

# Counterpoint: Canada Should Reform the Migrant Worker Programs to Better Protect Labourers

**Thesis:** Canada should reform and closely monitor migrant worker programs by addressing recruitment fees, exclusive work permits, and health and safety issues, as well as the complaint and appeals process.

## Talking Points

- Migrant worker programs in Canada need to address the predatory practice of charging recruitment fees.
- The issue of work permits linked to specific employers remains a challenge for migrant workers.
- The COVID-19 pandemic has revealed major health and safety challenges for migrant workers.
- Advocates for reform also cite the need for an improved complaint mechanism for migrant workers who are being mistreated or abused.
- If Canadian migrant worker programs are to be reformed successfully to protect labourers, the federal government must ensure effective monitoring and enforcement of legal requirements.

## Summary

Some critics of the migrant worker system in Canada argue that the government should focus on implementing reforms to the existing system, rather than granting permanent residency. One reform needed is to address the practice of charging recruitment fees, which critics consider predatory. In her 2014 report, *Profiting from the Precarious*, Fay Faraday outlines the problems faced by workers because of recruitment fees, which she calls a “toxic” practice. She recommends legislation in all Canadian provinces based on international best practices and on established Canadian programs such as Manitoba’s 2015 Worker Recruitment and Protection Act. Such laws, she argues, would “empower workers to avoid exploitative relationships, enhance public accountability of recruiters and employers, and ensure effective enforcement of the law.”

Reformists say the linking of work permits to specific employers is another ongoing challenge for migrant workers, who frequent complain of exploitation. The United Food and Commercial Workers Union (UFCW) Canada, for instance, has argued for

fully open work permits, which would make mistreatment by employers less likely and provide more job mobility for migrant labourers.

Advocates for reform also cite the need for an improved complaint mechanism for migrant workers who are being mistreated or abused. A 2020 *Toronto Star* investigation revealed that 250 SAWP worker complaints were filed with the Mexican Ministry of Labour between 2009 and 2021 about workers experiencing retribution for raising concerns about their employers. Employers, who threatened to send workers home after their complaints, maintained a great deal of power over migrant workers despite complaint hotlines. As a result, reporting violations was not viable for most workers.

Furthermore, the COVID-19 pandemic has revealed major health and safety challenges for migrant workers and brought further attention to the need for system-wide reforms. Syed Hassan, the executive director of the Migrant Workers Alliance for Change, described ongoing issues affecting migrant workers in 2020 and 2021, including inadequate and crowded housing arrangements with limited access to quarantine facilities. Hassan stated that the pandemic “has made it urgently clear that employer and government negligence to ensure decent housing and working conditions must end.” While some changes were implemented, such as establishing vaccination clinics at the airport in Toronto for temporary workers coming to work in Ontario, critics argued that the federal government and employers needed to do more.

Finally, proponents of reforms argue that if Canadian migrant worker programs are to be reformed successfully to protect labourers, the federal government must ensure effective monitoring and enforcement of legal requirements. Inspections must be frequent and comprehensive to monitor adequate housing, isolation facilities, access to public health, and income supports during quarantine. There must be a twenty-four-hour telephone hotline for migrant workers to report complaints about employer negligence and exploitation easily and confidentially. Workers must also have access to health-care information in their own languages and to migrant worker support organizations. Once problems have been reported, enforcement teams and public health officials must swiftly conduct surprise inspections to determine employer compliance with legal requirements. All obstacles to the reporting and appeals process must be removed to ensure real change. In an interview with the *Toronto Star*,

human rights lawyer Fay Faraday described the desperate need for change: “The stories that we’ve been hearing literally for decades occur again and again and again. . . . Yet there has been no movement to make alterations to the structure.”

## Ponder This

- The author has presented the fundamental positions for this perspective in the debate. Outline the strengths and weaknesses of each perspective.
- If asking to begin forming an argument for this position, what sources would you need to build your case? What fundamental information do you need? What opinion leaders in this debate would you look to in solidifying your argument?
- What are the weakest aspects of the position outlined by the author? How might those weaker arguments help you prepare a counter argument?
- What additional Talking Points could you add to support this position?

## Bibliography

Aziz, Ramz, and Alexis Vaughan. “Exploitation or Economics? Our Year Learning about Migrant Worker Rights and Recruitment Fees.” *University of Toronto*, [ihrp.law.utoronto.ca/exploitation-or-economics-our-year-learning-about-migrant-worker-rights-and-recruitment-fees](http://ihrp.law.utoronto.ca/exploitation-or-economics-our-year-learning-about-migrant-worker-rights-and-recruitment-fees). Accessed 22 June 2021.

Faraday, Fay. “Profiting from the Precarious: How Recruitment Practices Exploit Migrant Workers.” *Metcalf Foundation*, Apr. 2014, [metcalffoundation.com/publication/profitting-from-the-precarious-how-recruitment-practices-exploit-migrant-workers/](http://metcalffoundation.com/publication/profitting-from-the-precarious-how-recruitment-practices-exploit-migrant-workers/). Accessed 22 Apr. 2021.

Mojtehdzadeh, Sara, and Melissa Renwick. “Snakes, Rats, Bedbugs, Abuse. Complaints Filed by Mexican Migrant Workers Expose Underside of Canada’s Seasonal Agriculture Program.” *The Toronto Star*, 14 Oct. 2019, [www.thestar.com/news/canada/2019/10/14/snakes-rats-bedbugs-abuse-complaints-filed-by-mexican-migrant-workers-expose-underside-of-canadas-seasonal-agriculture-program.html](http://www.thestar.com/news/canada/2019/10/14/snakes-rats-bedbugs-abuse-complaints-filed-by-mexican-migrant-workers-expose-underside-of-canadas-seasonal-agriculture-program.html). Accessed 19 Apr. 2021.

Paperny, Anna Mehler. “Canada’s Migrant Farmworkers Remain at Risk a Year into Pandemic.” *Reuters*, 14 Apr. 2021, [www.reuters.com/article/health-coronavirus-canada-migrants-idAFL2N2L23LC](http://www.reuters.com/article/health-coronavirus-canada-migrants-idAFL2N2L23LC). Accessed 22 June 2021.

Sproule, Louise. “As Tens of Thousands of Migrant Workers Are Expected to Arrive in Canada in the Coming Days, There Is a Lack of Guidelines,

Monitoring and Enforcement.” *The Review*, 1 Apr. 2020, [thereview.ca/2020/04/01/as-tens-of-thousands-of-migrant-workers-are-expected-to-arrive-in-canada-in-the-coming-days-there-is-a-lack-of-guidelines-monitoring-and-enforcement/](http://thereview.ca/2020/04/01/as-tens-of-thousands-of-migrant-workers-are-expected-to-arrive-in-canada-in-the-coming-days-there-is-a-lack-of-guidelines-monitoring-and-enforcement/). Accessed 12 Apr. 2021.