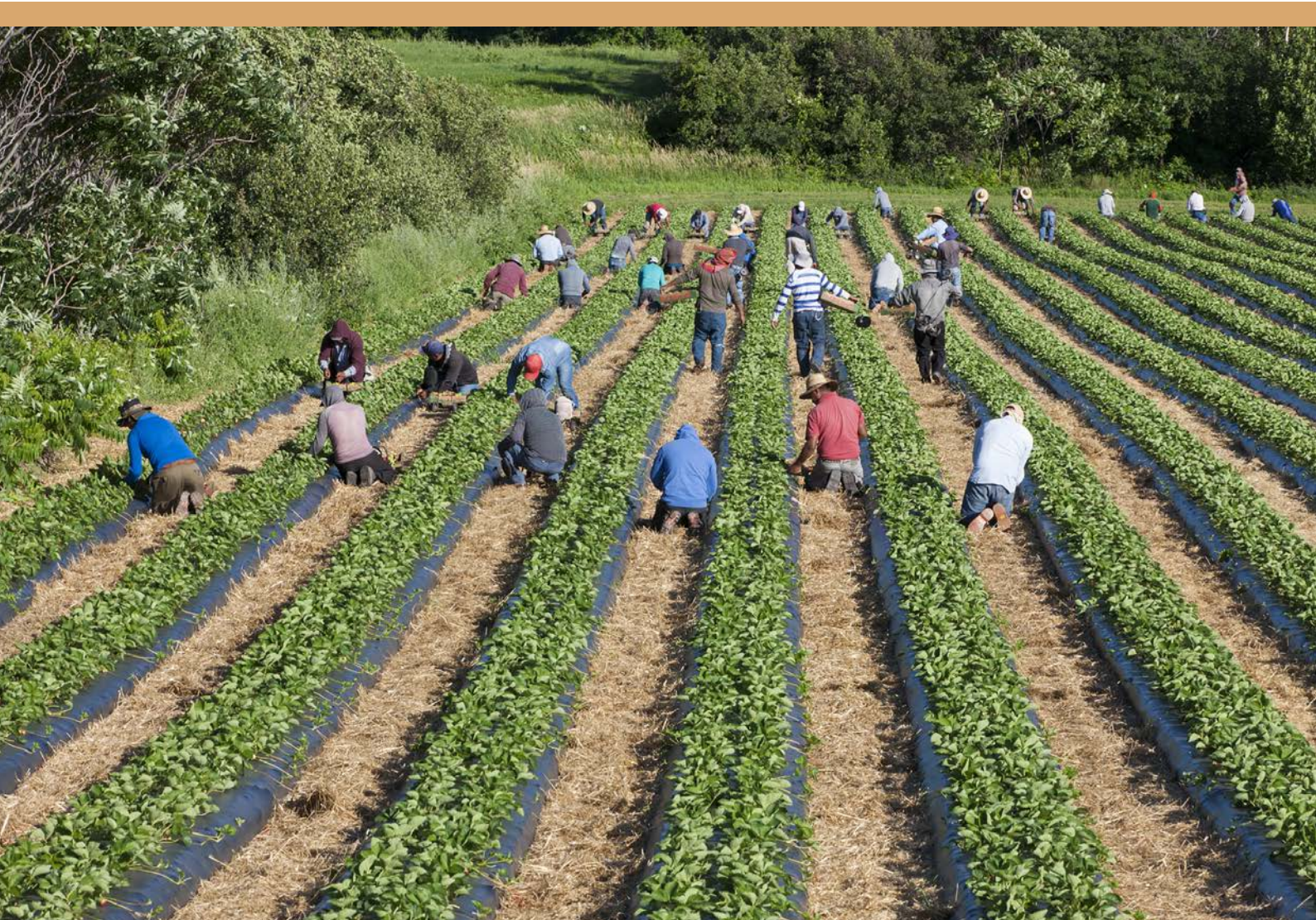


THE FIVE CORRIDORS PROJECT - **CORRIDOR 5**

# Mexico to Canada: **Fair recruitment in review**

JULY 2021



## ABOUT THIS DOCUMENT

The Five Corridors Project is an initiative led by FairSquare Projects, which aims to identify key measures that governments can take to ensure that migrant workers can migrate safely and with dignity. FairSquare Projects is a non-profit human rights organisation that tailors rigorous research with communication and advocacy work to promote systemic change. The Five Corridors Project is supported by Open Society Foundations, Humanity United and Porticus. The organisations that funded this project played no role in the design or execution of the research, and our conclusions and recommendations may not necessarily reflect the viewpoints of Humanity United, OSF or Porticus.

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Cover photograph: Mexican migrant workers picking strawberries, Quebec, July, 2020. © Pierre Desrosiers / Getty Images

# Assessment against the Five Corridors indicators:

## 7. Access to grievance mechanisms, provision of remedy and accountability

- 7.1** Do workers irrespective of their presence in the country or legal status have access to free or affordable grievance / dispute resolution mechanisms in cases of abusive/fraudulent recruitment? \_\_\_\_\_ 123
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Mexican migrant workers picking strawberries, Quebec, July, 2020. © Pierre Desrosiers / Getty Images

## 7. Access to grievance mechanisms, provision of remedy and accountability

*“Mexico [the Consulate] will always be on the side of the employer, always, always the same suggestion from them will be to return to Mexico. Instead of solving the problem: return to Mexico. If you are not happy anymore, go back [to Mexico]. But how? How am I going to go back to Mexico if this is my job?”* MEXICAN MIGRANT AGRICULTURAL WORKER IN CANADA, 2020.

### Summary

Mechanisms for Mexican migrant workers to hold exploitative recruiters accountable are not fully developed. Under the law, labour recruiters are liable for repatriation costs if a worker is deceived regarding their working conditions overseas, but the law and the regulations make no provision for other forms of remedy or compensation for migrant workers. Workers can request an inspection of recruiters through the STPS or complain to the Public Ministry (Ministerio Público) if they have been defrauded, but in practice, inspections of labour recruiters responding to complaints are very rare. Migrant workers who file complaints face blacklisting by recruiters, and this deters others from making complaints. For SAWP workers in Canada, Mexican consulates in Canada, which

operate a 24/7 hotline, are the designated first point of contact for workers who have a grievance. Their approach is to seek mediation and if this cannot be achieved, to explore options for workers to transfer employers - only raising cases with the Canadian authorities if they have reason to suspect a violation of federal or provincial law. The consulates have a heavy workload and their resources are stretched thin. Both workers and those who support them have repeatedly raised the tendency of consular staff to side with employers, apparently fearful of dissuading agricultural employers from hiring Mexican workers. Nevertheless, trade union representatives and other experts noted that Mexican consular staff are often proactive and committed to supporting workers with grievances, and most agree that the enhanced authorities the SAWP awards to origin state officials improves



workers' abilities to raise complaints, as compared to workers outside the SAWP.

Canada has a proliferation of mechanisms to accept complaints from workers. Indeed some experts argue that Canada's labour protection systems are too heavily dependent on workers complaints and are insufficiently proactive. Complaints can be raised in a range of ways, with the nature of the issue determining the path taken: workers can for example pursue a provincial employment standards claim; provide a "tip" to federal authorities for non-compliance under the TFWP; make a claim of discrimination under provincial human rights codes; file a complaint to the national immigration consultants regulator; and/or a criminal complaint of trafficking. It can be confusing for workers to know which is the appropriate complaint mechanism to pursue. There is no funding for legal aid for migrant workers bringing employment cases, unless they can be classified as trafficking, so workers are often reliant on intermediaries in civil society organizations and unions to support them. With such support, workers can and do file cases successfully, most commonly being awarded back payment of wages owed to them. Seasonal workers can be reluctant to make complaints as processes are time-consuming, with federal complaints taking around 200 days - normally longer than their time in the country. The most important barrier to workers raising grievances is the fear of retaliation, in particular contract termination and repatriation. Employers can terminate any worker who has been employed for less than two years by providing between 7 and 14 days notice depending on the

province, or by providing payment in lieu of notice. Workers who have been employed for shorter periods of time can be terminated without notice. Combined with the closed work permit that is an integral part of the TFWP, this reduces the likelihood of workers making a complaint, as employers have the ability in practice to terminate the workers and repatriate them. In 2019, the government introduced the Open Permit scheme for vulnerable workers, "to provide migrant workers who are experiencing abuse, or who are at risk of abuse, with a distinct means to leave their employer." It is currently too early to tell if the scheme will be effective in increasing workers' confidence in accessing grievance mechanisms by significantly diminishing their fears of retaliation. Early feedback indicates that while those who do apply have a good chance of being successful, applying for the scheme is complex and challenging for workers who do not have assistance from civil society or union groups, something the government has acknowledged. Workers and worker organizations have also raised concerns that even if a worker receives an open work permit to leave an abusive employer, workers still face challenges in securing another job, applying for employment insurance and finding alternate housing.

2020 saw the introduction of an additional grievance mechanism through the Canada-US-Mexico Agreement (CUSMA) and its rapid-response labour mechanism that applies to the three governments. Two complaints under this new mechanism are currently under review.

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## Recommendations to the Mexican government:

- Increase resources for consulates in Canada, and explicitly instruct officials that their priority consideration must be the safety and dignity of workers. Ensure that details of all complaints by Mexican workers regarding their employers are communicated to Canadian federal and provincial

authorities, even where the consulate resolves these through mediation.

- Establish accessible and effective grievance mechanisms for workers subjected to abuse and fraud, whether by licensed or unlicensed recruiters.
- Fully empower PROFEDET to assist Mexican migrant workers and job seekers who have been victims of labour recruitment fraud.

- Follow up on complaints and keep migrants notified to build confidence in the inspection processes.

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### Recommendations to Canada’s federal government:

- Provide federal funding for Legal Aid to assist migrant workers, in particular to help identify which entity is appropriate to raise complaints with, and to assist the filing of federal and provincial complaints and related processes, including obtaining open work permits in situations of abuse.
- Reduce the length of time taken in processing federal complaints under the TFWP, and provide feedback to workers on progress with these complaints.
- Reduce the administrative burden associated with applying to the Open Work Permit for Vulnerable Workers scheme, to allow workers to lodge complaints without fear of being repatriated.
- Carry out and publish a review into the nature of the role played by the employer-specific work permit in preventing victims of labour abuse from coming forward to make complaints to law enforcement authorities.

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### Recommendations to the federal and provincial governments:

- Introduce measures to prevent the rapid repatriation of workers, similar to recent changes introduced by Quebec; and facilitate the continuation of inspections and compensation to workers from federal and provincial inspections even after the return to their countries of origin.

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## 7.1 Do workers, irrespective of their presence in the country, have access to free or affordable grievance / dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process?

### Mexico

Under the Federal Labour Law and RACT, labour recruiters are liable for repatriation costs if a worker is deceived regarding their working conditions overseas, and they must provide an advance security deposit to the STPS to cover these costs.<sup>780</sup> Recruiters can also be fined between 50 and 5,000 times the minimum wage for breaches of the law and the regulations.<sup>781</sup> Mexico’s Federal Penal Code defines fraud as when someone ‘deceives or takes advantage of someone else for illicit and wrongful gain’ and includes provisions for penalties which can reach up to 12 years in prison.<sup>782</sup>

Legally, migrant workers have access to two mechanisms to file grievances related to labour recruiters. The first is by requesting an inspection of the labour recruiter through Mexico’s Ministry of Labour and Social Welfare (STPS). The General Directorate of Federal Labour Inspections (DGIFT) under the STPS is responsible for enforcing provisions related to breaches by labour recruiters. The second is by filing a complaint with the Public Ministry (Ministerio Público) if the migrant worker or job seeker has been a victim of fraud. There is no cost to making complaints through either channel.

In practice, however, government officials told us that inspections of labour recruiters are rare, and cited as primary reasons resource limitations, as well as the difficulty that fraudulent recruiters rarely provide an address or other written documentation to be able to prove violations.<sup>783</sup> Reports from worker organizations also confirm that both labour inspections and criminal investigations of licensed and unlicensed labour recruiters are rare. A 2015 Solidarity Center report which documented an inspection of a labour recruiter as a

780. [Decreto por el que se reforman, adicionan y derogan diversas disposiciones de la Ley Federal del Trabajo](#), articles 28-B, 30 November 2012; [Decreto por el que se reforman, adicionan y derogan diversas disposiciones del Reglamento de Agencias de Colocación de Trabajadores](#), article 23 VII, 21 May 2014.

781. [Decreto por el que se reforman, adicionan y derogan diversas disposiciones del Reglamento de Agencias de Colocación de Trabajadores](#), article 33, 21 May 2014.

782. [Código Penal Federal](#), Article 386, 14 August 1931

783. Interview with senior official, Ministry of Labor and Social Welfare, Mexico City, 10 March 2020; Interview with senior official, General Directorate of Federal Labour Inspection, Ministry of Labor and Social Welfare, Mexico City, 2 March 2020.

result of complaints by civil society organisations said this was “one of the first times [STPS] had ever used this power”.<sup>784</sup> A 2019 report by CDM cites the case of a recruitment agency Chambamex, which defrauded more than 3,000 Mexican workers in 19 states out of more than 20 million pesos (approximately US\$1 million) between 2012 and 2013 with the promise of jobs in the United States and Canada: “despite the scale of the fraud, Mexican authorities systematically failed to investigate complaints against Chambamex. Only one attorney general’s office in one of the affected states processed and investigated the complaints.”<sup>785</sup> CDM told us that when they request inspections - including of unlicensed agencies - from STPS, “they do happen, though with mixed results.”<sup>786</sup>

With respect to supporting worker grievances while they are overseas, Mexican consulates in Canada also provide general services for Mexican nationals, with additional authorities and resources under the Seasonal Agricultural Worker Program (SAWP). Officials told us that under the SAWP, consulates are generally the first point of contact for migrant workers in the event of a problem with the employer, and that they first attempt to mediate the problem between the worker and the employer, but that if a case appears to be a breach of Canadian federal or provincial laws, they then refer those cases to the appropriate Canadian govt authority.<sup>787</sup> According to a former Mexican government official, consulates help workers resolve approximately 80% of complaints (including through transfers to other employers if requested by the worker), and only in approximately 20% of cases there is a need to refer complaints to Canadian federal or provincial officials.<sup>788</sup> If a problem between an employer and a worker cannot be mediated, and alternate employment cannot be found for a transfer, the former official said that workers are generally repatriated.<sup>789</sup> A Senior STPS official also told us that an additional penalty mechanism under the SAWP is the ability for Mexico to ban employers from hiring Mexican migrant workers under the SAWP, which is used in more serious cases of abuse by employers.<sup>790</sup>

## Canada

In Canada, there are a range of mechanisms for workers to file grievances, all of which are free. The responsible agency depends on the type of violation by the employer, immigration consultant, and/or labour recruiter.

At a federal level, if the employer is non-compliant in relation to the requirements that led to the hiring of the migrant worker, workers or others can submit “tips” or complaints to ESDC, who can initiate inspections of employers in response.<sup>791</sup> In 2017/18, ESDC received 1,233 tips or complaints regarding possible employer non-compliance, and referred 527 or 42% onwards for an administrative inspection or for a criminal investigation.<sup>792</sup> Of the tips received, “just under 40%” related to the agriculture sector”, potentially suggesting that migrant workers, consulates, and/or worker organizations in agriculture are responsible for inspections in a relatively large share of cases.<sup>793</sup>

All provinces also have authorities to inspect employers and labour recruiters in relation to breaches of employment standards, workplace safety, and labour recruitment on receipt of complaints by workers. Officials of the largest province, Ontario, told us that while it has powers to carry out proactive inspections as well, the province conducts the large majority of its inspections in response to worker complaints. While statistics do not distinguish between complaints filed by Canadian or migrant workers, in 2019/20, Ontario initiated a total of 18,965 inspections in response to complaints, compared to 2,490 proactive inspections.<sup>794</sup>

The Immigration Consultants of Canada Regulatory Council (ICCRC) receives complaints against immigration consultants. In 2018-19, the ICCRC received 488 complaints against registered immigration consultants and 91 complaints against unauthorized representatives. The key areas of misconduct requiring

784. Jennifer Gordon, “Roles for Workers and Unions in Regulating Labor Recruitment in Mexico”, *Fordham Law School*, (22 January 2015): 10.

785. Centro de los Derechos del Migrante, “Fake Jobs for Sale: Analyzing Fraud and Advancing Transparency in U.S. Labor Recruitment”, (2019): 20.

786. Remote interview with Rachel Micah-Jones, Centro de los Derechos del Migrante, 19 April 2021.

787. Interview with senior official, Embassy of Mexico in Canada, Ministry of External Relations, Ottawa, 3 March 2020.

788. Interview with senior official, Ministry of Labor and Social Welfare, Mexico City, 10 March 2020

789. *Ibid.*

790. *Ibid.*

791. *Immigration and Refugee Protection Regulations (SOR/2002-227)*, section 209.5, 2002.

792. Employment and Social Development Canada (ESDC), “Facts and Figures TFWP”, (26 April 2018). Obtained through Access to Information (ATI) request to ESDC A-2018-00541, operational data and analysis of ESDC employer inspections under the Temporary Foreign Worker Program.

793. *Ibid.*

794. Ministry of Labour, Training and Skills Development, “[Claim and Inspection Statistics](#)”, (10 July 2020).

discipline included: “1) failing to provide services or act within agreed timelines, 2) misrepresenting application status to client, 3) falsifying government documents and letters, 4) promising a job or accepting fees for jobs, and 5) failing to cooperate with ICCRC investigations”.<sup>795</sup> As a result they suspended or revoked the licenses of 16 registered immigration consultants.<sup>796</sup> ICCRC representatives said that the organization has insufficient authorities to inspect authorized immigration consultants, particularly in cases when members are non cooperative, and they hoped legislative amendments introduced by the government in 2019, which would give them “the ability to enter the premises of a consultant for investigations when it suspects wrongdoing and the ability to request court injunctions against unauthorized consultants” would help.<sup>797</sup>

The Canada Border Services Agency (CBSA) and/ or other investigative bodies (e.g., Royal Canadian Mounted Police, provincial police, etc.) can investigate an employer, immigration consultant, or labour recruiter if they are involved in possible criminal activity either under the *Immigration and Refugee Protection Act (IRPA)* or under the *Criminal Code of Canada*.

Migrant workers can also bring cases against employers under provincial human rights codes. Human rights protections, and the mechanisms to claim them, differ according to the province.<sup>798</sup> Migrant workers bringing claims against employers would generally need to demonstrate discrimination on the grounds of a protected characteristic, in their access to employment, housing,

### Canada-US-Mexico agreement (CUSMA)

With the ratification of the Canada-US-Mexico Agreement (CUSMA) in July 2020, the three participating countries added a new grievance mechanism for migrant workers. CUSMA introduced a new binding labour chapter that includes commitments for all three governments to maintain its statutes and regulations consistent with the ILO Declaration of Rights at Work, including on freedom

of association, and on the elimination of discrimination in respect of employment and occupation.<sup>799</sup> The CUSMA also requires each government to protect migrant workers under its respective labour laws, and introduces a rapid-response labour mechanism for parties to address complaints.<sup>800</sup> The agreement provides for the creation of “arbitral panels, consisting of independent candidates having the appropriate qualifications, to assess whether a party has violated its obligations”.<sup>801</sup> As of June 2021 there were two complaints under consideration, with the first one being presented by CDM to the Mexican government in March 2021. The complaint argues that Mexican female migrant workers are being discriminated against under the US H2 programs, and that this has resulted in situations of female workers facing violence, abuse, and lower salaries.<sup>802</sup> The second complaint was filed by US and Mexican unions and “accuses auto parts manufacturer Tridonex of harassing, beating and firing hundreds of workers at its factory in Matamoros in the northern state of Tamaulipas, Mexico” to discourage union activity.

## 7.2 Are grievance mechanism processes accessible in practice, rapid and free of complex administrative procedures?

### Mexico

The STPS operates a central complaint mechanism (Centro de Mando) operated by the General Directorate of Federal Labour Inspections (DGIFT), for workers or others to file complaints related to violations of the Federal Labour Law. Information is available online and workers or others can phone or email the DGIFT to request an inspection. To file a complaint, the worker must provide the name, address, and activity of the company, name of the legal representative, identifiers for the company, and the reason for the complaint.<sup>803</sup> Because fraudulent recruiters rarely provide an address or other written documentation, it is unusual for such complaints to proceed to the investigation stage.<sup>804</sup>

795. ICCRC, “Annual Report 2019”

796. ICCRC, “Revocations, Suspensions and Restrictions”

797. Michael Huynh and Beata Pawlowska, Immigration Consultants of Canada Regulatory Council, interview, Burlington, 22 January 2

798. Canadian Centre for Diversity and Inclusion, “Overview of Human Rights”, (January 2018). Codes by Province and Territory in Canada”, (January 2018).

799. Government of Canada, “Canada-United States-Mexico Agreement (CUSMA) - Chapter 23 - Labor”, Article 23.3 and Annex 23-A, (31 July 2020).

800. Government of Canada, “Canada-United States-Mexico Agreement (CUSMA) - Chapter 23 - Labor”, Article 23.8, (31 July 2020). Government of Canada, “Labour chapter summary”, (20 January 2020).

801. Government of Canada, “State-to-state dispute settlement chapter summary”, 20 January 2020.

802. Micaela Varela, “La acusación de discriminación hacia trabajadoras del campo mancha el T-MEC en su primer año”, El Pais, (23 March 2021).

803. Government of Mexico, “Atiende STPS quejas laborales a través del Centro de Mando”, (15 April 2016).

804. Interview with senior official, Ministry of Labor and Social Welfare, Mexico City, 10 March 2020; Interview with senior official, General Directorate of Federal Labour Inspection, Ministry of Labor and Social Welfare, Mexico City, 2 March 2020.



## Canada

Migrant workers can file complaints variously at the federal or provincial level, or with the immigration consultants regulator by phone, in person, or online, with information sometimes provided in multiple languages.<sup>805</sup>

There remain issues related to accessibility of complaints processes for migrant workers. The first is complexity. As one analysis of access to justice under the TFWP puts it: “when a temporary foreign worker has a concern or a grievance, the particulars of the issue dictate the path to resolution, whether it is the courts, a provincial administrative body (such as an employment standards officer or workers’ compensation board), a federal administrative body (such as CIC) or a public or private social service. All this makes it hard even for a legal expert to navigate through the appropriate channels.”<sup>806</sup> A UFCW representative noted that the process of gathering supporting information and filing a federal complaint are complex, and generally require that migrant workers receive assistance from civil society organizations to undertake the process.<sup>807</sup>

The second is the length of the process. ESDC statistics published in an access to information request show that in 2017/18, the average length of administrative inspections was 270 days for SAWP cases and 213 days outside the SAWP. This can obviously present a significant barrier for migrant workers, particularly in cases like the SAWP where workers could be back in their country of origin by the time that an inspection is completed.<sup>808</sup> “Because migrant workers are in Canada for only a temporary period, moving through adjudicative processes can be stalled or effectively terminated when, and if, they have to leave Canada.”<sup>809</sup> Such issues are exacerbated by Canada’s *Privacy Act*

and ESDC inspection practices, which means - a Mexican consular official and a union representative separately told us - that authorities do not update migrant workers or advocates on whether action is taking place, unless and until there is a final, public determination of non-compliance. The consular official told us that this can discourage workers from filing complaints, since they feel their complaints are not followed up on.<sup>810</sup>

At the provincial level, Ontario officials told us that one of their priorities was to maintain complaint backlogs to a minimum and to conduct investigations and render decisions in a timely manner. A 2016 provincial review found that, “budgetary considerations do not permit the hiring of enough ESOs to complete the investigation of all complaints in a timely fashion while also maintaining a significant proactive presence. The result is that there is a backlog of uninvestigated and unresolved complaints”. The report found that cases took an average of 38 days to be assigned to the first officer managing the complaint, and an average of 119 days to be assigned to the second officer.<sup>811</sup>

Other fora for workers to bring complaints, such as human rights commissions, also suffer from long delays. A Toronto lawyer told us the Ontario Human Rights Tribunal was “intended to be accessible but is plagued with severe delays”.<sup>812</sup> In 2021, three senior former and serving judicial officials in Ontario argued that the province’s Human Rights Tribunal had been deliberately allowed to decline under the Ford administration, noting that “Ontarians who appear before the Human Rights Tribunal cannot be confident that their case will move forward in a reasonable time period.”<sup>813</sup> Outside Ontario, the Center for Research-Action on Race Relations has repeatedly criticised long delays in the handling of human rights cases at the Quebec Human Rights and Youth Rights Commission.<sup>814</sup>

805. Government of Canada, “Reporting the abuse or misuse of temporary foreign workers”; Government of British Columbia, “Make a complaint”; ICCRC, “Complaints”

806. Delphine Nakache and Paula J. Kinoshita, “The Canadian Temporary Foreign Worker Program: Do Short-Term Economic Needs Prevail over Human Rights Concerns?”, *JRPP Study*, 5 May 2010.

807. Santiago Escobar, United Food and Commercial Workers (UFCW) union, remote interview, 18 February 2021.

808. Employment and Social Development Canada (ESDC), “Facts and Figures TFWP”, (26 April 2018). Obtained through Access to Information (ATI) request to ESDC A-2018-00541, operational data and analysis of ESDC employer inspections under the Temporary Foreign Worker Program.

809. Bethany Hastie, “The Inaccessibility Of Justice For Migrant Workers: A Capabilities Based Perspective”, Allard Research Commons, (2017).

810. Government of Canada, “Report abuse or misuse of temporary foreign workers: What to tell us”; Interview with senior official, Embassy of Mexico in Canada, Ministry of External Relations, Ottawa, 3 March 2020 Santiago Escobar, United Food and Commercial Workers (UFCW) union, remote interview, 18 February 2021.

811. Ministry of Labour, Training and Skills Development, “Changing Workplaces Review Special Advisors’ Interim Report”, chapter 5.5, (27 July 2016).

812. Louis Century, lawyer, remote interview, 20 January 2021.

813. Raj Anand, Kathy Laird and Ron Ellis, “Justice delayed: The decline of the Ontario Human Rights Tribunal under the Ford government”, *the Globe and Mail*, (29 January 2021).

814. Jesse Feith, “Quebec human rights cases thrown out after massive delays”, *Montreal Gazette*, (3 February 2020); Elysha Enos, “Racial profiling cases against Montreal police face long delays”, *CBC*, (4 October 2016).

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### 7.3 Are workers provided with remedy including compensation as a result of such grievance processes?

#### Mexico

The Federal Labour Law and the Regulation of Worker Placement Agencies (RACT) state that labour recruiters are responsible for covering a worker's repatriation costs in the event that the working conditions offered to the worker overseas were not met.<sup>815</sup> However, with the exception of repatriation costs, the Federal Labour Law and the RACT are silent on other forms of compensation that migrant workers can obtain. As mentioned in 7.1, workers can also file a complaint with the Public Ministry (Ministerio Público) if the migrant worker or job seeker has been a victim of fraud. The Executive Director of the civil society organization CDM told us that in limited cases, it has been possible to recover fees charged to workers and job seekers through various legal channels, including through complaints to the STPS or a Public Ministry, avenues that use US law, and voluntary compensation by recruiters. She also told us that when identifying information is available (in particular, an address), the STPS has conducted inspections with the aim of closing down fraudulent actors. However in many cases, workers only have a WhatsApp number for recruiters.<sup>816</sup>

#### Canada

Federal and provincial governments have varying legal authorities to require workers to be provided with monetary repayment when there has been a violation of the relevant immigration or employment standards legislation. Compensation for damages is less common.

At the federal level, employers can avoid being found non-compliant, or reduce penalties, if they rectify issues identified by officials and pay back workers in

cases of financial non-compliance.<sup>817</sup> IRCC operational guidelines state that: "if it is determined that the actual wages paid are different from those set out in the offer of employment [...], the employer must either provide compensation or (if compensation is not possible) demonstrate sufficient efforts to do so. During an inspection, the employer must inform IRCC of any compensation that has been provided to all temporary foreign workers who suffered a disadvantage resulting from the employer's error."<sup>818</sup> ESDC statistics show that in 2017/18, out of 402 inspections completed in agriculture, 127 employers had to undertake corrective actions. Of those, about a quarter required changes to wages paid and compensation to migrant workers - meaning that approximately 30 agricultural employers paid compensation to workers in that year.<sup>819</sup> This reliance on correction and compensation has been criticised by some who argue it lacks deterrent effect. As a 2020 study on federal enforcement points out, "despite the fact that nearly half of all inspected employers are noncompliant in the first instance, very few employers are cited for non-compliance and punished. Rather, most non-compliance is excused on the basis of employer justification and payment of compensation where applicable."<sup>820</sup> Furthermore, unlike provincial legislation that allows officials to order that employers or labour recruiters repay workers, and in some provinces like BC can extend to seizure of assets, the *IRPA* and *IRPR* rely on employers voluntarily providing compensation as a way to avoid or minimize fines and/or bans.<sup>821</sup>

In general, the relevant employment standards or legislation provide provincial governments with authorities to order repayment of owed wages to workers by employers and/or labour recruiters. As an example, the Ontario *Employment Standards Act* and the Ontario *Employment Protection for Foreign Nationals Act* include legislative authorities related to orders for compensation and reinstatement of workers, and collections.<sup>822</sup> In Saskatchewan, recruiters and consultants must deposit post US\$16,500 to obtain a licence, which can be used to pay workers.<sup>823</sup> Only

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815. [Decreto por el que se reforman, adicionan y derogan diversas disposiciones del Reglamento de Agencias de Colocación de Trabajadores](#), Article 9 Bis. V., 21 May 2014.

816. Rachel Micah-Jones, Centro de los Derechos del Migrante, remote interview, 19 April 2021.

817. Canadian officials, Immigration, Refugees and Citizenship Canada, group interview, Ottawa, 27 January 2020; Canadian officials, Employment and Social Development Canada, group interview, Ottawa, 21 January 2020;

818. Government of Canada, "Employer compliance inspections", section on compensation.

819. Employment and Social Development Canada (ESDC), "Facts and Figures TFWP", (26 April 2018). Obtained through Access to Information (ATI) request to ESDC A-2018-00541, operational data and analysis of ESDC employer inspections under the Temporary Foreign Worker Program.

820. Eric M. Tucker, Sarah Marsden and Leah F. Vosko, "Federal Enforcement of Migrant Workers' Labour Rights in Canada: A Research Report", (2020).

821. [TEMPORARY FOREIGN WORKER PROTECTION ACT \[SBC 2018\]](#), Part 8, 2018; Government of Canada, "Employer compliance inspections", section on compensation.

822. [Employment Standards Act, 2000, S.O. 2000, c. 41](#), section 104; [Employment Protection for Foreign Nationals Act, 2009, S.O. 2009, c. 32](#), section 45.

823. Canadian Council for Refugees, "Evaluating migrant worker rights in Canada 2018", (May 2018).

Ontario publishes amounts paid to migrant workers through inspection processes, recovering US\$14,500 in 2016-17 - a figure that appears relatively low - for violations relating to public holidays, overtime pay, and vacation pay.<sup>824</sup> Compensation for damages caused are less commonly applied: as a 2016 Ontario province review noted, investigating officers in the province can only require the payment of compensation for damages in specific circumstances such as where employers have been involved in reprisals against workers.<sup>825</sup>

For many SAWP workers, one form of remedy is likely to be transferring to another employer. Transferring employer is one of the main mediation approaches adopted by Mexican consulates in Canada, who generally take the lead in dealing with SAWP worker complaints. Out of 17,968 migrant workers who worked in Ontario in 2014, 2,482 workers or 14% of workers were transferred to other employers during the season, suggesting that the transfer mechanism is used relatively often. However, transfers can be initiated to respond to drops in demand rather than because of a complaint.<sup>826</sup> SAWP transfers are explored in more depth in section 1.6.

Workers who have support from civil society organisations or unions have had some success in bringing severe cases to court to win more significant compensation payments. In 2015, two Mexican women employed under the TFWP at a fish processing factory won US\$166,000 at the Ontario Human Rights Tribunal after being subjected to repeated sexual harassment and abuse by their employer.<sup>827</sup> This was a 7 year case that was supported by a union, a legal support centre and a civil society organization.

Despite a landmark 2017 Ontario court decision, significant concerns continue to be raised by civil society organizations about the practice of “deeming” in tribunals relating to compensation for workplace injuries, including in a 2019 submission to the UN Committee of the Rights of Persons with Disabilities.<sup>828</sup>

This practice has particularly affected migrant workers, who have been denied compensation after being injured and returning to their home countries, because courts deemed that they could take up alternative minimum wage roles within Canada, despite the fact that they had no right to return to Canada.<sup>829</sup>

Currently there is no specific mechanism, beyond court action, for workers to receive compensation in the event of fraud committed by immigration consultants. However, a law passed in 2019 that is currently in the process of implementation may change this, as it includes a proposal to establish a victims’ compensation fund to support clients harmed by wrongful conduct by a consultant.<sup>830</sup>

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## 7.4 Are workers raising grievances and whistleblowers effectively protected from retaliation?

### Mexico

Mexico’s Federal Labour Law does not regulate whistleblowing or provide any specific protection for whistleblowers. However, certain protections are provided under discrimination provisions, as an employer cannot unfairly discriminate against a whistleblower on the basis of whistleblowing.<sup>831</sup>

Information on the few available cases suggests that when migrant workers file complaints, there is a significant risk of retaliation with little or no protections. In 2014, after ProDESC and the Sinaloa Workers’ Coalition placed a successful complaint against a recruiter with the STPS, workers were blacklisted by employers and recruiters for their activism, and others “have become afraid to step forward.”<sup>832</sup> The Solidarity Centre notes that the group was careful to choose its first case in a distant state: “Such a target raises far fewer concerns of retaliation than taking on a local recruiter with relationships in the community, which the workers

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824. Ministry of Labour, Training and Skills Development, “Blitz Results: Young Workers and Temporary Foreign Workers”, (30 September 2016).

825. Ministry of Labour, Training and Skills Development, “Changing Workplaces Review Special Advisors’ Interim Report”, chapter 5.5, (27 July 2016).

826. Al Mussell, “The Economic Impact of the Seasonal Agricultural Worker Program in the Ontario Horticulture Sector”, (April 2015).

827. CanLII Connects, “Vulnerable Migrant Workers Assaulted and Taken Advantage Of By Employer: O.P.T. v. Presteve Foods Ltd.”, (27 December 2015).

828. The Ontario Network of Injured Workers’ Groups (ONIWG), “Deeming laws and practices as violations of the rights of people with work-acquired disabilities in Canada: Submission to the 22nd Session of the UN Committee on the Rights of Persons with Disabilities held 26 August to 20 September 2019 in Geneva, Switzerland”, (4 September 2019).

829. Sara Mojtehedzadeh, “Tribunal slams WSIB practice that cuts benefits to injured migrant workers”, *Toronto Star*, (5 October 2017).

830. Government of Canada, “Government changes will strengthen the regulation of immigration and citizenship consultants”

831. Francisco Javier, Peniche Beguerisse and Julio Rodrigo Alvarez Ortega, “Employment and employee benefits in Mexico: overview”, *Thomson Reuters Practical Law*, (1 January 2020).

832. Jennifer Gordon, “Roles for Workers and Unions in Regulating Labor Recruitment in Mexico”, *Fordham Law School*, (22 January 2015): 10.



fear would lead directly to blacklisting.”<sup>833</sup> ProDESC told us, “most of the time the recruiters are part of the communities. That is why it’s so complicated.”<sup>834</sup> In 2007, Santiago Rafael Cruz, an organiser from a US union who worked in the union’s office in Mexico was killed, allegedly by labour recruiters, for his work on the payment of illegal fees to Mexican recruiters.<sup>835</sup>

In the case of the SAWP, the Mexican authorities themselves have been accused of retaliating against workers. In 2014 the British Columbia BC Labour Relations Board ruled that Mexican government and consular officials blacklisted migrant workers who were suspected union sympathizers from returning to Canada.<sup>836</sup>

## Canada

The Criminal Code of Canada makes it a criminal offence for an employer to retaliate, or threaten to retaliate, against a worker in relation to a complaint to the authorities, with a maximum penalty of 5 years in prison.<sup>837</sup> Provincial employment legislation also includes protections for worker whistleblowers. For example, the Ontario Employment Standards Act prohibits employers from penalizing or threatening to penalize workers for filing a complaint, and more generally, for trying to exercise any rights under the Act. In cases where an employer still penalizes a worker, an officer can order the employer to reinstate the worker to their job, or to compensate him/her for any loss incurred due to a violation of the Act.<sup>838</sup>

Despite such protections, employers can fire any worker who has been employed for less than two years by providing between 7 and 14 days notice depending on the province, or by providing payment in lieu of notice. Workers who have been employed for shorter periods of time can be terminated without notice.<sup>839</sup> While workers can in theory challenge an employer in court for wrongful dismissal, employers can generally

repatriate migrant workers very quickly rendering these avenues null for the large majority of migrant workers.<sup>840</sup> Labour unions, academics, and worker organizations have repeatedly raised the problem of rapid repatriations, and consequent loss of income, as a major concern for migrant workers. The UFCW has argued that “fear of repatriation is the employer’s bluntest tool in suppressing the rights of the workers.”<sup>841</sup> A representative of the Canadian Farmers Association told us that in his view, such cases were less common than was portrayed in the media. Precise data on this issue is not available. There is nevertheless widespread consensus about the chilling effect that the fear of repatriation generates. A lawyer representing migrant workers at a small claims court in Ontario told us:

*“You’re not going to [submit a claim] if you rely on your employer. The problem is most extreme with closed work permits. Your immigration status is tied to satisfying that employer. They effectively have the power of deportation... You could have the best tribunals in the world but who is going to use them? With the SAWP and similarly with the TFWP agriculture stream, tying the workers to one employer is really fatal to any meaningful access to justice.”<sup>842</sup>*

A report by the Vancouver Migrant Workers Center additionally argues that “the hesitancy to voice complaints is particularly problematic given that the available legal mechanisms for enforcing rights and obtaining remedies [in British Columbia] are complaints-driven, meaning that if a migrant worker does not complain, he or she has no practical access to enforcing his or her rights.”<sup>843</sup> As an ILO study of the SAWP notes, “it is very hard to administer the SAWP in ways that avoid depressing wages and working conditions if most workers in an area are SAWP migrants who can lose their jobs and the right to be in Canada by complaining”<sup>844</sup>

Given that for migrant workers, it may be difficult to secure another job in Canada if repatriated, a simple

833. Ibid.

834. Paulina Montes de Oca and Eduardo Villareal, ProDESC, remote interview, 15 December 2020.

835. Daniel Costa and Philip Martin, “Temporary labor migration programs: Governance, migrant worker rights, and recommendations for the U.N. Global Compact for Migration”, *Economic Policy Institute*, (1 August 2018): 44.

836. Court of Appeal of British Columbia, “United Mexican States v. British Columbia (Labour Relations Board), 2015 BCCA 32”, (30 January 2015).

837. *Criminal Code (R.S.C., 1985, c. C-46)*, part X.

838. Government of Ontario, “Your guide to the Employment Standards Act”, section on reprisals.

839. Government of Ontario, “Your guide to the Employment Standards Act”, section 17.

840. Ibid.

841. Wayne Hanley, “The Status of Migrant Farm Workers in Canada 2008-2009”, *UFCW*, (2009): 11.

842. Remote interview with Louis Century, 20 January 2021

843. Alexandra Rodgers, “Envisioning Justice for Migrant Workers: A Legal Needs Assessment”, *Migrant Workers Centre*, (March 2018).

844. Philip Martin, “Migrant Workers in Commercial Agriculture”, *ILO*, (2016).

cost-benefit analysis may tip them away from making a labour complaint: as one study of access to justice for migrant workers puts it, “while workers may receive compensation for their abusive treatment or rights violations, the existing remedial options are not likely to provide the longer-term employment and administrative security that often are core values and needs in migrants’ decision-making processes in this context.”<sup>845</sup> For most analysts of this issue, the tied visa and lack of job mobility (explored in section 1) that is an integral part of the TFWP is core to the problem, significantly reduce the likelihood of workers making a complaint against the actors who have the ability to deny them legal status in Canada.

In an attempt to respond to these concerns, the government introduced the Open Permit scheme for vulnerable workers in 2019, “to provide migrant workers who are experiencing abuse, or who are at risk of abuse, with a distinct means to leave their employer”. Abuse is defined as: physical abuse; sexual abuse; psychological abuse, including threats and intimidation; and financial abuse, including fraud and extortion. Workers who were eligible for the scheme can obtain an open work permit that is exempt from the Labour Market Impact Assessment (LMIA) process.<sup>846</sup> A government official told us that immigration officials will make a decision on whether abuse is likely to be happening solely on information provided by the migrant workers, and they will only initiate an inspection of the employer after they have issued an open work permit to the migrant worker.<sup>847</sup> It is too early at this stage to fully evaluate what impact the scheme is having, but between June 2019 when this initiative was introduced, and December 2020, 800 open work permits for workers in situations of abuse were issued by IRCC.<sup>848</sup> As noted in 1.6, union representatives and others supporting workers through this process have expressed concerns at the complexity of the process. The UFCW told us:

*“It’s very difficult - we allocate about 15-20 hours per case to assist someone. Language is a particular issue. First you have to open an*

*account on the IRCC website, and there is a long questionnaire. You have to upload all the forms, as well as supporting evidence and pictures. It’s a complicated process, you need particular software on your computer, attachments must be less than a certain size. There are a lot of barriers. If your work permit has expired, you are also not eligible.”<sup>849</sup>*

Furthermore, workers and advocates have told us that even if a worker receives an open work permit to leave an abusive employer, they still face challenges in securing a new job, applying for employment insurance, and finding alternate housing if the housing was being provided by the initial employer.<sup>850</sup> These issues can act as serious disincentives for a worker to file a complaint in the first place.

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## 7.5 Are workers provided with free independent legal advice on judicial and non-judicial options to raise grievances and seek remedy?

### Mexico

Mexico has an independent and dedicated legal support organization under the STPS called the Federal Attorney for Labour Protections (Procuraduría Federal de la Defensa del Trabajo - PROFEDET), which has as a core function the representation or provision of advice to workers and labour unions, if they request it, before any authority in matters related to the application of labour standards, including in any appeals proceedings.<sup>851</sup> This would in theory extend to cases related to labour recruitment as these are covered under the Federal Labour Law and the Regulation of Worker Placement Agencies (RACT), which fall under the responsibility of the STPS. PROFEDET has 47 offices across the country.<sup>852</sup> However, we have not been able to find any evidence of PROFEDET providing assistance to migrant workers in a labour recruitment case.

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845. Bethany Hastie, “The Inaccessibility Of Justice For Migrant Workers: A Capabilities Based Perspective”, *Allard Research Commons*, (2017).

846. Government of Canada, “Open work permits for vulnerable workers”

847. Glen Bornais, Deputy Director, Immigration, Refugees and Citizenship Canada, presentation at [Migrant Worker Project Metro Vancouver & Fraser Valley Regional Meeting](#), (30 November 2020).

848. Leanne Dixon-Perera, “Regulatory approaches to international labour recruitment in Canada”, *IRCC*, (June 2020): 55.

849. Santiago Escobar, United Food and Commercial Workers (UFCW) union, remote interview, 18 February 2021.

850. Legal Assistance of Windsor, group interview with staff and migrant workers, 7 May 2021.

851. Government of Mexico, “¿Qué es la PROFEDET y cuáles son sus funciones?”

852. Government of Mexico, “Procuradurías Foráneas”

Within Mexican civil society, ProDESC has established itself as a non-profit organization that provides legal support to workers.<sup>853</sup> ProDESC provided advice and assistance in the initial establishment of the Sinaloa Migrant Workers' Coalition, as well as in the first labour inspection and penalties against a labour recruiter by the STPS.<sup>854</sup>

## Canada

In Canada, the Legal Aid system is “split jurisdiction” and is funded jointly between the federal and provincial Departments of Justice, with the actual service delivery being done at the provincial level. Free or subsidized legal assistance varies by province, but generally assistance is provided to economically disadvantaged individuals in criminal cases. In British Columbia, Alberta, Manitoba, Ontario, Quebec, and Newfoundland and Labrador, legal aid services are provided to individuals involved in the immigration and refugee determination system under the provisions of the *Immigration and Refugee Protection Act*.<sup>855</sup> This includes free legal assistance for victims of sex and labour trafficking.<sup>856</sup>

In almost all provinces, however, free or subsidized legal assistance does not extend to workers who are pursuing cases in administrative labour tribunals on employment standards, including cases related to labour recruitment. A Migrant Workers Centre (MWCBC) report noted that “access to the proper support and guidance to navigate the legal system is a widespread issue for migrant workers in Canada, as most provinces do not allow public resources such as legal aid or immigrant settlement services to receive workers under the TFWPs as clients.” The report found that workers instead rely on informal channels for legal information, or (within the SAWP) on their embassy liaison officer (see 7.6).<sup>857</sup> A social worker working with migrant workers in Ontario told us how challenging it is for migrant workers to navigate the Canadian system without legal assistance:

*“For an exploited migrant worker, they know something bad has happened. Where that fits*

*along our legal remedy system, even I am not always sure. When we see people, they may sometimes feel a level of comfort with their rights under the labour code... they then come to understand the other levels of violation which may have occurred - sexual, violence, harassment and so on... It's a matter of talking to people about what their ultimate hope is - do they want to stay in Canada, or to work and then go home? What do they think about pursuing criminal justice, or making a human rights claim? What are the different remedies open to them? If they want to take forward a criminal justice claim, but they don't have status, I talk to the police, to stop people being reported to CBSA [for immigration offences. Then there is even the option of bringing a civil case.”<sup>858</sup>*

A 2016 review by Ontario province pointed out the impact of a lack of legal representation for workers involved in settlement processes with their employers, a process which a lawyer told us can become “adversarial”:

*“Complainants are often very dissatisfied with the settlement process. They may feel out of their depth, unduly influenced, and even pressured in many circumstances to settle in a way that they feel is inappropriate... Settlement is never an easy process. It requires honest reflection on the merits of the case and weighing of options. It is especially hard when you are unrepresented and have no advice you can rely on.”<sup>859</sup>*

Civil society organisations attempt to fill this gap. MWCBC told us that they offer free or subsidized legal aid services to represent migrant workers in complaints related to employment standards, including labour recruitment.<sup>860</sup> In 2019, they supported a class-action lawsuit on behalf of approximately 450 migrant workers against Mac's Convenience Stores and three labour recruiters, partly related to the charging of illegal recruitment fees.<sup>861</sup>

853. ProDESC, “Nuestra historia”

854. ProDESC, “La Coalición de Trabajadoras y Trabajadores Migrantes Temporales Sinaloenses”

855. Government of Canada, “Legal Aid Program”

856. Ministry of the Attorney General, “Human Trafficking”

857. Alexandra Rodgers, “Envisioning Justice for Migrant Workers: A Legal Needs Assessment”, *Migrant Workers Centre*, (March 2018).

858. Shelley Gilbert, remote interview, 2 February 2021.

859. Ministry of Labour, Training and Skills Development, “Changing Workplaces Review Special Advisors' Interim Report”, chapter 5.5, (27 July 2016).

860. Natalie Drolet, Migrant Workers Centre BC, remote interview, 20 November 2020.

861. “BC Supreme Court certifies temporary foreign workers' class-action lawsuit”, *Global News*, (19 September 2017).



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## 7.6 Does the origin state provide effective and timely consular support through its missions to workers who have been subjected to fraudulent or abusive recruitment?

According to Mexico's Migration Law, consular offices shall "protect Mexican nationals who are located in their constituency", and this extends to Mexican migrant workers.<sup>862</sup> The General Directorate for the Protection of Mexicans Overseas (DGPME)<sup>863</sup> operational guidelines set out the services that Mexican Consulates can provide to Mexican nationals overseas including on human rights, immigration, penal, civil, administrative, and labour cases (including cases related to work injuries and unpaid wages).<sup>864</sup> Mexico has established a 24/7 assistance line for Mexican nationals in emergency situations under the Center of Information and Assistance for Mexicans (CIAM), which also provides information for migrant workers about the risks of abuse in migration and on accessing legal assistance.<sup>865</sup>

An academic who specializes in Mexican consular services told us that Consulates in the US increasingly leverage the large Mexican diaspora in the US and associated civil society organizations, in order to support Mexican nationals.<sup>866</sup> Mexican Consulates in Canada, where there is not such a large diaspora, instead have additional authorities and dedicated funding to manage the SAWP workers, who comprise the substantial majority of temporary Mexican workers in Canada. A STPS official told us that the Ministry of External Relations (SRE) and the Ministry of Labour and Social Welfare (STPS) jointly aim to protect SAWP workers in three ways:

- Empower workers so that they are aware of their rights and report abuse to both the SRE through the Consulates in Canada and to the STPS through the worker's annual end-of-season report
- Undertake proactive visits to farms, in addition to

visits in response to worker complaints

- Provide workers with the practical tools (for example operating a 24/7 emergency hotline) to reach out to Consulates.<sup>867</sup>

In practice under the SAWP, Mexican consular officials are generally the first point of contact for workers in the event of a dispute between an employer and a worker. Mexican officials told us that embassies and consulates attempt to mediate problems between the worker and the employer, and that only in cases that are more difficult to solve, or where they identify a potential breach of Canadian federal or provincial law, do they refer those cases to the Canadian authorities.<sup>868</sup> A former Mexican consular official in Canada estimated that consular officials resolve approximately 80% of complaints, including through arranging mutually agreed transfers to other employers, and only about 20% of cases are referred to Canadian federal or provincial officials.

Consulates face resource pressures under the SAWP given the significant number of workers and the remote locations of farms in Canada. Consular officials told us that officials have to respond to a number of worker calls, as well as through visits to farms, and that there were cases where workers could not be helped simply due to the volume of requests.<sup>869</sup> An academic who specializes in the SAWP told us that consulates did not have sufficient staff, that they were located too far from farms, and that officials were not adequately trained to deal with employer-employee relations.<sup>870</sup>

A number of migrant workers told us that in situations where either they, or co-workers, had reached out to the Consulate, they often did not receive sufficient or timely support from consular officials. Workers said that in some cases, officials sided with employers in relation to the complaint. For example, a female worker told us: "it is like the Consulate is more on the side of employers than of workers, and they just tell you to take care and behave well, and that you came to Canada to work and not to create problems. If you have problems, discuss

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862. *Ley de Migración*, Article 3 XIX, 25 May 2011.

863. Government of Mexico, "*Documentos de interés de la Dirección General de Protección a Mexicanos en el Exterior*", (2 February 2018).

864. Secretaría de Relaciones Exteriores, "*Guía de procedimientos de protección consular*", (2013).

865. Government of Mexico, "*Centro de Información y Asistencia a Mexicanos*"

866. Karla Valenzuela, Universidad Iberoamericana, remote interview, 26 August 2020.

867. Interview with Senior official, Embassy of Mexico in Canada, Ministry of External Relations, Ottawa, 3 March 2020.

868. *Ibid.*

869. Consular officials, Mexican Consulate in Toronto, Ministry of External Relations, group interview, Toronto, 4 March 2020.

870. Rosa María Vanegas García, Instituto Nacional de Antropología e Historia (INAH), interview, 4 December 2019.

it amongst yourselves, talk it out well and avoid those tensions. In other words, the Consulate ... made no efforts to learn about the problem to solve it.”<sup>871</sup> Another worker told us that, “Mexico [the Consulate] will always be on the side of the employer, always, always the same suggestion from them will be to return to Mexico. Instead of solving the problem: return to Mexico. If you are not happy anymore, go back [to Mexico]. But how? How am I going to go back to Mexico if this is my job?”<sup>872</sup> This concern, that consular officials are too close to employers, has been raised repeatedly by critics of the SAWP programme. Notoriously, the British Columbia Labour Relations Board confirmed in 2014 that the Mexican authorities had identified SAWP workers who were in contact with the Union in order to block them from returning to Canada.<sup>873</sup> One former consular official, subsequently employed by a Canadian union, testified that the consulate was “terrified” of challenging employers and that “the priority was to keep employers happy so they continue to request Mexicans.”<sup>874</sup> A 2010 study argued that consular officials’ ability to represent

the interests of SAWP workers was compromised due to “the vast differences between Consular officials and workers with respect to class (exacerbated by language differences with the many indigenous workers from Mexico), combined with the Mexican government’s interest in maintaining the status quo for economic reasons.”<sup>875</sup>

Nevertheless, trade union representatives and other experts told us that Mexican consular staff are often proactive and committed to supporting workers with grievances, and most agree that the enhanced authorities the SAWP awards to origin state officials improves workers’ abilities to raise complaints, as compared to workers outside the SAWP. A social worker supporting migrant workers in Ontario told us: “In certain contexts, it’s really helpful to have the consulate in the community... I think their performance depends on who is there... They can provide connections with the community for us. But there can definitely be conflicts.”<sup>876</sup>

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871. Remote interview, 16 July 2020.

872. Remote interview, 16 July 2020.

873. British Columbia Labour Relations Board, “BCLRB No. B56/2014”, (2014).

874. Dan Levin, “Foreign Farmworkers in Canada Fear Deportation if They Complain”, *New York Times*, (13 August 2017).

875. Jenna L. Henneby and Kerry Preibisch, “A Model for Managed Migration? Re-Examining Best Practices in Canada’s Seasonal Agricultural Worker Program”, *International Migration* Vol. 50 (S1), (2012).

876. Shelley Gilbert, Legal Assistance of Windsor, remote interview, 2 February 2021.

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