



IT HAPPENS HERE

Labour Exploitation
Among Migrant Workers
During the Pandemic



The Centre
Canadian Centre to
End Human Trafficking.



FCJ Refugee Centre
Walking With Uprooted People

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Thank you to Legal Assistance of Windsor (LAW) for helping to convene the focus group discussions.

Foreword

Sex trafficking has gained widespread attention in Canada. Thanks to the efforts of the anti-trafficking sector, a series of dedicated education campaigns are dispelling myths that sex trafficking does not happen here. Governments have also stepped up with investments in social services, human trafficking strategies, and dedicated units to arrest and prosecute traffickers. And, with the launch of the Canadian Human Trafficking Hotline in 2019, victims/survivors now have a centralized resource to access services and information.

We welcome these new measures to end sex trafficking and continue to push for more action. At the same time, it is important to acknowledge that far less is being done to understand and disrupt labour trafficking in Canada.

Demand for migrant labour has never been greater than it is today. Job vacancies in Canada are 80% higher compared to pre-pandemic levels, creating pressure to import more low-wage workers.¹ In response, the federal government recently introduced sweeping changes to the Temporary Foreign Workers Program (TFWP). The new measures allow businesses across seven sectorsⁱ to increase the percentage of migrant labour in their workforce. Caps have also been eliminated on the number of low-wage migrants who can work in seasonal industries.²

These steps will see Canada become ever more dependent on migrants to fill critical labour shortages. This situation will benefit the economy while presenting more opportunities for abuse. Therefore, raising awareness of labour exploitation and protecting workers have become imperative.



Demand for migrant labour has never been greater than it is today. Job vacancies in Canada are 80% higher compared to pre-pandemic levels, creating pressure to import more low-wage workers.

– Statistics Canada, *The Daily: Immigration as a source of labour supply*. [Accessible here](#).

i The Government of Canada has allowed seven sectors with demonstrated labour shortages to increase the percentage of migrant workers in their workforce. The seven eligible sectors are: food manufacturing; wood product manufacturing; furniture and related product manufacturing; accommodation and food services; construction; hospitals, and; nursing and residential care facilities. Employers in these sectors can now have migrant workers comprise up to 30% of their workforce for one year.

Within this context, FCJ Refugee Centre, the Canadian Centre to End Human Trafficking, and Legal Assistance of Windsor convened focus groups with migrant workers to examine labour exploitation during the pandemic period. We found that many long-standing issues – such as migrants having a limited understanding of their rights, employer discrimination, and unsafe working conditions – continue to go unresolved. However, migrant workers also reported having limited access to healthcare services and said that COVID-19 health protocols were not implemented by some employers. These findings are troubling given that farms with migrant labour experienced significant outbreaks during 2020 and 2021.

We call on policymakers to take immediate action to improve the current and future prospects of migrant workers in Canada. Implementing the recommendations in this report will be critical for addressing exploitation and providing migrants with the opportunities they deserve.

On behalf of FCJ Refugee Centre and the Canadian Centre to End Human Trafficking, we wish to extend our sincere appreciation to the migrant workers who participated in this study. The valuable insights that we collected would not have been possible without their courage, resilience, and willingness to share their lived experiences. We honour their stories.

We would also like to thank our partner organization, Legal Assistance of Windsor, as well as our community advocate partners, Kayla Potts and Erik Vasquez. We are grateful for their solidarity and community advocacy.

Finally, a huge thank you to our staff for their dedicated work on the project and this final report.



Loly Rico

Executive Director
FCJ Refugee Centre



Julia Drydyk

Executive Director
Canadian Centre to End Human Trafficking

Executive Summary

Most Canadians are unaware that migrant workers are trafficked in this country.

An estimated 777,000 labourers arrived in Canada in 2021,³ 39% of whom were employed in the agricultural, manufacturing, construction and food processing sectors.⁴

These low-wage workers are essential to the Canadian economy. However, their precarious immigration status makes them vulnerable to exploitation by recruiters and employers. For example, migrants often:

- live in substandard living accommodations that present health and safety concerns;
- complete work outside of their contractual terms;
- have their pay reduced or held back by their employer;
- pay for services (e.g., travel to Canada) that employers are legally required to cover;
- receive threats of deportation if they speak up or advocate for their rights;
- have their passports and other legal documentation taken away; and
- face discrimination from their employer.

COVID-19 exacerbated many of these issues. At the onset of the pandemic, governments were slow to put supports in place to protect migrant workers even as they were deemed “essential workers.” COVID-19 outbreaks quickly broke out on farms where workers lived in tight quarters and were not able to social distance. In some situations, employers’ failure to implement public health measures led to serious illness and death.⁵

In early 2022, the FCJ Refugee Centre partnered with the Canadian Centre to End Human Trafficking (“The Centre”) and Legal Assistance of Windsor (“LAW”) to examine labour exploitation during the pandemic era. Staff held a series of focus groups with migrant workers in Ontario to (i) gain deeper insight into the challenges faced by migrant workers during the pandemic; (ii) understand how information and services can be effectively shared; and (iii) disseminate information directly to migrant workers on labour rights, human trafficking and exploitation, and available services.

Key Findings

FCJ Refugee Group and The Centre identified five key findings through the focus groups:

1

Migrant workers have a limited understanding of their rights in Canada.

The overwhelming majority of participants disclosed that they would have benefitted from having information on their rights *before* they arrived in Canada. Social media, particularly Facebook, was their preferred online platform for information dissemination and engagement.

2

Many migrant workers are not aware that labour trafficking occurs in Canada.

Almost half of the participants (48%) did not know that labour trafficking is an issue in Canada. Migrant workers indicated that they would like to see an increase in anti-labour trafficking campaigns and awareness strategies. Participants said that this should be implemented through Facebook, WhatsApp, Service Canada, traditional media sources, and via Canadian embassies located in their home countries.

3

Migrant workers are frustrated by policies that make it difficult to acquire permanent residency status.

Migrant workers said they were unaware of the immigration pathways that are available to become permanent residents in Canada. Those who were aware of their options said they felt defeated that few, if any, opportunities exist for them to become citizens.

4

Migrant workers' primary concern is family separation, followed by low wages and employer discrimination.

Participants said that family separation places more stress on workers than high recruiter fees, illegal deductions, inadequate housing conditions, and the harassment they face. Many migrant workers sacrifice time with their families to pursue work in Canada. This can create significant mental anguish that often goes unresolved.

5

Many migrant workers had access to COVID-19 vaccines during the pandemic, but employers jeopardized workers' safety by failing to implement other public health measures.

Most participants reported that they had access to vaccines, but only a third had equitable access to healthcare due to their geographic location and (non) immigration status. Some employers also failed to create living conditions so that workers could properly social distance.

Recommendations

The following policy recommendations are proposed to help address the challenges identified in the focus group discussions:



The federal government should establish open work permits for all migrant workers in Canada, regardless of their occupation or national origin.



The federal government should update Canada's immigration legislation to provide a pathway to citizenship for low-wage migrant workers **in all sectors**, including seasonal workers. Information on available pathways should be shared with migrant workers **before, during, and after** their arrival in Canada.



Provincial and municipal governments should work with community organizations to fund more on-site services, including healthcare, labour rights education, language training, and social activities.



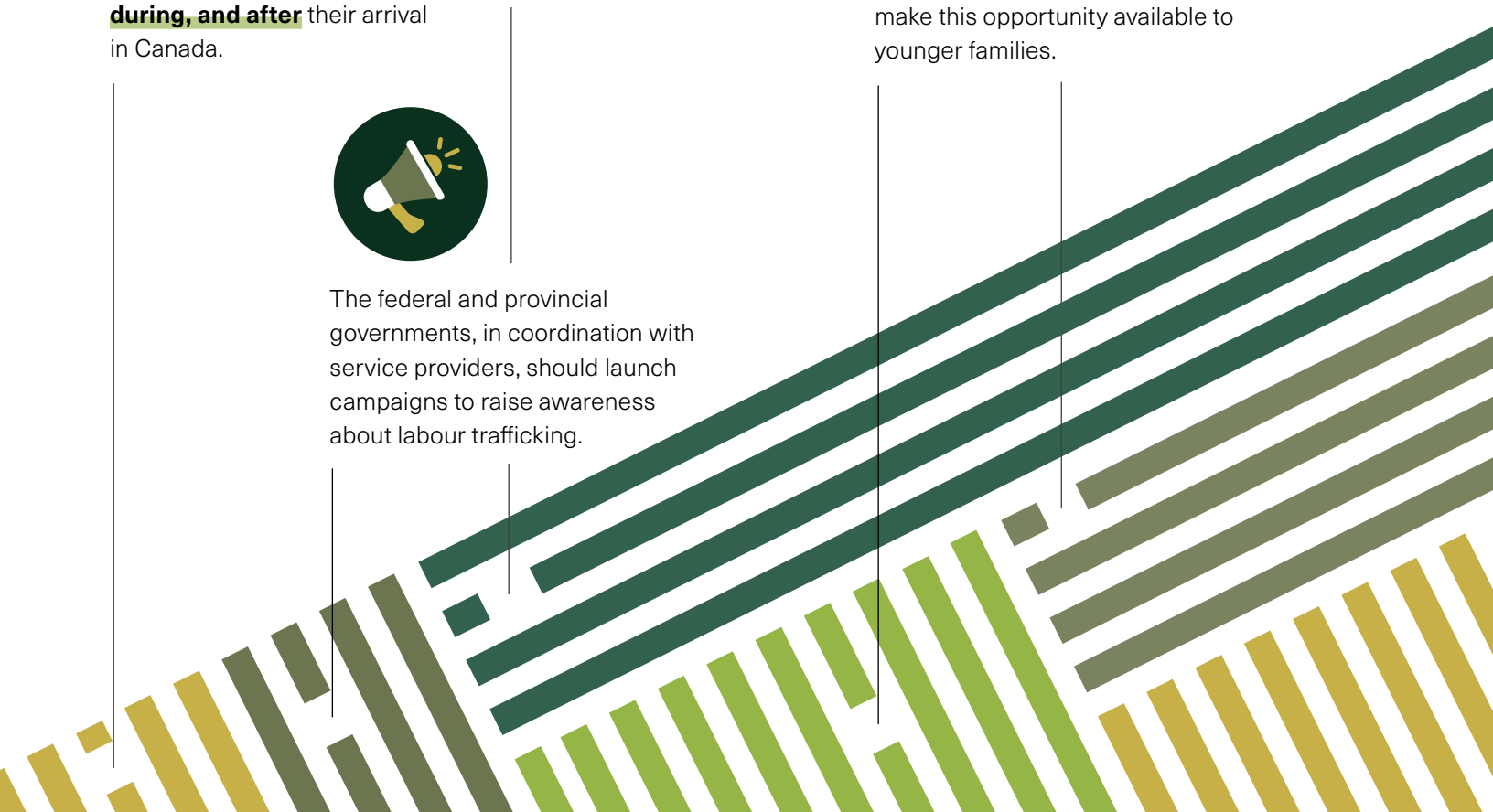
The federal government should ensure migrant workers have greater access to information on their labour rights **before, during, and after** their arrival in Canada.



The federal government should expedite the process to relocate migrant workers' families to Canada; Ottawa should also examine how to make this opportunity available to younger families.



The federal and provincial governments, in coordination with service providers, should launch campaigns to raise awareness about labour trafficking.

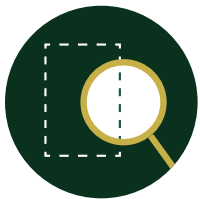


Project Overview

In 2022, FCJ Refugee Centre and the Centre launched a project to examine the nature of labour trafficking during the pandemic period. FCJ Refugee Centre, with support from LAW, hosted 77 migrant workers across seven focus groups in Toronto, London, Leamington, and the Greater Toronto and Hamilton Area. These discussions engaged workers from the agriculture, hospitality, caregiving, and construction industries.

OBJECTIVES

The focus groups were convened to achieve four objectives:



1

Clarify the challenges that are impacting migrant workers.



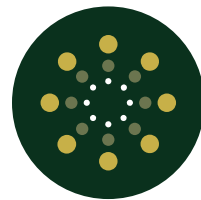
2

Propose practical policy recommendations.



3

Increase migrant workers' knowledge of localized social services.



4

Increase awareness of labour trafficking among migrant workers and the general public.

DEFINITIONS

This report uses the following definitions:

Human Trafficking

According to the United Nations Palermo Protocol, human trafficking is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation.”⁶

Labour Trafficking

According to the Government of Canada, “labour trafficking is a form of human trafficking that can happen in a number of different industries. It involves recruiting, moving, or holding victims to coerce them into doing any kind of work.”⁸ While labour trafficking can take place anywhere, it is more common in sectors that employ low-wage workers (e.g., agriculture, caregiving, hospitality, construction, etc.). Labour trafficking occurs when employers:

- withhold pay and documents;
- make false promises about working conditions, responsibilities, or pathways to citizenship, and;
- issue threats of deportation and other punishment if the migrant pursues their rights.

Labour Exploitation

According to the Migrant Workers Centre, “labour exploitation occurs when employers treat workers in ways that break the law. This includes treatment that is against workers’ legal rights, such as:

- Employment Standards rights around wages and working conditions.
- Rights to a safe and healthy workplace
- Human Rights Code rights to be treated without discrimination or harassment.
- Negotiated rights in employment contracts.”⁷

Migrant Workers

The term migrant workers refers to individuals who have moved to Canada to work, whether this was their primary intention or as a means of survival. In other words, they are foreign nationals who are not citizens nor permanent residents who engage in work in Canada. Migrant workers can enter Canada via different programs, such as through the federal Temporary Foreign Worker Program (TFWP), which includes the Agricultural Stream and Seasonal Agricultural Worker Program (SAWP). Migrant workers also include people who enter Canada through irregular means, including entering as a visitor and remaining in Canada without status.

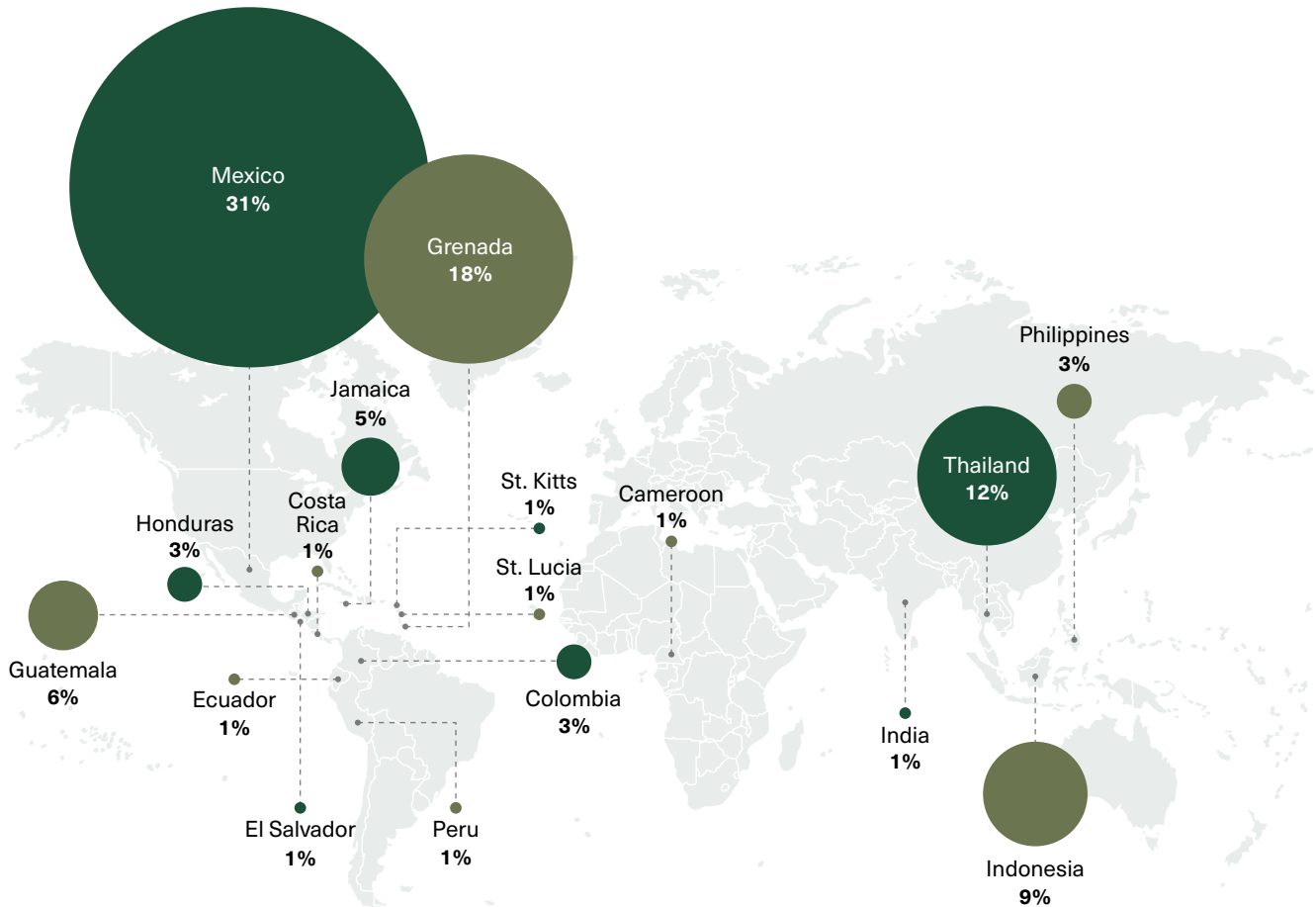
A Profile of Focus Group Participants

The focus groups brought together 77 migrant workers, representing different ages, countries of origin, entry programs, and immigration statuses.

Age Distribution of Participants



Participants' Country of Origin

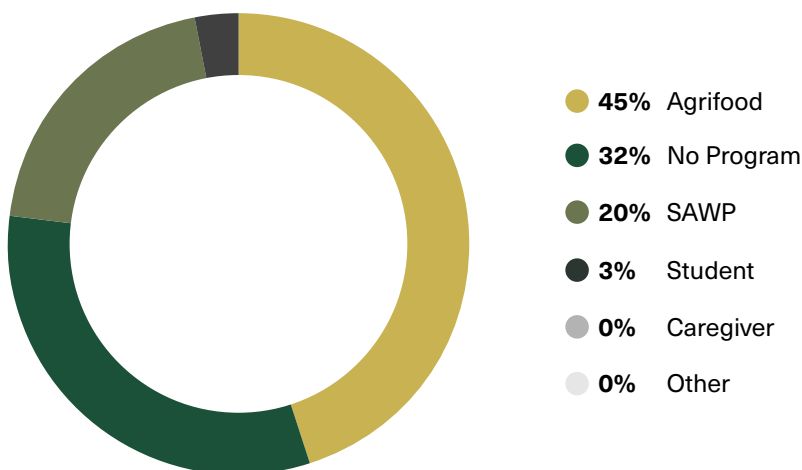


Among the 77 focus group participants, 45% reported that they had entered Canada through the Temporary Foreign Worker Program (TFWP) and were employed in the agri-food sector. For those working in this sector, the Government of Canada issues an employer-specific work permit that is valid for a maximum of two years.

Approximately 23% of participants reported that they entered Canada through the Seasonal Agricultural Worker Program (SAWP). SAWP workers must be citizens of Mexico or eligible Caribbean countries. These workers are provided with work permits that are typically valid for the length of a growing season. In 2022, SAWP work permits were extended from six to nine months to integrate the mandatory COVID-19 quarantine periods.⁹ In a typical year, workers return home between harvesting seasons and re-enter Canada the next year with a renewed contract and work permit.

Aside from these federal programs, 32% of participants reported that they had initially entered Canada as visitors or tourists, with another 3% entering as international students. No participants disclosed that they had entered Canada through any other stream.

Participants' Program of Entry

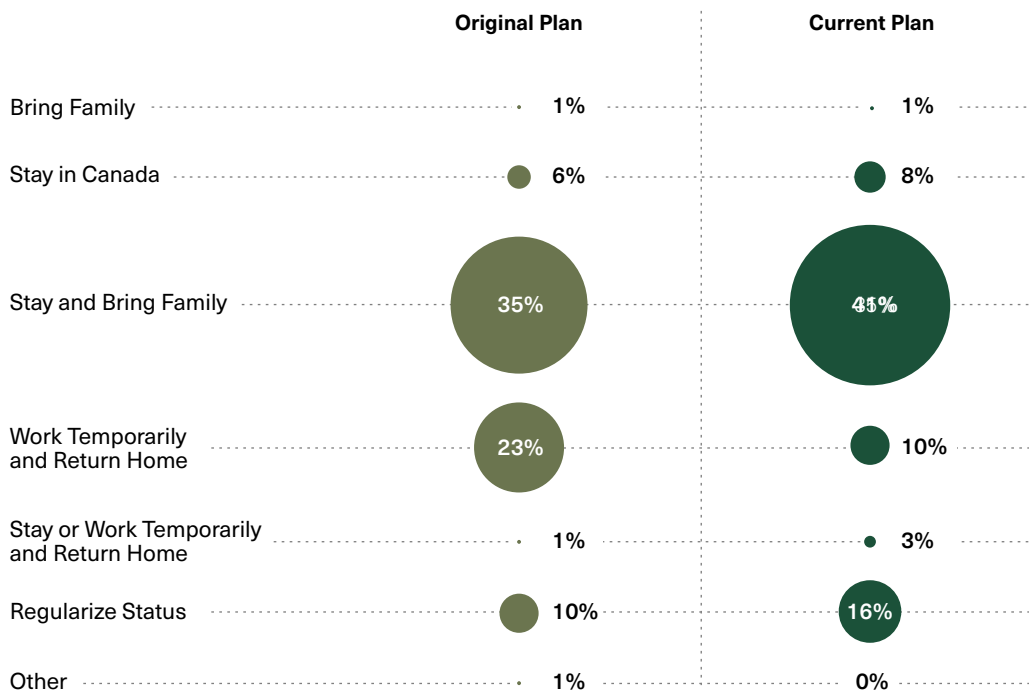


Initial Plan in Canada vs. Current Plan in Canada

Participants were asked about their original plan upon arrival and whether it differed after working in Canada. Most participants stated that their original plan was to stay and bring family (46%) or work temporarily and return home (30%). Only 13% of respondents answered that they originally intended to regularize their status when coming to Canada. Only one participant said they had intentions to start their own company in Canada.

When asked about their current plan, the answers were similar: to stay and bring family (52%), while 20% answered that they planned to regularize their status. It is unfortunate that so many low-wage migrant workers expect to remain in Canada permanently despite having few pathways available to them. The federal government needs to do more to share information with workers about the likelihood of this option.

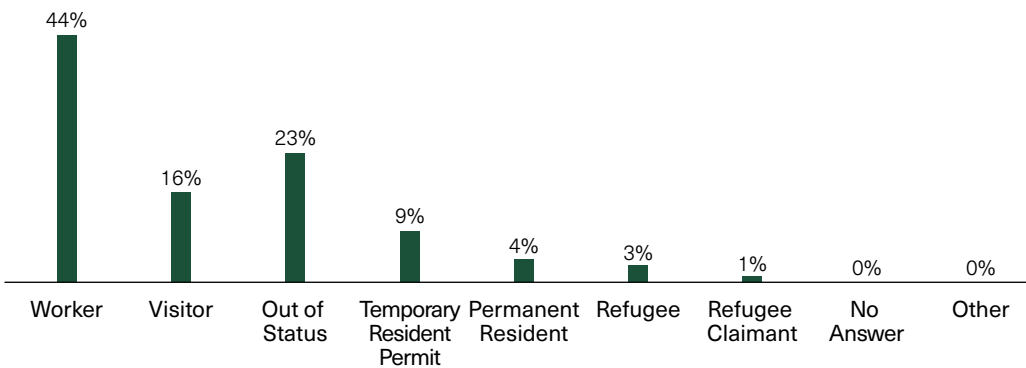
Participants' Original Plan Vs. Current Plan in Canada



Immigration Status

The focus group participants represented the precarious nature of immigration status in Canada. Many migrants enter Canada as visitors, international students, refugee claimants or temporary foreign workers and later find themselves with precarious status. Among the 77 participants, approximately 44% reported their status as a “worker,” which means they hold a valid work permit and are employed under the TFWP or SAWP. Additionally, 23% said they were “out-of-status” workers, 16% were visitors, 9% were temporary resident permit holders, 4% were permanent residents, 3% were refugees, and 1% were refugee claimants. No participants identified as having qualified for the Victims of Trafficking in Persons Temporary Resident Permit (VTIP TRP).

Participants’ Immigration Status



Victims of Trafficking in Persons Temporary Resident Permits (VTIP TRPs)

In situations where a migrant has been exploited or has been trafficked, they may be eligible for the Victims of Trafficking in Persons – Temporary Resident Permit (VTIP TRP). The VTIP TRP is issued by Immigration, Refugees and Citizenship Canada (IRCC) and can help protect trafficking victims by securing their immigration status in Canada for up to 180 days, which may be extended under some circumstances. This visa provides healthcare benefits and trauma counselling, and can be renewed upon expiration on a case-by-case basis.

The VTIP TRP also enables the survivor to apply for a work permit if they wish.

The scope of this program is to secure the victim’s immigration status for a determined period to give the survivor the possibility to decide on their next steps without fear of deportation or having legal action taken against them. Victims may or may not assist with the investigation or prosecution of traffickers. As this is not a requirement, it will be up to each individual based on their situation.

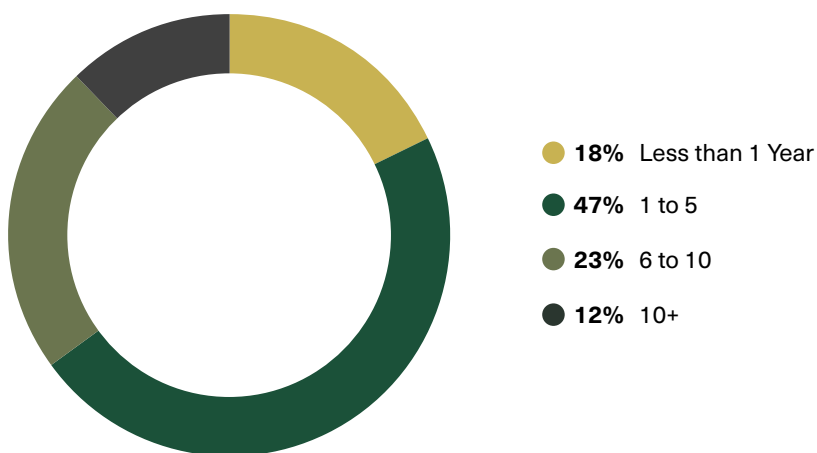
During the focus group discussions, participants consistently expressed their need for more support in applying for permanent residency and navigating the different immigration pathways. Many felt that more opportunities are needed for those already in the country since Canada relies on migrant workers who are skilled in the labour market. One participant said: "Canada needs me because my profession is in high demand. I need legal stability, something permanent, for my kids and myself as well. After paying taxes in Canada for 10 years, I wouldn't like it if I didn't receive any type of income when it's retirement time."

Of the 23% of participants reporting they were out-of-status, 18% had been out-of-status for less than a year, 47% for one-to-five years, 23% for six-to-ten years, and 12% for over ten years.

Participants were also asked how many people they knew who are currently living out-of-status in Canada. Most knew five or fewer people living out-of-status, with some knowing as many as 10 or more people living out-of-status. Based on FCJ Refugee Centre's front-line work with migrant workers, the lack of status can increase an individual's vulnerability to exploitation and represents a significant risk factor for trafficking. Since non-status migrant workers cannot obtain work permits, their only option tends to be to accept dangerous, low-wage, and cash-only jobs.

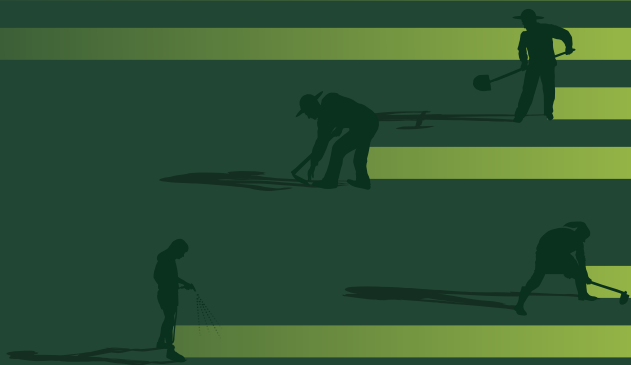
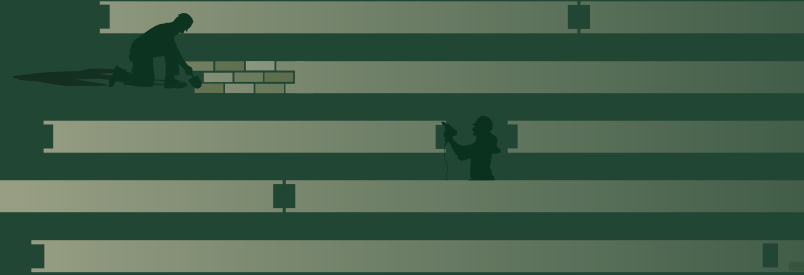


Number of Years that Participants have been Out-of-Status



Key Findings

The focus groups identified five key findings on the challenges facing low-wage migrant labourers:



1

Migrant workers have a limited understanding of their rights in Canada.

2

Many migrant workers are not aware that labour trafficking occurs in Canada.

3

Migrant workers are frustrated by policies that make it difficult to acquire permanent residency status.

4

Migrant workers' primary concern is family separation, followed by low wages and employer discrimination.

5

Many migrant workers had access to COVID-19 vaccines during the pandemic, but employers jeopardized workers' safety by failing to implement other public health measures.

1

Migrant workers have a limited understanding of their rights in Canada.

Many migrants are unaware of their rights in Canada. Approximately 60% of participants reported that they have not received information about their labour rights. Another 38% said they did receive information on their rights upon arrival, but that the information was only provided in English. By contrast, 14% indicated they had received information in their primary language.

During the focus group discussions, participants appeared surprised to learn that the *Employment Standards Act* protected them, even when working without authorization. This finding suggests that many migrant workers are unaware that they are protected by Canadian law. For example, workers may not be aware that they are eligible for minimum wage, mandatory breaks, or legislated health and safety protocols. This lack of knowledge leaves migrant labourers vulnerable to exploitation.



60%

Participants have not received information about their labour rights

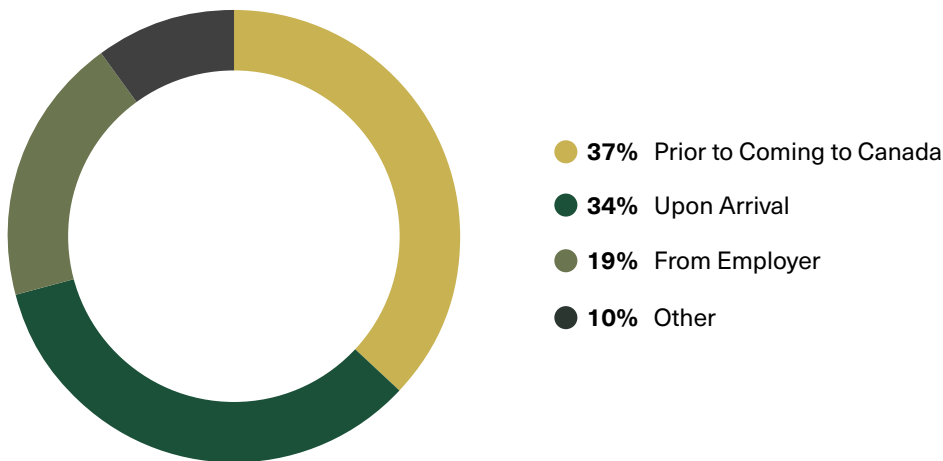
38%

Participants received information on their rights upon arrival, but the information was only provided in English

14%

Participants received information in their primary language

When Participants Want to Receive Information on Labour Rights



The focus groups also assessed how and when participants would like to receive information on their labour rights. As the above chart shows, most participants indicated they would like to receive information before coming to Canada or immediately upon their arrival. Participants who selected “other” expressed they would like to receive this information from the Canada Border Service Agency (CBSA). Participants were able to select more than one answer.

It is important to note that the Government of Canada has implemented measures to share information with migrant workers at ports of entry. For example, CBSA border guards provide written documentation to migrants upon arrival in Canada. CBSA staff also receive some training to identify trafficking. Moreover, beginning in September 2022, the federal government now mandates employers to provide migrants with information about their rights.

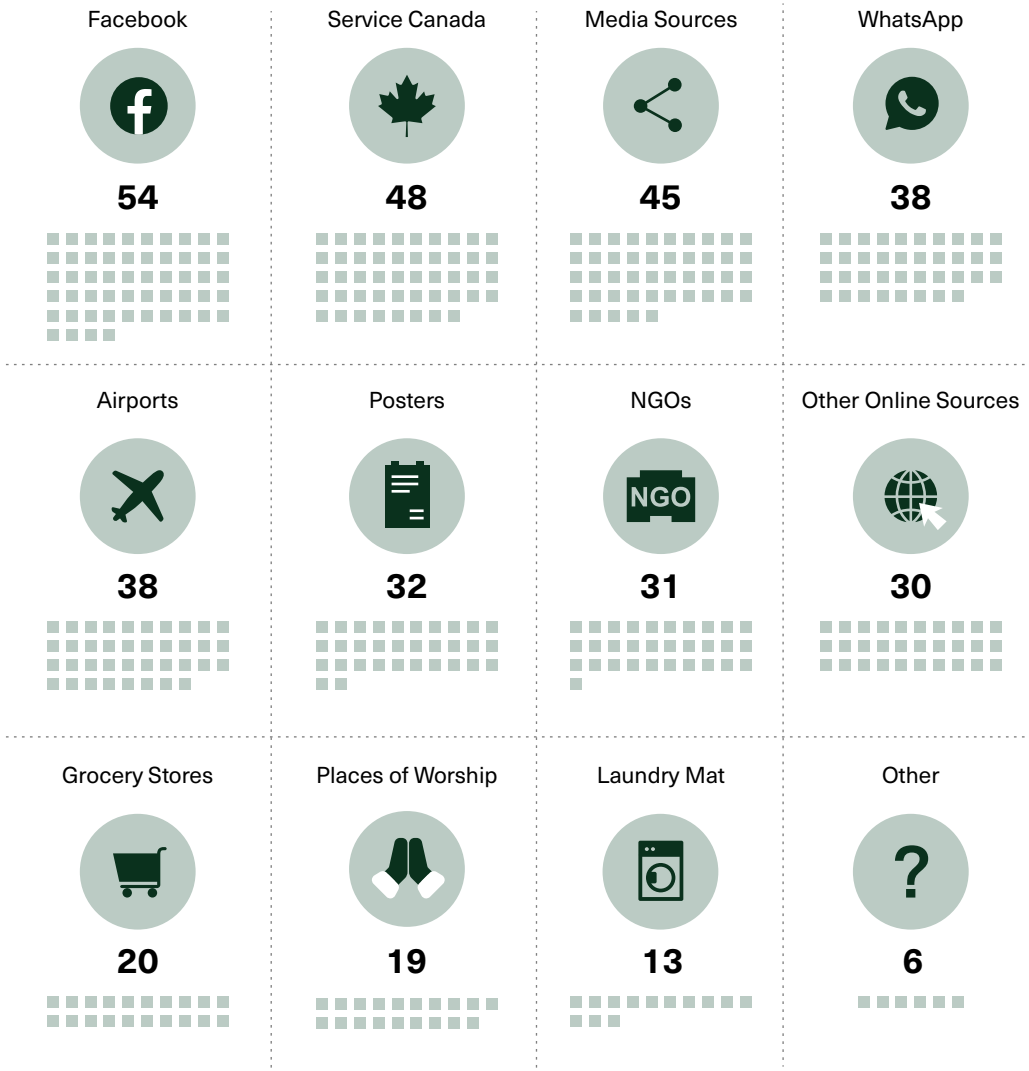
The steps the federal government have taken are encouraging. However, more work is needed to empower migrant workers with the knowledge they need to protect themselves. For example, many focus group participants said that CBSA had not provided them with information upon arrival, indicating that the federal government’s measure may be unevenly applied. Of those who did receive materials on their rights, it was often difficult to understand due to literacy and language barriers.



Most participants indicated they would like to receive information before coming to Canada or immediately upon their arrival.

Best Place for Human Trafficking Awareness Promotion According to Migrant Workers

■ Number of Participants



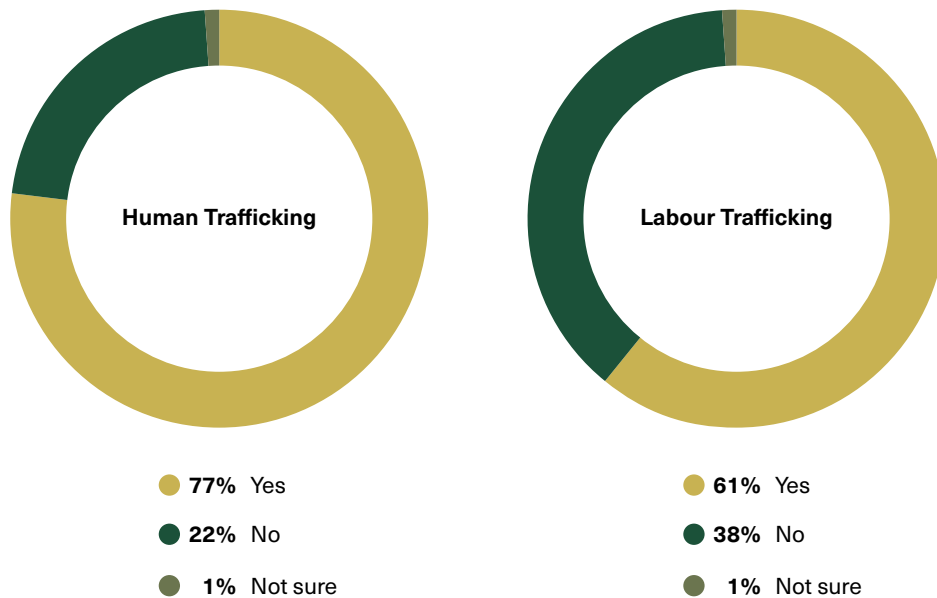
FCJ Refugee Centre’s work with migrants has found that labourers seek advice and job opportunities through Facebook groups. Governments and service providers could leverage these forums to share information at relatively low cost and effort. However, it is important to note that these online groups have also been used by traffickers to recruit and abuse workers. Finding ways to promote information through social channels, while discouraging recruitment by exploitative employers, should be prioritized by policymakers.

2

Many migrant workers are not aware that labour trafficking occurs in Canada.



Participants' Awareness of the Terms "Human Trafficking" and "Labour Trafficking"



Some participants disclosed that they had been victims of sex or labour trafficking, and 65% knew a victim of trafficking in Canada – whether themselves or someone else.

While more than three-quarters of participants were familiar with the term human trafficking, only 48% knew that it occurs in Canada. Some participants shared that they had been exploited in their home country and saw Canada as an opportunity to escape this form of abuse. As a result, many were surprised to learn this danger exists here.

One participant stated:

“ I am still in shock because in Mexico I have heard about human trafficking, but I never thought I would be in this situation [in Canada]. I would always think: how could people fall into these situations? How could they be tricked so easily? There is so much information out there. However, after this happened to me, I saw that it can happen to anyone – it made me realize I cannot judge anyone. I thought it was a good opportunity to come to Canada because there are more opportunities and safeguards than in Mexico.

Another participant shared that she came to Canada with debt. Her economic hardship convinced her to accept her exploitative situation:

“ In my situation, I became paralyzed with fear. I felt insecure with my status. I did not know the language. And, I did not know who to go to as I was new here. I left my country for the difficulties and I never thought I would be trafficked. But then I remember I came for my kids, so this helped me to find support and look for help. It is a difficult situation but you can leave with the help of organizations like FCJ, your community, and family.

FCJ's work with migrant workers has found that many victims of exploitation are forced to accept their conditions due to financial desperation. The need to survive, lack of awareness of other opportunities, and employers' psychological manipulation all keep migrant labourers in exploitative situations. In fact, one participant mentioned that learning from others who have lived through trafficking may be an effective tool for breaking this cycle:

“ I feel like when someone who has been through something like this, you can relate better to that person...When someone shares their story and how they escaped their situation and have obtained temporary residence or an open permit, that gives you hope because you can see that someone has already been successful in what you want to do.



While more than three-quarters of participants were familiar with the term human trafficking, only 48% knew that it occurs in Canada.

3

Migrant workers are frustrated by policies that make it difficult to acquire permanent residency status.

Canada has various pathways to permanent residency yet few are available to low wage migrant workers. Participants expressed frustration that – after giving their labour to Canada and enduring family separation and conditions of exploitation – they are unable to regularize their status or collect a pension in their home country.



Some workers in non-seasonal employment may be eligible for the *Agri-Food Pilot program* introduced in 2020. However, this program does not apply to seasonal workers or those who are unable to meet the language requirements. Additionally, this pathway is only available to workers in specific industries such as; meat product manufacturing, greenhouse (nursery, floriculture, or mushroom) production, and animal production (excluding aquaculture). These parameters greatly limit how many migrant workers are eligible.ⁱⁱ

ii <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/agri-food-pilot/about.html>

Approximately 62% of participants reported that they were not aware of the various pathways to regularization in Canada. Facilitators noted that many participants were eager to find out more about the available pathways.

One participant said:

““ After 5 to 10 years, I think governments should make it easier [to become a permanent resident] because we live here already. So, I personally think they should have something implemented for us because we are out here a long time. A lot of things changed back in our country.

Another participant suggested that after four years in the Agricultural Stream workers should have an option to apply for permanent residency. This individual emphasized that there should be an easier, guaranteed pathway to permanent residency after a certain number of years working in Canada under low-wage programs. “They are asking for us,” said one participant. “We come here and we aren’t getting anything back. If we were working for ten years in our home country, we would get a pension. But now, working here, if we go back to Jamaica, we don’t get anything there.”

Throughout the focus group discussions, a common theme began to emerge: current policy was not addressing the language barriers that limit opportunities for migrant labourers. One participant said:

““ I arrived with the idea of doing well here. I have tried to find a way, through the Internet, to find an employer, but it is very difficult. I came across the [Government of Canada’s] Job Bank website before coming here but it’s very difficult to contact someone, especially when you don’t speak the language well. It’s very difficult for them to contact you or for you to communicate with them so they can hire you.

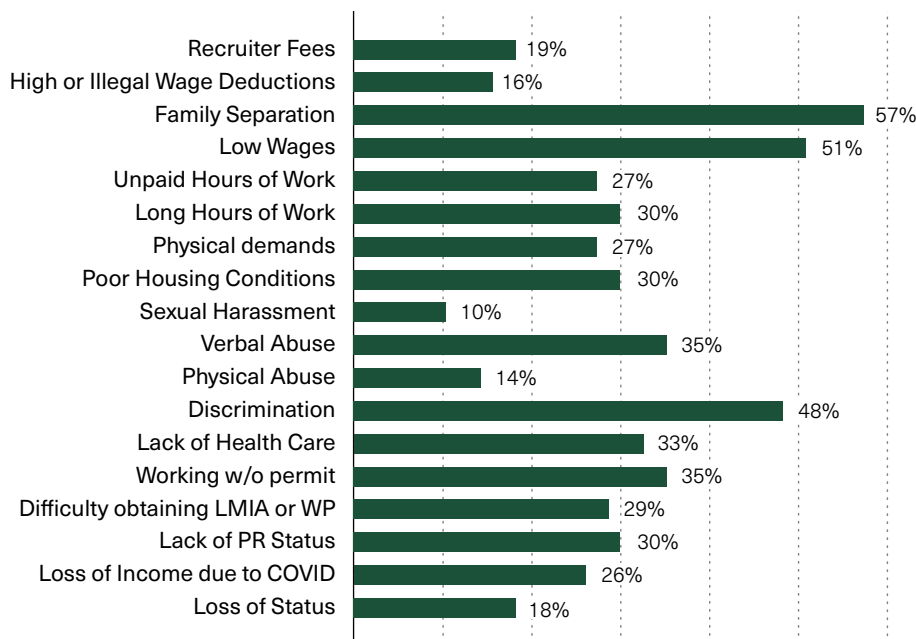
Many participants noted that they wished to enroll in English language classes, but experienced inequitable access to those programs due, in part, to difficulty accessing programs in their area.

4

Migrant workers' primary concern is family separation, followed by low wages and employer discrimination.

Of the 77 migrant workers who participated in the focus groups, 57% indicated that family separation was a significant challenge for them. Notably, low wages (51%) and employer discrimination (48%) ranked second and third, respectively.

Challenges Working in Canada for Migrant Workers



The percentages do not add up to 100% because focus group participants were able to select more than one response.

Family Separation

Many migrant workers leave their families for months and years at a time. Migrants working under the TFWP typically have an opportunity to go home for a short period. Others, who have fallen out-of-status, feel they cannot leave as they may not be able to return to Canada in the future. This means that they may go years without seeing their children. While COVID-19 travel restrictions have placed additional strain on migrants, the challenges associated with family separation were prevalent before the pandemic and after restrictions were lifted.

One participant stated:

“It’s about to be 5 years since I’ve been here. Five years since I last saw my children, because of my status – because I’m not able to leave the country. A few years back I was thinking: those who are here legally should raise their voices for those of us who aren’t. I think that many are here illegally. We’re working, not committing any crimes; we’re contributing to the country.”

Participants also discussed feelings of isolation due to being away from family. It became clear during the focus groups that this not only creates feelings of loneliness but it can lead to mental health issues.

“The emotional and mental exhaustion that we experience at the farms is a lot. There’s a lot of pressure that comes with being in a new country where you don’t even know the language. You don’t know your rights as a temporary farm worker. You can’t even tell your family that everything sucks because you don’t want to worry them. You bottle these things up and, in the long run, it affects your body and emotional state.”

Another participant added: “This situation is complicated because it’s like you’re in [a] cage at work and within yourself.”

In December 2022, the Government of Canada announced a significant policy change that will allow spouses and working-age children of migrant workers to relocate to Canada. Importantly, these family members would be eligible for an Open Work Permit, giving them greater flexibility to pursue different job opportunities while in the country.

The federal government plans to phase in these changes over time, first by allowing migrant workers in the high-wage stream to relocate their family members to Canada. The second phase would see this benefit opened up to workers in the low-wage stream of the Temporary Foreign Worker Program or the International Mobility Program. Finally, migrant workers in the agricultural sector would be allowed to bring their families to Canada, after consultation with agricultural partners and stakeholders.

This policy change represents a significant step forward in addressing some of the concerns highlighted by migrant workers during the focus groups.

However, the policy leaves important questions unanswered:

First, it's not clear when and under what additional conditions low wage and agricultural workers will be able to locate their families to Canada. Without a clear timeline, workers will continue to wonder when and if it will be possible to bring their families to this country.

Second, the policy change appears to do nothing for migrant workers with younger families. Parent(s) who work seasonally or over longer periods in Canada miss out on important milestones in their children's lives. This policy may unintentionally create a hierarchy among families based on the age of the child(ren). The government should do more to expand its policy to include younger families.

Low Wages

At the time that the focus groups met, the minimum wage in Ontario was \$15.00 per hour (as of October 2022 it had increased to \$15.50 per hour). Migrant workers employed under the TFWP are often paid minimum wage for laborious work.

During the focus groups, 51% of participants considered their wages too low in relation to their skill set and the nature of the work. Many shared that they did not receive a "livable wage" to both support themselves and send money to their family back home.

Abusive employers may also force migrants to accept low wages. One participant shared that despite being hired to work as a supervisor, they received neither the title nor salary increase to match the extra responsibilities. This meant that they were working in a high-skilled job for low-skilled wages, which limits their regularization options. The participant stated that: "We were deprived of getting our regularized status because our true work was not recognized. Employers do this to save money."



This situation is complicated because it's like you're in [a] cage at work and within yourself.

– Focus group participant



Over the course of the focus group discussions, it became clear that exploitation occurs frequently. However, migrants gave four reasons for why they do not speak out against it:

1

Lack of awareness of their rights

2

Fear of being sent home if they stand up for themselves

3

Unaware of community supports that are available

4

Desire to earn income to recuperate their losses and support their families

Low wages are also the result of restricted mobility. Migrant workers with employer-specific work permits are limited in their employment options. Most are authorized to work for only one employer and under one specific occupation. This limits their freedom to leave their employer if they are unhappy with their wages or face unjust working conditions. The employer-specific work permits remain a significant contributor to making migrants vulnerable to exploitation.



Some days we would only work for two hours. At 7:00 am they would pick us up and we would come back after not doing anything. Sometimes we would only work two or three days of the week. The plan coming into this country was to work and make money, send some back home to the family but the amount I was making was only enough to cover my expenses here. I noticed that at the farm, those who had been working there for a longer time were the ones getting more hours. The new workers would only get a few hours because we didn't know as much. Back in Guatemala, the thing that people want is to come here to do better for ourselves, working hard to make money.

– Focus group participant

Some migrant workers pay a considerable amount to travel to, and live in, Canada. By law, Canadian employers are required to cover the cost of bringing workers to the country and returning them home. Through its front-line work, FCJ Refugee Centre has also seen situations in which some migrants take out significant loans to fund their travel. Low wages make it difficult to pay off the debts they have incurred.

Employer Discrimination

During the focus group discussions, most participants indicated that they felt discriminated against due to their ethnicity. Interestingly, participants of all ethnic groups said that they are treated worse than other ethnic groups. For example, one focus group of Black Caribbean workers said that employers treated them worse than Spanish-speaking workers. Yet, a focus group of primarily Spanish Central and Southern American workers said the opposite. What participants could agree upon was that their inability to speak English leads to higher rates of discrimination.

One Central American participant explained:



English is not spoken in some of our home countries so there's a lot of division between Caribbean peoples who [do and do not] speak English. On the farms workers have more of an advantage if they speak English. Personally, I have experience being treated badly at the farm, but my [English-speaking] Caribbean co-worker was treated much better than I was. I would carry really heavy objects, but my co-worker didn't have to because he would speak up and advocate for himself. Not knowing the language is a huge disadvantage.

Safety Training

According to the *Occupational Health and Safety Act* (1990), workers in Ontario have the right to refuse unsafe work.¹⁰ However, migrant workers often feel pressure to accept hazardous work because they are afraid of being punished by their employers.

Migrant workers in agri-food and manufacturing are often expected to work with chemicals, heavy machinery, and other high-risk tools. During the focus group discussions, only 47% of participants reported that they received *all* applicable safety training required for their job, while 30% reported they received *some* safety training. Approximately 14% of participants did not receive any training, and the rest did not answer the question. Being asked to perform unsafe work without proper training is a form of exploitation and, under some circumstances, may be considered labour trafficking.

Vulnerabilities among International Students

Although the majority of the focus groups comprised migrant labourers, at least one participant self-identified as an international student. Much like those without work permits, international students are also vulnerable to exploitation and trafficking. In most cases, these individuals have restrictions on their employment and the number of hours they can work.ⁱⁱⁱ Under the 20-hour-per-week rules, an international student making \$15.50 an hour would only earn up to \$310 pre-tax earnings per week. The high cost of living in Canada, coupled with the work restrictions, has meant that many international students must seek out “under the table” income to financially support themselves. This situation has made international students incredibly vulnerable to exploitation and trafficking. One participant, who was also a sex trafficking survivor, said:

““ As an international student, I faced a lot of difficulties in obtaining my status... I think the government should help us out with the tuition by making it less or allowing us to work more than 20 hours. We are separated from our family, and some who come are very young – 17 or 16 years of age. I was also very young as well, and have been away from my family, it was very hard.

ⁱⁱⁱ The long-standing 20-hour-per-week limitation was temporarily lifted by the Government of Canada in September 2022. Although this was a positive development, there is a clear need to make this rule change permanent.

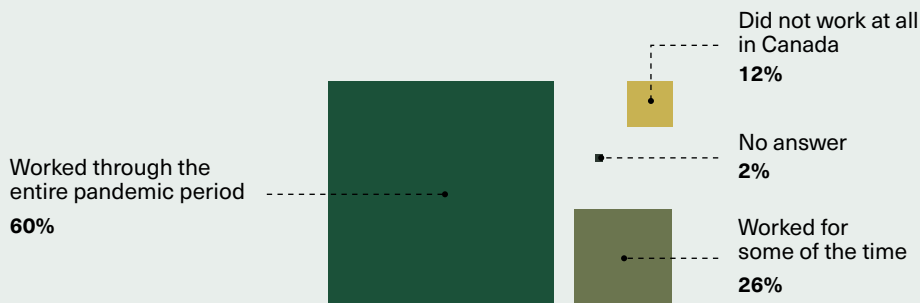
5

Many migrant workers had access to COVID-19 vaccines during the pandemic, but employers jeopardized workers' safety by failing to implement other public health measures.

One of the purposes of the focus groups was to investigate how the pandemic affected migrant workers, and whether Canadian employers put measures in place to support their safety.



Of the 77 participants, 60 reported having worked through the entire pandemic period up until that date (March 2022). Approximately, 26% worked for some of the time and 12% did not work at all in Canada between March 2020-March 2022 (2% did not answer the question).



The focus groups made it clear that migrant workers have limited access to Canadian healthcare services. Only 43% of participants were able to access general health care during the pandemic. In part, this is because migrant labourers often work in rural communities that have limited access to hospitals and doctors' offices. In addition, migrant workers without status do not have access to the Ontario Health Insurance Plan (OHIP) or Interim Federal Health Program (IFHP) coverage. While this was true before the pandemic, the prevalence of the virus has made lack of healthcare access a pressing concern for many migrant workers.



At the farm, I would work eight hours and I would always be standing in the same position. After a while, it started to affect my spine. I told my employer that my spine was injured and they did nothing about it. To this day, my back is still affected. I came on a one-year contract that was not renewed. I have stayed without status ever since. Because I am out of status, I cannot see a doctor unless I pay for it. I would like to have a health card or even free medical care because I am injured and have not received the medical attention I need.

– Focus group participant

Mandatory Quarantine

According to the Government of Canada's *COVID-19: A guide for temporary foreign workers in Canada*, most migrant workers were required to quarantine upon arrival for 14 days.¹¹ Employers had to pay workers a minimum of 30 hours per week at their regular rate of pay during their quarantine period. This pay was in addition to the minimum hours outlined in the contract for SAWP workers. However, employers *could* deduct the cost of food at an agreed-upon rate with the worker. If a worker needed assistance “to access the necessities of life” such as food and toiletries, the employer was compelled by law to assist with the request.¹²

Of those who arrived in Canada during the pandemic, 50% reported that they were required to quarantine and were paid during their quarantine period. However, 29% were required to quarantine and were *not* paid. Over one-fifth (21%) said the employer did not ask them to quarantine despite federal requirements to do so.

Nearly 40% of focus group participants said they had quarantined at some point between March 2020 and March 2022. Of those participants, 69% reported that they had to pay for their own food during quarantine.

Personal Protective Equipment

In Ontario, employers are responsible for ensuring that workers wear proper personal protective equipment (PPE), which may include masks, sanitizer, and gloves. However, employers are not required to pay for PPE. Almost two-thirds (64%) of participants stated that their employer paid for their COVID-19-related PPE, 10% said they paid for it themselves, 12% said they sometimes received it free of charge, and 8% did not receive any PPE at all. Approximately 6% of participants did not answer the question.

Social Distancing

Participants were asked about their housing conditions and the types of supports and services they could access. Under the TFWP, employers who hire through the agri-food stream must provide workers with adequate and affordable housing.^{iv}

Since the term “adequate” is subjective, focus group facilitators prompted participants with specific questions. For example, they asked about:

- the number of people who slept in one room;
- the number of showers and toilets;
- the cleanliness of the house;
- if there was enough room for their belongings, and;
- if they were able to socially distance themselves.

66% of participants stated that only one or two people slept in one room, suggesting that most were able to sleep comfortably. In contrast, 16% said there were three to five people sleeping in one room and 18% had more than five people.

Less than half (41%) of participants stated they were *a/ways* able to social distance in their accommodations.

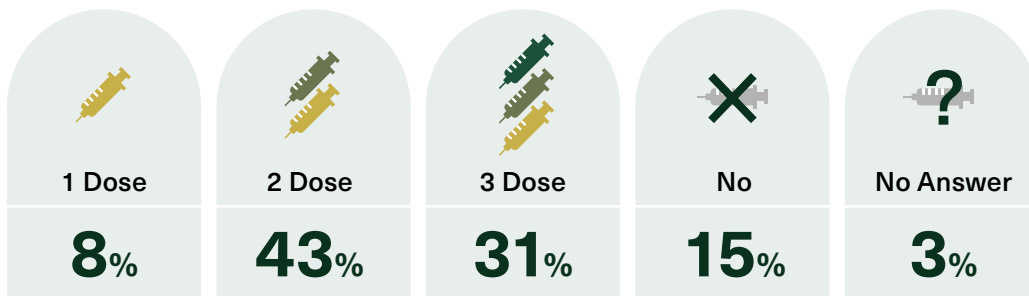
Overall, approximately half (49%) of applicable participants considered their housing conditions as “acceptable,” and 25% considered them “excellent”. 1 in 5 described their housing conditions as “poor” and 6% of participants said they were “terrible,” respectively.

^{iv} <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html>

COVID-19 Vaccines & Contraction

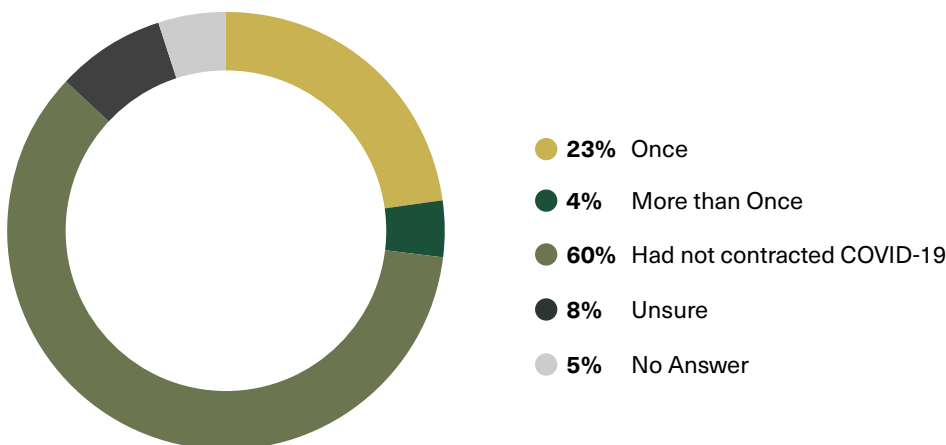
COVID-19 vaccines in Canada are available at no cost to migrant workers, including those living without status. Approximately 70% of focus group participants reported that they had access to COVID-19 vaccines. However, only 31% had received three or more doses, 43% had received only two doses, and 8% had received just one dose. Approximately 16% of participants were not vaccinated.

Participants' vaccination status



Over half of the participants (60%) reported that they did not contract COVID-19. Approximately 23% contracted COVID-19 once and 4% contracted the virus more than once.

Participants' Contraction of COVID-19



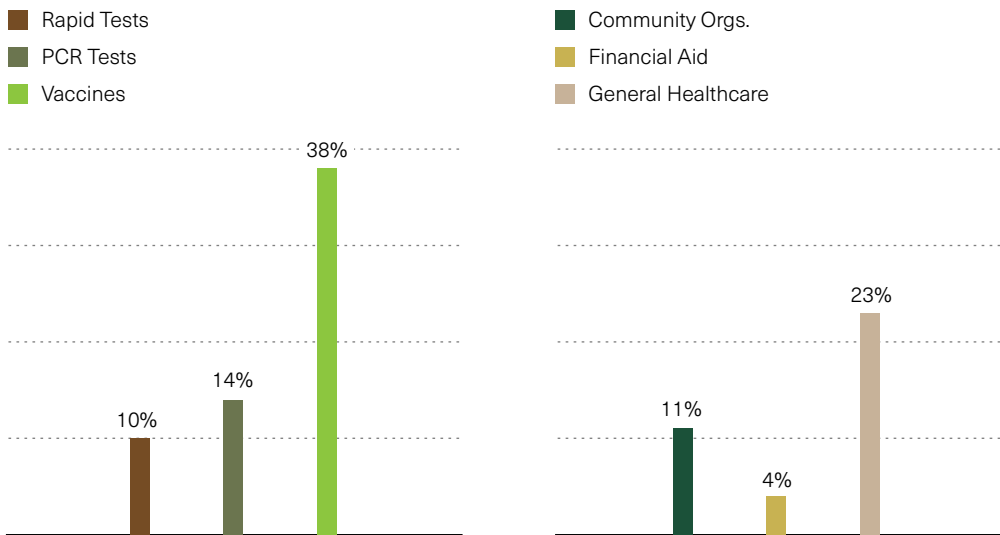
Of participants who contracted COVID-19, 57% were required to quarantine. One-third of participants had access to a doctor. One quarter were able to access PCR tests or financial aid.

Access to Financial and Health Supports

Accessing a PCR test (polymerase chain reaction) and rapid test was difficult during the early stages of the pandemic due to their scarcity across the country. By 2022, however, rapid tests were widely available in grocery stores and pharmacies. Yet, only 26% of participants reported that they had access to PCR tests and only 18% had access to rapid tests.

Participants indicated that COVID-19 financial supports were similarly difficult to access. Only 8% reported that they were able to access financial aid such as unemployment insurance or a specialized COVID-19 financial assistance program.^v Some migrant workers shared they were ineligible because they lacked status in Canada or because they engaged in seasonal work. Other workers indicated they were unaware of the benefits that were available to them or did not know how to apply. These findings reveal an important trend: migrant workers are often precluded from social supports that most other workers need to survive. This hardship is particularly true when migrants are out-of-status. What's more, migrants' limited knowledge of the programs and how to access them put them at a significant financial disadvantage compared to other workers.

Access to COVID-19 Supports and Services



^v For example, the Canada Emergency Response Benefit, Canada Recovery Sickness Benefit, Canada Recovery Benefit, or Canada Emergency Student Benefit, etc.

Recommendations

The following policy recommendations should be implemented to address the challenges identified by focus group participants:



The federal government should establish open work permits for all migrant workers in Canada, regardless of their occupation or national origin.



The federal and provincial governments, in coordination with service providers, should launch campaigns to raise awareness about labour trafficking.



The federal government should expedite the process to relocate migrant workers' families to Canada; Ottawa should also examine how to make this opportunity available to younger families.



The federal government should ensure migrant workers have greater access to information on their labour rights **before, during, and after** their arrival in Canada.



The federal government should update Canada's immigration legislation to provide a pathway to citizenship for low-wage migrant workers **in all sectors**, including seasonal workers. Information on available pathways should be shared with migrant workers **before, during, and after** their arrival in Canada.



Provincial and municipal governments should work with community organizations to fund more on-site services, including healthcare, labour rights education, language training, and social activities.

As large segments of the economy shut down or moved online during COVID-19, thousands of migrant workers were designated as “essential workers.” The contributions of low-wage migrant workers cannot be understated: their labour kept farms, manufacturing facilities, retail stores, and other industries functioning, helping to insulate the Canadian economy during the height of the pandemic. Many continued to work on-site despite the increased personal health risks that this presented.

Yet, migrant workers performed these functions while facing challenges that many permanent residents and Canadian citizens did not. As this report has shown, migrant workers:

- had a limited understanding of their rights;
- were often unable to access healthcare services;
- were separated from their families for months or years at a time;
- experienced discrimination from their employer;
- were paid low wages;
- did not always receive safety training;
- were often unable to socially distance;
- were not eligible for some (or all) government financial supports, and;
- did not have consistent access to PCR or rapid tests.

In response to these challenges, FCJ Refugee Centre and the Canadian Centre to End Human Trafficking are calling for the following policy changes:



The federal government should establish Open Work Permits for all migrant workers in Canada, regardless of their occupation or national origin.

Many of the challenges faced by low wage and agricultural workers stem from being tied to a single employer. This creates a situation that is rife for exploitation. The Government of Canada should immediately end this cycle by putting in place a process to extend Open Work Permits to all migrant labourers.



The federal government should ensure that migrant workers have access to information on their labour rights before, during, and after their arrival in Canada.

More specifically, Ottawa should:

- a. Ensure that Canadian embassies and consulates provide information on labour rights to migrant workers within their home country. This information could be shared electronically (e.g., over Facebook, email, etc.), via hard copy (e.g., paper packages), and verbally through in-person educational sessions. Global Affairs Canada could also work with the home countries to find other ways to distribute information to anyone who may be thinking of working in Canada.
- b. Increase efforts to connect with newly-arrived migrant workers by providing them with “welcome packages” that include information on their rights. These packages could also include a list of services that are available in their employment area. This information should be made available in migrants’ first languages and should account for varying literacy levels.
- c. Use Facebook to communicate with migrant workers about their rights, the “red flags” of exploitation, how to access support, and how to report abuse.
- d. Share information on labour rights and available supports in ethnic newspapers, particularly those that appeal to Latin American and Asian communities.
- e. Enforce existing workplace legislation and regulations on employers that use migrant workers, including launching more random inspections. Greater monitoring may help address the power imbalance between employers and migrant workers that leads to workplace violations. This recommendation should be implemented by provincial and municipal governments as well.



The federal and provincial governments, in coordination with service providers, should launch campaigns to raise awareness about labour trafficking.

These education campaigns should seek to raise awareness of this crime among Canadians and migrant workers. The ability to understand and identify labour trafficking is essential to stopping it. Therefore, the campaign should describe the signs of exploitation, and provide migrants and the general public with details on how to access additional information and report tips.



The federal government should update Canada's immigration legislation to provide a pathway to citizenship for low-wage migrant workers in all sectors, including seasonal workers.

Information on available pathways should be shared with migrant workers before, during, and after their arrival in Canada.



The federal government should expedite the process to relocate migrant workers' families to Canada; Ottawa should also examine how to make this opportunity available to younger families.

The focus groups made clear that the greatest stress migrants face is separation from loved ones. The federal government's recent announcement to allow migrant workers' spouses and working-age children to relocate to Canada is a positive step forward. However, this policy needs to go further:

- a. First, policymakers should commit to migrant workers in the low wage and agricultural streams that they will be able to bring their families to Canada no later than 2024.
- b. Second, the Government of Canada should increase their investments in language training and social supports to help new migrant families settle and thrive in Canada.

- c. Third, the federal government should expand its reunification policy by extending it to migrant workers with younger families (i.e., those with non-working age children). More specifically, Ottawa should work with the provinces and municipalities to identify the necessary supports, infrastructure, and funding that is needed to successfully integrate children and youth of migrant labourers. A timeline for implementing this expanded policy should also be established and made publicly available. All migrant workers should have the ability to relocate their families to Canada; this privilege should not be contingent on the age of a child.
-



Provincial and municipal governments should work with community organizations to fund more on-site services, including healthcare, labour rights training, language training, and social activities.

These governments could:

- a. Increase efforts to provide migrant workers with access to COVID-19 PCR tests, rapid tests, PPE, and transportation to medical services.
- b. Increase funding so that service providers can offer free, on-site English and French classes and interpretation services to empower workers.
- c. Increase funding to community groups to organize social events for migrant workers to address the impact of family separation, isolation, and discrimination.
- d. Share information in multicultural media sources related to:
 - regularization pathways that are available to migrant workers;
 - available localized social supports;
 - available services that can be accessed province- or nation-wide;
 - human trafficking awareness information, and;
 - worker rights and information on specific workplace permits.

Conclusion

FCJ Refugee Centre, the Canadian Centre to End Human Trafficking, and Legal Assistance Windsor convened 77 migrant labourers in Ontario to better understand their working conditions during COVID-19. This report clearly demonstrates that many of the ongoing challenges facing migrants continued throughout the pandemic. This includes lack of information on labour rights, feelings of isolation due to family separation, poor safety training, and discrimination from employers.

Despite new measures introduced by the federal and provincial governments, these challenges persist. In addition, the pandemic unveiled new concerns among migrant workers. Many lack reliable access to healthcare. Others reported that they did not have access to PPE. Public health protocols (e.g., quarantine, socially distancing, etc.) were not observed by many employers.

More work is needed by the federal, provincial and municipal governments to protect migrant workers from exploitation and labour trafficking. Implementing the recommendations included in this report will help create a more equitable, just, and human-centred environment for low-wage workers to thrive in Canada.

Appendix A

Methodology

Seven focus groups were convened in February and March 2022 in Southwestern Ontario: four in Leamington, two in Toronto, and one in London. Some participants travelled from nearby cities to attend a focus group.

During each focus group, participants were provided with confidentiality and consent forms. They were also informed that all individual comments would not be attributed to specific individuals and that a report detailing general experiences would be made public.

Interpretation services were offered to anyone who required assisted language support.

Facilitators also explained the purpose of the focus groups. Each focus group had an open discussion that was audio recorded for the purpose of notetaking.

While this report highlights key findings from a wide-ranging group of migrant workers, there are important limitations to this particular research study. For a list of limitations, please see [Appendix B](#).

Each focus group began with a clear introduction and explanation of the purpose of the session, the participant selection process, the importance of sharing lived experiences, and confidentiality. FCJ Refugee Centre's Anti-Human Trafficking team acted as the focus group moderators and led the discussion by asking additional questions warranted by the situation. Participants were asked about their knowledge and awareness of human trafficking broadly and labour trafficking specifically. An interview guide (see [Appendix C](#)) included multiple choice and open-ended questions to give participants the opportunity to extrapolate their thoughts.

Each focus group brought together a different mix of ethnic backgrounds and professional experiences:

- **Leamington Spanish Focus Group:** Agricultural workers mostly from Central and South America (in partnership with LAW).
- **Leamington Thai Focus Group:** Agricultural workers from Thailand (in partnership with LAW).
- **Leamington Indonesian and Filipino Focus Group:** Agricultural workers from Indonesia and Philippines (in partnership with LAW).
- **Leamington English Focus Group:** Agricultural workers from the Caribbean (in partnership with LAW).
- **Greater Toronto Area (GTA) Spanish & English Focus Group:** Construction workers from various countries of origin (in partnership with LAW).
- **GTA Spanish Focus Group:** Migrant women workers from various countries of origins (in partnership with LAW).
- **London Spanish Focus Group:** Construction and factory workers from Central and South America (in partnership with LAW).

Ethics

To abide by vigorous research ethics, all participants were provided with a confidentiality and consent form (see [Appendix D](#), including consent for audio recording). Consent forms were translated into Spanish to inform Spanish-speaking participants of their rights and the terms of their engagement. For people whose first language was Thai or Indonesian, an on-site interpreter provided informed consent verbally.

Participants were provided with a \$100 honorarium, refreshments and food were provided, and local transportation costs were reimbursed, if applicable. Migrant workers were convened in locations close to places where partner organizations had pre-existing relationships with them. Focus groups were held in the evenings and weekends to allow participants to attend after work to make participation easier.

All COVID-19 provincial guidelines were followed to safely conduct in-person focus groups. All participants were provided with masks and hand sanitizer as well as ample room for social distancing. Financial support was also provided to partner organizations who helped organize the focus groups for facility rental and refreshments.

The facilitators recognize that migrant workers come from a range of backgrounds and experiences, both at home and in Canada. Therefore, it was important to minimize the potential for re-traumatization and promote a safe and trauma informed space within the focus groups. FCJ Refugee Centre and LAW did not require participants to disclose personal information or identify as victims of exploitation or trafficking. However, many participants chose to share their experiences of abuse, exploitation and trafficking.

Data Analysis

Participants answered the multiple choice and open-ended questions on a physical interview guide. During the open discussion, participants were asked to reflect on each section of the interview guide. Notetakers used the audio recordings to create notes for analysis. Researchers then analyzed completed interview guides for quantitative and qualitative data. Common words and recurring answers were grouped into key themes that are highlighted in this report.

Appendix B

Limitations of this study

We identified the following limitations in the focus group process:

1. Sampling, as well as recording and interpreting the data, can be difficult due to misunderstandings and the lack of answers to some questions.
2. Important information provided by participants can get lost in translation and interpretation.
3. The diversity of answers can be potentially limited when workers are from the same farm and employer.
4. The method chosen (interview guide and multiple-choice questions) can lead to a lack of answers to some questions, limited discussion and disclosure. We designed the questions to elicit a discussion about the challenges that migrant workers face in Canada. This resulted in discussions that centred around *problems* rather than positive experiences. Therefore, this report's findings may not reflect the overall level of satisfaction that migrant workers may feel in Canada.

Appendix C

Focus Group with Migrant Workers

Questions (guideline for a conversation)

Organizing: FCJ Refugee Centre in partnership with _____

Date:

Location:

Background:

The FCJ Refugee Centre is partnering with the Canadian Centre to End Human Trafficking, to organize a series of focus groups with migrant workers from across Ontario. We have also connected with sectoral partners including LAW (Legal Assistance of Windsor) and UFCW (United Food and Commercial Workers).

The purpose of this focus group is to increase awareness of human trafficking for labour exploitation in Canada, identify if migrant workers in Canada are adequately informed of their rights, to better understand how migrant workers feel about regularizing their status and to assess how the COVID-19 pandemic has impacted migrant workers' experiences in Canada.

Your participation in this focus group is entirely voluntary. You may decline to participate, withdraw your participation at any time, and decline to answer any questions without any negative consequences.

Throughout the focus group, you have the right to not respond to any questions you are not comfortable with. Your participation in this focus group will be kept completely confidential and your answers will be kept anonymous. You may withdraw from participating in this focus group without affecting the relationship with the Focus Group facilitators. Your participation will support the Centre's summary report but we won't include your name or any details regarding your place of employment and/or your case in the summary report.

Demographics Questions:

1. What is your current status in Canada?
 - Worker/Work Permit
 - Out of Status
 - Visitor
 - Temporary Resident Holder
2. If you are currently out of status, how long have you been out of status?
 - Under 1 year.
 - 1-5 years.
 - 5-10 years.
 - 10+ years.
3. How many people do you know who are out of status in Canada?
 - Zero.
 - 1-5.
 - 5-10.
 - 10+.
 - Don't know.
4. Under which federal Temporary Foreign Worker Program did you come to Canada?
 - No program (i.e., visitor, tourism)
 - Seasonal Agricultural Worker Program (SAWP)
 - Agricultural Stream (Agri-Food)
 - Caregiver Stream
 - Other: _____.
 - Don't know.
5. What is your country of origin?
 - Mexico.
 - Guatemala.
 - Honduras.
 - El Salvador.
 - Brazil.
 - Portugal.
 - Thailand.
 - Costa Rica.
 - Jamaica.
 - Saint Lucia.
 - Dominica.
 - Barbados.
 - Indonesia.
 - Philippines
 - Other: _____.
6. What is your gender identity?
 - Female.
 - Male.
 - Other.
 - Rather not say.
7. What is your age?
 - Under 18.
 - 18–25.
 - 25–35.
 - 35–50.
 - 50+

Regularization Questions:

Regularization Explanation: There are many precarious migrants in Canada who do not have permanent and stable status in Canada. This includes those who are out of status or at-risk of losing their temporary status. This limits their access to government services, employment and exercising their rights. Canada offers different “pathways” to regularization or permanent residency with different eligibility requirements.

1. Are you aware of the pathways available to you to regularize your status in Canada?

- Yes.
- No.

2. When you first arrived in Canada, what was your original plan?
(You can select more than one if applicable.)

- I wanted to stay in Canada.
- I wanted to stay and bring my family to Canada.
- I wanted to continue working temporarily and return home.
- I did not want to stay in Canada.
- Other: _____

3. After your experience in Canada, what are your feelings about staying in the country?

- I want to stay in Canada.
- I want to stay and bring my family to Canada.
- I want to continue working temporarily and return home.
- I do not want to stay in Canada.
- Other: _____

Human Trafficking Questions:

1. Are you familiar with the term 'human trafficking?'

- Yes.
- No.

The Canadian Criminal Code defines human trafficking as: Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation.

2. Are you familiar with the term 'labour trafficking', human trafficking for the purpose of labour exploitation?

- Yes.
- No.

Labour trafficking takes place when people are forced or coerced into exploitative labour practices or made to work against their will. It takes place when employers, recruiters or others use violence, threats, lies, or debt bondage to make people work against their will, or when employees are made to work without pay, or without the pay they are entitled to through law. Labour trafficking is a form of human trafficking.

If needed: human trafficking/labour trafficking and human smuggling are two different things. Human smuggling takes place when a person (the smuggler) facilitates the transportation of other individuals across an international border, with the consent of those individuals who seek to enter the country without authorization. Human smuggling requires the crossing of an international border. However, human trafficking can take place within a country, province or city, and need not include the victims being transported from one country to another.

3. Are you aware that **labour trafficking** takes place in Canada?

- Yes.
- No.

4. Do you know anyone, or have you heard about anyone that has experienced labour trafficking in Canada?

- Yes.
- No.

5. Did you receive information on the subject of labour rights and access to social services in Canada?

- Yes, in English.
- Yes, in my native language and English.
- No

6. What would be the best way to receive this information?

- Upon arrival in Canada
- From my employer
- In your home country before coming
- Other, please explain. _____

7. Where should we advertise or provide information related to services and information to increase awareness and prevention of labour exploitation? Check all that apply.

- | | |
|--|--|
| <input type="checkbox"/> Posters | <input type="checkbox"/> Airports |
| <input type="checkbox"/> Media Sources | <input type="checkbox"/> Service Canada |
| <input type="checkbox"/> Facebook | <input type="checkbox"/> NGOs i.e. Community Organizations |
| <input type="checkbox"/> WhatsApp | <input type="checkbox"/> Grocery Store |
| <input type="checkbox"/> Other on-line sources | <input type="checkbox"/> Laundry mat |
| <input type="checkbox"/> Place of worship | <input type="checkbox"/> Other: _____. |

8. Were you provided with training on work place health and safety, proper use of equipment or safe handling of pesticides or other chemical products (if applicable)?

- Yes, I was provided with all applicable safety training.
- Yes, I was provided with *some* applicable safety training but not all applicable training.
- No, I was not provided with any safety training.

9. On average, how many hours a week do you work in Canada?

- | | |
|--|--|
| Previously: | Presently: |
| <input type="checkbox"/> Under 20 hours. | <input type="checkbox"/> Under 20 hours. |
| <input type="checkbox"/> 20-40 hours. | <input type="checkbox"/> 20-40 hours. |
| <input type="checkbox"/> 40-50 hours. | <input type="checkbox"/> 40-50 hours. |
| <input type="checkbox"/> 50+ | <input type="checkbox"/> 50+ |

10. In your experience overall, do these things make it hard to work in Canada?

Please select all that apply:

- Had to pay fees to recruiter to come to Canada for job opportunity
- High or illegal deductions from my wages by my employer
- Family separation
- Low wages
- Unpaid hours of work
- Long hours of work (10+ hours a day)
- Physical demands of work impacting health
- Poor housing conditions
- Sexual harassment
- Verbal abuse
- Physical abuse
- Discrimination
- Lack of health care coverage
- Working without having a work permit
- Difficulty getting an LMIA or work permit
- Lack of permanent resident status
- Loss of income due to COVID-19
- Loss of status in Canada

11. What are your most important needs that you would want supported by organizations such as FCJ Refugee Centre, Legal Assistance of Windsor, or other?

12. What other information do you feel is important to raise awareness of human trafficking and prevention?

COVID-19 Pandemic Questions:

1. Were you working in Canada between March 2020 to March 2022 (the pandemic)?
 - Yes, I was employed for the entirety of the pandemic.
 - Yes, I was employed for some of the time between March 2020-March 2022.
 - No.

2. Were you provided with free PPE (masks, gloves, sanitizer etc.) by your employer?
 - Yes, always.
 - Yes, sometimes.
 - No, I paid for my own PPE.
 - No, I was not provided with any PPE.

3. Regarding your housing conditions, how many people were sleeping in one room?
 - 1-2.
 - 2-5.
 - 5+

4. Were you able to properly socially distance?
 - Yes, always.
 - Yes, sometimes.
 - No.

5. What were the overall conditions of your housing accommodation?
 - Excellent.
 - Acceptable.
 - Poor.
 - Terrible.
 - Don't know.

Explanation by Facilitator if needed: Was there enough space for food storage? Were there enough kitchen appliances for all workers? Was there adequate bedding? What were the conditions of the bathroom? Did you have access to laundry?

6. During your employment in Canada, were you able to access (select all that apply):

- General Healthcare
- Financial Aid
- Services from community organizations
- COVID-19 Vaccines
- PCR Tests
- Rapid Tests

7. Did your employer require you to quarantine when you arrived in Canada between March 2020 to the present?

- Yes, unpaid.
- Yes, paid.
- No.
- Not applicable.

8. Did you have to pay for your own food while in quarantine?

- Yes.
- No.
- Not applicable, I did not quarantine.

9. Were you vaccinated in Canada?

- Yes, 1 dose.
- Yes, 2 doses.
- Yes, 3 doses.
- No.

10. Have you contracted COVID-19?

- Yes, once.
- Yes, more than once.
- No.
- I'm not sure, but I was sick.

11. If you answered "Yes" to question 10 - Please check all that apply:

- I was required to quarantine.
- I had access to financial support offered by the government.
- I had access to PCR tests.
- I had access to a doctor.

12. Is there anything else you would like to tell us about your experience in Canada?

Other:

1. Have you or has anyone you know, experienced sexual harassment in the workplace in Canada?
 - Yes, I have, or I know someone who has.
 - No.

2. Have you ever felt discriminated against based on your gender in your workplace in Canada?
 - Yes.
 - No.

3. What barriers have you faced in Canada as a migrant worker that have been specific to your gender? Check all that apply.
 - Lower wage than male counterparts.
 - Harassment.
 - Limited options for work.
 - Single mother supporting dependents.
 - Other. (Please Explain)

Appendix D

Focus Group with Migrant Workers

CONSENT FOR PARTICIPATION

Organizing: FCJ Refugee Centre in partnership with _____

The **FCJ Refugee Centre** is partnering with the **Canadian Centre to End Human Trafficking** to organize a series of Focus Groups with migrant workers from across Ontario to better understand their experiences, challenges, and possible situations of human rights abuses and/or labour exploitation. We have also connected with sectoral partners including LAW (Legal Assistance of Windsor) and UFCW (United Food and Commercial Workers).

We are holding Focus Groups with migrant workers from the Agricultural Stream, Caregivers (care workers), Agri-food workers, and others from the Temporary Foreign Worker Program and Seasonal Agricultural Worker Program (SAWP), who have experienced labour trafficking, or labour abuse, and/or who may be vulnerable to labour exploitation and/or trafficking in Canada.

The purpose of this Focus Group is to increase awareness of human trafficking for labour exploitation in Canada, identify if migrant workers in Canada are adequately informed of their rights, better understand how migrant workers feel about regularizing their status, and to assess how the COVID-19 pandemic has impacted migrant workers' experiences in Canada.

Participation, Withdrawal & Confidentiality:

Your participation in this Focus Group is entirely voluntary. The organizers are committed to guarantee a safe and confidential environment. You may decline to participate, withdraw your participation at any time, and decline to answer any questions without any negative consequences and without affecting the relationship with the Focus Group facilitators. If you decide to withdraw your participation, you may notify the FCJ Refugee Centre and/or your relevant organization of support.

Throughout the Focus Group, you have the right to not respond to any questions you are not comfortable with. Your participation in this Focus Group will be kept **completely confidential and your answers will be kept anonymous.**

The Focus Group should have a minimum of 10 participants, and provide 1.5 hours for this conversation.

The Focus Group will be conducted in the language you are most comfortable with (*English, Spanish or Tagalog*). The Focus Group will be **audio recorded**, and the facilitators and volunteers will take relevant notes.

Your safety is of utmost concern and as such, a safe space for open discussion will be organized to conduct the Focus Group. The location of the Focus Group will also be located in your region of residence. Your participation will support the Centre's summary report.

Benefits:

We hope that the insights from these Focus Groups will enhance awareness and strengthen prevention efforts of labour trafficking for migrant workers.

Participants (Migrant Workers) will be provided with \$100 as compensation for time spent at the Focus Group. Compensations will be provided in the form of a cheque from FCJ Refugee Centre, written in your name, or cash as requested, with a receipt provided.

A summary report of the findings from the Focus Group will be provided in a final report. Your name or any details regarding your place of employment and/or your case **will not be included** in the summary report.

Contact for the Evaluation:

If you have any questions regarding the Focus Group, you can contact the FCJ Refugee Centre at 647-971-2153, or your relevant organization of support.

I understand that:

1. My participation is completely voluntary and I may withdraw at any time without any consequences.
2. I have the right not to respond to a question.
3. My decision to participate or not to participate will be kept completely confidential.
4. The Focus Group will be audio recorded. The audio recording will help keep an accurate and complete account of the content throughout the Focus Group. Audio will be transcribed and analyzed for the summary report provided to the Canadian Centre to End Human Trafficking. Audio will be deleted once report is written and submitted.
5. All of my responses will be kept confidential to the fullest limits.

I consent to participate in the Focus Group:

Name: _____

Signature: _____

Date: _____

Location: _____

Endnotes

- 1 Statistics Canada (June 22, 2022). *Immigration as a source of labour supply*. Government of Canada. Accessed online at: <https://www150.statcan.gc.ca/n1/daily-quotidien/220622/dq220622c-eng.htm>
- 2 Employment and Social Development Canada. (April 4, 2022). *Government of Canada announces Workforce Solutions Road Map – further changes to the Temporary Foreign Worker Program to address labour shortages across Canada*. Government of Canada. Accessed online at: <https://www.canada.ca/en/employment-social-development/news/2022/04/government-of-canada-announces-workforce-solutions-road-map--further-changes-to-the-temporary-foreign-worker-program-to-address-labour-shortages-ac.html>
- 3 Statistics Canada (June 22, 2022). *Immigration as a source of labour supply*. Government of Canada. Accessed online at: <https://www150.statcan.gc.ca/n1/daily-quotidien/220622/dq220622c-eng.htm>
- 4 Statistics Canada (March 24, 2022). *Temporary foreign workers in the Canadian labour market*. Government of Canada. Accessed online at: <https://www.statcan.gc.ca/o1/en/plus/630-temporary-foreign-workers-canadian-labour-market>
- 5 Kate Dubinski. (June 6, 2022). *Ontario farm fined \$125k after pleading guilty in COVID-19 outbreak behind Mexican worker's death*. CBC News. Accessed online at: <https://www.cbc.ca/news/canada/london/migrant-worker-death-outbreak-scotlynn-sweetpac-fine-1.6479098>
- 6 United Nations Office of the High Commissioner. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*. United Nations. Accessed online at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>
- 7 Migrant Workers Centre. (2022). *Labour Exploitation & Trafficking in BC*. Accessed online at: <https://mwcbc.ca/labour-exploitation-trafficking-in-bc/#:~:text=Signs%20of%20labour%20trafficking%3A&text=Working%20excessive%20days%20or%20hours,with%20little%20or%20no%20privacy>
- 8 Public Safety Canada (2022). *Labour trafficking*. Government of Canada. Accessed online at: <https://www.canada.ca/en/public-safety-canada/campaigns/human-trafficking/labour-trafficking.html>
- 9 Employment and Social Development Canada. (2022). *Hire a temporary foreign agricultural worker*. Government of Canada. Accessed online at: <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural.html>
- 10 Government of Ontario (1990). *Occupational Health and Safety Act: Part V. Right to refuse or to stop work where health and safety are in danger*. Accessed online at: <https://www.ontario.ca/document/guide-occupational-health-and-safety-act/part-v-right-refuse-or-stop-work-where-health-and-safety-danger>
- 11 Employment and Social Development Canada (2020). *COVID-19: A guide for temporary foreign workers in Canada*. Government of Canada. Accessed online at: <https://www.canada.ca/content/dam/esdc-edsc/documents/campaigns/foreign-worker-rights/covid19-guide/2A31-nts-tfw-covid19-guide-for-workers.pdf>
- 12 ibid.



FCJ Refugee Centre

Walking With Uprooted People



The Centre

**Canadian Centre to
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Among Migrant Workers During
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to End Human Trafficking, we wish to extend our sincere
appreciation to the migrant workers who participated in this
study. The valuable insights that we collected would not have
been possible without their courage, resilience, and willingness
to share their lived experiences. We honour their stories.

For more information, please contact: info@ccteht.ca

ccteht.ca