ASSOCIATION POUR LES DROITS DES TRAVAILLEUSES.RS DE MAISON ET DE FERME

ASSOCIATION FOR THE RIGHTS OF HOUSEHOLD AND FARM WORKERS

Pools of captive, exchangeable workers for employers? Sectoral and other restrictive permits are not the solution

Brief to the House of Commons Standing Committee on Citizenship and Immigration (CIMM) - Study of closed work permits and temporary foreign workers - Submitted on November 23, 2023

Summary

- Individuals on restrictive work authorizations, such as holders of employer-tied permits, but also those on sectoral permits, like SAWP workers, are vulnerable to contemporary forms of slavery. Restrictive work authorizations, such as sectoral, regional, occupational or agency-specific work permits, make workers' right to earn a living in the country conditional on maintaining a relationship with specific employers, enabling employers to maintain substandard conditions, retaliate against whistleblowers and efficiently blacklist them. This results in physical and psychological harm and makes workers more vulnerable to underemployment, debt bondage, undocumented work, human trafficking and, more generally, to facing obstacles in the exercise of rights, access to justice and protection of the law in Canada.
- Restrictive work authorizations including sectoral, regional, occupational or agency-specific permits are rooted in racism and produce discriminatory outcomes, including the segregation of socio-politically under-integrated individuals within employment sectors and, more generally, society. Replacing closed permits with other forms of restrictive authorizations would consolidate employers' reliance on and preference for pools of captive workers - negatively impacting work conditions and collective bargaining for citizens. Restricting workers' freedom within the labour market ensures the preservation of dangerous archaic conditions within specific occupations, regions or sectors and facilitates impunity for employers of (im)migrants.

Recommendations

1. Abolish employer-specific authorizations and other restrictive ones, and replace them with open work permits for all (im)migrant workers - with no exception or discrimination of specific groups;
2. Replace employer sponsorship for the issuance and renewal of work permits with annual federal sponsorship based on a combined provincial and territorial skills needs assessment, limiting employer input to free fast-tracking requests for open permits for workers and members of their families. (Im)migrant worker admissions must occur through bilateral bi-governmental programs for recruitment, placement, micro-credit, transportation, social integration, rights education and community support services;
3. Since permanent status recognition nowadays facilitates as much circular/return migration as permanent residency-citizenship, all workers and families should have permanent status recognized upon arrival or be regularized, to facilitate access to justice and reparation in cases of rights violations, thus ensuring both Canada's Rule of Law and its democratic nature.

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Introduction

Canada has a long history of using immigration policy to consolidate its labour force and population. This includes admitting workers and their families with permanent legal status, allowing them to work for any employer in Canada, leave and return to the country, and possibly, after a certain time of residency, become citizens. In parallel, Canada also fast-tracks the admission of foreign nationals on open work permits, which equally provides the right to accept work with practically any employer in the country. However, in the last two decades, the federal government has dramatically increased the number of foreign workers admitted into the country on authorizations restricting workers' right to change employers - in particular on employer(s)-specific or "closed" work permits. While these employer(s)-tied worker employment regimes are often presented as temporary fixes to the country's urgent short-term labour needs, they provide an exponential permanent large-scale pool of unfree labour across the Canadian economy.[1]

Restrictive work authorization schemes compromise the fundamental rights of workers. Following his 14-day visit to Canada this year, the UN Special Rapporteur on contemporary forms of slavery strongly criticized closed work permits, describing Canada's temporary foreign worker programs as "a breeding ground for contemporary forms of slavery."[2]

In this context, the abolition of employer(s)-specific work permits and the adoption of open work permits for all (im)migrant workers is a necessary step towards foreign worker admission programs that do not result in contemporary forms of slavery. However, other restrictive work permits, such as work permits restricted to employers associated with a specific sector, region, occupation and/or placement agency, do not achieve conditions compatible with the fundamental rights of (im)migrant workers.

Closed work permits: breeding grounds for rights violations and forms of slavery

While employer-tied workers can, in theory, request a new work permit from within Canada, this is not a viable option in practice considering the complexity, length and costs associated with such a procedure, and most importantly, the immigration risks associated with it and its high uncertainty. Closed work permits thus restrict workers' right to resign (even in cases of unsafe work conditions), efficiently restricting workers' right to change employers and their freedom in the labour market.

The closed work permit system creates conditions where workers refrain from complaining about or seeking legal redress against abusive employer-sponsors as doing so puts their right to work in the country at risk, fostering an environment where employers have little incentive to abide by the law.[3] The measure introduced in 2019, which allows a worker on a tied work permit, in cases of abuse, to request an exceptional non-renewable 1-year open permit, does not constitute a solution. The limited case-by-case issuance of open work permits cannot be expected to counteract the "profoundly entrenched structural

[1] Statistics Canada, *Research to Insights: Immigration as a Source of Labour Supply* (Presentation) (Ottawa: Statistics Canada, 2022), https://www150.statcan.gc.ca/n1/pub/11-631-x/11-631-x2022003-eng.htm; Foster, J. (2012). Making Temporary Permanent: The Silent Transformation of the Temporary Foreign Worker Program. *Just Labour*, *19*. https://doi.org/10.25071/1705-1436.24.

[2] 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.

[3] See Bethany Hastie (2020), "The Inaccessibility Of Justice For Migrant Workers: A Capabilities-Based Perspective" (2017) 34:2 Windsor YB Access Just 20. In the rare occurrences where a worker tries to assert a right or seek justice (usually in cases of major work-related illness or accident), workers routinely face obstacles such as immigration status revocation before reaching the final steps of the legal and compensation processes.

impunity of abusive employers" established by the closed work permit system.[4] So while temporary foreign workers, in theory, have access to the same labour protections and formal rights as citizens and permanent residents, their capacity to assert these rights and enjoy the protection of the law in the country is negated by closed permits and similar employer-tying measures.

Thus, closed work permits are associated with financial abuse such as wage theft and debt bondage,[5] employer control over workers' personal lives and movements during off-duty hours,[6] psychological, physical, and sexual harassment, assault, rape,[7] as well as work-related health issues, accidents, illnesses and death.[8] These measures negate the individual's fundamental human dignity and impose a major psychological stress associated with having one's legal status dependent on the will of another person.[9] Finally, holders of these authorizations are more vulnerable to undocumented work, irregular legal status, and/or a condition of human trafficking.[10] In particular, the U.S. State Department's Anti-Human Trafficking office now annually acknowledges the correlation between employer-tied labour programs and human trafficking.[11] In 2006, employer-specific work permits were characterized as creating "a modern form of slavery" in a unanimous decision by the Supreme Court of Israel.[12]

Over the last decades, the federal government has implemented several cosmetic, surface-level reforms: requirements for foreign worker employers, foreign worker recruitment regulation, greater oversight over foreign worker contracts, legal information initiatives, increased monitoring, fines, and sanctions of employers of foreign workers found to be non-compliant, and minimal funding for community integration and support. All those measures were bound to fail and indeed have failed to deter the systemic violations

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[4] See Association for the Rights of Household and Farm Workers, "Band-aid on a bullet wound: Open work permits for employer-tied migrant workers facing workplace abuse" (September 2021) and Migrant Workers Centre, "A promise of Protection? An assessment of IRCC decision-making under the Vulnerable Worker Open Work Permit program" (March 2022). Mojtehedzadeh, S. (2020). "Open work permits for exploited migrant workers a 'Band-Aid solution,' critics say." Toronto Star, July 17.

[5] See e.g. Daniel Costa, "As the H-2B visa program grows, the need for reforms that protect workers is greater than ever: Employers stole $1.8 billion from workers in the industries that employed most H-2B workers over the past two decades", *Economic Progress Institute* (18 August 2022) online: <https://www.epi.org/publication/h-2b-industries-and-wage-theft/>

[6] C. Susana Caxaj & Anelyse Weiler, "For migrant farm workers, housing is not just a determinant of health, but a determinant of death." *The Conversation* (12 July 2022) online: <https://theconversation.com/for-migrant-farm-workers-housing-is-not-just-a-determinant-of-health-but-a-determinant-of-death-186043>.

[7] See e.g. Noakes, S. (2015), Sex abuse case highlights vulnerability of workers on visas, *CBC News*, June 30, https://www.cbc.ca/news/business/sex-abuse-case-highlights-vulnerability-of-workers-on-visas-1.3129909

[8] Stevenson, V. (2023), Quebec seeing rise in injured temporary foreign workers hired to fill labour gaps, *CBC News,* 1 March, https://www.cbc.ca/news/canada/montreal/temporary-foreign-workers-accidents-doubled-1.676441; Weiler, A. & A. Cohen (2018), Migrant farm workers vulnerable to sexual violence, *The Conversation,* 1 May, https://theconversation.com/migrant-farm-workers-vulnerable-to-sexual-violence-95839 .

[9] See e.g. Basok, T. & D. Bélanger (2916), Migration Management, Disciplinary Power, and Performances of Subjectivity: Agriculture Migrant Workers' in Ontario, *Canadian Journal of Sociology* 41(2), 139-163, https://www.academia.edu/33783744/Migration_Management_Disciplinary_Power_And_Performances_Of_Subjectivity_Agricultural_Migrant_Workers_in_Ontario; Mandana Vahabi and Josephine Pui-Hing Wong, "Caught between a rock and a hard place: mental health of migrant live-in caregivers in Canada" (2017) 17 *BMC Public Health* .

[10] See e.g. Beatson, J., J. Hanley & A. Ricard-Guay (2017), The Intersection of Exploitation and Coercion in Cases of Canadian Labour Trafficking, *Journal of Law and Social Policy* 26, 137–58 https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1259&context=jlsp .

[11] See e.g. U.S. Department of State (2022), Trafficking in Persons Report 2022.

[12] *Kav LaOved Worker's Hotline v. Government of Israel* (2006), HCJ 4542/02.

of (im)migrant workers' rights by employers since the structure that restricts their capacity from asserting their rights remains in place: a legal status in the country dependent on a specific employer or group of employers.[13]

The need for the immediate abolition of closed work permits cannot be overstated and is long overdue. The detrimental effects of closed work permits have been repeatedly denounced by multiple House of Commons committees.[14] However, the federal government's persistent failure to take meaningful action demonstrates a clear willingness to uphold a system of unfree labour, despite the severe harm to the fundamental rights of the (im)migrant workers.

Pools of captive workers for employers? Other restrictive permits are not the solution

Instead of the rigid closed work permit system, for years now Canadian employers have asked for access to pools of workers on restricted permits and the additional power to exchange these workers between themselves — similar to the privileges already afforded to employers, for example, by the Seasonal Agricultural Worker Program.[15] This employer power was first recognized by the federal government for sex industry employers[16] and employers of SAWP workers, and later, indirectly, for employers of in-home caregivers.[17]

Such permits provide increased flexibility for employers, allowing employers to terminate workers without being responsible for covering the return costs to the country of origin, to facilitate the turnover of workers, including of those engaged in collective bargaining organizing efforts, and to access captive workers without the additional costs and delays associated with hiring workers from abroad.

However, permits restricted to groups of employers formally associated with specific sectors, occupations, regions, or placement agencies are not the solution to the human rights violations associated with "closed" work permits. Such restrictive permits also result in worker silencing, abuse, underemployment/debt bondage, bodily harm, and forced labour.

Harmful for physical and/or psychological integrity

A worker who sustains an injury or falls ill in a manner that prevents them from fulfilling the requirements of a specific occupation or sector will experience a violation of their physical integrity. Unable to accept a

[13] Eric Tucker, Sarah Marsden and Leah F. Vosko, "Federal Enforcement of Migrant Workers' Labour Rights in Canada: A Research Report" (2020) <https://digitalcommons.osgoode.yorku.ca/scholarly_works/2795>.

[14] Canada. Parliament. House of Commons. Standing Committee on Citizenship and Immigration. "Report on Temporary Foreign Workers and Nonstatus Workers", May 2009. 40th Parliament, 2nd Session; Canada. Parliament. House of Commons. Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. "Report of Temporary Foreign Worker Program", September 2016. 42nd Parliament, 1st Session.

[15] See e.g. Morneau, C. (2023), L'enjeu des permis de travail fermés ravivé par expert de l'ONU, *La Terre de chez nous*, 15 septembre.

[16] See e.g. "Macklin, Audrey. (2006). Dancing Across Borders: 'Exotic Dancers,' Trafficking, and Canadian Immigration Policy. International Migration Review - INT MIGR REV. 37. 464-500. 10.1111/j.1747-7379.2003.tb00145.x.

[17] In 2019, the federal government made occupation-specific work permits available for (im)workers admitted into Canada to work, outside of Quebec, as home child care providers OR home support workers in private residences. See Government of Canada. "*Ministerial Instructions Respecting the Home Child Care Provider Class*" June 29, 2019. Canada Gazette, Part I, Volume 153, Number 26. Ottawa.

different, more suitable job, they will have no choice but to continue working despite significant harm to physical or psychological health so as not to lose their right to earn a livelihood and to avoid the possible non-renewal of their legal status when their work permit expires.

Restricting workers to specific sectors, occupations, or regions also limits workers' autonomy and control over their career paths, which imposes significant psychological stress. For instance, a worker who has undergone trauma within a specific occupation or location, who requires a change in residence to access necessary medical care, or who has to change their region or occupation to fulfill family obligations, would see their capacity to make fundamental personal decisions constrained by restricted work permits.

Rights violations and detrimental impact on working conditions

Within a framework of sectoral, regional, or equivalent restrictive permits, employers not only can, but given the uniquely complex employment regime, are almost compelled to cooperate more extensively and systematically with each other. Consequently, these types of restrictive permits facilitate conditions where the worker must confront a group of employers able to boycott and remove foreign workers from the legal labour market when they have become 'undesirable' due to occupational illnesses, workplace accidents, inconvenient parenthood or, more generally, attempts to exercise rights or seek justice and the protection of the law in the country.

As documented by the organization Human Rights Watch, sectoral permits effectively restrict workers' ability to exercise their rights and negotiate improvements to working conditions.[18] Work permits that are restricted to specific sectors, occupations, or regions do not, in practical terms, result in increased labour market freedom and capacity to assert rights for workers. These types of permits are often implemented by tying workers to specific private recruitment-placement agencies, who are granted authority over the placement of (im)migrant workers with individual employers. Although this arrangement may appear, on its face, to grant workers a minimal right to change employers, in practice, workers find themselves simply bound to a new specific employer, the agency itself. When work permits associated with a specific agency and group of employer-clients were introduced in Israel's construction sector as an alternative to employer-specific work permits, it did not result in a significant reduction in reported cases of workers' rights violations.[19]

Practical experience has shown that sector-specific work permits do not provide better protection for workers' rights. Because they face a consortium of employers, sectoral permit holders systematically end up accepting major concessions in terms of their rights in the country. Agricultural workers from Mexico and the Caribbeans coming to Canada through the SAWP already hold permits linked to employers associated with a specific sector.[20] Nonetheless, these workers holding "sectoral" permits are not protected against modern slavery in Canada, as highlighted by the UN rapporteur in early September.[21] If these workers insist on compliance with their contracts or employment standards, they too, like workers on employer-tied work permits, are exposed to a potential temporary loss of the right to work and a high likelihood of non-renewal

[18] Human Rights Watch (2015). *"A Raw Deal: Abuses of Thai Workers in Israel's Agricultural Sector."* (January 2015). Printed in the United States of America.
[19] Kav Laoved and Hotline for Migrant Workers (2007). "Freedom Inc: Binding Migrant Workers to Manpower Corporations in Israel.
[20] Government of Canada. Hire a Temporary Worker through the Seasonal Agricultural Worker Program — Program requirements. Employment and Social Development Canada.
[21] United Nations Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences. *"End of Mission Statement,"* 6 September 2023.

of their legal status in the country. In 2022, Jamaican migrant farm workers in Ontario wrote an open letter to denounce the SAWP as a form of systematic slavery.[22]

As sectoral work permits or any permit restricted to specific employers provide employers with access to a captive workforce, certain occupations, sectors, or regions will be able to offer and easily maintain archaic working conditions, detrimental to health and family unity compared to other sectors of the economy. For this reason, among others, restricting workers' freedom in the labour market, and thus competition among employers, goes against the spirit of Canada's anti-trust laws.

Underemployment and debt bondage

Since labour needs for a sector cannot be precisely calculated and are typically over-estimated to ensure employer flexibility, many workers are often unable to access sufficient hours of work to cover living expenses and costs of migrating, including the cost of servicing any debt they may have been forced to take to migrate.

This ever-present underutilized workforce acts as an effective mechanism of discipline: the reduction of working hours is one of the most common methods used by employers to punish a foreign worker deemed ‘too demanding’. Similarly, these types of permits render workers vulnerable to a dramatic loss of income when sectors experience a downturn, given the barriers to transferring to another sector. Being forced, by law, to remain part of an underutilized workforce directly impacts the worker's income. To make ends meet, workers may resort to borrowing money from their employers or recruitment agencies, leading to a situation where workers are highly indebted to the employer or agency.

Undocumented (uninsured) and unauthorized employment/stress of deportation

All forms of restrictive work permits create a regulatory framework in which the worker cannot refuse directives from their employer due to the possibility of non-renewal of the permit following dismissal. As a result, they result in workers being compelled to perform tasks outside of their designated sector (e.g., agricultural workers being forced to perform domestic work or clean the private residence of the employer), outside of their designated occupation (e.g., being tasked with managerial and supervisory duties on a farm when only authorized as agricultural labourer), outside of the employers authorized by the agency (e.g., conducting tractor repairs for the employer's sister), and outside of the authorized region (e.g., making a delivery of goods outside of the region associated with the work permit).

Racist origins and discriminatory outcomes of restricted work authorizations

Historically, restrictive work authorizations were developed within racist institutional cultures and allowed for the maintenance of a wide range of discriminatory outcomes, such as ethnic or racial segregation within the labour market and, more broadly, the socio-political underintegration of certain individuals within society. Present-day policy reforms should avoid adopting approaches that perpetuate such discriminatory structures.

[22] Raza, A. (2022), “Jamaican migrant workers in Ontario pen open letter likening conditions to 'systematic slavery'”, CBC News, 20 August.

Restrictions on workers' geographic mobility have historically aimed at ensuring the control of specific employers over a workforce by limiting workers' access to job opportunities elsewhere. This type of policy was particularly favoured following the abolition of slavery, where many Southern states restricted the movement of workers through emigrant-agent laws, imposing harsh penalties on those who enticed labourers to leave the state:

> White planters concerned about maintaining a stable work force saw enticement as a threat to their labor system … Implicit in the sanctions against emigrant agents … was a widely held proprietary attitude toward blacks, which had its roots in the property relations of slavery. If whites sometimes thought of themselves as the guardians of child-like Negroes, they more often responded to the presence of … labor agents as though they thought their goods were about to be stolen.[23]

Regional restrictions on workers' geographic mobility were, in particular, central to the regime of unfree South African labour during Apartheid[24], and also constituted, through the reserves and the 'pass system' to work outside of them, a key policy of colonial oppression of First Nations in Canada.[25] Once established, frameworks that restricted workers to specific regions persisted for decades - and every affected society, without exception, still bears the disastrous social consequences today.

Compelling an individual to work in a specific occupation or sector is not a new idea. This type of policy is historically associated with state efforts to preserve an efficient system of unfree labour. For example, after the abolition of slavery in the United States, the introduction of restrictions on workers' right to change occupations was at the heart of government efforts to maintain a system of employment akin to slavery:

> The end of slavery as a result of the war did not yield commitment to black freedom (…). … Mississippi and South Carolina preceded Louisiana, however, in passing legislation intended to control black labour by enacting the first of what came to be known as "Black Codes" in the fall of 1865. … South Carolina law barred blacks from any occupation other than farmer or servant except by paying a large fee.[26]

The restriction of certain individuals to specific occupations during the post-slavery era was also enforced through criminal law and the threat of state sanctions (equivalent to the loss of the right to work and deportation):

> South Carolina was in no mood to abandon her system of involuntary servitude, and the complex and tortuous path of her contract legislation was the direct result of her attempt to maintain this system against court assaults. … In 1907 … South Carolina enacted a statute making it a misdemeanor for anyone unjustifiably to "leave, desert, or quit" land which had been leased or was being worked under the terms of a written contract.[27]

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[23] Cohen, W. (1976), Negro Involuntary Servitude in the South, 1865-1940: A Preliminary Analysis, *The Journal of Southern History* 42:1, at 38-39, 42.
[24] Coniglio, R. (2012), Methods of Judicial Decision-Making and the Rule of Law: The Case of Apartheid South Africa, *Boston University International Law Journal* 30, at 498, 507, 510-511.
[25] Cram, S. (2016), Dark history of Canada's First Nations pass system uncovered in documentary, *CBC News*, 29 February.
[26] Howard, J.R. (1999), *The Shifting Wind: The Supreme Court and Civil Rights from Reconstruction to Brown*, Albany: State University of New York Press, at 42, 49, 51-52.
[27] Cohen, W. (1976), supra note 23, at 46-47, 49-50.

In Canada, policies binding (im)migrant workers to a specific agency within the labour market have a long history, notably associated with the integration of Chinese workers who worked on the construction of the Canadian railways:

> Under the terms of the contracts, the wages of the labourers were paid directly to a representative of the Six Companies (...). … [The] workers were recruited specifically for the construction of the Canadian Pacific Railway. … Thus, even though there was a wage element involved in the social relations under which they were employed, it was not the primary mechanism by which the workers were retained by employers. Ultimate control over the labourer's circulation in the market was exercised *via* the … representatives of the Six Companies of Kwangtung or other labour contracting companies.[28]

Unjustified economic inefficiency and detrimental social impacts

Restricting workers' freedom within the labour market in any way leads to blatant economic inefficiencies for the labour market and, more broadly, the Canadian economy. This is because the law prevents employers or sectors in need of workers from hiring from an existing labour pool, during natural disasters, as well as whenever there is a rapid or regional change in labour demands.

Open work permits, family unity, government sponsorship, and permanent status

In making the right to earn a livelihood contingent on maintaining a relationship with a specific employer, or group of employers, Canada has reproduced a set of labour relations reminiscent of historical forms of indentured servitude or slavery.[29]

Difficult and/or dangerous, yet often essential, jobs in Canada are increasingly being fulfilled at lower wages by tied (im)migrant workers (along with other forms of forced labour and contemporary slavery), instead of being associated with the highly competitive salaries and benefits that would be logically required to attract and retain a skilled workforce for those positions. For society to make informed decisions on how to support workforce attraction and retention, possibly through public funding or other forms of government intervention, free labour is necessary for the prices of goods and services to reflect the true human cost of their production and delivery. Unfree labour and forced work are not acceptable solutions to societal challenges related to employer recruitment, retention, and high consumer costs. Policy alternatives to avoid modern forms of slavery exist, and some are, in fact, necessary.

Work authorizations that make the right to earn a living dependent on maintaining a relationship with an employer or group of employers significantly restrict the worker's capacity to assert rights and enjoy the protection of the law in the country, negatively impacting both (im)migrant workers and the unionized and non-unionized Canadians working alongside them. Surface-level measures cannot prevent the rights violations inherent in a system where the right to resign and change employers is negated. Replacing employer-specific work permits with sector-specific/'multi-employers' restrictive authorizations would

[28] See e.g. Satzewich, V. (1988), *Modes of Incorporation and Racialization: The Canadian Case*, Ph.D. Thesis, University of Glasgow Department of Sociology, at 116, 119, 313-314.
[29] See e.g. Depatie-Pelletier, E. (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, 591 p.

maintain a class of unfree workers in Canada, and employers' preference for such a workforce and their dependence on it.

All workers should be issued open work permits. Open work permits should be accompanied by reforms that address the problems raised by the investment and responsibility of specific groups of employers in the issuance, applicability and renewal of work permits, which tilts the power balance within employment relationships, weakening (im)migrants' ability to assert their rights. It leads to employer proprietary claims over specific workers, with employers believing (wrongly) that the time and resources invested in hiring the worker entitles them to exclusive rights over the individual's labour. Returning instead to worker admission policies based on federal sponsorship established according to combined provincial and territorial skills needs assessments, limiting employer intervention to open permit fast-tracking for specific individuals, would address additional elements of (im)migrant workers' vulnerability to debt bondage and forced labour.[30] In partnership with workers' countries of origin, the federal and local governments should directly manage the international recruitment of workers based on matching skill sets to workforce needs, taking into consideration migrants arriving at the borders and interested visitors already in the country. Equally fundamental pieces of the equation are bilateral government-funded placement, micro-loans, international transportation, social integration, rights education and community support programs.[31] Foreign worker admission programs organized in this manner would fulfill the needs of the labour market without making workers vulnerable to forms of contemporary slavery.

Crucially, however, protection of the law and access to justice and redress in cases of rights violations is significantly facilitated by stable immigration status,[32] in particular by the legal, and thus economic, psychological, and family, stability associated with it. Without systematic permanent status recognition for all individuals admitted as (im)migrant workers, evading applicable legislation will remain facilitated for recruiters, agents and employers. Permanent status for workers is key for the right to access justice in the country, and thus for the preservation of the Rule of Law in Canada.

Permanent status recognition nowadays results in circular/return migration as much as in long-term settlement and citizenship.[33] In this context, regularizing or recognizing permanent status upon arrival for all workers and families (with exceptions for serious criminality[34]) will facilitate access to justice, and circular migration or access to citizenship, thus ensuring both migrants' fundamental rights and Canada's Rule of Law and its democratic nature.

About DTMF-RHFW

This brief is submitted 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 on farms, particularly those with precarious immigration status.

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[30] *Id.*
[31] *Id.*
[32] 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, Oct 25, 112 p.
[33] *Id.*, p. 9-11.
[34] *Id.*, p. 109-112.