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TO: Standing Committee on Citizenship and Immigration
RE: Impact of COVID-19 on the Immigration System

November 26, 2020

Members of the Committee,

The Migrant Workers Alliance for Change is a migrant-led organization in Ontario that organizes farmworkers, care workers and students. This submission pertains specifically to migrant farmworkers.

Between March 15, 2020 and May 15, 2020, we spoke to 180 workers who called our English and Spanish language hotlines on behalf of 1,162 workers. In most instances, we spoke to each worker an average of four times during those 60 days. We documented a series of trends that have only worsened since. From May 15 to November 15, we have spoken to another 650 workers that represent thousands of others.

Based on what we heard, this is the experience of migrant farmworkers during COVID-19:

- **Lack of permanent resident status makes it impossible for workers to assert their rights:** A large majority of the complaints we receive focus on lack of permanent resident status as a key factor in workers' ability to: protect themselves against COVID-19; ask for decent housing; access healthcare information; or assert their labour rights. For example, workers called us from Ontario Plants Propagation and Pioneer Farms weeks before the outbreaks to highlight lack of adequate health and safety protections, but insisted that they were unable to change the situation because of their employer's control over their housing, their ability to stay in Canada, and their ability to return in the future. All the workers we spoke to agreed that permanent resident status is an urgent necessity to save their lives.

"Bosses just want us to come here to reap their crop and then send us back home. But just like they have a life, we have a life too. We are not dogs and we should have a say in this country. We work and feed the people of this country. We work in the rain and in the sun. We work in the snow to feed these people. I work here, I pay taxes, I should have a say. I would like to see a better offer on the table for seasonal migrant workers because we are not animals and we should be treated fairly. We deserve better treatment and better living conditions. We deserve permanent resident status. I don't want to live this way." Damian, Jamaican seasonal farm worker for over 20 years, father of five.

- **Fear for health is related to fear of lost income:** Many workers reported lack of access to healthcare services, particularly lack of health cards. Many others reported not receiving healthcare information or not knowing who to contact for health information while they were prevented from leaving farms by their employers. The top concern associated with healthcare related to COVID-19 was actually about loss of income: many workers feared getting sick because they would lose income and not be able to send money to their families.

“Right now they got 10 [COVID-19] cases on the compound. They have the guys going to get tested and have them still coming to work and working with everybody the same way. The more they get tests, the more cases they find and they have the guys all working together.” - Lloyd.

- **Wage theft is commonplace:** The fear of lack of income comes from long experience - workers have seen employers steal from them for years. This season the pattern continued: some of these deductions were illegal, while others took the form of ‘withholding agreements’ that workers were forced to sign because they were given no choice or were under threat of deportation. We were able to take action to recover wages for verified amounts for which we have seen payslips, contracts, or photographs of receipts. Since conditions make it very difficult for workers to gather such physical evidence, the actual amounts of stolen wages workers complained about was much higher than we were able to document and act on.

“The boss gets money from the government for quarantine costs and still we get a bill for soap and grocery. He’s taking bread from our kids’ mouths - we need to send that money to our families back home!” Winston, seasonal tree nursery worker for 5 years, father of two.

- **Border closures resulted in loss of income, and workers were forced to travel to Canada despite COVID-19 risks because no income support was available:** We received many complaints about delays and difficulties faced by workers trying to come to Canada to start work. The vast majority of these concerns were about income - income lost due to delays, or the inability to refuse travel to unsafe working and housing conditions because workers could not afford to forego essential income. Most workers would have preferred not to travel to Canada because they were coming from communities relatively unaffected by COVID-19, but had no other choice since the federal income support program excluded them because they were outside the country. Workers feared for their safety based on their past treatment - the outbreaks on farms across the country proves they were right.

“My flight to travel to Canada on March 31 got canceled due to border closure! My 15 year old daughter has fallen sick and needs immediate care including blood transfusion, but I don’t have the money to pay for that. I’m desperate and need income support as my daughter’s life is at risk.” - Gilberto, Mexican farmworker, father of two.

- **Workers could not socially distance and did not receive decent food, income or health information during quarantine:** As of March 21, migrant workers were to be quarantined for 14 days immediately upon arrival, during which period they were to be socially distanced, paid 30

hours per week, provided with healthcare information, food, and basic supplies. We received complaints from hundreds of workers who were either not paid for this period at all, had their quarantine incomes clawed back, or were paid less than the required 30 hours per week. Many cited inadequate access to food. Other complaints were from migrants not able to maintain social distancing. Quarantine protocols have been developed with the safety of Canadian citizens and employers in mind, and do not respond to the specific experience of workers who may not speak English or French, may not have access to a Canadian telephone number or internet, were not informed of their rights in quarantine upon arrival, and did not have the power to negotiate better protections with their employers. Because conditions on farms have not changed, a second round of outbreaks has begun in recent weeks, just as the season is ending. This has prevented workers from traveling home, and forced them back into quarantine with no guarantees about income support, facing lack of adequate food and no heating for unwinterized bunkhouses.

"If we couldn't reach anyone I think our boss would let us starve before helping. He doesn't care about us." - Anthony, pear farm worker in the Hamilton area.

- **Housing conditions worsened dramatically after quarantine and greater limits have been placed on worker mobility:** While the primary complaints about quarantine were about living conditions and crowding, we receive ongoing complaints about housing conditions not specific to or after quarantine. Such complaints included lack of essential supplies, cleanliness, cramped quarters, and the presence of animals and pests. Cumulatively, this makes housing the second most common complaint that we received. Many workers reported severe restrictions on mobility including being unable to leave their employer-provided housing, to send remittances to families abroad, to buy phone credit to communicate with their friends and families, or to access food and other basic supplies. Many migrant workers report that employers are using COVID-19 to further clamp down on basic worker freedoms, breaking down support systems and social networks, and targeting outspoken workers by ensuring they remain confined to workplaces and bunkhouses.

"We know our boss will use this virus to enforce rules he wanted already. He's using the pandemic as an excuse to get control over us. He shouldn't be allowed to treat grown men this way." Joseph, Jamaican seasonal worker

- **Intimidation, surveillance, threats and racism have greatly increased:** Workers also reported increased racism from employers, local shops, and some community members who treat them as if they are "disease carriers" - even in cases where workers arrived before COVID-19 hit. Migrant workers reported increased intimidation, surveillance and threats from employers often under the guise of COVID-19 protocols. Private security guards were posted at bunkhouses, and workers told they would be turned over to the police for failing to follow employer orders. Many migrant workers reported employers treating them worse than in previous years. Critically, while complaints among Spanish-speaking and English-speaking workers are largely consistent, complaints about threats were disproportionately higher for Caribbean Black men.

“These people are cruel and I’m tired of them. They have no heart for Black people, they use us like slaves. I tried getting away from this farm for a very long time and I cannot.” - Delroy, seasonal worker for 23 years, father of 5 and also taking care of elderly mother back home.

- **Work has intensified greatly during COVID-19:** As fewer workers are coming in, or workers’ arrivals are delayed, migrant workers already here have seen dramatic work intensification: many workers reported working for weeks without a day off, being forced to work long hours, and suffering increased strains, injuries and sickness due to increased pace of work. Most employment and labour laws exclude migrant workers - there are no rights to minimum wage, overtime pay, hours of work, breaks, days off, or collective bargaining. As a result, employers are forcing workers to work at breakneck speed to ensure their profit.

“We’re treated like machines. We just want them to recognize that we’re still human.” - Raymond, Jamaican seasonal worker for 11 years, father of two.

We therefore recommend the following measures be taken immediately, to prevent further illness and death in 2021 and beyond:

Permanent Resident Status on Arrival

1. All migrants in the country without permanent resident status must be regularized and given permanent resident status immediately. All migrants that arrive in the future must have permanent resident status on arrival.

Protect Health and Safety

2. Ensure social distancing and provision of Personal Protective Equipment for all migrant workers, both in housing and at work, throughout the course of the pandemic (and not just during the quarantine period). Conduct proactive, random, and unannounced inspections of workplaces, including housing. Ensure health information and care is provided in workers’ languages, including during hospitalization and ensure hospitals have the appropriate resources required to provide language-specific care. End the practice of medical repatriation, and remove medical inadmissibility rules.

Create Dignified Living Conditions

3. Create a national housing standard so that workers can live safely and with dignity. These standards must be based on workers’ needs and priorities above all, including over employer interests, and must be strictly enforceable.
4. Frequent and random in-person inspections should be mandated throughout the season. Employers who are found to be in noncompliance with standards for adequate housing that enables social distancing should be terminated from the TFWP and adequate new jobs and open work permits provided for the affected migrant workers.
5. If workers request it, mandate employers to ensure adequate hygiene products and culturally appropriate and nutritious meals during quarantine period without deductions.

6. Employers must ensure that workers have unrestricted and accessible ability to leave farms, for sending remittances, buying groceries, receiving social support, and accessing healthcare, among other things.

Ensure Income for All

7. Provide immediate income support to all workers at workplaces impacted by COVID-19 outbreaks. Language, phone and internet access barriers make it nearly impossible for individual migrant farm workers to access the Canada Recovery Benefit. Federal income support must be extended to all migrant workers who have not been able to travel to Canada to work or whose return home has been delayed, for loss of income due to COVID-19. Income support should be made available to workers who may not have valid Social Insurance Numbers. Applications for CRB should be accessible for workers who do not speak English or French, and do not have reliable access to local phone numbers or internet. As an immediate measure, provide open work permits for all who request them.

Ensure Decent Work

8. Increase wages for essential agricultural workers permanently.
9. Ensure that agricultural workers have access to all labour rights including worker compensation for workplace injuries, without exemptions and exclusions.
10. Require all employers to provide adequate Personal Protective Equipment to all workers in group settings and ensure workers ability to socially distance at work or at home at all times.

Public Health not Policing

11. There should be no sharing of information or contacting of law enforcement, private security or consulates, either by employers or by compliance units in cases where workers make complaints. This provision must be communicated directly to workers. Specific anti-racism measures must be developed in conjunction with migrant workers by all levels of government.

Suspend Work at COVID-19 Farms

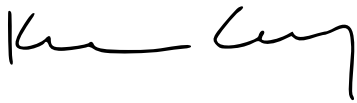
12. If working and living conditions on farms where there is COVID-19 cannot be immediately adapted to protect the safety of workers, all work must be stopped. Facilities must be fully disinfected and only reopen when worker safety can be guaranteed. Names of farms where there have been COVID-19 outbreaks must be released. The federal government must ensure that all workers who want to change jobs receive expedited open work permits and permanent resident status.

Make Quarantine Work for Workers

13. A responsive monitoring and proactive enforcement system must be set up, in consultation with migrant worker organizations which includes swift, unannounced, and in-person inspections on employers where complaints have been made, in coordination with local public health officials.
14. COVID-19 quarantine requirements for employers must be made available directly to workers, with information on how workers can assert their rights and make anonymous complaints.

15. An accessible interface for workers and their support organizations to make complaints must be established. All workers at a workplace must be informed about the results of inspections following anonymous tips.
16. Employers must ensure adequate hygiene products and meals for workers during their quarantine period without deductions. Workers' ability to reach social supports must be facilitated through guaranteed wireless internet and phone access, and connecting workers to local support organizations.
17. Workers must be appropriately compensated where employers put workers' lives at risk through non-compliance with guidelines.

Thank you for your attention to this matter. You can contact me at karen@migrantworkersalliance.org or 1-855-567-4722.



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