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# Standing Committee on Citizenship and Immigration

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Chair: Mr. Sukh Dhaliwal





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• (1535)

[English]

**The Chair (Mr. Sukh Dhaliwal (Surrey—Newton, Lib.)):** We have quorum. I'm going to call the meeting to order.

I have Mr. Redekopp.

**Mr. Brad Redekopp (Saskatoon West, CPC):** Thanks.

Before we get going, I want to quickly talk about the minister's visits. We have three on the books right now, and time is quickly running out. A lot of them are very time specific. I'm curious as to whether we've been able to schedule the minister three more times before the end of December.

**The Chair:** I will ask the clerk to get a hold of the minister to see when he is available and when we can get him.

**Mr. Brad Redekopp:** I just want to emphasize the importance of this, because these are time—

**The Chair:** I totally understand. I totally supported it the other day. That's why I did not interrupt. In fact, I was the one who actively asked for your motion to come forward and to get it through. That is the understanding.

You know that the minister is very accessible. He's already been here twice in a short period of time, and I'm certain that he and his staff will accommodate the times that work for him.

Before I start the meeting, I would like to welcome some of the new members who are with us today.

Madam Lewis, welcome.

Mr. Melillo, welcome to you as well.

I know that Mr. Albas is online. Welcome to this committee, Mr. Albas.

Welcome to meeting number 83 of the House of Commons Standing Committee on Citizenship and Immigration. We are continuing our study of closed work permits and temporary foreign workers.

I am pleased to welcome, for the first hour, the following witnesses. From the Canadian Labour Congress, we have Madam Kwan, Mr. Escobar and Mr. Anavisca, and from the Canadian Bar Association, we have Madam Ramo. Welcome.

I have a request to make of honourable members. We will have a Spanish speaker today: Mr. Anavisca. You will have to be a little patient. The work by our interpreters is going to be good. We will be interpreting from Spanish to English and from English to French

so that it can be accommodated simultaneously. Please be a bit patient. I will try to accommodate members' time, for sure.

With that, I will go directly to the Canadian Labour Congress and—

**Mr. Brad Redekopp:** We don't have anything on the screens.

**The Chair:** Okay. We'll get the screen on. Give me a couple of seconds.

I will suspend the meeting for now before we start.

• (1540)

(Pause)

• (1540)

**The Chair:** I call the meeting back to order now. The technical difficulty has been fixed.

I will give the Canadian Labour Congress and the Canadian Bar Association five minutes each.

Please go ahead with your opening statement.

**Ms. Elizabeth Kwan (Senior Researcher, Canadian Labour Congress):** Good afternoon, Chair and committee members. Thank you for the opportunity to speak with you today.

The Canadian Labour Congress advocates on national issues on behalf of three million working people. Today, I am here with members of UFCW, an affiliate of the Canadian Labour of Congress.

For this study, the CLC recommends the following for the temporary foreign worker program, especially the low-wage streams. First, replace the employer-specific work permits with open work permits. Second, provide permanent residency streams for low-wage workers. Third, provide permanent residency streams for former low-wage workers who are undocumented.

In the UN envoy's report, he stated, “the agricultural and low-wage streams of the...(TFWP) constitute a breeding ground for contemporary forms of slavery”. We concur with that statement. The key reason lies with the impact of the employer-specific work permits that tie migrant workers to one employer.

The employer-specific work permit has a systemic impact of awarding all the power and control of the employment relationship to the employer, including employment of the migrant worker, compensation, working conditions and immigration status. It simply renders migrant workers vulnerable, and open to abuse and exploitation by employers, labour recruiters and labour traffickers.

The government says TFWP workers have the same rights and protections as Canadians and permanent residents. However, the employer-specific work permit takes away the ability of migrant workers to exercise those rights. The fear of getting fired and deported traps migrant workers in involuntary servitude, which generates a compliant labour force.

Easy access to vulnerable migrant workers has resulted in TFWP employers using the program as an ongoing business model, as opposed to a program of last resort to fill acute and temporary labour skill shortages.

I'm going to hand it over to Santiago now.

• (1545)

**Mr. Santiago Escobar (National Representative, United Food and Commercial Workers Union Canada, Canadian Labour Congress):** Good afternoon, Chair and committee members.

UFCW Canada advocates for workers representing over a quarter of a million Canadians, including temporary foreign workers. For over 30 years, we have supported migrant workers in 80,000 cases that have addressed open border permits for vulnerable workers, worker compensation, the Canada pension plan, EI benefits, and health and safety training, all in their languages, at no cost.

In 2010, the UN's International Labour Organization found that Canada and Ontario violated the rights of over 100,000 agricultural workers by banning farm unions. Sadly, the response was no response. Canada has an obligation to protect human rights, which include the labour rights of all workers.

As it currently stands, the temporary foreign worker program system is a very poor reflection of Canada's stated commitment to human rights. The net effect is the creation of an environment where human trafficking is a shameful reality in our country. In June of this year, Jose and Karin Callejas were convicted of human trafficking in London, Ontario, and there is a survivor present here today. We aided the workers who sought our help back in 2019 and fought for justice for five years. Such suffering underscores the need for workers' representation and for power balance mechanisms.

Thank you for your work and for this opportunity.

**The Chair:** Thank you very much.

Mr. Anavisca, did you want to say something?

**Mr. Elias Anavisca (Migrant Worker, Canadian Labour Congress):** *[Witness spoke in Spanish, interpreted as follows:]*

Good afternoon, Chair and committee members.

I am originally from Guatemala, and I'm a migrant worker. In 2016, I was recruited by an associate of Karin and Jose Callejas. I was promised a job in Canada. I was supposed to be packing

turkeys with a salary of \$16 an hour. They also promised I could bring my family later. However, when I landed here, those promises were broken. I lived in precarious conditions and shared a house with eight other workers. There were no mattresses, and they once punished us by shutting off the water in the kitchen. Our freedom was limited, and a co-worker was physically abused by an associate of the Callejas family.

**The Chair:** Thank you to the Canadian Labour Congress.

I will go to Ms. Ramo for five minutes.

Please go ahead.

**Ms. Gabriela Ramo (Chair, National Immigration Law Section, The Canadian Bar Association):** My name is Gabriela Ramo, and I am the chair of the national immigration law section of the Canadian Bar Association. The CBA is a national association of 37,000 members, including lawyers, judges, notaries, academics and law students, with a 120-year-old mandate to seek improvements to the law and the administration of justice.

Thank you for inviting the CBA to comment on the implications of closed work permits in the temporary foreign worker program. The observations we make today have been communicated to IRCC in written submissions, all of which are available on our website.

The number of temporary foreign workers entering Canada on an annual basis continues to grow exponentially. The share of workers entering Canada through the agricultural and low-wage streams is quickly increasing. These workers are among the most vulnerable and at risk of abuse and are often disproportionately racialized. We must ensure they are protected from exploitation and abuse and provided with opportunities for becoming permanent residents of Canada.

The CBA agrees with the finding of the UN special rapporteur that the issuance of closed work permits to these workers, which prevents them from changing employers, increases their vulnerability to abuse. However, the issuance of open work permits may also open workers to exploitation. While open work permits allow nationals to change employers, they provide no compliance mechanisms to ensure that employers provide foreign nationals with acceptable terms and conditions of employment. As they are also fully open with respect to position and industry, they may also do little to address the labour shortages in particular industries that the temporary foreign worker program is intended to address.

We make six recommendations today.

Our first is that sector- and occupation-specific work permits for low-wage and agricultural occupations be established. Sectoral work permits would allow individual foreign workers to work in a particular occupation in a particular sector for any employer in the sector who had registered with the program. Workers could move from employer to employer within the sector without having to obtain a new work permit by simply notifying the authorities of the change. The ability to change employers without having to wait for the issuance of a new work permit would prevent the creation of a dependency relationship in which the foreign national's immigration status is tied to remaining with the employer named on their closed work permit.

A set number of LMIA's per occupation could be issued, allowing employers in the sector who have been pre-approved to hire workers for the specific occupation. To be approved, employers would need to undertake to provide workers with the terms and conditions of employment set out in the LMIA. A website or portal would list employers participating in the program as well as the terms and conditions of employment.

Our second recommendation is that employers in the program be subject to frequent and unannounced in-person inspections to review their compliance. Those found to be non-compliant and exploiting workers should face substantial penalties. To address the governance gap, the federal government should conduct inspections in coordination with provincial authorities responsible for enforcing employment standards and occupational health and safety.

The current employer inspection regime follows a one-size-fits-all approach for high-wage and low-wage foreign workers. Given that high-skill workers under the international mobility program are not vulnerable in the same way, we recommend that inspection and compliance resources be shifted to the low-skill program to allow for increased and more thorough inspections.

Our third recommendation is that specific PR programs for low-wage workers, with substantial annual targets, be established. The majority of low-wage and agricultural workers are generally unable to qualify for permanent residence because they cannot obtain the same level of points in areas such as education, language and arranged employment that high-wage workers can. Allowing the annual admission of large numbers of low-wage temporary foreign workers who then have to compete with high-wage workers for a limited number of permanent residents spots available each year creates permanent guest workers who can never advance to permanent residence status.

Our fourth recommendation is that the government implement tougher controls on recruiters and agents and work closely with local governments in source countries to enforce the prohibition of fees payable by foreign workers. This would address the serious issue of debt bondage. As the number of low-wage and agricultural temporary foreign workers in Canada has continued to increase, so have the numbers of recruiters, consultants and other agents who assist in recruiting foreign workers. Often they charge the foreign workers large fees to assist them in obtaining work permits.

Our fifth recommendation is that foreign workers have access to clear and transparent information, in their own language, on how the program works, on the prohibition on the payment of fees to

recruiters and agents, on their rights while in Canada and on how they can report abuse. The government should also be transparent and ensure that vulnerable foreign nationals understand up front that entering the program is not a guaranteed path to permanent residence.

Our final recommendation is that this committee expand its study to address the other substantial issues raised in the special rapporteur's report.

Thank you for the opportunity to address the committee.

• (1550)

**The Chair:** Thank you, Madam Ramo.

**Mr. Greg McLean (Calgary Centre, CPC):** On a point of order, Mr. Chair, I noticed that one of the witnesses took photos during testimony. I'd like you to speak to the witnesses about the impropriety of taking photos in this session.

**The Chair:** I want to thank Mr. McLean for bringing that forward.

I would request, if someone has taken photographs, that they please delete them, because photographs are not allowed. We would really appreciate that. We totally understand that the witnesses might not know the process. The proceedings are available online. This is a public meeting.

Honourable members, before I go to you, I request that you point out the particular person your questions are for. That will help with the interpretation as well.

I will go to Mr. Redekopp for six minutes and then to Mr. Chiang for six minutes.

Mr. Redekopp, the floor is yours.

**Mr. Brad Redekopp:** Thank you, Mr. Chair.

Thank you to all of you for being here today.

Ms. Ramo, in your legal opinion, is slavery against the law in Canada?

**Ms. Gabriela Ramo:** Yes.

**Mr. Brad Redekopp:** Is slavery practised in Canada? Have there been convictions of slavery in Canada?

• (1555)

**Ms. Gabriela Ramo:** I'm afraid I do not know the answer to that question.

**Mr. Brad Redekopp:** Okay. It's probably safe to assume that, if it has occurred, it's been pretty rare.

**Ms. Gabriela Ramo:** Yes. It's a very rare occurrence. I'm not aware of any.

**Mr. Brad Redekopp:** Okay. Thanks.

Is a Canadian farmer paying wages to foreign workers who are here on closed work permits issued by the NDP-Liberal government breaking the law, then?

**Ms. Gabriela Ramo:** If they are paying the wages set out in the LMIA that backs up their work permit and they're meeting their commitment to pay the wages and to the hours and all the other terms and conditions of employment that are listed in that LMIA, they're not breaking the law.

**Mr. Brad Redekopp:** Thank you.

Are closed work permits allowed under international law? For example, has the Canadian government been prosecuted by the International Criminal Court for crimes against humanity or something like that for issuing such permits?

**Ms. Gabriela Ramo:** No, not to my knowledge.

**Mr. Brad Redekopp:** I want to ask you a bit more. You had talked about the idea of a sectoral occupational work permit as maybe an alternative to what we have today. Could you explain why, in your opinion, you think that's better than having, say, an open work permit?

**Ms. Gabriela Ramo:** We have a variety of open work permits today. We have open work permits, for instance, for the postgraduate work permit program or for spouses of foreign workers. With an open work permit, an individual can work in any occupation for any employer and in any location. There are no restrictions on them whatsoever. If the purpose of bringing temporary foreign workers to Canada to work in specific occupations is to address labour shortages, an open work permit does not meet the goal.

The issue with closed work permits is the inability of a foreign national to move from employer to employer, particularly in a circumstance when they are being abused. The sectoral work permits present a compromise, an ability to continue to have a program where individuals are working in a particular occupation but where, by the same token, they are not being left in the position that their ability to remain in the country and their livelihood are completely tied to one employer.

Also, under the open work permit scheme, nothing about what the employee is being paid gets tracked. With closed work permits, there's either an LMIA backing them up or something called the "Employer Portal", where employers have to go to put in an offer of employment that sets out all the terms and conditions. From there comes the ability of the government to conduct inspections. If you have completely open work permits, there is no entry of that information anywhere. Those are not subject to the current inspection regime, so those employers would no longer be subject to any inspection of how they are treating their foreign workers.

**Mr. Brad Redekopp:** Just to make sure I understand, if you're a farmer or an agriculture producer expecting to have certain workers to take your crop off, for example, having an open work permit would put you at risk, because those employees might go somewhere else.

**Ms. Gabriela Ramo:** That is true, but, more importantly, what I'm saying is that because there is no mechanism, once you are in an open work permit, no one knows that this foreign worker is working for that farmer. There are no mechanisms to inspect what kind of conditions are being provided to the foreign workers. With a sectoral work permit, where the terms and conditions of employment would be listed and employers would have to sign on to agree

to those terms and conditions, they could still be subject to inspections.

**Mr. Brad Redekopp:** One thing you mentioned is that the purpose of a closed work permit is to address labour shortages. I think that's what you said. Could you maybe drill into that a bit? How does that work versus, for example, an open work permit?

**Ms. Gabriela Ramo:** The purpose of having the temporary foreign worker program in itself is to address labour shortages where Canadians aren't available for an occupation. An open work permit allows anyone to work in any occupation. You might bring somebody in and think they're going to work on farms, but they could work in any other sector. Having a sectoral work permit would ensure that you have individuals working in the sector that has the shortages but with the ability to move from employer to employer.

**Mr. Brad Redekopp:** Thank you.

I'm going to ask the Canadian Labour Congress a question.

With respect to on-site inspections of workplaces, do you believe that ESDC should bring employers into compliance with the rules, or should they be trying to punish them for infractions? What should be the priority there?

● (1600)

**Ms. Elizabeth Kwan:** The priority should be to put everything in place to protect the rights of the migrant worker in whatever the situation, whether it's on farms, in your corner store or in a manufacturing facility. I think if all the holes were plugged, so to speak, then the need for the inspections to be a stick wouldn't be necessary. However, it is necessary because of the way the program is designed. Unfortunately, that is the case.

**The Chair:** Thank you, Mr. Redekopp.

We will go to Mr. Chiang for six minutes, and then to Mr. Brunelle-Duceppe.

Please go ahead.

**Mr. Paul Chiang (Markham—Unionville, Lib.):** Thank you, Mr. Chair.

I'd like to thank the witnesses for being here today and giving their expert testimony.

My questions are directed to Ms. Ramo. Thank you for your opening remarks and the points you raised.

As an expert in immigration law, do you believe recent reforms have effectively balanced the needs of employers with the protection of temporary foreign workers?

**Ms. Gabriela Ramo:** I think that recent changes are a step in the right direction. For instance, I think the introduction of tighter rules around inspections and the expectations of employers that were introduced in September of last year are a step in the right direction.

I think there is still room for improvement, in particular around inspections. I think unannounced inspections would be an improvement to the current system.

**Mr. Paul Chiang:** How can the Canadian government improve the integration of temporary foreign workers into society considering the challenges they face, such as social exclusion?

**Ms. Gabriela Ramo:** One of our key recommendations is having better pathways for permanent residency, particularly for the low-skilled and agricultural workers. We believe that permanent residency is the best form of integration possible. A foreign national doesn't become a permanent guest worker who is in Canada year after year without being able to enjoy the benefits of permanent residency.

**Mr. Paul Chiang:** Ms. Ramo, in your experience, what role does corporate responsibility play in ensuring fair treatment and protection of temporary foreign workers within multinational corporations?

**Ms. Gabriela Ramo:** I think the role of the corporation is to ensure that the rights of workers are protected and that they work within all the parameters of not only immigration law but also employment standards and occupational health and safety rules. I think the corporation also plays a role in ensuring that workers are aware of their rights and that they have mechanisms for bringing forth complaints, like abuse tip hotlines, and in addressing complaints raised to ensure that employees are protected.

**Mr. Paul Chiang:** In your experience, do you feel that temporary foreign workers should be granted automatic residency in Canada?

**Ms. Gabriela Ramo:** I think there should be clear pathways, particularly for low-skilled workers and agricultural workers, to have access to permanent residency. Currently, for the programs we have in place, such as express entry and even the provincial nominee programs, workers in the low-wage streams find it very difficult to qualify. I think it's about taking them out of that general pool and putting in place dedicated programs that, for instance, reduce things like language requirements and educational requirements so they have the ability to qualify for permanent residency without having to compete with more highly skilled workers.

**Mr. Paul Chiang:** Ms. Ramo, you have nearly 30 years of experience in labour law. Do you feel the laws we have in Canada are fair to temporary foreign workers or to the closed work permit people here?

**Ms. Gabriela Ramo:** I think we need to differentiate between the different types of temporary foreign workers.

We have a variety of programs. For instance, there's the international mobility program, where employers don't have to get a labour market impact assessment. Those are closed work permits, but the individuals coming into those programs are, for instance, intracompany transferees who have highly specialized knowledge or are senior executives. I think the level of protections required for such workers is different from the level of protection required for the workers the UN rapporteur was looking at, who were more in the lower-skilled and agricultural sectors, because those workers, by their very definition, are more subject to abuse.

• (1605)

**Mr. Paul Chiang:** Have you had an opportunity to look at the UN special rapporteur's report, Ms. Ramo?

**Ms. Gabriela Ramo:** I read the document he provided in September of this year.

**Mr. Paul Chiang:** Would you say that's a fair assessment of the temporary foreign worker rules here in Canada?

**Ms. Gabriela Ramo:** The rapporteur brings up a number of issues, which I think are very relevant, in relation to closed work permits and to some of the activities of recruiters, particularly recruiters outside of Canada, like debt bondage. I don't know that I would agree with everything in the report, but I think there are many areas of the report that bear reviewing and addressing.

**The Chair:** You have 30 seconds, Mr. Parliamentary Secretary.

**Mr. Paul Chiang:** I will give up my remaining time.

**The Chair:** Thank you very much.

Before I go to Mr. Brunelle-Duceppe, again, please speak only when I recognize either an honourable member or a witness, because of the translation into Spanish.

I have Mr. Brunelle-Duceppe for six minutes. Please go ahead.

[Translation]

**Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ):** Thank you, Mr. Chair.

Thanks to the witnesses for being with us today.

[Member spoke in Spanish]

[Translation]

Since this is a study that I wanted to start at the committee, I am very happy that my colleagues agreed to undertake it.

Obviously, we cannot ignore what the United Nations special rapporteur has said. Something has actually been said by someone who holds quite an important position on the international scene.

Ms. Kwan, is what the official report said true, in your opinion? Should this get things moving here?

[English]

**Ms. Elizabeth Kwan:** Thank you for the question.

As I said in my statement, we actually concur with the statement from the UN envoy's report. What he said was, "the agricultural and low-wage streams of the...(TFWP) constitute a breeding ground for contemporary forms of slavery", which is, in my mind, a way of saying the program is structured to allow really nasty practices that harm workers. It would be akin to us driving on the road with really strong and good laws about who can do what on the roads, but with no one actually nabbing the people who are very dangerous and cause accidents.

It really is, to me, structured and systemic. I know many people feel that it is about saying, "I'm a good employer" or "The other person is the bad employer". This is not about who's good and who's bad in employment. It's a structural issue that I'm speaking of.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** I agree with you, Ms. Kwan. Are you also able to understand that the vast majority of the employers who participate in the temporary foreign workers program are good employers? They want to access a workforce that does not exist in Canada at present, and that is why they turn to this program.

These people may actually feel targeted by the comments. In fact, I think some of my Conservative colleagues feel targeted by the United Nations special rapporteur's comments. However, can we tell those people that the fact that we are looking into what is done by some employers who do engage in abusive practices does not make them bad employers?

Do you agree with me that the vast majority of employers are not people who engage in abusive practices toward vulnerable workers?

[English]

**Ms. Elizabeth Kwan:** If you were to invite ESDC to testify about the inspections they made and the numbers...right off the bat, the program in the last fiscal year, of the cases they inspected—that's based on high risk, so someone phoned the tip line, for instance—shows that only 30% of employers were compliant. The next section of employers—I think it's 47%—had to be brought in to compliance, and 10% were non-compliant.

You're asking me to say yes or no, and it's not so easy to say. I think employers can do better, and I think the program can motivate and incentivize them to do better.

• (1610)

[Translation]

**Mr. Alexis Brunelle-Duceppe:** There are no right or wrong answers. I am not trying to promote a political agenda. We simply have to realize that the status quo is no longer working. We have to find different solutions to put in place for this kind of program. I do not know what they are, and that is why we are inviting people to come and make recommendations to us. I am also going to ask Ms. Ramo to give us her recommendations.

We have to understand that some employers invest huge amounts of money to bring people to Canada to work on their farm, in their plant, or in their small business. Take the example of an employer who brings an employee here. The employee is issued an open permit. If the business across the street offers the employee \$1.00 an hour more, the employee is going to leave and the money that the employer invested will be lost.

What do we tell these employers now, who have invested huge amounts of money? I am asking Ms. Kwan, and I would ask Ms. Ramo to answer after.

[English]

**Ms. Elizabeth Kwan:** First of all, I think for someone making so little money, even 10¢ more an hour makes a big difference. That's crossing that situation you described.

In terms of the investment of the employers, the issue is that the program was designed for employers in the 1950s. I think attitudes have changed and the program must change with them.

I have to say—and please indulge me—that I also have trade files. When I look at the U.S. and the EU, I look at some of the rules they have around migrant workers and forced labour and at the human rights due diligence practices they have. If Canada wants to compete, I would say this is a good place to start. Bring the program up to speed and make sure that workers are protected under the temporary foreign worker program and paid and valued for the work they do.

**The Chair:** Thank you very much, Mr. Brunelle-Duceppe.

It's six minutes and 41 seconds and I've already accommodated the French-English translation, so we'll come back to Madam Ramo in the next round.

Now I'll go to the honourable member Madam Kwan.

Please go ahead.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much, Mr. Chair, and thank you to all the witnesses for their presentations.

I am interested in understanding the recommendations for government. This particular study is related to closed work permits more specifically. Of course, as we know, temporary foreign workers come to Canada without full status. As a result, many of them are too often subject to exploitation, abuse and so on. It is all too familiar, really.

Beyond the issue around closed work permits, I have a more overriding question. Would you support people being able to come to Canada with landed status on arrival?

This first question is for Ms. Kwan from CLC. I would like to hear from Mr. Escobar on that question as well.

**Ms. Elizabeth Kwan:** I think people should have rights and should be able to practise those rights. It is important to give them opportunities to immigrate permanently.

I don't believe there should be a two-step process. I don't know if that was part of what you were looking for in an answer, but I don't think there should be a two-step process with a differential system whereby permanent immigrants on a high-skilled stream can come in without having to work for two or three years to prove themselves. I think that's the differentiation we have, and we need to get rid of it.

We need to provide people with streams to get permanent residency, but quite frankly, the immediate step for dealing with this is to provide people with open work permits so they can come. Let's have some of those streams open to the migrant workers so they can exert their rights and have their rights.

• (1615)

**The Chair:** Go ahead, Mr. Escobar.



**Mr. Santiago Escobar:** I would like to share what we are doing right now as we speak. We support that migrants should have a better, flexible path to permanent residency.

The agri-food pilot program was implemented by the federal government. As we speak, our members, temporary foreign workers, are getting support. Our union is helping with ESL classes and with the process to file their applications to get PR so that these workers can qualify and get it. If workers are able to get PR to become part of the community, it's a win-win for all the parties involved: local communities, business owners and, of course, migrant workers and their families.

I think part of the solution is open work permits. I can share, because I'm part of the agricultural team in my union, that we have supported over 200 workers in obtaining open work permits as vulnerable workers. We are talking about low-skilled workers who have experienced abuses. You cannot imagine all the abuses we have been able to document. Employers retain their passports. They have to live in inhumane and overcrowded conditions. There are threats. They have to achieve a set quota in order to continue working. If they don't achieve the set quota every day, they are punished, and if it's the third time they will be sent back home.

Having said that, in order to make society more inclusive to all workers, not just high-skilled workers, low-skilled workers should be included.

That's what I can share for now.

**Ms. Jenny Kwan:** On the question around open work permits, there's a belief that if migrant workers are given open work permits, they will just disappear into the system. You can't track them, and they will not work in the sector they were brought in for.

Given that vulnerable workers are granted open work permits and that, particularly with UFCW, you are working with those workers, do they just disappear into thin air, or are you able to identify these individuals and then line them up with employment and responsible employers so they can achieve what they hope to achieve, which is to work here in Canada with full respect and dignity and with the laws on their side?

**Mr. Santiago Escobar:** Unfortunately, what we have witnessed is that workers who have obtained open work permits have been blacklisted. Employers understand that if these workers have obtained open work permits, it's because they came forward and reported their former employers.

We are witnessing right now that hundreds of workers who obtained open work permits as vulnerable workers ended up undocumented. The solution to this is for these workers to have the opportunity to hold open work permits. Then they would be able to leave abusive employers. I'm not saying that all employers are abusive, but those who are problematic and abusive will think twice before they mistreat and abuse workers.

**The Chair:** You have 10 seconds.

**Ms. Jenny Kwan:** Are there any other recommendations you would put forward to the government?

**Mr. Santiago Escobar:** For your information, agricultural workers, local workers and migrant workers in Ontario and Alberta are

excluded from the labour relations acts. We claim, as a union organization, that this is a labour issue and that if workers don't have the capacity to defend themselves by being part of a union, by being protected by collective agreements, they are very vulnerable. Part of the solution is to include giving these workers the opportunity to join a union.

• (1620)

**The Chair:** Thank you very much to the honourable member Ms. Kwan.

We'll go to Mr. McLean for five minutes and then we'll go to Madam Zahid for five minutes.

Mr. McLean, the floor is yours.

**Mr. Greg McLean:** Thank you, Mr. Chair, and thank you to the witnesses for coming here today.

I'll have to be quick, because we have a few things to get through.

Ms. Kwan, you claim that ESDC is only 30% compliant on their inspections, yet we heard previously in committee, when ESDC was here, that they are 99% compliant. How do you explain the wide differential?

**Ms. Elizabeth Kwan:** There is no differential. They brought 47% of those employers into compliance. That's how it added up to a bigger number. As I said, there's a section that was compliant, and there was a section that they brought into compliance. Then there was a section that wasn't compliant.

My issue here is that 70%, to start off with, are non-compliant. Why is there such a high degree of non-compliance?

**Mr. Greg McLean:** Ms. Ramo, the issue with the sector-specific visa is usually that the sponsor has to pay for the LMIA, the labour market impact assessment. Would you suggest that one party pay for it and then other employers be able to take that employee after somebody has invested in the report? How do we get around that logistical challenge?

**Ms. Gabriela Ramo:** You do have to pay for an LMIA. The proposal for the sectoral permit is that employers would participate in that LMIA. The ESDC would set aside—I'm picking numbers out of the air—5,000 workers for this particular sector. Employers who want to be part of that program would pay for the LMIA in that program. If a worker leaves an employer and moves to another employer, the proposal is for employers to pay for a proportional amount of the time on that LMIA. They're setting up mechanisms to ensure that the employer who originally brought in the individual doesn't pay the full brunt.

**Mr. Greg McLean:** I will cede the rest of my time to my colleague Ms. Lewis.

**The Chair:** Ms. Lewis, go ahead. You have two and a half minutes.

**Ms. Leslyn Lewis (Haldimand—Norfolk, CPC):** Thank you.

My question is for Ms. Ramo.

I live in a community, Haldimand—Norfolk, that is highly dependent and reliant on foreign workers for agricultural processing. I've spoken to many workers and farmers. I met a worker who's been here for eight years. Both the worker and the farmer have been trying to find a way for this person to get their permanent residency.

I know there was previously the live-in caregiver program. They had, after two years, the ability to apply for permanent residency in a separate category. Is this something you are contemplating in this program? What are the similarities between the two programs?

**Ms. Gabriela Ramo:** One of our recommendations is that there be a specific path to permanent residency for workers such as agricultural workers. My colleague referred earlier today to an agricultural program that has been allowing for permanent residency applications. The allocation of spots for that program is very small.

You referred to the live-in caregiver program. That was a specific program with specific criteria for those workers. That's the same idea. It's a similar program with specific criteria for agricultural workers and low-wage workers that doesn't pit them against and have them compete head-on with high-skill workers. There is flexibility on things like language and education.

**Ms. Leslyn Lewis:** My next question pertains to the low-skilled sector. It was raised that they should have their permanent residency upon arrival. Can you name for me one other NOC classification for low-skilled workers that has that in place?

• (1625)

**Ms. Gabriela Ramo:** I'm not aware of any who have the ability to enter...unless they qualify through what's called the skilled worker program, which is when they apply for permanent residency from outside of Canada based on their skills, occupation and previous experience. It would be very difficult for a low-skilled worker to achieve sufficient points to access that program.

**Ms. Leslyn Lewis:** Exactly, so it doesn't apply there.

Thank you.

**The Chair:** Thank you.

We will go to Madam Zahid for five minutes.

Please go ahead.

**Mrs. Salma Zahid (Scarborough Centre, Lib.):** Thank you, Chair.

Thanks to all the witnesses for appearing before the committee.

My first question is for Ms. Kwan.

What do you think the government could do better to make sure that all the temporary and migrant workers who come here are aware of their rights and, most importantly, that they are able to exercise those rights?

**Ms. Elizabeth Kwan:** Thank you for your question.

I think it's very important that all workers, but especially migrant workers, understand their rights when they're in Canada and how to exercise those rights. The problem is that when you have a closed work permit, it doesn't matter what shiny strong rights you might award to them—which is what I said earlier in my statement—be-

cause if they don't have the ability to actually use them and fight for them, then it's very difficult.

I believe the closed worker permit under the temporary foreign worker program takes them away. We give them the same rights as Canadians and permanent residents, but then we give them this other thing called a closed work permit, which takes away their ability to exercise their rights.

**Mrs. Salma Zahid:** Thank you, Ms. Kwan.

In regard to keeping a balance between the rights of employers and those of the people here as temporary foreign workers, what do you think is the best way? Do you have any examples of how other countries are doing these programs?

**Ms. Elizabeth Kwan:** I think there are examples across different countries, but I also think we have a system that we're very invested in. We need to look at revamping the temporary foreign worker program so that, as I said before, it's up to date and we are indeed being very competitive with other countries.

**Mrs. Salma Zahid:** How do we keep the balance? Employers spend a lot of money in getting the LMIA's, going through that process and making sure the rights of the temporary foreign workers are also protected.

**Ms. Elizabeth Kwan:** I understand that.

First of all, I do think that there needs to be a big revamp of the program, but the other thing, which we've mentioned before, is the IMP, the international mobility program. That program has open work permits. It has people picking apples, people providing child care and people doing all sorts of so-called low-wage work, yet we're not fussing and worrying about where those folks end up. I think that on one hand we have a similar kind of parallel system doing similar things on both sides, but we basically have more judgment on one side, which is the racialized low-wage workers under the TFWP.

**Mrs. Salma Zahid:** Thank you.

My next question is for Ms. Ramo.

If the government were to do away with the closed work permits and issue to all temporary foreign workers completely open work permits, what do you think would happen in that scenario? What is your opinion?

**Ms. Gabriela Ramo:** It is a very broad stroke for a variety of different programs.

Going back to the issue of the international mobility program, there are open permits under the international mobility program, such as the postgraduate work permits that are given to individuals who have completed education in Canada. We have spouses of foreign workers who are given open work permits. However, we also have a broad variety of closed work permits under the international mobility program for intracompany transferees, for individuals who bring significant benefit to Canada and for reciprocity among professors. The list is at somewhere between 100 and 200 different programs, and all of those are closed. I think if all of these work permits became open, it would be detrimental to Canada.

**The Chair:** You have 50 seconds.

**Mrs. Salma Zahid:** Just quickly, when many temporary foreign workers come here, their spouses are getting open work permits. Could you indicate how you think that is working?

• (1630)

**The Chair:** Please give a quick answer, Madam Ramo.

**Ms. Gabriela Ramo:** It's a substantially smaller number of people. They're the spouses of high-skilled workers who are going to be in Canada for more than six months. It is a tool to allow for those types of transfers, because in today's society, where most people are in dual-income households, it has become very difficult to attract foreign nationals to work in Canada if the spouse is not able to work.

**The Chair:** Thank you, Madam Zahid. That was right on five minutes.

We will now go to Mr. Brunelle-Duceppe for two and a half minutes, plus the accommodation of French to English to Spanish.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Thank you, Mr. Chair.

Mr. Escobar, you say that you work with vulnerable workers to help them get open permits because they are vulnerable or there has been abuse.

You may be familiar with RATTMAQ, which is based in Quebec. It is an organization that advocates on behalf of migrant farm workers. The people in that organization came to me between the end of 2022 and the beginning of 2023 to tell me that their applications for an open permit because of vulnerability, which would ordinarily be a very easy process, had suddenly and virtually systematically been denied.

Have you had the same problem?

[*English*]

**Mr. Santiago Escobar:** Yes. We have the same findings as RATTMAQ. We collaborate with many community agencies like this across Canada and have identified that, for some unknown reasons, open work permits for vulnerable workers are denied. For instance, during the first two years of the program, we had a very high number of approvals, and it is now very low.

Even though we are providing very strong documentation to show that workers have experienced abuse, we have witnessed that for some unknown reasons their claims are denied.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** So you have never known why it happened.

Is that correct?

**Mr. Santiago Escobar:** That is correct.

**Mr. Alexis Brunelle-Duceppe:** Right. Thank you, Mr. Escobar.

Mr. Chair, Mr. Anavisca has not had an opportunity to say much. Because this is one of the last times he will have an opportunity to give the committee a message, I am going to give him my remaining speaking time, if you will allow me.

[*English*]

**The Chair:** Mr. Anavisca, you have about 35 to 40 seconds.

**Mr. Elias Anavisca:** [*Witness spoke in Spanish, interpreted as follows:*]

Thank you, Chair.

If we were given an opportunity to get these open work permits, we wouldn't be subjected to a specific employer and wouldn't be put at risk of being abused. We are given extra work all the time and are not very well paid. We've been mistreated and abused. If we had an open work permit, we'd have an opportunity, as our colleague here said, to find a better job and work better with better living conditions.

**The Chair:** We will now go to the honourable member Madam Kwan for two and half minutes.

Please go ahead.

**Ms. Jenny Kwan:** Thank you very much.

I was going to ask Mr. Anavisca whether there is anything specific that he would like to ask of the government.

Beyond the open work permit piece, is there anything you would like to ask the government to take action on?

**Mr. Elias Anavisca:** [*Witness spoke in Spanish, interpreted as follows:*]

In addition to the open work permit, we would like an opportunity to get PR, permanent residency. That would be a great addition. Of course, through the unions.... For example, I was helped by UFCW. They helped me throughout this process to get PR.

I was given a permit, but then it was denied. For five years, I've been struggling and struggling to find permanent residency. I haven't had any specifics for that and I'm still fighting to get it.

**Ms. Jenny Kwan:** Canada used to have an immigration stream that brought in the full range of workers. I don't like the terms "low skill" or "high skill" particularly. They are all important workers. As we learned through the COVID period, those so-called low-skill workers were essential workers.

Should Canada be bringing back an immigration stream that gives landed status for the full range of workers? If they did that, would it not address some of the situations the rapporteur calls “contemporary slavery” here in Canada for migrant workers?

Very quickly, that's for Ms. Kwan and then Mr. Escobar.

• (1635)

**The Chair:** Madam Kwan and Mr. Escobar, you have about 35 seconds.

**Ms. Elizabeth Kwan:** I would say yes to that question. In fact, we have been saying to the government that it should create those streams because there is currently an exclusion of so-called low-wage people who are interested in immigrating to Canada. They still have to come up with that.

**The Chair:** Thank you.

Go ahead, Mr. Escobar.

**Mr. Santiago Escobar:** As you said, honourable member Kwan, during the COVID pandemic, we were able to acknowledge, finally, the hard work of these men and women, who have been coming to Canada under the temporary... It is not temporary anymore because it has already been going on for over 60 years. I think it's time to give these workers what they deserve.

I met some of the workers who have come to Canada over the last four decades. They don't qualify to obtain PR, so I think it's time to give justice to these workers and provide a flexible path to PR. As I said before, it's a win-win for all parties involved.

**The Chair:** Thank you.

I want to thank the witnesses, on behalf of all members and myself as the chair, for their appearances and contributions.

The meeting is suspended for the next round.

• (1635)

(Pause)

• (1650)

**The Chair:** I'll call the meeting to order.

I would like to welcome Mr. Perron and Mr. Leslie to the meeting.

Before we go to the witnesses, I want to thank honourable members for the way we handled the last panel. The way we did it was perfect because it helped the interpreters. If we continue to point our questions to a particular person, that will really help.

I'm pleased to welcome the following witnesses. From the Canadian Agricultural Human Resource Council, we have Peggy Brekveld, and from UPA, we have Paul Doyon and Denis Roy. You will each have five minutes for your opening statement.

Please go ahead, Ms. Brekveld.

**Ms. Peggy Brekveld (Chair, Canadian Agricultural Human Resource Council):** Thank you, Mr. Chair and members of the committee, for the invitation to participate in this study.

My name is Peggy Brekveld, and I'm the chair of the board of the Canadian Agricultural Human Resource Council. My comments

today will focus on the value of temporary foreign workers to the Canadian agriculture industry.

**The Chair:** I'm sorry to interrupt you, Madam Brekveld, but the interpretation is not working and we must fix this somehow.

The meeting is suspended.

• (1650)

(Pause)

• (1650)

**The Chair:** I'll call the meeting back to order.

We will go to the witnesses from UPA.

Between the two of you, Mr. Doyon and Mr. Roy, you have five minutes for your opening statement. Please go ahead.

[*Translation*]

**Mr. Paul Doyon (Senior Vice-President General, Union des producteurs agricoles):** Thank you, Mr. Chair.

My name is Paul Doyon, and I am the senior vice-president of the Union des producteurs agricoles, or UPA. I am also a dairy and maple producer. I am joined by Denis Roy, an immigration consultant at the UPA.

The recent release by the United Nations special rapporteur, Mr. Obokata, was what triggered the committee's study. Since the UPA is directly affected by the temporary foreign workers program in Quebec, we would have liked to be invited to speak with the rapporteur.

Five years ago, the UPA set up a round table on temporary foreign agricultural workers in Quebec. It brought together representatives of employers and workers, along with representatives of all the government departments and agencies involved, at both the federal and the provincial level. Its mission was very simple: to ensure the success of the programs for employers, workers and their families.

These people are essential to Canadians' food security. The stability and protection of the workforce on our farms is therefore crucial. In Quebec, employer representatives, community groups, government bodies and the consulates of the workers' countries of origin make sure that workers have all the information they need in order to be able to work with dignity and in full compliance with the laws and respect for their rights. The UPA has signed a cooperation agreement with a workers' advocacy group to be able to respond rapidly if a problem arises.

The United Nations rapporteur does not seem to have been familiar with the type of work permit provided for by the seasonal agricultural worker program. It is a type of open work permit that is unique in Canada, under which the worker may get hired at a different employer authorized by a specific labour market impact assessment, or LMIA. The change of employer can happen very quickly, in less than a week, even, where there is urgency. The UPA has long called for this type of open permit to be applied to temporary foreign workers in agriculture.

As the UN press release says, government processing times are too long. Today, it takes 27 weeks for Immigration, Refugees and Citizenship Canada, or IRCC, to process an application by a worker who is in Canada and is requesting a new permit. The government services have to be improved, simplified and accelerated. That is why we are recommending that Service Canada process LMIA applications in five days.

IRCC itself should automate the issuance of work permits in Canada that are similar to the permits obtained by the applicants, and issue them in less than five days. This would mean that a person would be able to change jobs in two weeks. If those times had been in place, Canada would have avoided a large share of the complaints cited by the UN.

Subsection 207.1(1) of the Immigration and Refugee Protection Regulations provides for an open work permit for a vulnerable worker, but that measure is not widely known. To facilitate access to permits, IRCC should sign an agreement with Service Canada so that workers could file their application at Service Canada offices, given that it has 591 points of service in the country while IRCC has only 22. We would add that each permit application by a vulnerable worker should trigger a serious investigation into the allegations made so that there would be consequences for the wrongdoer.

We also want to convey some concerns regarding open permits, other than the ones under the seasonal agricultural worker program. The most important is that an open work permit does not tell us what the employer's name is. If the employer is not known, it becomes impossible to do inspections to make sure that the workers are not being exploited.

As well, it would not be proper for a person to enter the country to work in agriculture when their true intention is to work in another field. The work permit must circumscribe the occupational field corresponding to the skills of the temporary foreign workers. We support workforce mobility, as long as it is planned and circumscribed.

Bringing a foreign worker here is a long process for which the employer has to incur substantial outlays. The employment contracts signed by the employer and the worker are always for a fixed time period. However, if a worker leaves their job for no reason before the contract ends, the employer has to at least be able to obtain compensation from the new employer or the worker. Then an accelerated mechanism has to be set in motion to replace the worker who left their job.

• (1655)

In conclusion, we are asking the federal government to accelerate the processing of LMIA and work permit applications in Canada, make the possibility of an emergency permit for vulnerable workers known, work with the provinces on inspecting employers of foreign workers, and make sure—

[*English*]

**The Chair:** Mr. Doyon, could you stop there, please? You've already had your five minutes.

[*Translation*]

**Mr. Paul Doyon:** Right.

Thank you.

[*English*]

**The Chair:** Thank you.

Now we'll go to Madam Brekveld.

Madam Brekveld, you have five minutes. Go ahead, please.

**Ms. Peggy Brekveld:** Mr. Chair and members of the committee, thank you for the invitation to participate in this study.

My name is Peggy Brekveld, and I am the chair of the board of the Canadian Agricultural Human Resource Council. My comments today will focus on the value of temporary foreign workers to the Canadian agriculture industry.

The Canadian Agricultural Human Resource Council, or CAHRC, has been examining the workforce needs of the Canadian agriculture system for more than 15 years.

**The Chair:** Hold on, Madam Brekveld.

Mr. Perron, go ahead.

[*Translation*]

**Mr. Yves Perron (Berthier—Maskinongé, BQ):** I just want you to know that the interpreters are telling me that the sound quality is not adequate. They have the text, so they are going to read the presentation. However, for the question period, that may not be possible.

• (1700)

[*English*]

**The Chair:** Thank you.

We will carry on with the statement, and then we will figure it out when we get to the questions and answers. She might be able to submit answers in writing if we need her to.

Madam Brekveld, we will go back to you. You still have four minutes—

**Ms. Jenny Kwan:** Mr. Chair, before you go back to the witness, could we just get clarity with respect to the problem with the sound? Is it because the witness does not have the right headset? What seems to be the source of the problem?

**The Chair:** Let me pass this to the clerk.

Mr. Clerk, do you want to respond?

**The Clerk of the Committee (Mr. Keelan Buck):** The headset is approved. The tests have to happen. The appearance wouldn't take place if the headset wasn't approved. Unfortunately, it could be a connection issue. That's all we know at this point.

**The Chair:** Members, is that okay? Would you like to continue? Okay.

Madam Brekveld, you may continue. You still have four minutes and 23 seconds.

**Ms. Peggy Brekveld:** Thank you.

CAHRC, along with the Canadian Federation of Agriculture and Food and Beverage Canada, is leading the national workforce strategic plan for agriculture and food and beverage manufacturing. Together, we have engaged industry stakeholders on ways to address work shortages.

CAHRC's most recent labour market research—which was released only a few days ago, on November 1, 2023—illustrates the critical role the agriculture sector plays in the Canadian economy, fulfilling both domestic and global food, fuel and fibre demands. In 2022, the Canadian agriculture sector generated \$38.8 billion in GDP, or 1.9% of the national total.

Canada has established itself as a major producer of diverse and high-quality agricultural products. It ranks among the world's largest exporters, with \$92.8 billion in agricultural and processed food exports in 2022.

Secure access to an affordable, safe and reliable food supply for both Canadians and the world relies on a skilled and motivated workforce. The success of agriculture and its sector does as well. The data is impressive. The agricultural sector, including crop and animal production, support services and agricultural wholesale, employed over 351,000 Canadian workers and 71,000 temporary foreign workers, including seasonal agricultural worker program workers in 2022.

Even with these additional workers from other parts of the world, the industry still experienced 28,200 job vacancies in the same year. Over the next decade, expanding global markets for Canadian food products are expected to drive substantial growth in this sector. The challenges to meet this growth will need strategic responses. There are several ways the industry is planning to address this. Part of that response will need to address a labour shortage that is already present and likely to grow. The national workforce strategic plan is examining this issue.

The care and well-being of agriculture workers, both domestic and foreign, are the top priority of agriculture employers. Agriculture employers work very closely with Immigration, Refugees and Citizenship Canada, Employment and Social Development Canada, and Service Canada to ensure that oversights and regulations are in place to protect workers and employers, that the processes continue to improve and that bad actors are rooted out.

The industry's goal is for workers, both domestic and foreign, to choose agriculture as a place to work. Having a stable, predictable and fully functioning workforce will benefit employees, employers and our food system. We know Canadians deserve a stable food

system, and so do the countries that depend on us for food worldwide.

I look forward to questions from the committee. Thank you.

**The Chair:** Thank you, Madam Brekveld.

We will go to questions and answers. We have time for only one round. We will go for five and a half minutes each so that we have a couple of minutes for our committee to do something.

We will start with Mr. Leslie.

Please go ahead.

• (1705)

**Mr. Branden Leslie (Portage—Lisgar, CPC):** Thank you, Mr. Chair. It's a pleasure to join this committee.

I'll start with my questions for Peggy. I understand your background working in the agricultural sector, both with CAHRC and as a farmer yourself, obviously—

**The Chair:** Hold on, Mr. Leslie.

Go ahead, Mr. Perron.

[*Translation*]

**Mr. Yves Perron:** I'm sorry, I join your committee and I start by causing problems.

The interpreter is telling me that the quality of the sound coming from the communication with Ms. Brekveld is really not good and she will not be able to answer questions. As well, if her mike is not turned off, the interpreter also cannot provide interpretation services right now. So we really have to eliminate the noises coming from Ms. Brekveld.

[*English*]

**The Chair:** Okay.

Madam Brekveld, if you could, turn your camera off and see if the quality improves. Also turn your microphone off.

**Ms. Peggy Brekveld:** I've turned it on now, but I will turn it off.

**The Chair:** Sure, and please, when you speak, try to turn your camera off to see if it improves.

**Ms. Peggy Brekveld:** I'm speaking now. Has it improved?

**The Chair:** No. We have to see a picture.

The meeting is suspended for now.

• (1705)

(Pause)

• (1705)

**The Chair:** I will call the meeting back to order.

Madam Brekveld, what we'll do is adjust and have you on another panel at some other point in time. For now, we will just focus on our questions for the other two witnesses, if you don't mind. We really appreciate you being with us. You can still stay on, but we will not have questions for you today. I'm so sorry. Sometimes technical issues come up and we are not able to handle them.

We still have five minutes each, so let's go. We will start with Mr. Leslie.

Go ahead, please.

**Mr. Branden Leslie:** Thank you, Mr. Chair. I will go to our other witnesses from UPA for answers to a couple of questions.

I am from a farming background, so I have an understanding of this. In my area of south central Manitoba, we have a lot of vegetable production. We have slaughterhouses. We have some wood manufacturing. TFWs are a very important part—as well as the agricultural program—of bringing folks in.

In my experience with the many individuals who farm fields next to my family's farm, and in speaking with many of these individuals, I know they are generally happy. They return year over year and they are well cared for by their employers.

I think a panellist who is no longer with us mentioned rooting out some of the bad actors. I think that's an important part of this, but I'm wondering, Mr. Doyon or Mr. Roy, if you could explain what your experience is in the Quebec system in terms of the way farmers engage with and care for TFW employees on farm.

• (1710)

[Translation]

**Mr. Paul Doyon:** I will let you answer that, Mr. Roy.

**Mr. Denis Roy (Responsible for the Temporary Foreign Worker File, Union des producteurs agricoles):** Thank you.

We bring together all agricultural employers in Quebec. The Union des producteurs agricoles has 12 regional offices. In each of those offices, we have what we call an agricultural employment centre. The centres are funded in large part by the Government of Quebec under the Canada-Quebec workforce development agreements.

The priority in our regional offices, first and foremost, is Canadian, Quebec and local workers. As we know, there are not enough local workers to fill all the positions on farms. We therefore support employers in preparing temporary foreign worker applications.

Five years ago, as Mr. Doyon said, we also created the round table on temporary foreign agricultural workers, where all the government departments and everyone involved in the issue are represented. There are representatives of the workers, including people from RATTMAQ, people from the United Food and Commercial Workers Union, or UFCW, representatives from the Commission des normes, de l'équité, de la santé et de la sécurité du travail, or CNESST, people from the Commission des droits de la personne et des droits de la jeunesse, and representatives of federal departments such as Employment and Social Development Canada and Immigration, Refugees and Citizenship Canada. They participate at this table. It is a real forum.

[English]

**Mr. Branden Leslie:** Thank you, Mr. Roy.

Just to expand on that a little further, the conversation surrounding the special rapporteur on contemporary forms of slavery has indicated that folks working in the agricultural sector here in Canada are under some sort of contemporary form of slavery. I understand the work you've done within the organization to try to fill local employees first, which is what I think every business is obviously always aiming for, but beyond the round table, in your experience, is that an accurate assessment of farms in Quebec?

[Translation]

**Mr. Denis Roy:** No, it is not an accurate and complete assessment. Certainly, every case of abuse on the part of an employer is one case too many. The UPA takes concrete action. For example, we have a 1-800 phone line for temporary agricultural workers that is connected to one of our regional offices. That initiative is supported by a federal program.

We also have direct contact. For example, the UPA office in Saint-Rémi fills out tax returns for over 22,000 temporary foreign workers, and that provides a direct connection with them. We have a lot of discussions and communications concerning foreign workers' concerns. We help them to exercise their rights. We also have an agreement with RATTMAQ—

[English]

**Mr. Branden Leslie:** I'll just summarize that question, because it was a lengthy answer to a lengthy question. In your view, do Quebec farmers care about their employees, whether they be local workers, TFWs or agricultural seasonal workers?

**The Chair:** Mr. Roy, give a quick answer, please.

[Translation]

**Mr. Denis Roy:** Yes, farmers in Quebec care about their employees' welfare.

[English]

**The Chair:** Thank you very much, Mr. Leslie. You're right on time.

We'll now go to Mr. El-Khoury for four and a half minutes, please.

Go ahead.

[Translation]

**Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.):** Thank you, Mr. Chair.

I want to welcome the witnesses and thank them for being here today.

Mr. Doyon, you talked about a round table in Quebec City, where you hold numerous meetings to look after the interests of foreign workers.

What has that round table done to make sure that vulnerable workers know their rights as workers in Canada?

**Mr. Paul Doyon:** I will let you answer that, Mr. Roy.

• (1715)

**Mr. Denis Roy:** Working with our partner AGRICarrières, we organized brigades in the first summer of the COVID-19 pandemic to go out and meet with the workers in their workplaces. Our objective was to explain their rights and how to exercise them.

We also work with the CNESST to find employers and persuade them to agree to have government representatives come in who will explain the workers' rights.

So we have implemented a number of concrete measures.

This summer, we also organized a fiesta for foreign workers in the Laurentians, and their employers provided transportation to the location for them. As well, we had kiosks on site where workers' representatives informed them of their rights.

So we take every possible opportunity to communicate with the workers and remind them that their employers have to respect them. We also give employers a lot of training to make sure they respect the workers' rights.

**Mr. Fayçal El-Khoury:** Mr. Roy, you are well aware that the foreign workers are always afraid of being deported, of losing their jobs and not being able to amass the necessary funds to send to their families.

What measures have you taken to reassure these people, so they know they are protected and they do not have to be afraid to speak up when they feel that their rights are threatened?

**Mr. Denis Roy:** That is a very good question, sir.

I think that all Canadians have a responsibility when it comes to this.

I have had numerous discussions with people. We realize that foreign workers do not have the same work culture in their countries of origin as Canadian workers have.

What we want is for the foreign workers who come to work in Canada to adopt the same work culture as Canadian workers.

They have to be informed and be told that if there is a problem, they have to talk to their boss, to tell them about the things that are not working, in their housing or on the job.

We encourage foreign workers to act like Quebec and Canadian workers, and that is done through education. We all have a responsibility and a role to play to encourage foreign workers to voice their fears of being deported, of not being respected, and of not achieving their financial objectives.

When a foreign worker reports a problem to us, we give them the information they need. If it is not working out in their workplace, the UPA and our partners in Quebec will make every effort to find another farm to transfer the worker to, entirely legally.

As Mr. Doyon said, the process for obtaining a second work permit is a bit long. That is why we are calling for a form of open and sectoral work permits for agricultural workers, who come primarily

from Guatemala, under the agricultural component of the temporary foreign workers program.

**Mr. Paul Doyon:** We also produce training materials translated into Spanish, to provide better support for our people.

**Mr. Fayçal El-Khoury:** You are well aware—

[*English*]

**The Chair:** I'm sorry. There are only 10 seconds. I'm going to let it go because we are short of time.

[*Translation*]

**Mr. Fayçal El-Khoury:** Thank you both.

[*English*]

**The Chair:** Thank you.

We will go to Mr. Perron for four and a half minutes.

Please go ahead.

[*Translation*]

**Mr. Yves Perron:** Thank you, Mr. Chair.

Thanks to the witnesses for being with us.

Mr. Doyon and Mr. Roy, you made several recommendations in your statement. If we do not have them in detailed written form, I would ask that you kindly send them to the committee so we have the complete and accurate recommendations.

Mr. Roy, it seems to me that the Table de concertation sur les travailleurs étrangers agricoles that you are talking about is another item in Quebec that does not exist elsewhere in Canada.

Do you think it might be worthwhile to incorporate structures like this in other provinces?

**Mr. Denis Roy:** It is certainly a very good experience. In Quebec, we have various forums, like the Commission des partenaires du marché du travail. We already have organizations that allow for discussion among employers, workers and government.

**Mr. Yves Perron:** I am going to interrupt you, Mr. Roy, because you explained that earlier. I do not want to be rude, but we do not have a lot of time.

I would like to talk about your proposal concerning open and sectoral permits. Everyone knows that closed permits have seen their day and we have to review the system. Personally, I see a danger in open and sectoral permits, that is, the risk of the contract being broken.

The employers sign an agreement with temporary foreign workers and bring them to Canada. That costs a lot of money. I would also like you to tell me how much it costs, on average. If a worker changes businesses after a few weeks and joins another one that offers them \$1.00 an hour more, what does that mean in terms of a loss?



How can we eliminate closed permits and at the same time try to enforce the principle of honouring a contract or an agreement? I would like to have your opinion on that.

● (1720)

**Mr. Denis Roy:** Our position is this: the employment contract that is signed by the employer and the worker is for a specified term, and that contract must be honoured by the parties. In our opinion, that is very precise.

Take the example of agricultural workers. A worker from Guatemala arrives in Canada and starts the season with a strawberry producer. The worker then wants to change employers and work for an apple producer. That requires a second work permit. That is the kind of case we want to have a sectoral permit for, the same type of work permit as Mexican workers have in Canada at present.

In terms of the amount that the employer lays out to bring the worker to Canada, it ranges from \$1,000 to \$10,000 per worker. It will be higher if the worker is more qualified and their skills are in demand.

**Mr. Yves Perron:** We agree that the contract must be honoured in cases where abuse and poor working conditions are not in play. Otherwise, a rapid transfer can take place.

**Mr. Denis Roy:** That's right.

**Mr. Yves Perron:** You talk about processing times and you propose that it be Service Canada that handles the process. Could you give me more details on that subject?

**Mr. Denis Roy:** When there is a change of employer, Service Canada does the LMIA's, and that takes three or four weeks. We are asking that the LMIA take one week. For the issuance of a second work permit, it is now taking 27 weeks. We believe that IRCC should automate the issuance of second permits. If a person who has a work permit in agriculture wants to get another one in agriculture, it should not take an analysis by an immigration officer that takes six months. It should be done automatically, in one week.

Our position is that even with a closed permit, the employee should be able to change employers within two weeks of making the application.

**Mr. Yves Perron:** Thank you.

Earlier, regarding what can be done in the long term, some people involved in the issue mentioned the idea of offering a path to permanent residence for people who want it. I am almost certain that some of our producers would like to help their workers who have been coming back for many years to immigrate permanently.

Are you open to that idea? What would you propose, to facilitate it?

**Mr. Denis Roy:** We have been calling for access to permanent residence for foreign workers who want it for a long time, but in Quebec, we have to have that discussion with the minister, Ms. Fréchette. For us, it falls under the Quebec ministère de l'Immigration.

**Mr. Yves Perron:** Thank you for the reminder. We are speaking for all the provinces here.

Gentlemen, do you have anything to add in the six seconds you have left?

**Mr. Paul Doyon:** I will let Mr. Roy answer.

**Mr. Denis Roy:** We think that information about emergency work permits for vulnerable workers really has to be disseminated better. This tool has been in place in Canada since 2019, but it is unknown, really. We heard about a few little problems when it was brought in. In fact, RATTMAQ reported it to us. Since then, the situation seems to have been resolved.

We are also suggesting that Service Canada make its offices available to workers so they can submit their applications there. That would democratize the process for vulnerable workers.

[English]

**The Chair:** Thank you very much, Mr. Roy and Mr. Perron. We appreciate that.

Now we'll go to Madam Kwan for four and a half minutes.

Please go ahead.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

I really appreciated that last comment related to ensuring that temporary foreign workers can actually get permanent status. We heard in the previous delegation from the Mr. Santiago of the UFCW, who has been working in the sector for some time now. In fact, he has met people who have been temporary foreign workers for decades—40 years—and still they only have temporary status.

One of the witnesses in our previous panel was one of the farm workers subjected to exploitation. That situation was reported in the media, and as we learned, the operators of an agriculture business in London, Ontario, were recently convicted by a jury of seven counts of human trafficking. A group of Guatemalan agriculture workers, who had valid closed work permits issued by IRCC under the temporary foreign worker program, left the employers that their permits were tied to due to abuse and were recruited by another farm in southern Ontario under false pretenses. They testified that their passports and identification were withheld, that they were subjected to poor living conditions and that they were forced to work. The RCMP said that the housing they were provided was bordering on inhumane.

That is the reality that some of the temporary foreign workers are faced with. To that end, my concern is not the employers who are not bad actors. My concern, of course, is the employers who are bad actors and the people who are subject to exploitation in the process.

I have met with some of the workers who face that kind of exploitation. The process is not as easy as saying they should go talk to the employer and they will fix it, nor is it easy for them to make a complaint and then everything will be okay. Some of them actually get fired. Some of them lose their employment. Because they are tied to their specific employer, they will then be deported. That leaves them facing all kinds of challenges, because they are here to make some money to send back home to support not only themselves but their families as well.

In the face of that kind of scenario, my question is this. When an employee doesn't have power or control over the situation, how can they ensure that their rights are protected? What action should the government take to ensure that their rights are protected?

• (1725)

[*Translation*]

**Mr. Denis Roy:** Thank you for the question.

In Quebec, there is also a case in the headlines concerning workers who were victims of abuse on the part of an employer; we have been calling for an end to it for years. We understand the situation very well. It is deplorable.

We work closely with RATTMAQ, which has partners on the ground, to find rapid solutions and help workers who have to be removed from their workplace urgently in order to protect them. We are concerned about these situations of violence or abuse.

We are lucky in Quebec in that we have good community organizations, like RATTMAQ, that are very proactive. We work closely with those organizations to find solutions. Sometimes, we approach the employer to have the situation corrected. We also sometimes work with RATTMAQ to move workers and obtain emergency permits so the workers can pursue their financial objectives at another farm in the region.

The provincial agency or Service Canada absolutely must investigate and sanction employers who engage in wrongdoing.

[*English*]

**The Chair:** You have eight seconds, Madam Kwan.

**Ms. Jenny Kwan:** One thing I want to point out is that sometimes when a worker comes forward to make a complaint, the fall-out for them, even if they were able to get an open work permit under the vulnerable workers open work permit program, is that they are blacklisted. Therefore, it is very difficult for them to manage through all of this.

There's a system problem with Canada's immigration stream related to migrant workers, and that's something I think we need to turn our minds to.

**The Chair:** Thank you, Madam Kwan.

On behalf of committee members, as chair, I thank the witnesses for their time and contributions.

Madam Brekveld, Mr. Clerk will be in touch with you to appear at some point in time in person or whatever works.

Colleagues, I have one quick administrative matter before we finish. We have prepared a draft budget for this study in the amount of \$13,500. Is there a motion to adopt this budget?

**An hon. member:** I so move.

(Motion agreed to)

**The Chair:** The committee will not be meeting next week. When we come back on Tuesday, November 21, we will be continuing the study of closed work permits and temporary foreign workers.

I want to thank the interpreters today for their excellent work.

The meeting is adjourned.

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