these roles. So how is this being legally defined in a way that is obviously legally exploiting these workers as they come to Canada?

**Shelley:** I think that's one of the few things that advocates, activists and employers agree on that these are not low skilled jobs. These are very specialized jobs. This is very hard work. It's difficult work. How those jobs are categorized, I think, is a really good question. I'm not sure why they continue to be categorized in that way, where everyone, all of us agree that these jobs are necessary. They are very often essential workers. When we're thinking about agriculture, through this whole pandemic. That is why we had foods in our shelves because of the work of these workers. You know, the growers themselves have recognized that this specialized labor that they're needing, why we have this two-tiered system, I think, gets to some of the discussion that came from Hannah, just now, around really, it's a culture that we are perpetuating in the systems of deserving and undeserving newcomers to Canada. And sort of the value that we place on certain positions in our country, and not really recognizing that they are providing the infrastructure for us to do all of the other things that we want to do as a country.

**Hannah:** You know, I'm no expert on this. And there are people way more eloquent and well better versed than I am. But Temporary Foreign Worker Programs in Canada originally, were mostly used for agriculture and care workers. So, people who provided childcare and household cleaning services in private households. Historically, agriculture and private household workers was work performed by in United States, people who were under the status of slave and then indentured servants. So, this denigration of that work, as well as the not providing the people who are doing that work with equal rights. It's part of a long history of racism, and dehumanizing policies that are really just continuing in a different form. But they are actually now being exported to other sectors. So that we are seeing temporary foreign workers being brought in as people in transport, who are people working in greenhouses, people working in meat processing, and it doesn't, you know, if people learn to tell themselves, oh, but that's just the unskilled or the low skilled people who have to live those lives. In the United States at the H2B visa which is given to tech workers, where we see the same types of results. And these aren't, you know, university educated computer scientists who who regularly go through abusive situations and financial exploitation. And yeah, and I think Shelley said it perfectly like these

these are not low skilled jobs. These are actually require, I mean, I don't think taking care of a child or an elderly person is a low skilled job. And I think that anyone who does it would disagree with that qualification. And similarly, if you do not know how to take care of a crop, that is a big problem for everyone.

**Sarah:** Everyone needs to eat, everyone needs to be cared for. And I think that both of you have brought up a really important point here that we've actually discussed in another episode with a guest named Elizabeth, who came to Canada with the Live-in Caregiver Program, who is from the Philippines and talked about how she was absent from her young children's life for over a decade so that she could live with and take care of another family's children. And yet, through that process, she was also denied basic rights to benefits that any other worker here would have access to recourse in instances of exploitation and access to some kind of retirement or savings. And all of those those rights were deemed not deserving for someone like her in this role, yet, we don't typically see the layers of these issues at first glance.

So Shelly and Hannah, something that maybe we can move on to is what are some of the reasons behind the resistance of governments and policymakers in making the necessary changes that would in fact, protect many vulnerable persons here working from abroad?

**Shelley:** Well, I think when we consider labor trafficking, I think that there's some real reasons, Canada doesn't want to be considered a country where labor trafficking is happening, and international trafficking is happening. And I think Canada has really positioned itself or tried to speak from a place that it's a human rights-based country, that it is a tier one country and addressing trafficking in the world. And so, to think about the programs that we have, like the Temporary Foreign Worker Program, and how that program lends to exploitation to the control of other people, is not something that we want to sort of publicize. And so, we've developed ways to sort of squash people's voices and to squash the number of people that are available to have any sort of remedy in that way. I think that's why the Open Work Permit for Vulnerable Workers came out because really, it could divert a number of people that may be considered along, you know, in a trafficking consideration, and move them to that categorization, if you will. So, I mean, I think there's some some real reasons politically, why we we don't want to accept the fact that we have some major fundamental issues with our programs themselves that are lending to this exploitation, and want to address it in a really wholesome, wholesome manner.

**Hannah:** In my opinion, why does Canada not put in the forms necessary to make it so that our immigration programs live up to our professed values of human rights, human dignity, and also just produce economically fair outcomes is because migrant workers and people without immigration status, despite making incredible contributions to our communities, despite paying taxes, despite putting money into our benefit programs, they are not accorded the right to vote. People who benefit from the programs being the way they are right now, the massive agricultural industry, which is mostly commercial at this point in Canada, the massive transportation infrastructure that we have in place with trucking, the fisheries, the meat production, the fast food, infrastructure, these are all stakeholders who make considerable contributions at the political level in the form of donations. These programs are

designed for their benefit. And I think it is interesting for us to look at so that we can understand what happens when workers are not given a voice in the structuring of how society is run whatever they're doing to migrant workers, they would happily do to us if they thought they could.

**Sarah:** Shelley and Hannah, I gotta say it was a joy to chat with you and get your perspective on this topic. Thank you for sharing your expertise and your perspective because it really was a wonderful conversation to hear.

That concludes this week's episode. Thank you to our guests for the experiences and stories they have shared and to our listeners for your interest and support. Please like follow and share this podcast with your networks, talk soon and take care. This has been a podcast from the Collaborative Network to End Exploitation. Find us online at [cnee.ca](http://cnee.ca). Our theme music is by the musician bio-Unit. This podcast is funded by the Sisters of St. Joseph of Toronto.