



Migrant Workers
Alliance for
Change

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Presentation to the Standing Committee on Citizenship and Immigration

Labour Market Impact Assessment Study | April 12, 2021

Honourable Members of Parliament,

Thank you for inviting me to speak to you today on behalf of the Migrant Workers Alliance for Change, which serves as the Secretariat for Migrant Rights Network - Canada's only national migrant led coalition. Cumulatively, Migrant Rights Network member organizations are directly connected to tens of thousands of migrant farmworkers, careworkers, international students, refugees, asylum seekers, post-graduate work permit holders and undocumented residents. I am happy to answer questions about details, but I want to focus on the bigger picture.

The Labour Market Impact Assessment regime does not meet its most commonly stated objective of ensuring Canadian workers are hired before foreign nationals. The two largest LMIA industries are agriculture and food processing and care work. Few Canadians or permanent residents apply for these jobs under existing conditions. Not only that, there are well over a million non-permanent residents with the ability to work in these sectors - on study or work permits in other streams or who are undocumented- and employers can and do hire them instead of Canadian citizens.

Neither does the LMIA regime meet its second stated objective of protecting foreign workers. Migrant workers do not have direct enforceable rights under LMIA. There is no legislation that governs enforcement and no court or legal process to turn to for workers to denounce violations of their rights. Neither is there any meaningful mechanism for ESDC to ensure workers receive reparations for violations of their rights. All that exists is a tip-line but by law ESDC is barred from sharing the fact of inspections, and even results of inspections, with the worker that made the complaint. Most inspections are pre-announced, and rarely do they result in increased employer compliance nevermind better worker protections.

Take a moment right now and put yourself in the shoes of a migrant worker hired through the LMIA system. If you were in a low wage job, and you could be fired, made homeless because you live in employer provided housing, couldn't immediately move to another job because your permit bars you from doing so, and if you could not return to the country where you work in the future because employers control who gets invited back- would you speak out about your exploitation?

Now think about it inversely, if you were an employer and you knew all this, would you take short-cuts, push your workers harder and in the worst cases, carry out wholesale exploitation and discrimination?

The real objective of the LMIA is to provide a veneer of legitimacy to Canada's employer restricted work permit programs. And employer restricted programs are a system of indentured work.

Strip away the talk of protecting Canadian and foreign workers and you find a system that ensures that racialized low waged workers are made highly exploitable for sectors that seek to generate



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massive profit. Canada is the 5th largest agri-food exporter in the world, thanks in large part to immigration rules that provide a captive work force to the industry. The LMIA regime also ensures the continued availability of low-waged labour for sectors like care work, where women's work is historically undervalued. Immigration laws permit the on-going failure to invest in high quality universal public programs like childcare and elder care.

The question before you isn't just about LMIAs. It's fundamentally about whether we want a fair society, where everyone has the same rights, the same access to justice, and the same opportunities, or one that favors a system of growing inequality. I am calling on you to be part of remaking a fairer food system and just care economy. This fair society must include full and permanent immigration status for all migrants including farmworkers, careworkers, students, refugees and undocumented people in Canada, and landed status on arrival for all migrants in the future.

A multi-tier system of immigration where some have permanent residency, and therefore rights to healthcare, family unity and freedom from reprisals, while others are temporary or without status, engenders exploitation.

Migrant workers have been saying this to you for decades. But it's not just them.

Let me quote op-ed published on May 5, 2014 in the Toronto Star about the TFWP: "This is a basic issue of fairness...Canada needs to re-commit itself to bringing permanent immigrants here who have a path to citizenship." Authored by then MP, now Prime Minister, Justin Trudeau.

Minister Carla Qualtrough said just in June of 2020: "There's a power imbalance that exists in this system."

By denying migrants the rights that come with citizenship, laws and lawmakers are tipping the scale in favor of abuse, exploitation, exclusion and death. I'm calling on you to do the right thing, you have the power to act and ensure status for all. The time is now.

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