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Submission regarding the role of Canadian workers' organizations in preventing and addressing contemporary forms of slavery.

Submitted by the Association for the Rights of Household and Farm Workers (DTMF-RHFV)

Despite the portrayal of 'temporary' or 'circular' labour migration programs as a 'triple win' in many policy circles, it is now acknowledged that the employer-tying measures commonly integrated within such programs put workers at risk for abuse, rights violations, and even contemporary forms of slavery.¹ Trade unions and non-unionized worker organizations worldwide increasingly recognize that immigration policy is being used by governments to undermine the core objectives of the labour movement: the establishment of fair, decent, and safe working conditions for all.

Consequently, workers' organizations now concern themselves not just with matters relating to employment and labour law but have also become informed on issues of immigration policy. Many organizations now advocate for comprehensive reforms to labour migration programs and the complete abolition of immigration measures that perpetuate unfree labour regimes. In Canada, this has included support for Status for All (including an inclusive regularization program) and demands for open work permits.

Status for All

Led by the Migrant Rights Network², Status for All demands that the federal government grant permanent status to all individuals currently living in the country and provide access for all individuals arriving in the future. Major labour and worker organizations³ have come out in support for Status for All and inclusive regularization, signalling a growing recognition that no or conditional access to permanent legal status

¹ UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata (2023). "[Canada: Anchor the fight against contemporary forms of slavery in human rights.](#)" End of Mission Statement. 6 September.

² The Migrant Rights Network is a cross-Canada alliance of migrant-led organizations and allies. See <https://migrantrights.ca/about/>.

³ See e.g. Canadian Labour Congress, "Canada's unions: Migrant Workers in Canada deserve equal rights, protections" published online on December 18, 2023. Available at: <https://canadianlabour.ca/canadas-unions-migrant-workers-in-canada-deserve-equal-rights-protections/>; Confédération des syndicats nationaux (CSN), "Toward a Truly Inclusive Regularization Program" published online on October 20, 2022. Available at: <https://www.csn.qc.ca/actualites/toward-a-truly-inclusive-regularization-program/>; Ontario Federation of Labour (OFL), "OFL joins 280+ organizations calling for status for all and equal rights for migrant workers" published online on September 12, 2020. Available at: <https://ofl.ca/ofl-joins-280-organizations-calling-for-status-for-all-and-equal-rights-for-migrant-workers/>.

negates the exercise of fundamental rights⁴ (including the rights to access justice and to not be held in servitude).

Open Work Permits (state recognition of the fundamental right to change employers)

Canada's employer(s)-tied labour migration programs incorporate several measures that restrict workers' right to change employers, thus negating their right to resign (even in cases of unsafe work conditions).⁵ Among these measures, the most notorious is the employer-specific work permit. The abolition of these permits is widely supported within the labour and workers' rights movement in Canada.⁶ More generally, universal recognition by the state of the fundamental right to change employers for all workers has become an important flashpoint for advocacy efforts. Support around the call for *completely unrestricted* open work permits (with no limits regarding sectors, regions, or *otherwise*) is gaining traction.⁷ Research, conducted often in collaboration with workers' organizations, is being *undertaken* to document the negative impacts associated with state restrictions on workers' freedom in the labour market.⁸ In 2023, two constitutional class actions were filed in Canada challenging employer-tying measures,⁹ which will provide Canadian courts with a historic opportunity to evaluate whether state restrictions on the right to change employers are compatible with various rights protected by the Canadian *Charter of Rights and Freedoms*.

⁴ Depatie-Pelletier, E. (2023) No or conditional access to permanent status: Infringement on the Rule of Law/(Im)migrant workers' right to access justice, paper presented at the 2023 CIAJ Annual Conference The Law of Borders, Ottawa, October 25, 112 p.

⁵ See in particular Depatie-Pelletier, Eugénie (2018), *Labour Migration Program Declared a "Modern Form of Slavery" under Constitutional Review: Employer-Tying Measure's Impact vs Mythical "Harm Reduction" Policies*, LL.D. thesis, Faculty of law, Université de Montréal. <https://hdl.handle.net/1866/22564>.

⁶ The *Open Work Permits Now* campaign, coordinated by the Canadian Council for Refugees and led by its Migrant Workers Committee, has been endorsed by a wide range of organizations, including migrant justice groups, workers' rights organizations and labour unions. See <https://www.openworknow.ca/about>.

⁷ See e.g. Centrale des syndicats démocratiques (CSD), Confédération des syndicats nationaux (CSN), Centrale des syndicats du Québec (CSQ) et la Fédération des travailleurs et travailleuses du Québec (FTQ). *Brief Presented by Quebec's Central Labour Bodies to the Standing Committee on Citizenship and Immigration as Part of the Consultation on Closed Work Permits and Temporary Foreign Workers*. December 14, 2023. Available at: <https://www.ourcommons.ca/Content/Committee/441/CIMM/Brief/BR12825721/br-external/Jointly3-10816776-e.pdf/>.

⁸ See e.g. "Accès aux droits" component of the PARTEMPS (Partenariat sur les migrants temporaires en emploi) research project, financed by the Social Sciences and Humanities Research Council (SSHRC), l'Université Laval et la Canada Research Chair in Global Migration Processes, <https://dynamiques-migratoires.chaire.ulaval.ca/partemp/volets/>; See also: Migrant Workers in the Canadian Maritimes (TFW Maritimes) research and knowledge dissemination platform coordinated by Dalhousie University (Halifax, Nova Scotia), St. Thomas University (Fredericton, New Brunswick), Cooper Institute (Charlottetown, Prince Edward Island) and the Madhu Verma Migrant Justice Centre (Fredericton, New Brunswick), <https://tfwmaritimes.ca/>.

⁹ See CBC. "Montreal-based workers' rights group files class-action against closed work permits" published online September 16, 2023. Available at: <https://www.cbc.ca/news/canada/montreal/montreal-based-workers-rights-group-files-class-action-against-closed-work-permits-1.6969241>; Goldblatt Partners. "Palmer and Peters v. Attorney General of Canada" published online February 9, 2024. Available at: <https://goldblattpartners.com/experience/class-action-cases/post/palmer-and-peters-v-attorney-general-of-canada/>.

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About DTMF-RHFW

This submission is prepared by the Association for the Rights of Household and Farm Workers (DTMF - RHFW). Through research, education, advocacy and legal action initiatives, our organization promotes and defends the fundamental rights of workers employed in private households and the agricultural sector, particularly those with precarious immigration status.