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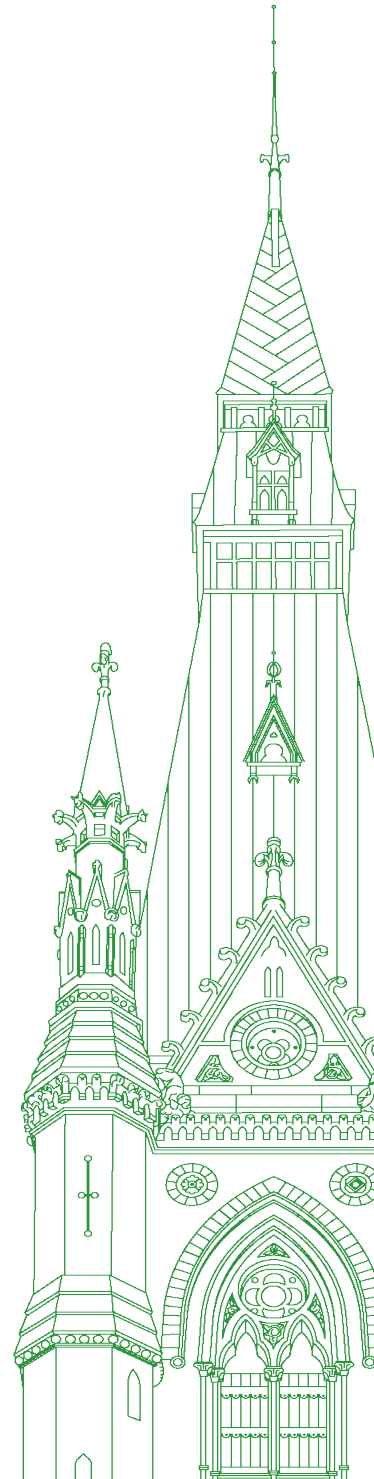
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Chair: Mr. Sukh Dhaliwal



Standing Committee on Citizenship and Immigration

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• (1105)

[English]

The Chair (Mr. Sukh Dhaliwal (Surrey—Newton, Lib.)): I call this meeting to order.

We're meeting in public.

Welcome to meeting number 92 of the House of Commons Standing Committee on Citizenship and Immigration.

In the first hour, we are continuing our study on closed work permits and temporary foreign workers.

I'm pleased to welcome Mr. Tomoya Obokata, the United Nations special rapporteur on contemporary forms of slavery. He is joining us online from abroad.

Mr. Obokata, you will have five minutes for your opening remarks and—

Mr. Brad Redekopp (Saskatoon West, CPC): Before we get to the special rapporteur, there's one thing I want to bring to our attention, which I think is very important for the committee.

We currently have six—

The Chair: Can you give me a minute? Then I'll give you the time.

Mr. Brad Redekopp: Okay, thank you.

The Chair: Thank you, Mr. Redekopp.

Mr. Obokata, you will have five minutes for your opening remarks. Then we will begin questions.

Before we start with him, I would like to welcome the clerk officiating today, Ms. Aurée Dallaire.

I'm always encouraged to see new interns when they come in with the MPs. Today we have Christian working with Mr. Redekopp. Welcome to you, as well.

With that, I'll give you the floor, Mr. Redekopp, before we go to the special rapporteur.

Mr. Brad Redekopp: Thank you. I won't be long.

I want to highlight that we have six requests to have the minister appear at this committee. I also want to highlight that we have very limited time in the coming weeks.

I'll quickly remind you there's a motion by Ms. Kwan on the Auditor General's report from October, which we need to have the minister appear on. I have another one to talk about immigration

levels. I must also add that, just recently in the House, the Bloc had an opposition day when they also requested—and it was adopted—that we review the immigration targets. Those go together. That's very pertinent information we need to get from the minister. We also have a motion by my colleague Mr. McLean on Hong Kong MPF funds, which requests the minister—and the ministers of finance and foreign affairs—to be here. We then have the motion by Ms. Kwan on international students and the task force, as well as the cap on international study permits, with another request for the minister. The motion by Ms. Kwan on the ongoing conflicts in Sudan and Gaza needs the minister.

Finally, we have the motion I put forward about the supplementary estimates (C). As you know, we need to have the minister before the end of the supply period, which is the end of March. That means he must appear here either this week or the week we're here in March. I also note the IRB did not put in supplementary estimates (C). We don't need to hear from them on this, but we need to hear from the minister.

These are very important requests this committee has made to the minister. I'd be curious to know where we're at with those. If we aren't getting the minister, and if he's afraid to come to committee, as it sometimes seems he is.... He has been willing to come here and that's good, but we have lots of questions we need to get his answers on. I hope he would be willing to come to give those answers.

I'm curious to know where we're at with that.

Thank you.

The Chair: Thank you.

Mr. Redekopp, I want to tell you that the minister has been very accessible to this committee. I was going to mention the question you raised in the second hour. He has already committed to appear next Wednesday. He's already confirmed, and I'm sure the clerk is already working on his next appearance. That is going to be on the international students.

Mr. Brad Redekopp: Can you confirm when he's coming again?

The Chair: It's this coming Wednesday.

Mr. Brad Redekopp: He'll be here the day after tomorrow.

The Chair: Yes, he will be here. That's why I said he's very accessible.

Mr. Brad Redekopp: That's perfect.

The Chair: Not only that, it's my understanding that the clerk is in constant touch with the minister's office and he is in the process of committing his appearance here in March, as well. I have these on my list of things to talk about in the second hour. Certainly, we can talk about this in detail, because I have some notice there, as well.

Thank you for raising that, Mr. Redekopp. It's always welcome.

With that, we are going to our special rapporteur, Mr. Obokata, for five minutes.

Please, go ahead.

Mr. Tomoya Obokata (Special Rapporteur on Contemporary Forms of Slavery, United Nations, As an Individual): Thank you.

I would like to begin by thanking the Standing Committee on Citizenship and Immigration for inviting me today.

I am Tomoya Obokata, from Japan, currently serving as the UN special rapporteur on contemporary forms of slavery.

As committee members are well aware, I visited your country officially between August 23 and September 6 last year in order to investigate how Canada addresses contemporary forms of slavery. I began my mission in Ottawa and visited other locations, such as Moncton, Vancouver, Toronto and Montreal, and met over 200 stakeholders. In relation to the treatment of migrant workers, I expressed my serious concerns over the low-wage and agricultural streams of the temporary foreign worker program.

In this regard, I received first-hand information from a wide variety of stakeholders, including close to 100 migrant workers I met across Canada, with regard to appalling working conditions that include excessive working hours, physically dangerous tasks, low wages and no overtime pay, as well as sexual harassment, intimidation and violence at the hands of their employers. When workers try to negotiate their working conditions, many are reportedly threatened or even dismissed instantly.

In my view, the key factor increasing the vulnerabilities of migrant workers to exploitation in Canada is the closed nature of the program that ties workers to specific employers. This creates a dependency relationship between the employers and the workers in many cases, allowing the former to exercise strong control over the latter, significantly raising the risk of exploitation and abuse.

I am aware of open permits for vulnerable workers, but this is a temporary solution lasting up to 12 months, and the process is reportedly so bureaucratic, with high evidentiary requirements, that many workers are hesitant to pursue this route. I understand that undocumented workers are also excluded from this scheme.

In view of these findings, I recommend that the federal government modify the closed nature of the program itself so that migrant workers can change their employers at their own will. Such an approach has already been taken by some countries and is being considered by others.

Canada already has the international mobility program that grants full access to the labour market, for example, and the government could consider extending this to all migrant workers.

There is also scope to improve labour inspections. According to the information I received during my visit, inspections reportedly do not occur regularly. When they do, they may be conducted remotely via telephone or video, or, when in person, with advance notice given to employers in many cases so that they can make necessary preparations on the day of the inspection.

In addition, workers' access to justice and remedies should be strengthened. I am aware that there are established channels for complaints, but many workers informed me directly that they do not report instances of abuse and exploitation due to a fear of reprisals by employers such as blacklisting or dismissal. The lack of access to information and language barriers also seem to serve as additional obstacles in accessing justice and remedies by many workers.

Finally, I would like to emphasize that migrant workers make vital contributions to Canada's national economy, yet paths to long-term or permanent residency are extremely limited for most workers in agriculture and other low-wage sectors. I regard this to be discriminatory and would like to recommend that equal opportunities for long-term or permanent residency be open for all migrant workers.

Thank you very much for your attention, and I will be very happy to take any questions.

• (1110)

The Chair: Thank you very much, Mr. Obokata.

Now we will go to the honourable members. We have six minutes for Mr. Maguire.

Mr. Maguire, please go ahead.

Mr. Larry Maguire (Brandon—Souris, CPC): Thank you, Mr. Chair.

Thank you for your presentation, Mr. Obokata.

As my first question, did you visit a Canadian farm that employs temporary foreign workers when you did your study?

Mr. Tomoya Obokata: Not physically, no. I did not have a chance to visit.

Mr. Larry Maguire: You didn't. You brought out this report without ever going to a farm. This is pretty striking—to me at least, anyway. You've claimed that the agriculture stream of the temporary foreign worker program serves as “a breeding ground for contemporary forms of slavery”. You didn't even make an effort to personally visit a farm.

• (1115)

Mr. Tomoya Obokata: My time was limited, and I had to visit various places. But—

Mr. Larry Maguire: A farm would be the first place to start.

The Chair: Please don't speak at the same time. Otherwise, it's very hard on the interpreters.

Mr. Maguire, go ahead, please.

Mr. Larry Maguire: How many days were you here?

Mr. Tomoya Obokata: I was here for 14 days.

Mr. Larry Maguire: Yes, and in that time you never had time to visit a farm. You were all over Canada and in major cities, but you never visited a farm. Without having visited these, how were you able to arrive at the sensational conclusion you came to, calling farms “a breeding ground for contemporary forms of slavery”?

Mr. Tomoya Obokata: I met close to 100 migrant workers and other stakeholders, such as trade unions and employee associations. I also met virtually and consulted with farmer associations in various parts of the country. This is how I gathered the information. Although I did not get a chance to visit a farm—

Mr. Larry Maguire: Well, I myself have visited many farms and dealt with the situation. I've looked at the housing conditions and I've tried to make recommendations. The government has even responded on some of them. I get that there are concerns, but for you to come up with that appalling statement, without even having spoken to the people you're accusing, is quite appalling, actually.

You said you are “disturbed” by the fact that many migrant workers are exploited and abused in this country. Can you put a numeric figure to that claim?

Mr. Tomoya Obokata: No. I do not have an exact number of how many migrant workers are being exploited.

Mr. Larry Maguire: Well, then, shouldn't you have more data to justify your sensational claim that Canadian farms are “a breeding ground for contemporary forms of slavery”?

Mr. Tomoya Obokata: That was an initial statement I made. I could make that only based on the findings I gathered during my visit. I did request—

Mr. Larry Maguire: Is it your usual practice to issue a preliminary statement rather than to wait to publish your assessment and recommendations in your full report? If so, why would you do that?

Mr. Tomoya Obokata: Yes. That's the standard practice. They were the initial findings.

Mr. Larry Maguire: Well, I find that pretty.... If you're going to make the harsh statement that you have, then I would say that maybe your initial statement should have taken a little bit more detail into it.

Do you believe there is wide-scale abuse of temporary foreign workers being conducted by Canadian farmers?

Mr. Tomoya Obokata: No. I never said that in my statement. I never said it was widespread or systemic. In fact, I met farmer associations that were able to share examples of good practices in protecting the rights of workers. I do believe that a large number of—

Mr. Larry Maguire: You said that you met in your period of time here with Employment and Social Development Canada, I'm assuming. From that time, they inspected more than 2,100 businesses that employ foreign workers in Canada. Those inspectors found that 94% of employers were compliant. Your September statement neglected to point out that you're concerned about the actions of only a few bad actors. Why did you choose to paint the entire sector with such a broad brush?

Mr. Tomoya Obokata: I did not do that. Nowhere in my statement did I say that it was widespread or systemic. I never used those words.

Mr. Larry Maguire: You painted them with a pretty broad brush, calling them “a breeding ground for contemporary forms of slavery”. That's pretty harsh.

Mr. Tomoya Obokata: I did not talk only about agriculture. I also commented on other sectors.

Mr. Larry Maguire: In your report, you raised concerns about the inspection process, including that inspections “may be conducted remotely”. If you're concerned about the quality of these remote inspections, isn't it a bit ironic that you didn't visit a farm during your own investigations?

Mr. Tomoya Obokata: Yes. I wish I'd had the chance. I always tried to reach out, but again, due to time constraints and the priorities I have, I had to make that decision.

Mr. Larry Maguire: Maybe taking in one less city and taking even a day out of the 14 days you were here to go out to inspect farms would.... If you don't believe that remote inspections are effective, why did you rely on a similar approach in crafting your own report?

• (1120)

Mr. Tomoya Obokata: Once again, my findings are based on information I received from close to 200 stakeholders I met, from a wide variety of sources.

Mr. Larry Maguire: None of those stakeholders were farmers.

Mr. Tomoya Obokata: Yes, they were. It wasn't during the visit, but I did have broad consultations remotely afterwards, because I found it necessary to speak to the farmers' associations across Canada. I had that opportunity and it was reflected in my full report.

Mr. Larry Maguire: Whom did you speak to?

The Chair: Thank you very much, Mr. Maguire. Your time is up.

We will now go to the honourable parliamentary secretary, Mr. Chiang, for six minutes.

Please go ahead.

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

Thank you to the witness for joining us today.

Mr. Obokata, over the course of the study, we had the opportunity to hear from a great number of stakeholders. We heard from farmers, lawyers, unions and migrant workers themselves. Many of them have expressed varied viewpoints and opinions on the issues of the closed work permits. Many stakeholders spoke about the consequences to the operation if they would open work permits for all temporary foreign workers.

Many have stated that employers in need of workers who recruit temporary foreign workers with high-demand skills fear that without employer-specific permits they may lose the employees they have recruited and desperately need.

When the Minister of Immigration, Refugees, and Citizenship was at this committee, he stated that he was open to having region-specific and industry-specific work permits.

What are your thoughts on these specific work permits, Mr. Obokata?

Mr. Tomoya Obokata: Thank you.

It's difficult to say whether it is going to work if it's restricted to regions or particular sectors. Ideally, it should be open to all regions and all sectors, so the workers can go from agriculture to different sectors if they so wish.

Depending on the need and labour demand in sectors, I think it would be desirable to open up that opportunity.

Mr. Paul Chiang: If the government were to proceed with the sectorial and regional work permits, what measures do you think they should put in place to protect temporary foreign workers from abuse and vulnerabilities?

Mr. Tomoya Obokata: I believe there is scope to improve labour inspection and also perhaps look at different ways to organize this program.

For instance, in the U.K., emphasis is placed upon recruitment. Workers are recruited by recruitment agencies or licensees, and they in turn assign workers to various employers. That also happens in South Korea without the involvement of the private sector at all. The government can control the recruitment itself in order to reduce the instances of potential abuse and exploitation.

Mr. Paul Chiang: Thank you, Mr. Obokata.

In your "End of Mission Statement", you acknowledge that Canada has enacted several policies in recent years that encourage Canadian businesses to protect human rights. One of those policies includes the establishment of the Canadian ombudsperson for responsible enterprise, or CORE; the revisions of Canada's responsible business conduct strategy and code of conduct for procurement to reduce the risk of forced and child labour; and the adoption of transparency legislation that requires companies to report on measures to address child and forced labour in the supply chain.

You also mentioned in your statement that Canada should expand the independence, powers and mandate of CORE. Can you be more specific in what ways you would expand CORE?

Mr. Tomoya Obokata: I would like the office to have the powers to compel companies to co-operate with the ombudsperson's office, first and foremost, and then expand the sectors. It's currently limited, as you are well aware, to certain sectors, and I think that leaves a gap in various others. I would expand the scope of the sectors.

Those are the two key areas that I can think of at this stage.

• (1125)

Mr. Paul Chiang: Thank you.

When you visited Canada, what specific streams of temporary foreign workers did you examine? You mentioned you were concerned about the low-wage and agriculture streams of the temporary foreign worker program. Were there any other programs you looked into?

Mr. Tomoya Obokata: In terms of the temporary foreign worker program, I have spoken to stakeholders, including workers for—

[Translation]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): I have a point of order, Mr. Chair.

We no longer have interpretation.

[English]

The Chair: Go ahead, please, Mr. Brunelle-Duceppe.

[Translation]

Mr. Alexis Brunelle-Duceppe: We no longer had interpretation, but the technical issue has been resolved. Thank you.

[English]

The Chair: Thank you.

Mr. Obokata, go ahead.

Mr. Tomoya Obokata: I also spoke to workers and stakeholders in domestic work and the shellfish industries, including processing. These are areas I also had a chance to explore.

Mr. Paul Chiang: You looked into different programs. What were your thoughts on those other programs, such as the foreign workers in the seafood industry?

Mr. Tomoya Obokata: The working conditions of the workers I've spoken to are quite similar, whether it's agriculture or [Inaudible—Editor], in terms of instances of abuse and exploitation reported. That is not to say all employees are in this situation. I've also spoken to workers who didn't experience any exploitation and abuse.

However, I think the closed nature of the program is an issue, inherently.

Mr. Paul Chiang: Thank you so much, Mr. Obokata, for being here today.

The Chair: Thank you, Mr. Chiang.

We will now go to Mr. Brunelle-Duceppe for six minutes.

Please go ahead.

[*Translation*]

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

Thank you, Mr. Obokata, for joining us today for this important study.

I will try to put things in context and reassure people, including some of my colleagues.

You raised the fact that the closed work permit system could be fertile ground for modern slavery in Canada. I understood that you were not attacking employers, businesses or agricultural producers, but rather questioning the system that allows certain abuses. You were not targeting employers, but rather the closed permit system.

Can you explain that difference to the committee please?

[*English*]

Mr. Tomoya Obokata: Thank you.

Yes, I think there is that kind of structural issue, in terms of the closed nature of the program and tying workers to specific employers. As I said, it was not my intention to state that all employers are exploiting workers. I haven't found that evidence. However, there are instances.

That gap in the system can be taken advantage of by some employers, yes.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: We see that Quebec has an extremely high number of temporary foreign workers. I think that number is close to 500,000 workers.

It is said that 95% of employers are good employers, but that does leave 5% who are not. Even if that portion was only 1%, vulnerable people would still be at risk of being abused.

[*English*]

Mr. Tomoya Obokata: Of course, from my point of view, even one victim is an important issue. Certainly, if 95% of employers in Quebec are good, I'd like to commend that. However, this still leaves about 5% who are not actually complying with the existing employment standards legislation.

The onus is on the provincial government and the federal government to properly take action against those remaining ones.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: An initiative specific to Quebec was created in 2018 called the Table de concertation sur les différents enjeux sur les travailleurs temporaires agricoles—an issue table on temporary foreign agricultural workers.

This initiative's aim is to meet specific objectives, such as helping to improve and promote overall working, health and safety con-

ditions for workers. The table is also proactive in providing a reminder of the rights of foreign agricultural workers.

Would it not be a good idea for the rest of Canada to follow the example of the organizations that created this issue table so that it becomes a model to be put in place in the other Canadian provinces and territories?

• (1130)

[*English*]

Mr. Tomoya Obokata: Thank you very much.

Yes, I very much support what you have done. A multi-stakeholder approach is extremely important in order to listen to the voices of workers and stakeholders, and that's the [*Technical difficulty—Editor*].

The Chair: Hold on.

Mr. Obokata, your reception on our end is not very clear. There's static. Give us a minute.

Mr. Tomoya Obokata: Can you hear me now?

The Chair: Yes, we can.

It's okay. Go ahead, please.

Mr. Tomoya Obokata: I commend that type of multi-stakeholder approach that exists in Quebec. I certainly encourage other provinces to consider the participation of other stakeholders, including workers. It is of vital importance in developing appropriate programs and strategies so that everyone—workers, businesses and local authorities—can benefit from the program.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: In your consultations, did you have a chance to speak with Quebec's minister of immigration, francization and integration?

[*English*]

Mr. Tomoya Obokata: No, I have not had a chance to do that.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Quebec is the only province in Canada with a shared jurisdiction. Quebec has certain powers with respect to immigration thanks to an agreement signed in 1991 between Canada and Quebec.

Quebec is asking to be granted all immigration powers. This is a unanimous request. All the parties represented in the National Assembly are calling for Quebec to have more immigration powers. Some people tell us that this would, at least in Quebec, solve the problem of the closed permit system in the temporary foreign worker program.

Are you aware of that? If so, do you think it would at least be something that could be resolved if Quebec had more immigration powers?

[English]

Mr. Tomoya Obokata: I suppose it's not very difficult for me to get into that type of debate. I appreciate the difference between the federal competence and provincial competence, and I appreciate that Quebec has a slightly different situation.

From my point of view, the most important thing is that workers' rights are protected. If the regional approach is suitable for workers, I think that is to be considered. Perhaps, however, it could also create a situation whereby certain workers are more protected in certain provinces than others. That creates an inequality and so on.

I would certainly like it if Quebec wanted to take a leadership role in that regard. If that could be followed at a wider level, I think that is to be desired so that all workers, wherever they are, can be protected equally.

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

Now, we'll go to Ms. Kwan.

Go ahead, please, for six minutes.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Mr. Chair.

I want to thank the special rapporteur for joining us today at committee. I also very much appreciate your coming to Canada and looking into this issue.

As many of the witnesses have said to us, the issue around the immigration system as it's set up, with the closed work permit approach, is that it actually sets these workers up for exploitation. From that perspective.... It's not to say, as the Conservatives would suggest, that you were alleging that all employers abuse workers. I don't believe you said that at any point in time; rather, I think the issue is about the immigration system that Canada has.

Instead of having this closed work permit situation, what would you say is the remedy to address the exploitation that many of the migrant workers you spoke with directly experienced?

• (1135)

Mr. Tomoya Obokata: My recommendation is, certainly, to modify the closed nature of the program. If the workers are able to choose their employers at their own will, that reduces the instances of abuse and exploitation.

More importantly, whether it's closed or not, employers have to comply with the relevant legal obligations. I accept that a large number of employers already do. It's those others who do not who require further attention from the provincial and federal governments to see whether they can take appropriate law enforcement actions against those who breach labour standards legislation.

Ms. Jenny Kwan: With respect to exploitation, one of the issues that migrant workers are faced with is that they don't have full status here in Canada; they have only temporary status. One issue that has been identified is the closed work permit. The other issue is in terms of having rights. Being able to have their rights protected also means that they have to have status here in Canada.

How would you suggest the policy side of things should be amended to ensure that these migrant workers have their rights protected?

Mr. Tomoya Obokata: I believe there's a gap right now where certain migrant workers do have a pathway for long-term and permanent residency, yet many of the workers in the agriculture and low-wage streams do not have that opportunity, and I find that discriminatory. I believe they make a vital contribution to your economy. Therefore, they should be given the opportunity to go for long-term...if they so wish. I'm sure that many workers do want to go home because they have their families, but those who wish to make further contributions should be given that opportunity. As they pay equal amounts of tax, they certainly should be entitled to all the benefits that citizens enjoy.

Ms. Jenny Kwan: Some of these workers came to Canada as migrant workers—for example, in the agriculture sector—for decades. They literally came year after year in this temporary status. Now, it's true that some may not want to have permanent status, but some may. From that perspective, should Canada be putting in an immigration policy that gives these workers landed status on arrival?

Mr. Tomoya Obokata: Do you mean that, as soon as they arrive, they'll be given long-term status? Is that what you're hinting at?

Ms. Jenny Kwan: That is correct.

Mr. Tomoya Obokata: If that's the case, then yes, I would certainly encourage that. I think there are other countries that are considering similar things. As you said, it's a circular labour migration. The migrant agriculture workers, as you highlighted, do come every year, so why not give them all freedom so that they can come and go without limits, restrictions or threats? I think that will eventually lead to their protection.

Ms. Jenny Kwan: In your preliminary report, you discussed the lack of social housing, in particular, as a contributing factor to the vulnerability of migrant workers. We know that Canada's share of housing stock is pitiful in comparison to the OECD average. Can you expand on the issue of housing as part of the solution to the exploitation of migrant workers?

Mr. Tomoya Obokata: I looked at only a few sectors, like agriculture, where accommodations are tied to the employers, and that's also where exploitation and abuse may happen. I think the worker should be able to live apart from their own employers if they so wish.

However, I do appreciate that social housing is a problem, not just for migrant workers but, at the same time, for the general Canadian public as well. Again, it is for the local government to consider building and making more affordable housing for everyone, including migrant workers, but oftentimes refugees and migrant workers are at the bottom of their priorities. I think that is an unfortunate approach, and I would recommend to the government to treat everyone equally.

The Chair: Ms. Kwan, you have 10 seconds.

Ms. Jenny Kwan: Do you have anything else to add?

Mr. Tomoya Obokata: No.

• (1140)

The Chair: Thank you, Ms. Kwan.

Now we go to the honourable member Mr. Kmiec for five minutes.

Please go ahead.

Mr. Tom Kmiec (Calgary Shepard, CPC): Mr. Chair, as this is my first opportunity at the mic, I have a motion to move, which I put on notice on Friday. It's concerning matters that this committee considered on February 7. I think there is some inconsistency in testimony we've received from officials, and I think the minister didn't take it seriously.

The motion I'm moving is the one I put on notice on Friday, February 23. I can read it into the record:

Given that, the Globe & Mail recently reported that:

(a) The Canada Border Services Agency (CBSA) is investigating "smuggling operations of Mexicans who fly to Canada without the need of a visa and then enter the United States illegally through Canada's vast southern border".

(b) According to the CBSA's director-general of intelligence and investigation, these kinds of human trafficking and smuggling operations may be run by a "cartel member, associate, somebody just involved in serious or organized crime".

The committee invite:

(a) The Minister of Immigration, Refugees and Citizenship to appear before the committee, separately, for no less than 2 hours;

(b) Officials from the Department of Immigration, Refugees and Citizenship to appear before the committee, separately, for no less than 1 hour;

(c) Officials from the Canada Border Services Agency to appear before the committee, separately, for no less than 2 hours.

That's the motion I move, Chair.

The Chair: Thank you very much.

Mr. Redekopp—

Mr. Tom Kmiec: I was going to speak to it, Mr. Chair.

The Chair: Sure, okay. Please go ahead.

Mr. Tom Kmiec: The reason I'm moving it is that we had a meeting on February 7 and we had the minister appear, as well as Mr. Anson from the CBSA and Chief Superintendent Burchill from the RCMP. In that testimony and in questioning, they indicated the following. It was questioning by Mr. Brunelle-Duceppe. Mr. Anson responded to a question specifically about cartels, organized crime and visa abuse to Canada. This was the response Mr. Brunelle-Duceppe received:

I don't, unfortunately, have a yes-or-no answer. I would say, in terms of organized criminality exploiting visa-free travel, that is something that seldom surfaces in evidence related to prosecutions or in the line of investigations related to IRPA. I would say it is something that, in theory, we know exists. Visa-free travel is exploited in all circumstances, and there are always criminals and organized criminals and organized crime groups that are typically involved or associated with those types of illicit movements.

Then, Mr. Brunelle-Duceppe continued with the RCMP chief superintendent. The superintendent confirmed, "There was no internal information that would indicate that they were exploiting any situation in particular", and then he said he basically agrees with CBSA.

This is the meeting where the minister refused to answer when the visa requirement would be reimposed on Mexico.

Two things have happened since that meeting.

Marie Woolf, a journalist with The Globe and Mail, wrote an article that said it seems there were "recent operations linked to organized crime to smuggle Mexicans and others into the United States, according to the head of intelligence at the Canada Border Services Agency." How could Mr. Anson say that there was no documentation, no proof, and that it was just theory, when there was obviously an ongoing operation that resulted in this article? The article had the headline, "Canada investigating cartel members smuggling Mexicans over border to America". The subheading is, "Canadian officials, RCMP are working to investigate smuggling of Mexicans who fly to Canada and then enter the U.S. through Canada's southern border".

How is it possible that the RCMP agrees with the CBSA at this committee, saying that there are no such documents—there's a theory—and now there are ongoing operations and we get into this article? In fact, the person from the CBSA being quoted is Mr. Anson. He's the one being quoted. This is all during that whole one hour with the minister when we were told that he would not reimpose and he wouldn't say when he would reimpose it. He tried to deflect every single time I asked him.

The article continues on to say, "He said no particular Mexican cartel was known to be running the smuggling operations. But members of organized crime groups have been identified as being involved." However, they just told us at the February 7 meeting that it was merely a theory.

This article continues on to say that the Prime Minister "said last week that organized crime is playing a role in bringing some asylum seekers from Mexico to this country." If there are no documents in these two departments, how could the Prime Minister know that? How would he be informed? Why wasn't the immigration minister better informed? Why couldn't he answer our questions?

It goes on even further and actually quotes Minister Miller. It says that he's "considering whether to impose a visa requirement on Mexican visitors after a sharp increase in asylum claims from Mexicans, most of which have been denied."

Mr. Anson is then quoted as saying, “We have noticed that there are patterns and people that will try to exploit a lawful ability to enter Canada and then proceed southbound”. Now, if there are patterns of people who are trying to exploit the lawful ability to enter Canada through the eTA, then there would be documentation, but we were told insistently that there were no such documents provided to committee.

Statistics Canada put out a report on February 23—on the same Friday—that shows that in 2023, “[r]epresenting 36.8% of all overseas residents arriving in Canada in December 2023”—so as of that last month of the year—residents of Mexico were 69,300.

If you go on the IRB's website with updated information from the CBSA, over 17,000 claims are being made by nationals with Mexican national documents. That would mean almost a quarter to 33% have made a claim at an air border after they landed in Canada. I would think there would be documentation somewhere and Minister Miller would have been able to provide a much more fulsome answer at the committee to explain himself.

Just so the analysts have it, this is “Travel between Canada and other countries, December 2023”, which was released at 8:30 a.m. eastern time in “The Daily” from Statistics Canada, on February 23, 2024. It just highlights travellers from different countries and who they were.

I just want to make sure I give Marie Woolf her credit here. Her article goes on to quote Mr. Anson indirectly, saying, “He said a division specializing in identifying fake documents is helping spot people with links to organized crime trying to enter Canada at airports, ports and border posts.”

● (1145)

Coming back to my point, Mr. Anson appeared before committee and claimed there were no such documents. Then a superintendent with the RCMP said, “I would echo the comments of my colleague from CBSA that organized crime” and then he was cut off, Chair, by yourself. He continued on just a little bit more, saying, “I would just underline the fact that organized crime will find vulnerable folks and exploit them regardless of the circumstances around that.” That's probably the most accurate statement he made during that entire meeting, because before that he seemed to agree with the CBSA when the CBSA said that no such documents exist.

Minister Miller was insistent he wouldn't tell us when he would reimpose the visa requirements, but if officials in his department.... His officials are also quoted substantively at the top about how closely they're working with Mexico and about how they're feeling the pressure from the Mexican government not to make any changes. There must be documentation.

This article continues on and on, so I have serious concerns that the testimony given by CBSA, the RCMP and IRCC on February 7 was less than accurate. I would go so far as to say that perhaps some of the points may have been misleading—perhaps unintentionally—but there are documents because otherwise it would be impossible for media like The Globe and Mail to be reporting that Canada's border officers have successfully disrupted recent operations linked to organized crime to smuggle Mexicans and others into the United States, according to the head of the intelligence at the Canada Border Services Agency.

Mr. Shafqat Ali (Brampton Centre, Lib.): I have a point of order, Mr. Chair.

The Chair: Mr. Ali, go ahead on a point of order.

Mr. Shafqat Ali: Thank you, Chair.

We have a witness here on an important issue. I don't think this is a good time to move forward with this—

The Chair: Mr. Ali, I'm sorry to interrupt you. I have a speaking list.

I'm going back to Mr. Kmiec.

Mr. Kmiec, the floor is yours.

Mr. Tom Kmiec: Thank you, Chair, for that.

That was an unnecessary interruption.

As I was saying, I was looking more closely at the testimony from that committee meeting. I quoted to you what Mr. Anson said, and I can't help but come to understand that either there was an attempt at misdirection or he was very ill-informed on that date, February 7. It was February 23 when there were major operations going on in Canada that The Globe and Mail was reporting on.

My motion is very simple. The minister needs to return, because he is the main person responsible for who gets to be on the eTA system and who does not get to be on the eTA system.

We now have data from Statistics Canada proving that between 25% and 33% of those with Mexican national travel documents who are landing in Canada are making claims at the IRB. The only way they could be doing that is because they've secured an eTA for the purpose of travel to Canada. The article then goes on to say that some people are exploiting this “lawful ability” to travel to Canada on behalf of organized crime.

We need officials from IRCC to return, and we also need the Canada Border Services Agency to come before the committee. Mr. Anson specifically needs to come back and explain both to myself and to Mr. Brunelle-Duceppe why the testimony does not match with reality.

Thank you.

The Chair: Thank you, Mr. Kmiec.

I have a speaking list here. I have Mr. Redekopp, Ms. Kwan, Ms. Kayabaga and Mr. Chiang.

I'll go to Mr. Redekopp. Please go ahead.

● (1150)

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

I just want to support this motion. We tackled the issue of human smuggling before in the study that we did on asylum seekers at Roxham Road. In that study, Conservative members put forward some strong recommendations to strengthen our anti-trafficking laws. This motion gets right at the heart of that, too, because we have problems in our country with the trafficking of people, with the smuggling of people, and, of course, we know that when trafficked people are brought into our country, they often end up doing things that are illegal. They often end up in things like prostitution.

These are things that exploit people. These are ways that people are exploited by the traffickers. It's bad for everybody. It's bad for our country, and it's certainly bad for the people who are involved, oftentimes without their consent. It's not something they sought to do. It's something they ended up in because they're exploited by cartels, by organized crime and things like that. That's exactly what this article is referring to.

We all recognize that crime in our country has increased significantly. Crime is also partly driven by some of the relaxations that the Liberals have done in terms of the laws, in terms of house arrest, for example, in terms of the relaxation of jail time requirements on some very critical crimes—crimes with firearms, gang crimes. Oftentimes, now, these kinds of criminals, rather than being put in jail, are actually released on bail. It can happen over and over again that a criminal commits a crime, gets arrested, and then, after doing the paperwork at the police station, is just released back out into the population.

Unfortunately, a growing number of these criminals reoffend. They come back. They're arrested again for the next crime. It's the same process. They do their paperwork, and out they go. We have this revolving door of criminality. In the worst case, sometimes there's a house arrest. Well, house arrest isn't much of a penalty either.

What's happened in our culture now, because of these changes made by the Liberal government in terms of the penalties for crimes, is that there's less of a disincentive to commit these crimes, so a person who's looking at—

Mr. Shafqat Ali: I have a point of order, Mr. Chair.

The Chair: Mr. Ali, if you have a genuine point of order, I'll give you the floor.

Mr. Shafqat Ali: Chair, I always have a genuine reason when I speak.

I don't see the relevance of the point. It seems to me that it's a filibuster. We want to have witnesses, but when we have witnesses here, we waste their time and don't give them a chance to speak—

The Chair: Mr. Ali, you can have your spot. I will give the floor to Mr. Redekopp.

Mr. Redekopp, go ahead, please.

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

I know that it's sometimes difficult for certain members to see the relevance of why we might want to put criminals in jail and why not doing that can lead to the exploitation of women, in particular, but it's something that we Conservatives really want to make sure we get right in our country so that we can reduce the crime we

are seeing in our country—the car thefts and the home invasions. There are so many things happening that shouldn't be happening now.

As I was saying, criminals do not have to worry about going to jail, because either they just get released back out into the general population or, in the worst case, maybe they have a house arrest. What's happening now—and this is where we have to be very careful about cartels and gangs—is that gangs recognize this. They are able to go to a vulnerable youth and say, “Hey, we want you to help us commit these crimes, but don't worry; nothing can happen. You might get a record, but that's it. You won't ever go to jail. There are no consequences for your actions.”

At the same time that this is going on, we have a cost of living crisis in our country, so that same youth might be having difficulty finding a place to live, or he might be living with 10 other people in a one-bedroom apartment. That youth, then, is likely struggling to buy groceries, and so—

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I have a point of order, Mr. Chair.

I think the discussion will continue beyond the six minutes the witness has left. Out of courtesy, we should thank the witness for being here before we let him leave. I don't think our conversation will be over in the next six minutes.

[*English*]

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

I have quite a speaking list. After Mr. Redekopp, I have Ms. Kwan, Ms. Kayabaga, Mr. Chiang, Mr. Maguire and then Mr. Brunelle-Duceppe. If there are any other members, I have to entertain them. It seems like a long list, but it's up to the members whether they want to continue with the debate on this motion, which is all in order, and to relieve the special rapporteur.

It's your call. I, as the chair, am here to facilitate.

Ms. Kwan.

● (1155)

Ms. Jenny Kwan: On that point, Mr. Chair, after this, we have one hour in which we can discuss committee business, including our instructions to the analysts for our report. I would suggest that we pause this so that we can actually have the witness.... We tried, Mr. Chair, as you know, on several occasions to get him to join the committee.

The Chair: Ms. Kwan, to facilitate this, I can suspend the meeting for two minutes. You can go and talk with the honourable members. If you have consensus, I will do that. Otherwise, I will give the floor to Mr. Redekopp.

Mr. Brad Redekopp: I would like to continue.

I'm okay with excusing the witness, if the committee would like to do that. Otherwise, I'll continue.

Ms. Jenny Kwan: Maybe, Mr. Chair—

The Chair: There's no consensus.

Ms. Jenny Kwan: Maybe we can ask whether or not our witness can stay longer. Hopefully this will wrap up soon, so that we may be able to finish our rounds of questions with this very important witness.

The Chair: I can ask that question.

Mr. Obokata, would you be able to stay longer?

Mr. Tomoya Obokata: Yes. It depends on how much longer. That is the question, I suppose.

The Chair: I can't dictate that, because it's up to the members. If there's no adjournment of the debate, as the chair, I have to respect the honourable members.

I have quite a speaking list. I already see another member. Ms. Zahid is on the speaking list as well. I can't say for how long a member is going to speak.

Here we go. It's an open-ended question.

I'm going to Mr. Redekopp. The floor is yours.

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

I just want to continue with my line of thinking here. Because of some of the things that are happening in our country—you can go all the way back to things like the cost of living, the terrible inflation we have and the difficulty people are having in finding houses—we have youth in our country who sometimes don't have a lot of options for how to feed themselves, and they are vulnerable. Then, at the same time, we have laws that have been relaxed, making them less onerous, I guess. We're making it easier to commit crimes without fear of consequences. These are things that have been done by the current government.

Then, we have cartels and gangs that see an opportunity. In the case of this story, the allegation is that Mexicans are coming to Canada and then getting smuggled back into the U.S.A. Cartels are all about making money; that's their primary goal. They don't care how they do it, and they don't care whom they hurt in the process. That's not their concern. What they see here, then, is the lack of rules or the slackening of our rules. The loopholes that this government has created in our rules have created vulnerabilities in our country. The cartels are very creative when they look at how they can best make money, so they see these loopholes. They see the lessening of laws as an opportunity for them to exploit people.

We have to remember that there's no love lost for cartels here. The terrible part, the tragedy in this, is the people who get unwittingly involved in this, the youth and others who are involved in the crimes.

Oftentimes, as I've said before, it can be women and girls who are trafficked into all kinds of slavery and prostitution. It's not that they went looking for it. It's not something they even wanted, but they end up there because we allow cartels and gangs to have this power. We've neglected to put proper laws in place and proper consequences to breaking the law.

That's what we're hearing from this article, and that's why we think it's important that we hear from the minister on this and get his take. As my colleague pointed out, there are some very troubling inconsistencies in the testimony we heard from the govern-

ment itself and from what was said when the minister was here with the officials versus what we're reading in this article. There are questions we need to ask. Maybe, as was said by my colleague, they were just mistakes or inadvertent things said in error. I'm not sure, but we need to find out. Were there actual reports? Is there proper documentation of this?

The article is not necessarily naming a specific cartel, but—and this is from the article—“members of organized crime groups have been identified as being involved.” This is something that's very serious. It's something we need to look at, I think, urgently at the committee. It doesn't have to take a long time, as is pointed out in this motion.

We always talk about having the minister here, but we also need officials, because we need to understand at a deeper level what's being done and get to the truth. The most important thing here is that we have a conflict between what was told to this committee and what we're reading here. I think that's something that we as committee members should be very concerned about.

Mr. Chair, you should be concerned about this as well, because we want to protect the integrity of the committee here in that we get information that allows us to understand the situation and make good decisions. When that's in question, that's not good for anybody. It's not just bad for our committee; it's bad for all committees. We need to make sure that the information we're getting here is accurate.

That's why I think that this is an important motion and an important, quick study we can do, and I give my support to my colleague in doing this.

With that, I will end.

• (1200)

The Chair: Thank you.

Now we will go to Ms. Kwan.

Ms. Kwan, you are next on the speaking list.

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

I have to say how disappointed I am for this committee to be at this juncture, where we have a very special witness, the special rapporteur, whom we've been trying to get to this committee for some time now. We had to cancel previously because of technical difficulties, and we finally have him here on this very important study on exploitation, which is not too far from the whole issue of human trafficking. When people are exploited in their work environment, that is something we should take seriously. If the immigration system facilitates that process, we should be hearing witnesses on this issue and on how to address it. We have a special rapporteur who's come to Canada to study this issue and is willing to offer his expertise and his learnings to this committee so that we can better address these issues.

We now have a situation where the Conservatives are moving a motion in the middle of the special witness's presentation and discussion with us. I think that's not courteous, to say the very least, especially in light of the fact that after this first hour, we will have time to do exactly that. I can't tell you how disappointed I am, and disgusted, frankly, with this tactic and this approach.

That's not to say that the issue under discussion with this motion is not an important one. I would even be willing to consider it, but not at this time. We need to cede this time to the rapporteur so that we can get this work done. We need to hear his expertise and complete that work, so that we can get on with the report and make the necessary recommendations to the government.

The Chair: Thank you, Ms. Kwan.

Ms. Kayabaga, go ahead, please.

Ms. Arielle Kayabaga (London West, Lib.): Thank you, Mr. Chair.

I just want to echo my colleague's comments. I'm not going to weigh in on what our colleague is moving forward, because it's also a really important study to do, but as my colleague said, we've waited weeks and months to get the special rapporteur here in our committee. We're now wasting the time that we could be using to speak with him with another motion that we could talk about later. We would have much better conversations on this motion if we moved it later. Right now, I think we should finish our committee.

Earlier, my colleague Mr. Redekopp was talking about the fact that we have so many things on the go and are unable to actually get anything done. This is one example of why we're unable to move forward.

Mr. Chair, I move that we adjourn debate on this. We can come back to this later, after we finish with the special rapporteur. We've invited him twice, and he's taken the time to be here. I think this is important.

The Chair: The motion is on the floor. There is no debate.

Madam Clerk, I will ask you to conduct a vote on the motion to adjourn debate.

The vote is tied.

The motion is in order. I would carry on debate on this motion. I vote for no adjournment, basically.

(Motion negatived: nays 6; yeas 5)

• (1205)

The Chair: The next speaker is Mr. Chiang.

Mr. Chiang, go ahead, please.

Mr. Paul Chiang: Thank you, Mr. Chair.

I appreciate the member opposite's motion. However, given the importance of having invited the UN special rapporteur, the topic of closed work permits, the issues at hand with seasonal workers and the report that was put out about this, it puts us in a position where we should and must discuss and debate this UN special report finding so we can have a better understanding of what direction they're looking at for this closed work permit issue.

To me, it is so important that we treat our workers fairly. I believe we treat our temporary foreign workers, seasonal workers and farm workers fairly in Canada. I'm not saying there are no bad apples, but the bad apples are small numbers. We should look at our temporary foreign workers, respect the work they do and welcome them here, because without them, we are not going to put food on our tables. They are a very important cog in the wheel of our system.

For us to bring this motion up at a time when we have such an important person—one we tried so hard to get to speak at this committee—is not good for us. It shows a lack of respect for the special rapporteur, and for his busy schedule and his time. I think the topic we are discussing here is important. We should look at that and give him his due respect.

Why don't we take a vote on this matter, Mr. Chair?

The Chair: Mr. Chiang, I have a speaking list.

Mr. Maguire has withdrawn his name. Now I have only Mr. Brunelle-Duceppe on the list. Mr. Ali and Ms. Zahid raised their hands earlier, but their hands are down.

Mr. Brunelle-Duceppe, you are on the speaking list. Do you want to take your name off? Then I can go to the vote.

• (1210)

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I wanted to propose that we move to a vote right away instead of continuing the debate.

[*English*]

The Chair: Thank you.

There are no more speakers on the list.

I would ask the clerk to take a vote.

Mr. Shafqat Ali: Mr. Chair, to clarify, what are we voting on?

The Chair: We are voting on Mr. Kmiec's motion.

(Motion agreed to: yeas 11; nays 0)

The Chair: Now we go back to the special rapporteur.

We'll start the clock again.

Mr. Kmiec.

Mr. Tom Kmiec: I'll complicate it further. I'm going to hand over my time to Mr. Maguire.

The Chair: That's no problem.

Ms. Arielle Kayabaga: I'm sorry, Mr. Chair, but I am confused. If it was his turn and he used his six minutes to move a motion, don't we move to the next speaker? He used a lot of his six minutes to move a motion. Technically, his six minutes are done. We shouldn't go back to another six minutes when he already used—

An hon. member: He didn't get his round.

Ms. Arielle Kayabaga: He did. He got his round.

Mr. Tom Kmiec: I have a point of order.

The Chair: There is a point of order, Ms. Kayabaga.

Mr. Kmiec.

Mr. Tom Kmiec: Mr. Chair, I believe the rule is this: If we proceed to a motion and commence debate, it's a different matter being considered by the committee. Then it returns to whatever was left of my time prior to the motion being moved.

The Chair: Absolutely, and that's what time I am respecting right now.

Go ahead, Ms. Kayabaga.

Ms. Arielle Kayabaga: Mr. Chair, can we get a clear understanding of how much time he used and how much time he has left? I know he doesn't have six full minutes.

The Chair: I'm going to suspend the meeting for a couple of minutes, and I'll get back to you.

• (1210) _____ (Pause) _____

• (1210)

The Chair: I call the meeting back to order.

I had a discussion with the clerk, and the floor is with the Conservatives for the remaining time of five minutes.

We'll go to Mr. Maguire, and then we'll go to the Liberals for five minutes. We'll have two and a half minutes for Mr. Brunelle-Duceppe and two and a half minutes for Ms. Kwan, and then we'll call this—

Ms. Arielle Kayabaga: How much time is left?

The Chair: He was seven seconds into the round, so he basically has five minutes.

This is my call as the chair, and I'm not going to waste any more time.

I'm going to Mr. Maguire for five minutes less seven seconds.

Go ahead, please.

Mr. Larry Maguire: Thank you very much, Mr. Chair.

Of course, that is the ruling that you would come up with because it is the rule. Thank you, again.

I just want to finish some of the questions that I had earlier, Mr. Obokata.

Our farmers in Canada have gone through a great deal. I know we're talking about the type of process we have here and the closed system we have, and there are reasons for that. I acknowledged that in my earlier remarks.

To have it as a normal practice—I think that was Mr. Obokata's answer—to make a preliminary statement rather than publishing your assessment and recommendations in the full report is concerning.

I've tried to make the point that it was so important to meet with farmers, and I just want to ask another quick one as well.

To the special rapporteur, you mentioned in one of your other answers that you met with the shellfish industry as well. Did you meet with any of the fishermen?

• (1215)

Mr. Tomoya Obokata: No, I did not meet with fishermen.

Mr. Larry Maguire: It was with associations again.

I asked if you could name a couple of the farming associations that you met with. Can you do that?

Mr. Tomoya Obokata: I'm sorry; I can't recall.

I met 10 or so. I'm sorry, but I don't have the exact numbers at this stage.

Mr. Larry Maguire: You were here only for 14 days. I get that.

Can you put a numeric figure to this claim? You said that.... We looked at that, but I guess you weren't able to put a number to those you'd met.

I'd like to go back to the employers in Canada and why it was so important to meet some of these fishermen and the farmers. You mentioned that there are other industries that you felt had this form of slavery involved here in this country as well.

Employers in Canada who take on temporary foreign workers are required to fill out a labour market impact assessment. They're also required, in many cases, to pay for the transportation to and from Canada of these individuals, and they have to provide proper housing. All of this comes at a significant financial and time cost to the employers.

Now, if we're going to go with the suggestion that you're making in regard to open contracts, why would these individuals even go this route with the investment that they've made? We already have situations where, if the employee isn't happy, they can go to another employer.

Can you give me an answer as to how many farmers you've personally interviewed in your investigation in regard to that?

Mr. Tomoya Obokata: We had a consultation afterwards, and these issues were raised. I do appreciate that employers, whether in agriculture or not, spend an enormous amount of time, effort and resources to recruit. I appreciate that, but that doesn't give them the right to exploit or abuse workers.

Mr. Larry Maguire: No, it doesn't, but the indication is that this is a form of slavery, and there's a bit of a difference here in regard to the terminology that's being used.

You're saying that you did meet with some of these farmers. What did you learn from them?

Mr. Tomoya Obokata: I certainly learned some of the good things that they do in terms of promoting the rights of workers, and I believe that they do that, in the farmers' defence.

I also heard some of the concerns about where they can go from there, and I think that's a good question, as well.

Mr. Larry Maguire: Why weren't some of those indications in your report?

Mr. Tomoya Obokata: Again, this consultation took place after my visit. I saw it as necessary, so I reached out to various sectors, but they didn't respond when I was visiting. There was not much I could do about that, but in order to be fair, I reached out and had a conversation. The full report reflects some of the things that I discovered.

Mr. Larry Maguire: I'm going to go back to the fact that Employment and Social Development Canada itself is aware of some of these things. Obviously, they've done more work than you did on this, and they told you that 94% of the employers in Canada were already compliant.

I get the conversation we had about one bad apple being one too many, but did you take that into consideration in your report, as well? If you did, then why did you come in with the idea that—

The Chair: I'm going to go to Mr. Obokata to respond. We're already over five minutes.

Mr. Obokata, give a short answer, please.

Mr. Tomoya Obokata: I take various information into consideration for my full report.

The Chair: Thank you.

We'll go to Ms. Kayabaga.

Ms. Kayabaga, the floor is yours for five minutes.

Ms. Arielle Kayabaga: Thank you, Mr. Chair.

I would like to thank the special rapporteur for taking the opportunity to answer questions on this really important study that we're doing.

I also want to recognize the seriousness of the claims of migrants who have been abused, as well as the fact that there are a lot of ethical farmers in our country who are doing their best to care for their employees.

Based on the report that you put together, one of the biggest problems is that temporary foreign workers aren't aware of the measures and programs available to them if they're in an abusive situation. One of the programs I can think of is the open work permit for vulnerable workers, in particular, but there are many others as well.

Would you have any recommendations on how the government can increase the awareness of these programs? For example, the Canadian Centre To End Human Trafficking, Covenant House Vancouver, and FCJ Refugee Centre have recommended that employees participate in things like paid workshops performed by independent organizations. That's to ensure that Canadian embassies and consulates provide information on labour rights to workers before they arrive in Canada.

Are there any other recommendations that you can make on this?

• (1220)

Mr. Tomoya Obokata: First and foremost, a multi-stakeholder approach is extremely important. I do acknowledge that the Canadian government—the federal and provincial governments—is taking steps to include various stakeholders in exploring the best possible options for migrant workers, and I do encourage them to continue

to uphold the multi-stakeholder approach, particularly including workers. Without speaking to them, it may be extremely difficult to create a program that is suitable for workers as well as employers. That's the way to approach the civil society sector, trade unions and so on. I'm sure that's happening at various levels, but I'd like to see more of those in all provinces.

In terms of the open work permit, yes, it is a useful thing to have, but there are certain issues also raised in that. Not everyone can take advantage of it, and then there's that differential treatment in terms of, particularly, undocumented migrant workers, so I do hope that the federal government would take steps to regularize their status—I think that's quite important—so that they are able to be reintegrated.

Ms. Arielle Kayabaga: In your “End of Mission Statement”, you had criticism of employer-provided housing. You cited overcrowding, unsanitary living conditions, lack of privacy, lack of gender-sensitive housing arrangements, and arbitrary restrictions on energy use.

Do you believe that employers should be providing housing to temporary foreign workers under these streams? If not, what are some of the alternatives that you are proposing? If the answer is yes, how can the requirements be improved from what they are right now?

Mr. Tomoya Obokata: Provided that the living conditions are good and in line with international human rights standards, I don't see why the employers cannot provide accommodations. I think it's extremely difficult to inspect, so I think the housing inspection should occur regularly with the help of various sectors. I think it's always important.... If there are no resources for labour inspection, why not work with trade unions and civil society organizations so that they can work together to inspect these premises on a regular basis?

If they were to live outside of that, again, the local and federal governments should provide guidance to make sure they have access to affordable housing, which I appreciate is a very difficult thing, not just for migrant workers but for the citizens of Canada as well.

Ms. Arielle Kayabaga: During your stay, did you visit any employer-provided housing?

Mr. Tomoya Obokata: No, I did not have a chance to visit. Once again, these locations were sometimes farms. As much as I would like to visit, the extent to which I can gain much out of it.... If I announce that I am going, would I be able to see the reality of it? Also, if I were to be refused—

Ms. Arielle Kayabaga: I'm sorry to interrupt, but what would you say you are basing your information on, if you weren't able to visit?

Mr. Tomoya Obokata: I have spoken to a large number of migrant workers who are living in employee-provided accommodations, not just in one location, not just in one sector, but in different sectors. Their stories were emerging from different sectors. I'm not necessarily criticizing agriculture, for example, but that seems to be the case in some others.

The Chair: We'll go to Mr. Brunelle-Duceppe.

Mr. Brunelle-Duceppe, go ahead for two and a half minutes, please.

• (1225)

[*Translation*]

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

Professor, you said that other countries have changed their systems and eliminated closed work permits.

Which countries?

[*English*]

Mr. Tomoya Obokata: To the best of my knowledge, in the European countries, under the European Union directive on seasonal workers, workers are allowed to choose and change their employers. I think that's happening in Japan. They are actively forming their own technical internship program. They have just announced that. I think they are also considering allowing the workers—

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I didn't hear the interpretation, but I don't want to waste time on that. I still understood.

[*English*]

The Chair: Hold on.

Mr. Tomoya Obokata: Sorry, I didn't get the English translation.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I want the rest of my time back, Mr. Chair.

I lost way too much time because of the technical problems.

The two and a half minutes will go by quickly.

[*English*]

The Chair: We will do that.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Okay.

That's perfect.

[*English*]

The Chair: Okay, carry on, Mr. Brunelle-Duceppe.

[*Translation*]

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

Would you say that Canada should follow the lead of those countries in reforming closed work permits?

[*English*]

Mr. Tomoya Obokata: Yes, I agree that the workers should be able to choose their employers, if they wish, at their own will. That's what I have recommended.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: You are telling me that those countries are an example for Canada. According to your logic, if Quebec were to obtain more immigration powers and eliminated

closed work permits, it would become an example to be followed in the rest of Canada.

[*English*]

Mr. Tomoya Obokata: Certainly. Quebec has the power to do so, and I think for consistency that should spread across the country at the federal level.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: So we have come to the conclusion that the more powers Quebec has in immigration, the better off we are.

Thank you, UN rapporteur.

I'll give the rest of my time to my colleague Jenny Kwan.

[*English*]

The Chair: Ms. Kwan, go ahead, please.

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

I just want to touch on the issue around undocumented workers. I think I heard you say that the government should be undertaking regularization for the undocumented workers. Can you expand on that just a little bit?

In addition, I want to ask about enforcement. Right now—and you touched on it in your opening statement—the government does these on-call type reviews as well as giving the employer advance notice. What do you think should be done in terms of the enforcement part of this situation?

Mr. Tomoya Obokata: The regularization basically means to take the illegal status out of them so they will return to some kind of an immigration status allowing them to receive all the support that they need, particularly when they are being exploited. I think that's happening in various parts of the country. If they are victims, then they should be protected.

I think Australia just recently passed legislation on employer compliance and increasing the protection for undocumented migrant workers. I think that is a good move. I do hope that Canada could also move towards that.

On the enforcement, sorry, could you repeat that?

Ms. Jenny Kwan: Yes, on the question around enforcement, what do you think the government should do? Should the government be really embarking on practices of notifying the employer that they are coming or simply giving them a call, as opposed to visiting them unannounced on site to ensure that there are no violations?

Mr. Tomoya Obokata: Yes, I think more unannounced visits should happen.

Ms. Jenny Kwan: Finally, some witnesses were suggesting that putting in a process for these workers to form a union would better protect their rights. Would you support that recommendation of unionization for these migrant workers?

Mr. Tomoya Obokata: Absolutely, yes. That's a fundamental right guaranteed under international human rights and labour laws. They should have that opportunity equally with Canadian citizens.

Ms. Jenny Kwan: One issue that people have raised is getting legal representation when they face exploitation. Many people can't afford it and don't have that advocacy. Would you support the government's providing resources to support migrant workers to access legal representation?

• (1230)

Mr. Tomoya Obokata: Yes, I think that's a sensible move. I think that would be a very positive step forward.

The Chair: Thank you very much, Mr. Obokata, for appearing.

I'm going to suspend the meeting. We'll go in camera now.

[Proceedings continue in camera]

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