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Employment and Social Development Canada
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Email: NC-TFWP-APT-PTET-EPA-GD@hrsdc-rhdcc.gc.ca

Re: Stakeholder Consultations on Mandatory Requirements for Employer-Provided Accommodations in the TFW Program

We, the undersigned, send this letter as part of the Stakeholder Consultations on Mandatory Requirements for Employer-Provided Accommodations in the TFW Program. The ARHW and the MWR are non-profit organization that fights for the abolition of state obstacles to migrant workers' freedom to change employers and their capacity to exercise fundamental, socioeconomic, and labour rights in the country. PINAY is a grass-roots organization with a mission to empower migrant careworkers to fight for their basic rights and welfare.

The creation of Minimum Accommodation Requirements for Primary Agriculture is a crucial step forward to ensure migrants live in decent and dignified housing. Nearly 1,600 migrant farmworkers have been infected by COVID-19 in Canada, and three have died. Migrant farmworkers are in crisis today. We strongly urge you to urgently implement improved guidelines as soon as possible, and in time for the 2021 farming season.

Migrant workers' experience has long demonstrated that temporary status under a tied work permit creates significant power imbalances in the employer and employee relationship that is unlike any other in Canada. Therefore, these accommodation requirements must be accompanied by reforms that allow for access to permanent status, open work permits, proactive enforcement mechanisms, and anti-reprisals protections so that workers are able to enforce new rights. On this subject, we strongly support the following statement from Migrant Rights Network's most recent report on the issue:

It is neither effective nor just to simply amend laws and policies that emerge from this temporary immigration system. The current housing consultations are only necessary because migrant farmworkers do not have the power to assert their rights under existing landlord-tenant protections in provinces and in territories because of their immigration status.

We believe that the accommodation requirements as proposed do not meet the principles of worker self-determination, and humanity, dignity and decency that each of us deserve in a home. The accommodation requirements must be reformulated in a way that workers at each house are able to determine for themselves what their ideal home should be. The requirements must also pay close attention not just to housing workers, but ensuring all social and personal needs are met.

To this end, we completely support the [submissions by the Migrant Rights Network - Food and Farmworkers group based on input from over 450 migrant farmworkers](#). In particular, we call on you to revise the requirements to ensure:

1. Privacy: Worker housing must allow for privacy. This means that workers must have their own bedrooms, must not be forced to share kitchens and bathrooms with more than one person, and be able to easily spend time alone to recover from a long day's work.
2. Space: Migrant farm worker housing must include communal as well as private space, both indoor and outdoor, where they can relax during their spare time, watch TV, play sports, host guests, socialize and grow food. They must have storage space for their personal belongings, and have separate change rooms to be able to keep dirty and pesticide infested work clothes away from living spaces for cooking and resting.
3. Quality of life: Migrant workers must have laundry, kitchen, shower and bathroom facilities under one roof, so they don't have to travel large distances between them. They must have clean drinking water, hot water for showers, heating in winter, and cooling in the summer. They want furniture and basic amenities (such as blenders, coffee makers, fridges and stoves etc) to be in good condition, and have access to phones and free internet. Workers must not be isolated or under employers' control: their homes must be away from workplaces and employers' homes, and closer to grocery stores, remittance services, health facilities and community.
4. Family unity: Migrant worker housing must allow for family reunification, and immigration laws must change to ensure full and permanent immigration status and family unity for all.
5. Worker control: Migrant workers want the freedom to choose when to be alone or in social spaces; to be quiet or loud; when to cook and where to eat; to live without employer surveillance or control over their movement or visitors; to choose when to eat or shower without having to negotiate with others. Migrant workers deserve the freedom to make choices in their housing, not live under the current institutionalized conditions.

Similar guidelines must be developed for other migrants in employer controlled housing, specifically live-in migrant caregivers.

We continue to reiterate that **all migrants in Canada should get permanent resident status and future migrants should be able to come to Canada with permanent residency status and their families**. This is the only way that decent housing and full and equal rights can be ensured.

Sincerely,

Hannah Deegan, lawyer

Project coordinator - Collective defense of rights

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