

Navigating Precarious Paths: An Assessment of the Open Work Permit for Vulnerable Migrant
Workers

by

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Submitted in partial fulfilment of the requirements
for the degree of Master of Arts

at

Dalhousie University
Halifax, Nova Scotia
June 2024

Dalhousie University is located in Mi'kma'ki, the
ancestral and unceded territory of the Mi'kmaq.
We are all Treaty People

Dedication Page

To my cat, Walter, who deserves to be the second author of this paper. From working through the ethics application, to being my audience as I practiced for my defence, you've been there through it all. Thank you for your endless emotional support!

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Abstract

Temporary migrant workers on closed work permits are vulnerable to exploitation and abuse. To address this precarity, the Government of Canada introduced the Open Work Permit for Vulnerable Workers (OWP-V) in June 2019. This permit allows migrant workers in abusive situations, or at risk of abuse, to leave their employers and find new work in Canada for up to 12 months. Drawing from secondary literature, policy analysis and qualitative interviews with migrant support workers and experts, this research assesses the implementation of the OWP-V policy in the Maritimes by examining its benefits and critiques. This research demonstrates that although some perceive the policy as a step in the right direction, significant barriers remain that hinder the effectiveness of the OWP-V in removing migrants from abusive conditions. Further findings demonstrate that even with systemic and technological improvements, stakeholders remain dissatisfied with the policy as it fails to protect migrant workers from re-entering cycles of abuse and exploitation, serving only as temporary relief. To improve the implementation of this policy, stakeholders provided several suggestions pertaining to accessibility, language options, processing times, and inspections. Overall, this thesis argues that while these changes could help improve the working conditions of temporary migrant workers in Canada, substantial systemic issues remain.

List of Abbreviations Used

OWP-V	Open Work Permit for Vulnerable Workers
TFWP	Temporary Foreign Worker Program
TFW	Temporary Foreign Worker
PEI	Prince Edward Island
IMP	International Mobility Program
SAWP	Seasonal Agricultural Worker Program
LMIA	Labour Market Impact Assessment
MSO	Migrant support organization
IMF	International Monetary Fund
GATT	The General Agreement on Tariffs and Trade
WTO	World Trade Organization
ILO	International Labour Office
IRCC	Immigration, Refugees and Citizenship Canada
ESDC	Employment and Social Development Canada

Acknowledgements

First and foremost, I would like to thank my outstanding supervisor, Dr. Kate Swanson. I deeply appreciate your dedication and patience throughout the course of this project. Your unwavering positivity, encouragement, and advice, both academically and in life, have been invaluable. I could not have asked for a more supportive mentor, and I will miss our weekly chats. It was an honour to be the first MA student you supervised at Dalhousie. I would also like to extend my gratitude to my second and third readers, Dr. Matthew Schnurr and Dr. Elizabeth Fitting, for their insightful feedback and valuable contributions to this thesis.

To my friends and family, thank you for always acting interested in my research, even if you had no clue what I was talking about. Particularly my mom and dad, thank you for all your support financially and emotionally over the years. To my classmates, for being such a collaborative group and making this journey such an enriching experience. To my wonderful partner, Logan, thank you for always keeping me grounded and providing me with a laugh when I needed it. Finally, to my aunt, Dr. Lori Weeks, I would not be writing this today if it weren't for your constant support and encouragement. I can't thank you enough for all your help throughout my post-secondary years.

Chapter 1: Introduction

Growing up on a farm in Prince Edward Island, agriculture has always been an integral part of my life. My father proclaims he has been a farmer since the day of his birth. Surrounded by the many elements that make up the agriculture industry, I have long been fascinated by the work of my father and the many generations that preceded him. I remember my father's challenges surrounding the tireless manual labour he performed and the struggles he faced in search of reliable, hard-working employees. During my upbringing, I recall numerous dinner conversations about these issues, including whether we would have to hire migrant farmworkers to meet the needs of our farm. Since I was a young girl, I have been especially interested in migrant farmworkers. I wanted to understand why they decided to come to Canada and complete the 'dirty work' that I, myself, knew from a young age I never wanted to do (Hughes, 1962).

This fascination led me to conduct my undergraduate honours research on the experiences of migrant farmworkers in Prince Edward Island (PEI). I anticipated that this research would fulfill my curiosity; however, this was not the case, and my desire to learn more about the issue only continued to grow. During my honours research, I interviewed a migrant support worker from PEI, and I recall asking if there were any gaps in the literature that they would like to see filled, to which they responded 'the Open Work Permit for Vulnerable Workers' (OWP-V). Despite all the research and reading on migrant workers I had done up to that point, I had never heard of the OWP-V, which immediately stimulated my interest in the topic... and so became this thesis.

The Covid-19 pandemic drew mainstream attention to Canada's dependency on migrant workers. Border closures and the suspension of migrant workers' visas threw many employers into "legal limbo, social uncertainty, and economic distress" (Neef, p.1, 2020). Migrant workers

are employed in nearly all spheres of Canadian life. They are Canada's delivery drivers, farm labourers, fish plant processors, caregivers, cleaners, carpenters, and food service workers. Nationwide, migrant workers play an essential role in the reproduction of global capitalism and, more broadly, in Canadian life in general (Henaway, 2023). Canada's economy relies on migrant workers to function, yet in the eyes of many employers and the Canadian Government, they are viewed as cheap and disposable labourers (Walia, 2021). Despite their importance to the Canadian economy, Canada lacks sufficient regulations to safeguard the rights and livelihoods of migrant workers. This research demonstrates that the OWP-V, introduced to address these shortcomings, still falls short of achieving this goal.

To support economic growth, while simultaneously controlling the influx of workers, neoliberal policies, in advanced capitalist nations, established temporary migration schemes to assist employers experiencing labour shortages (Henaway, 2023). The introduction of the Seasonal Agricultural Worker Programs (SAWP) in 1966 marked the beginning of migrant workers legally coming to Canada to perform labour. In the decade that followed, new migrant worker pathways were created and modified, eventually leading to the 1973 introduction of the Temporary Foreign Worker Program (TFWP) (ESDC, 2024a).

The number of migrant workers entering Canada has climbed rapidly, with statistics indicating that as of December 31st, 2022, there were 797, 225 valid work permit holders (Statistics Canada, 2023). Although fewer numbers of migrant workers come to the Maritime provinces as compared to larger provinces such as Ontario and British Columbia, migrant workers play an essential role in sustaining and contributing to the economy in the Maritime region. As of December 31st, 2023 Nova Scotia had 33,448 active migrant worker permits, New Brunswick had 21,996 and Prince Edward Island had 6,787 (Statistics Canada, 2024). In the

Maritimes, migrant workers are primarily employed in the fish and seafood processing and agricultural sectors.

Migrant workers that come to Canada through the TFWP are employed through “employer-specific work permits” or “closed work permits,” meaning they can only work for the employer they are assigned to, under a specific timetable and at a specific location (IRCC, 2023e). Countless prominent scholars have identified that closed work permits lead to abusive and exploitative workplaces (Basok & George, 2020; Encalada Grez, 2018; Henaway, 2023; Landry et al., 2021; Walia, 2021; Weiler & McLaughlin, 2019). If migrant workers employed through the TFWP do not meet their employers’ standards for any reason, their employers can send them back to their home countries. In the same vein, employers use their ability to deport their workers, or worse yet, blacklist them, as a form of labour control (Basok, 2014). Given the precarity of migrant workers’ status and employment, their need for money, and the employer’s ability to hand pick their employees, migrant workers are often viewed as exceptionally compliant labourers (Satzewich & Liodakis, 2007, Preibisch, 2010).

The Open Work Permit for Vulnerable Workers (OWP-V) is a policy that was introduced in June 2019 and allows immigration officers to grant open work permits to vulnerable migrant workers who can demonstrate they are in or at risk of being in an abusive situation (Canada Gazette, 2019). The Open Work Permit for Vulnerable Workers allows migrant workers to avoid the lengthy procedure of applying for a new employer-sponsored contract. Moreover, OWP-Vs are Labour Market Impact Assessment (LMIA) exempt, which aims to expedite the process (DePATIE-Pelletier et al., 2022).¹ The OWP-V was implemented as part of the Government of Canada’s stated “commitment to migrant worker protection” (Canada Gazette, 2019). To qualify

¹ See Figure 6 for average processing times of LMIA’s by stream.

for the permit, the worker must be inside Canada, hold a valid employer-specific work permit or have applied for the renewal of their employer-specific permit, and must demonstrate they are being abused or are at risk of abuse (IRCC, 2022). OWP-Vs are issued for a *maximum* period of 12 months and allow migrant workers to work for any employer they wish, for the duration of their permit.

Although there has been considerable research on migrant workers across Canada, much of the existing literature focuses on the experiences of migrant workers employed in Ontario and British Columbia (Basok, 2002; Beckford, 2016; Caxaj & Cohen, 2021; Lee, 2006; Preibisch, 2010; Vosko et al., 2019), with minimal peer reviewed research conducted in the Maritime provinces (for exceptions see Fitting et al. 2023; Marschke et al., 2018; Knott, 2016; Horgan & Liinamaa, 2017). Moreover, given that the OWP-V policy was launched in 2019, the literature surrounding the experiences of migrant workers who receive these permits remains limited. To the best of my knowledge, there has yet to be a study performed that assesses the efficacy and implementation of the Open Work Permit for Vulnerable Workers in the Maritime provinces.

The objective of this research is to assess the suitability of the OWP-V as a solution for protecting migrant workers in the Maritime provinces who are experiencing or at risk of experiencing abuse. This research seeks to uncover whether the OWP-V improves the lives of vulnerable migrant workers in the Maritime provinces or whether an alternative strategy should be established. I have two central research questions: 1) *Is the Open Work Permit for Vulnerable Workers (OWP-V) an effective policy for supporting migrant workers in abusive and exploitative employment conditions?* 2) *Are there ways to improve the OWP-V policy to better support migrant workers and migrant serving organizations?*

The following research is novel because not only does it contribute to the limited literature surrounding the experiences of migrant workers employed in the Maritime provinces, but it also fills the gap in the literature surrounding the experiences of migrant workers who have tried to obtain an Open Work Permit for Vulnerable Workers. In addition, this research shares expert knowledge from key informants who have directly assisted with the OWP-V, which could encourage government officials to take the necessary actions to improve the OWP-V. It is my hope that this research will contribute to policy and action to better protect the rights of migrant workers across Canada.

The overall structure of this thesis is divided into six chapters. Following the introduction, Chapter Two examines the theoretical framework that forms the backdrop of this thesis. In Chapter Two, I provide a brief overview of how neoliberalism emerged and explore how globalisation, advanced through neoliberal policies, ultimately led to the precarity of migrant workers in Canada. I also review the relevant existing literature on migrant workers to provide context for this study.

Chapter Three discusses my choice of methodology, qualitative methods in particular, and semi-structured interviews. Also in the methodology section, I provide details of my study population, which consisted of migrant support workers, key academic experts, and an international consulate officer. Additionally, I discuss the recruitment process I utilized to locate prospective participants. Finally, I state the limitations and ethical concerns that came with this study, and I reflect on my positionality.

Chapters Four and Five of this thesis highlight my research findings. I open Chapter Four with a discussion on the overall implementation of the OWP-V in the Maritime provinces. Next, I dive into some of the advantages that key informants acknowledged regarding the OWP-V

policy, before analyzing the downfalls and barriers associated with the policy. Chapter Five continues the discussion of my research findings. In this chapter, building on the barriers associated with the policy, I discuss policy changes that key informants would like to see.

Chapter Six closes out my thesis by looking at the key takeaways and suggestions made to improve the efficacy of the OWP-V. Additionally, I offer some suggestions of my own that I formulated during my research and through discussions with key informants. I end by discussing suggestions for future research.

Chapter 2: Theoretical Framework and Literature Review

To grasp how migrant worker programs came to be, it is crucial to first understand the context of the world when temporary foreign worker programs emerged and how economic globalisation advanced through neoliberal policies led to Canada's rapid dependency on migrant workers and their precarious status. I begin this chapter by looking at the global economic restructuring that led to the creation of migrant worker programs. From there, I provide context of Canada's Temporary Foreign Worker Program and its implementation across the nation with an emphasis on the Maritime provinces. To close out the chapter, I discuss the policy that forms the backdrop of this thesis, the Open Work Permit for Vulnerable Workers.

2.1 A Brief Overview of Neoliberalism and Globalisation

Canada's history of labour exploitation is extensive, spanning from its foundation to the present. Over hundreds of years, Canada enslaved Indigenous peoples and people of African descent, forcing them to labour for free in order to fuel the region's economic development (Henry-Dixon and Cooper, 2022; Lawrence, 2020). In the 1880s, labour shortages prompted the Canadian government to approve work permits for thousands of low-paid Chinese workers hired to build the Canadian Pacific Railway (Canadian Encyclopedia, 2021). For centuries, European settlers in Canada have sought cheap, exploitable labour by turning to racialized workers, whom they view as commodities. Despite adopting multiculturalism as a federal policy in 1971, the Temporary Foreign Worker Program still reflects colonial labour exploitation practices. Walia (2020, p.3) states that migrant workers are the "latest phase of capitalist exploitation and colonial dispossession transpiring for five centuries." Migrant workers in low-wage jobs are often racialized individuals facing poverty, violence, and displacement, conditions rooted in colonial

and neoliberal systems (Walia, 2021). Although temporary migration and labour exploitation existed well before the rise of neoliberalism, to support economic growth, neoliberal policies in capitalist countries have significantly accelerated and intensified the Global North's dependence on temporary migration, especially from poorer nations in the Global South (Walia, 2021).

The year 1947 is often cited as a defining moment for neoliberalism, given that this is when the Canadian Government signed The General Agreement on Tariffs and Trade (GATT) along with 22 other nations (Wilkinson, 2006).² The GATT agreement entailed lowering tariffs to encourage international trade. It was established to promote economic recovery following the Second World War. The GATT's member countries were expected to open their markets to other member nations, removing trade discrimination. The establishment of the GATT was a pivotal step towards globalisation, aiding the U.S.-led capitalist West in expanding its influence (Wilkinson, 2006). Between 1950 and 1960 embedded liberalism brought economic gains to capitalist countries (Harvey, 2007). Notably, the United States expanded export markets to other areas of the world including Asia and Latin America.³ However, at this time, many countries had economic restrictions in place that inhibited capitalism's international growth and development. Following World War II, while some countries became members of the GATT, other countries such as India and Indonesia established laws that prevented foreign capital from crossing their borders, in hopes of developing independently (Harvey, 2007).

² The GATT came into effect on January 1st, 1948, and went through over eight rounds of negotiations, which ultimately led to the creation of the World Trade Organization (WTO). The WTO replaced the GATT on January 1st, 1995 (Wilkinson, 2006).

³ Given that Canada was heavily dependent on the U.S., their primary trading partner, it is worthwhile to look at the economic situation of the U.S. during this time because it had significant impacts on the Canadian economy. Furthermore, the U.S. was a world leader in globalisation and led the capitalist West, which included Canada.

By the 1960s Canadians became “troubled by their country’s growing dependence on the U.S.” (Azzi, 2015). As a result, the Canadian government attempted to make trade “more truly global” to reduce their dependence on the American market. However, other countries showed little interest in expanding trade with Canada (Azzi, 2015). In the late 1960s, embedded liberalism began to crumble both internationally and within the domestic economies of the U.S., the U.K., and Canada. Capital accumulation stunted, and signs of crisis were apparent (Harvey, 2007). On an international scale, throughout the late 1960s and into the 1970s, unemployment and inflation rates soared, ultimately leading to global stagnation. Several nations experienced fiscal crises as tax revenues dipped and governments could no longer support the rising social expenditures. Meanwhile, in the United States, the wealth of the upper one percent plunged significantly as the cost of stocks and property decreased and savings collapsed (Harvey, 2007).

Neoliberalism traces its roots back to the early 20th century; however, it didn’t gain prominence until the 1970s. Influential economist such as Friedrich Hayek and Milton Friedman played key roles in shaping neoliberal thought. Neoliberalism can be defined as “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free markets, and free trade” (Harvey, 2007, p.2). A neoliberal framework posits that state interventions in the market should be kept to a minimum. Furthermore, a neoliberal perspective holds that social good can be enhanced by “maximising the reach and frequency of market transactions” (Harvey, 2007, p.3).

During the late 1970s and early 1980s, advanced nations underwent significant economic changes. Harvey (2007) defines the years 1970-80 as “a revolutionary turning-point in the world’s social and economic history” (p.1). Neoliberalism and globalisation of trade gained

significant traction with the elections of national leaders including United Kingdom's Margaret Thatcher, the United States' Ronald Reagan, and Canada's Brian Mulroney. While in power, Thatcher and Reagan implemented further deregulation, tax cuts, budget cuts, and attacks on trade unions and professional power (Harvey, 2007).⁴ In addition, they supported market freedom for powerful corporate interests and provided tax breaks on investments away from the north-east and west where labour was unionized, and towards the south and west where labour was weakly regulated. As a result, foreign production of capital by American CEOs greatly increased (Harvey, 2007).

In 1979, chairman of the U.S. Federal Reserve Bank, Paul Volcker pioneered a drastic shift in the U.S. monetary policy. During the inflationary surge of the 1970s, interest rates had been negative. Volcker, is known for innovating what is now called the "Volcker Shock." The Volcker Shock involved raising interest rates to unprecedented levels overnight to tighten monetary policy and bring down inflation. After some rises and falls, by July 1981 interest rates stood close to 20 percent. The shocking rise of interest rates led to "a long deep recession that would empty factories and break unions in the U.S. and drive debtor countries to the brink of insolvency, beginning the long era of structural adjustment" (Harvey, 2007, p.23). In the eyes of Volcker, this was the only way for the U.S. and much of the global economy to escape the on-going crisis of stagnation.

After the introduction of neoliberal policies in the United States during the late 1970s and early 1980s, the share of national income in the top 1 percent of the U.S. soared to 15 percent, a percent comparable to pre-World War II times (Harvey, 2007). Meanwhile, there was increasing

⁴ In comparison to the U.K. and the U.S. Ogmundson and Doyle (2002 p.422) argue that the Canadian state system was "relatively friendly to labour over this time period." They further write that there was no Canadian equivalent to Reagan's firing of air traffic controllers or Thatcher's confrontation with unions. They credit this to the rise of power of the New Democratic Party at the time.

disparity between CEO salaries and the median compensation of workers. In 1970, the salary of CEOs to workers was 30 to 1. By 2000, the wage gap drastically widened to nearly 500 to 1. Substantial class inequalities were not only observed in the U.S., but also in other OECD countries, including Canada. The income gap between the fifth of the world's population living in the richest countries and the fifth living in the poorest was 30 to one. In 1960, it rose to 60 to one in the 1990s, and rose yet again in 1997 to 74 to one. Although there were exceptions to this pattern, Harvey argued that “the neoliberal turn is in some way and to some degree associated with the restoration or reconstruction of the power of economic elites” (p.19).⁵

During the 1970s, struggling nations in the Global South were encouraged to borrow from New York investment bankers at rates that were advantageous to New York bankers. Given that loans were provided in U.S. dollars and coincided with U.S. interest rates, debtor nations were extremely vulnerable to any rises in U.S. interest rates. Mexico fell victim to this vulnerability in the wake of the Volcker shock, when they became unable to pay their debts and fell into default (Harvey, 2007). At the time, the United States collaborated with the U.S. Treasury and the International Monetary Fund (IMF) to roll over Mexico's debt. However, the loan didn't come without a cost. In exchange for rolling over Mexico's debt, they insisted that Mexico takeover neoliberal reforms (Harvey, 2007). Many countries followed a similar pattern as Mexico, including Jamaica, Philippines, Guinea, and Egypt, plunging themselves into debt and forced to adapt neoliberal policies in return for aid packages and loans (Henaway, 2023). As a result, the International Monetary Fund and the World Bank thereafter became “centres for propagation and enforcement of ‘free market fundamentalism’ and neoliberal orthodoxy”

⁵ The wealth of the top five richest Canadians has increased by two-thirds since 2020 (Oxfam Canada, 2023). According to the UBS Global Wealth Report (2023), statistics demonstrate that the richest 0.02% of Canadians have greater wealth than the bottom 80% of Canadians. Additionally, the richest 1% of Canadians hold 38% of the total financial wealth in Canada (Oxfam Canada, 2023).

(Harvey, 2007, p.29). Countries pulled out of debt by the IMF and World Bank were forced to take on several institutional reforms including cuts in welfare expenditures, more flexible labour market laws, and privatisation. Thus began the era of ‘structural adjustment.’

The above history of neoliberal policies and the globalisation of capital have contributed substantially to labour migration patterns, which were established under colonialism and reinforced under neoliberal capitalism (Henaway, 2023). The World Bank and International Monetary Fund (IMF) have together admitted that economic globalisation did not reach the “trickle-down” effect on economic development that they had anticipated. Prior to the implementation of economic globalisation, The World Bank and IMF believed that neoliberal policies would “lift all boats” which was the opposite of what we have seen. Capitalist countries with export-driven economies have shifted patterns of labour migration. The economic conditions during the shift towards globalisation heightened the demand for low-paid workers. Henaway (2023 p. 15) writes “neoliberal policies have not led to development but has turned them [low-income countries] into major labour-exporting states, fueling the rise of a new global working class as precarious labour in the Global North.” Simultaneously, Canadian workers began leaving low-wage positions (e.g. agricultural labour) to pursue higher wages. During this time, migrant labour was viewed as a triple win scenario. High-income countries accumulated human capital thereby increasing exports and filling labour shortages. Meanwhile, in low-income countries, unemployment rates improved, and migrant workers generated revenue through remittances with higher wages due to exchange rates (Walia, 2021). However, it is worth noting that low-income countries lost human capital and workers were forced to spend prolonged periods isolated abroad (McLaughlin, 2010). At present, the vast majority of migrant workers migrate from the Global South to the Global North to seek economic opportunities that they

cannot find at home. For many in the Global South, remittances have become their lifeline (Henaway, 2023).

2.2 How Neoliberalism, Capitalism and Globalisation Impact Labour Migration

Today, many sectors in high-income, capitalist countries including agriculture, forestry, fishing, and hunting have grown increasingly reliant on a constant supply of migrant labour (Basok et al., 2014; Statistics Canada, 2020). Simmons (2010) and Fleras (2014) agree that Canadian policies governing immigration are shaped by neoliberalism. The selection of immigrants is evaluated by the immediate value they bring to the nation. Those granted permanent residency in Canada are highly skilled and self-sufficient. They are of economic benefit to the nation. The state handpicks ‘designer immigrants’ who are less likely to dip into tax dollars, including welfare services and unemployment benefits, and are well situated to support themselves (Bauder, 2008).

On the other hand, less skilled individuals who are less capable of supporting themselves, such as migrant workers in the low-wage stream, are granted temporary admission under strict conditions and specific timetables into positions that scholars commonly refer to as the 3D jobs: dirty, dangerous, and demeaning. These workers fall into what Basok (2015, p.2) calls ‘the fluid zones of precarity.’ Similarly, Henaway (2023) argues that restrictive immigration regimes and lingering xenophobic policies render temporary workers exploitable.

Most temporary migrant workers in Canada are unable to bring family members and cannot retire in Canada, which further satisfies Canada’s free market-oriented agenda and solidifies migrant workers as a cheap-labour strategy. Migrant workers are typically only allowed to bring family members if they have enough money to care for and support their family

members or if the family member holds a work permit and intends to work in Canada (IRCC, 2024d; IRCC, 2023d).

The neoliberal Canadian state maintains itself as migrant workers perform the labour necessary to sustain globalisation yet treats them as disposable when they are no longer needed (Walia, 2021). Migrant labour directly aligns with the neoliberal agenda that emphasises aggressive market competitiveness and sustains the demands of the global economy (Shields, 2003). The deportability of migrant workers has been characterised as an economic strategy of the neoliberal state to ensure that wages remain low and migrant workers do not attempt to engage in activism to defend or advance their rights (Maira, 2010).

International migration is exacerbated by the unequal distribution of global economic and political power (Fleras, 2014). Globalisation has enabled the flow of people from low-income countries to high-income countries in search of better opportunities and improved lifestyles. Not only has travelling across borders become significantly easier, as compared to in the past, but it also made for easier dissemination of information across the mass media. The Canadian Labour Assessment Market can now advertise job listings worldwide that exhibit attractive, higher salaries to foreign workers than what is offered in their home countries.

Despite migrant workers presumed disposability, border closures during the COVID-19 pandemic indisputably exemplified that they are an essential component in the reproduction of global capitalism. Henaway (2023, p. 6-7) writes:

During the pandemic, we collectively realised that our society is unable to survive without low-paid essential workers. Their work is essential to the reproduction of global capitalism but also of life more generally; they are the ones who do the care work in

institutions, the cleaning that had become so crucial during the pandemic, the service work and logistics that capitalism requires to function. These forms of work are essential to all of us and underlies our interdependent condition – a condition which came into stark relief with the pandemic. And despite how essential their labour is to the way our global, interdependent societies are organized, as people they are also disposable *because* they are migrants.

Presently, for nations and workers wanting to escape inequality, and sometimes poverty, remittances and migration are promoted as the new model of development by multilateral institutions such as the World Bank and IMF (Ratha, 2005). Regrettably, migrant labour schemes did not lead to the triple win effects neoliberals anticipated. Rather, migrant worker programs have led to inequitable gains between the North and the South. For one, “brain drain” is a chronic problem in nations with high outmigration rates (Burnett, 2024.). Brain drain occurs when skilled workers relocate from one country, typically from a low-income country to a high-income country. Dodani and LaPorte (2005) write that brain drain mostly affects “skilled human resources for trade, education and trained health professionals” (p. 487), although it can be an issue in other sectors as well. Brain drain is as an ongoing problem, especially in the Global South, as it makes it more difficult for low-income countries to develop without the necessary educated and skilled workers. Beyond labour, nations in the Global North continue to extract goods and resources from the Global South through a fundamentally unequal global economic system (Hickel et al., 2022).⁶

⁶ A study conducted by Hickel and colleagues (2022) demonstrated just how inequitable these gains have been. They concluded that in 2015 alone, the Global North extracted 12 billion tons of raw material equivalents, 822 million hectares of land, 21 exajoules of embodied energy, and 188 million person-years of labor, with a value of

This model, clearly devised as a mutually beneficial strategy for the capitalist class, requires a cheap exploitable pool of labour which concurrently contributes to heightened global inequality. Henaway (2023) argues that migrant workers are no longer solely playing a role in the shaping of global capitalism, but instead they are central to propping it up. Having access to precarious workers fuels precarious work itself.

2.3 Temporary Foreign Worker Program Evolution and Context Across Canada

In 2019, employers hiring temporary foreign workers (TFW) across Canada were surveyed and asked to explain the challenges they face when trying to recruit Canadian workers. 38 percent of respondents indicated “Canadians are not interested, available or qualified” [to perform the job at hand] (ESDC, 2024a). In the same vein, when Canadian workers were asked why they did not apply for the positions advertised by the employers, 37 percent of Canadian workers responded that it was due to the ‘hard work/physical labour’ that the positions required (ESDC, 2024a).

Temporary foreign workers are defined as “foreign nationals engaged in work activities who are authorised to enter and to remain in Canada for a limited period with the appropriate documentation” (Kachulis & Perez-Leclerc, 2020, p.i). In recent years, Canada has hosted hundreds of thousands of migrant workers. Low-wage migrant workers come to Canada through the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP) (ESDC, 2024a). The origin of migrant workers temporarily entering the country to perform labour duties dates to the 1960s, with the 1966 introduction of the Seasonal Agricultural Worker

\$10.8 trillion based on Northern prices—sufficient to eradicate extreme poverty 70 times over. Between 1990 to 2015, the Global South's total resource drain amounted to \$242 trillion (constant 2010 USD) (Hickel et al., 2022).

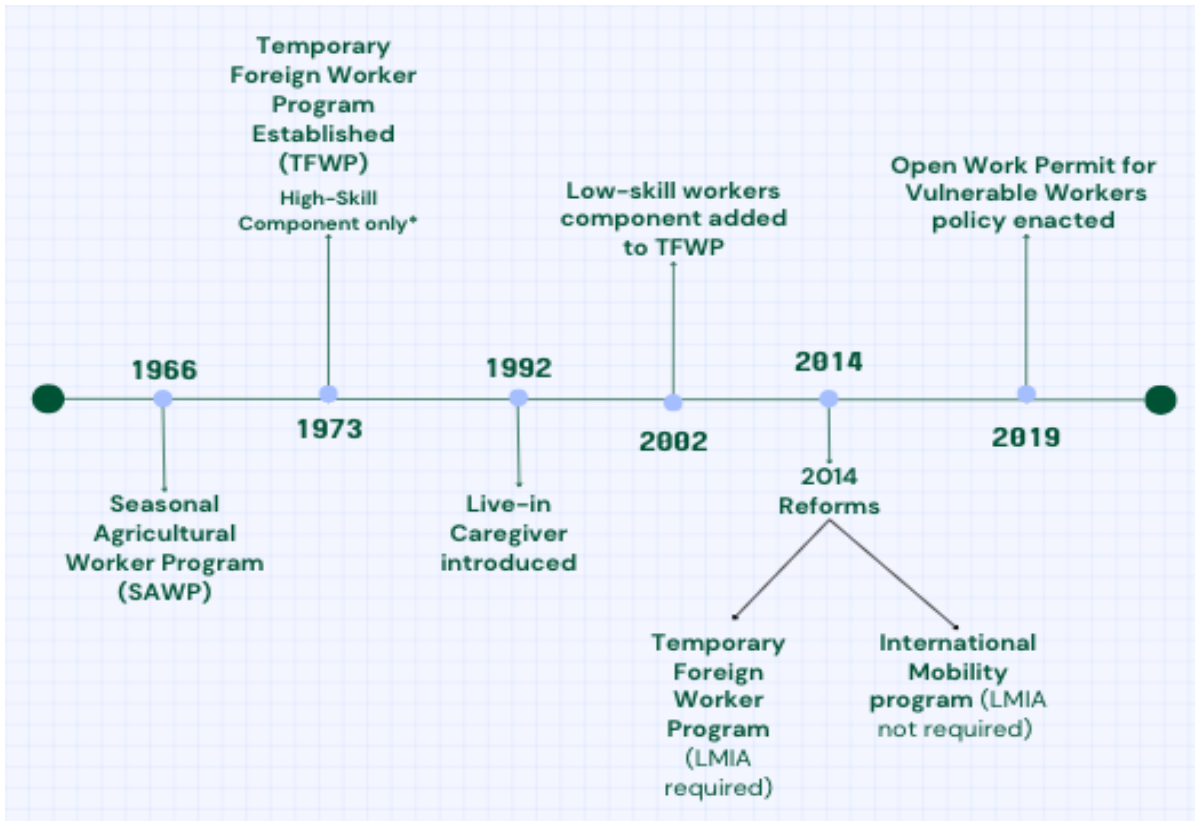
Program (SAWP). The SAWP allowed Canadian farmers to fulfil labour shortages with workers from outside Canada.⁷ In the first year of implementation, the program welcomed a modest 264 Jamaican farmworkers. All 264 farmworkers were employed in the apple produce sector in the province of Ontario (Gogia, 2011).

In 1973, the TFWP was introduced, legislated through the Immigration and Refugee Protection Act and Immigration and Refugee Protection Regulations. At this time, the TFWP welcomed foreign labour classified as ‘high-skill’ (ESDC, 2024a). In 1992, the TFWP expanded to include the Live-in Caregiver program. The TFWP was adjusted yet again in 2002. This time, in addition to high-skilled employees, Canada began accepting ‘Low-skill workers’ (see Figure 1).⁸

⁷ The SAWP continues to exist and grow today. It is now one of the many streams that fall under the TFWP (ESDC, 2024a).

⁸ In older literature found on migrant workers, the Government of Canada and academics alike label certain occupations as “Low/High-skill.” However, presently, the preferred terminology is “Low/High-wage,” as some argued that the term low-skill ignores the capacities of these employees and is devaluing of the labour they perform (Auguste, 2019; Case, 2022; Lowrey, 2021). In this thesis, I use the terms interchangeably as they were used in the original literature that I am citing. This is noteworthy to avoid confusion on the topic.

Figure 1: Temporary Foreign Worker Program evolution timeline



Source: Timeline based on information found on ESDC (2024a).⁹

Jobs with an hourly wage lower than the median in a given province or territory are classified as low-skill or low-wage. As of May 31st, 2023, the median hourly wages in the Maritime provinces were as follows: New Brunswick \$23.00, Nova Scotia \$22.97, and Prince Edward Island \$22.50. These median hourly wages place the Maritime provinces in the bottom three ranks in terms of median hourly wages by province (ESDC, 2023a).¹⁰

⁹ The abbreviation LMIA stands for Labour Market Impact Assessment and will be discussed further later in this chapter.

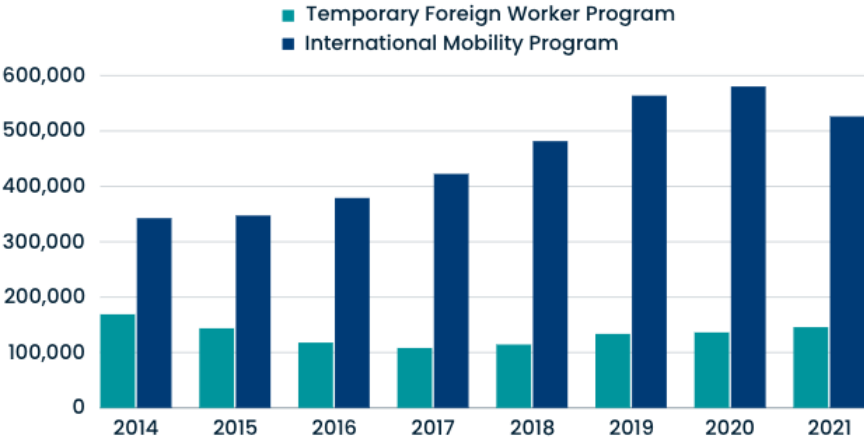
¹⁰ The highest median wage in Canada belongs to the Northwest Territories at \$38.00. The province with the highest median wage is Alberta at \$28.85 (ESDC, 2023a).

The number of migrant workers coming to Canada has steadily climbed (see Figure 2). Between 2000 and 2021, the number of migrant workers entering Canada through the TFWP and IMP streams increased seven-fold from approximately 111,000 to 777,000 (Statistics Canada, 2022). Statistics indicate that there were 797,225 active temporary migrant work permits on December 31st, 2022 (Statistics Canada, 2023).¹¹ Although figures regarding the number of *approved* temporary foreign worker permits are accessible through Statistics Canada, tracking the exact number of temporary foreign workers entering Canada each year is not possible. According to the Government of Canada’s website “The TFWP does not collect data on the number of TFW’s who are hired by an employer and have arrived in Canada” (Government of Canada, 2023). Instead, statistics are based off the number of approved work permits issued and statistics on foreign workers earnings based on tax administrative files. Given that TFWP and IMP work permits vary from a few months to a few years, and some migrant workers come and go throughout their permit, it is nearly impossible to track the exact number of migrant workers working in Canada at any one time (Statistics Canada, 2023).

¹¹ Of these permits, 119,825 were issued through the TFWP and 677,400 were issued through the IMP (Statistics Canada, 2023).

Figure 2: Foreign workers in Canada: Work permit holders 2014-2021 TFWP vs IMP

FOREIGN WORKERS IN CANADA: WORK PERMIT HOLDERS 2014-2021



Source: Chart based off data found at Statistics Canada (2023).

As of April 30th, 2022, and until further notice, the Government of Canada has placed a 20 percent cap on employers that hire TFW through the low-wage stream. The cap was put in place to ensure that migrant workers are not taking jobs from Canadians and that TFW are only employed when there are no Canadian workers willing to work in the advertised positions (ESDC, 2024b). However, there are several exemptions to this cap including agricultural positions, caregiver positions, positions to support a TFW’s permanent residence through an Express Entry Program, highly mobile or truly temporary positions (120 calendar days or less) and low-wage positions in seasonal industries that don’t go beyond 270 calendar days (ESDC, 2024b).

Some distinct characteristics set the TFWP stream apart from the IMP stream. One noteworthy difference between the two streams is that employers hiring through the IMP stream do not require a Labour Market Impact Assessment, whereas employers hiring through the TFWP must apply for and receive a positive LMIA (Connelly, 2023). LMIA's are used to demonstrate there are no qualified Canadians available to perform the advertised labour. A positive LMIA simply means that the hiring of a TFW will have a positive impact on the Canadian labour market (Connelly, 2023). Employers that require an LMIA assessment must pay \$1,000 to cover the cost of processing the LMIA application (ESDC, 2024b). Prior to applying for an LMIA, employers must advertise the job through at least three different recruitment methods to ensure that there are no available or interested Canadians or permanent residents to fill the position. One of these methods must be the Government of Canada's Job Bank and the other two are of the employer's choice (ESDC, 2024b).

An exemption from a LMIA makes the process cheaper and saves employers and migrant workers time and effort. IRCC's website outlines some vague criteria that grant some employers exemption from the LMIA process, thus being eligible to hire through the IMP stream.

According to IRCC (2023) LMIA exempt workers include those:

- (1) covered by an international agreement like Canada-United States-Mexico Agreement (CUSMA) or General Agreement on Trade in Services (GATS) and non-trade agreements
- (2) covered by an agreement between Canada and a province or territory
- (3) they meet the four criteria that are exempt for "Canadian interests" reasons:

- a) if the employer can prove the migrant workers will bring an important social, cultural, and/or economic benefit to Canada
- b) reciprocal employment- foreign workers are eligible for a job because Canadians are eligible for similar opportunities in other countries
- c) they are designated by the Minister
- d) are entering for the purpose of charity or religious work (not including volunteers)

Although it is not directly stated on IRCC's website, other sources indicate that most migrant workers coming through the IMP stream fall within the "high-skill" category (Díaz-Bertrana Rosales, 2023). Also falling within the IMP stream are working holidaymakers, spouses of high-skilled workers, and post-graduate work permits holders (Marsden et al., 2020).

Another distinction between the TFWP and the IMP is that, in certain instances, workers coming through the IMP stream, are granted open work permits. In contrast, through the TFWP all migrant workers are issued closed work permits. Open work permits are not job specific. Therefore, the migrant worker is not tied to a single employer. In the case of closed work permits, migrants are employed on employer-specific contracts— an important contrast to remember throughout this thesis (Government of Canada, 2023). In the rest of this literature review, I primarily focus on the TFWP stream given that the Open Work Permit for Vulnerable Worker policy is designed to protect migrant workers that are employed through closed, employer specific contracts.

2.4 Migrant Workers Employed in the Maritime Provinces

In this thesis, I focus on the implementation of the OWP-V in the Maritime provinces. For broader context, below is an overview of some general statistics pertaining to migrant workers employed in the Maritime region. As of December 31st, 2023, the number of active work permits issued in each Maritime province were as follows:

Figure 3: Number of work permits issued by Maritime province as of December 31st, 2023

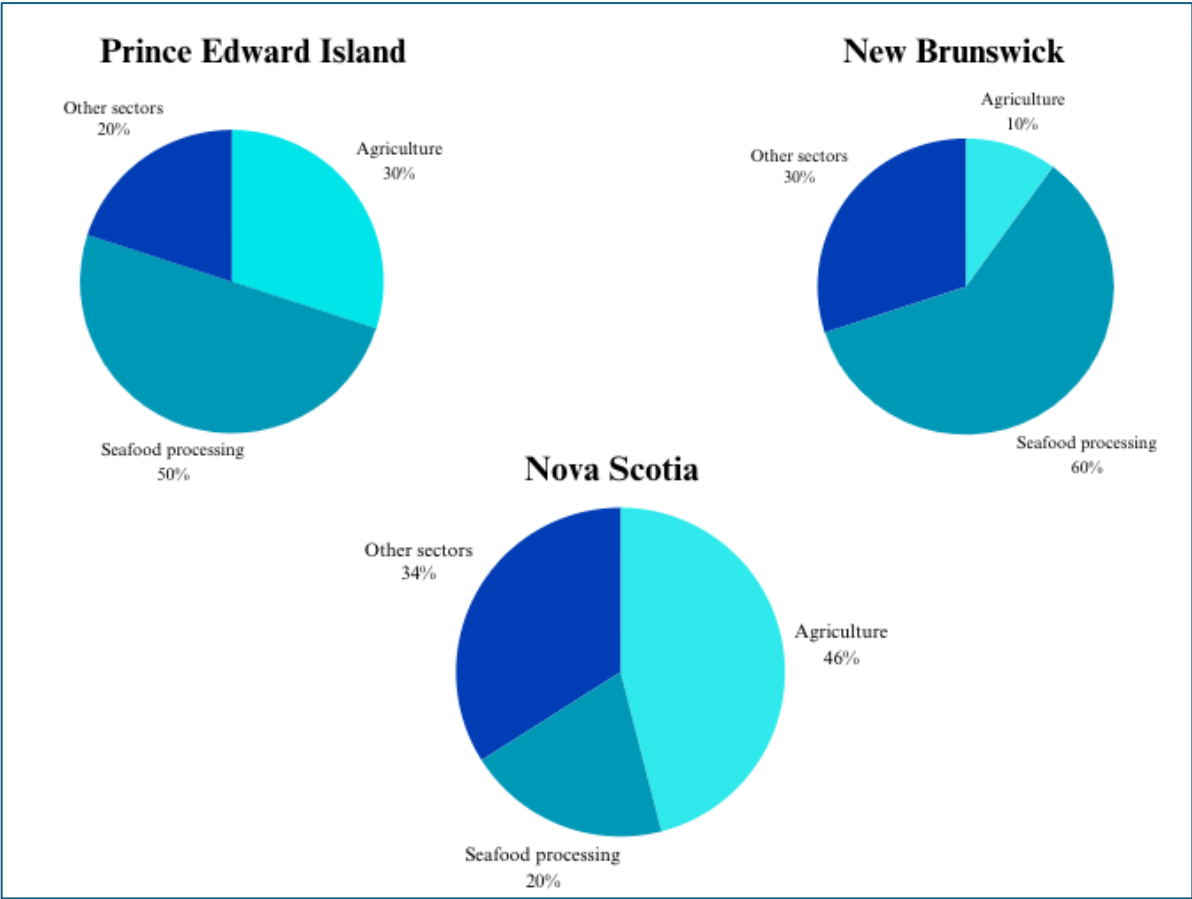
Province	Number of migrant work permit holders	Number of work permits issued through TFWP
Nova Scotia	33,448	4,155
New Brunswick	21,996	4,415
Prince Edward Island	6,787	1,600

Source: Information from table gathered from Statistics Canada (2024) and IRCC (2024e).

In a recent statement, Nova Scotia’s Minister of Agriculture, the Honourable Greg Morrow, acknowledged the significant contribution of migrant workers to Nova Scotia’s agricultural sector stating, “Labour continues to be a key challenge for the agriculture sector. My department continues to champion this issue with other provincial departments and our federal counterparts. We are also committed to working with the industry and other government departments to help address the labour shortage. Temporary foreign workers are a vital part of our seasonal agricultural workforce” (Ministry of Agriculture, 2022).

Most migrant workers in the Maritimes are employed in the fish and seafood processing and agriculture sectors (Bejan et al., 2024). Migrant laborers in the Maritimes are also employed, albeit in smaller quantities, as cooks, cleaners, carpenters, truck drivers, caregivers and some other additional occupations (see Figure 4) (IRCC, 2023b).

Figure 4: Where migrant workers in the Maritime provinces are employed



Source: Pie charts based on information found on IRCC, 2023b.

2.5 Abusive and Exploitative Conditions

To be granted access to Canada’s labour force, migrant workers are willing to take on jobs that Canadian workers are likely to shy away from: the poorly paid, difficult, dangerous

work of today's society (Simmons, 2010). Under the TFWP, workers cannot quit or change jobs without permission from the federal government. Once they have agreed to work for an employer and have arrived in Canada, they are compelled to complete their contract if they wish to be welcomed back (Connelly, 2023). As a result, prominent scholars have showcased the tendency for closed work permits to lead to abusive and exploitative workplaces (Encalada Grez, 2018; Weiler & McLaughlin, 2019; Landry et al., 2021; Basok & George, 2020)

If workers employed through the TFWP do not meet their employers' strict standards or expectations, the employers may send them back to their home countries. Similarly, employers can use their power to deport or blacklist workers as a means of labor control (Basok, 2014). Alan Simmons (2010) explains that if a worker attempts to quit or abandon their worksite, they risk immediate deportation and permanent blacklisting. This means they will be permanently ineligible to work in Canada for any employer authorized to hire migrant workers.

Migrant workers experience varying degrees of vulnerability, depending on the stream. According to Patzelt and LaBossiere (2023), those entering the Maritimes via the low-wage stream and the Seasonal Agricultural Worker Program (SAWP) are the most at risk. These workers, housed by their employers, face additional challenges such as increased dependence on their employers, isolation from the wider community, and a lack of privacy and control over their personal lives (Basok, 2002; Preibisch, 2010; Mysyk & Gallegos, 2008; Hennebry et al., 2016). Although pathways to permanent residency exist for workers hired through the SAWP and the Low-Wage Stream (e.g., through provincial nominee programs and the Atlantic Immigration Program), they often struggle to meet the minimum requirements for permanent residency. This difficulty is due to factors such as low levels of literacy and language proficiency, insufficient contract duration, and a lack of qualifications that Canada favours (Patzelt & LaBossiere, 2023;

IRCC, 2023f). In contrast, workers entering through alternative streams, such as the high-wage stream and the live-in caregiver program, have greater opportunities and clearer pathways to permanent residency.¹² Furthermore, in order to access provincial healthcare, migrant workers must be employed for a certain amount of time. This duration depends on the region. In Ontario and Quebec, migrant workers are eligible for public health coverage upon arrival, whereas in Nova Scotia, migrant workers must wait 12 months to be eligible (Inclan, 2023). Given that workers hired through the SAWP are only permitted to be in Canada for eight months during the calendar year, their contracts are too short to access public healthcare, thereby further increasing their vulnerability.¹³

In a recent fact-finding study piloted by the United Nations, UN Special Rapporteur on contemporary forms of slavery Obokata (2023) found that in one part of Canada, 15 migrant workers were dismissed when they tried to negotiate their rights pertaining to their salary and working conditions.¹⁴ Workers that attempt to assert their rights are often labelled as ‘troublemakers’ and are frequently not invited back (Obokata, 2023). Additionally, given that many migrant workers coming to Canada are employed in sectors labelled “low-wage”, and the limited time frame of their contracts, it makes it nearly impossible for them to meet the minimum citizenship and immigration regulations of the federal government (Simmons, 2010).

¹² IRCC recently closed the Home Child Care Provider Pilot and the Home Support Worker Pilot, which were both streams created to hire caregivers. However, on June 3rd, 2024, they announced a new pilot program that will grant home care workers permanent residency upon arrival in Canada. This new pilot program has yet to be named or implemented (IRCC, 2024f). High skilled workers have greater chances of obtaining permanent residency because they often have higher education, stronger language proficiency and skills that Canada favours, therefore, contributing human capital to the economy and work force.

¹³ Employers must provide health insurance until migrant workers qualify for provincial health care. However, this coverage often focuses primarily on accident insurance and does not include many health care services available under provincial coverage (Patzelt & LaBossiere, 2023).

¹⁴ Obokata (2023) did not specify the region in Canada where this occurred. This was likely done to ensure anonymity of the research participants.

These highly restrictive regulations have led to repressive and strict working conditions, leading some scholars to label the intensive work migrant workers perform as "unfree labour" (Gogia, 2011). Given the risks associated with disobedience, the employees' need for money, and the employer's ability to hand pick their employees, the labour performed by migrant workers has also been referred to as "captive labour" (Basok, 2002, p.121). Migrant workers routinely face the fear of not having their contracts renewed. As a result, they are willing to work out of fear despite illnesses, sicknesses or abuse they may endure. If workers are injured, they are disincentivized from mentioning it to their employers. Basok (2002) details a conversation she had with a female migrant farmworker. The worker indicated that migrant workers frequently choose to work when injured because if they tell their employer they need medical attention, they are viewed as needy and consequently are once again, at risk of not being welcomed back. To satisfy their employer, many are willing to stay with their employer until there is no longer work available, despite difficult conditions they might endure (Basok, 2002).

There are consistent reports of migrant workers overworked and underpaid (Bejan et al., 2021; Obokata, 2023; Landry et al., 2021; Knott, 2016). In a study conducted in Prince Edward Island, workers indicated they frequently work extremely long days. One worker reported that a 13-hour day is the shortest length of their average workdays. During peak season, workers reported working up to 18-hour shifts, giving them only six hours of rest before their next shift commences (Bejan et al., 2021). Migrant workers are rarely paid overtime and in cases where they are, some reports indicate that "their time-and-a-half was clocked only after 55 hours a week" (Bejan et al., 2021, p.5).

Workers that come to Canada have little to no say in who they work for, where in Canada they will live and have little mobility once they arrive in Canada. Temporary Foreign Workers

Maritimes (TFW Maritimes) identified several cases where living conditions and accommodations of migrant workers on Prince Edward Island were far from adequate. In 2020, 64 inspections of dwellings housing temporary foreign workers were performed by the Prince Edward Island Department of Health and Wellness (Bejan et al., 2021). Half of the inspections highlighted several code violations, including “damaged or missing smoke detectors; missing or outdated fire extinguishers; missing or damaged furnishings, windows and window screens; insufficient beds; ceiling, wall and floor damage; insufficient washrooms and kitchen facilities; heating concerns; and evidence of rodents” (Bejan et al., 2021, p.4.). In one instance, the P.E.I. Department of Health and Wellness identified that close to 70 people shared one large dwelling. In another situation, a dozen people had no choice but to share a single bathroom and one stove (Bejan et al., 2021). Similar housing conditions were reported in TFW Maritime’s ensuing studies conducted in Nova Scotia and New Brunswick (Bejan et al., 2023, 2024).

To avoid uninhabitable and exploitative conditions, ESDC is supposed to perform inspections of employers, workplaces, and living conditions. Although activists and academics believe that some inspections are happening, there are several issues that have been associated with these inspections, beginning with the fact that they are pre-announced (Obokata, 2023). Employers are informed when government representatives are going to come and perform inspections, allowing employers time to prepare. Obokata (2023, 13:37) states that employers “Force workers to clean their places, clean the workplaces, or they are told to go away so that they are not interviewed by inspectors. And those who are interviewed, oftentimes, they’re newcomers so that they do not exactly know what’s happening. So, their answers will be more positive than negative.”

Despite making significant contributions to tax dollar, as non-immigrants,

migrant workers are unable to employ and access the same social benefits and rights as Canadian workers are, including collective bargaining and the provision of social services and programs such as social assistance, old age pension, among other key social benefits (Satzewich & Liodakis, 2007). Although they pay into tax dollar programs, at the end of the day, many temporary workers cannot obtain permanent residency; therefore, they never obtain their tax dollar contributions. Furthermore, given that migrant workers are ineligible to live or work in Canada once their contract is finished, they do not contribute to the country's unemployment rate. When they complete their work term, their struggle to find work is transferred back to their home country, making them a cheap-labour strategy for Canada (Satzewich & Liodakis, 2007). In this way, the TFWP is designed to serve the interests of the wealthy country, while overlooking the interests of migrant workers, their families and their home communities (Simmons, 2010).

In 2003, to further protect the rights of migrant workers, the United Nations registered the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. It has now been 21 years since the convention was registered, and only 59 states have ratified the convention. Among these countries are many sending countries including Guatemala, Jamaica, Mexico, Philippines, and many others. However, Canada has not ratified the convention. In fact, not one G7 wealthy nation (France, Germany, Italy, the United Kingdom, Japan, the United States) has ratified the convention. Simmons (2010) writes that the official explanation provided by the Canadian government was that “migrant workers already have sufficient protection under Canadian laws and the provisions of their contracts” (p. 269). However, as noted, activists and academic researchers have continuously demonstrated that this is not the case, including Obokata (2023) who defined the TFWP as “modern slavery” in a recent

CBC interview (3:15). Similarly, Knott (2016) argues that the TFWP is a “new strategy within an old regime of raced and gendered practices used to create a cheap(er) and docile workforce” (p. 377). Furthermore, she writes that the TFWP “draws upon and re-entrenches long standing histories in Canada of racism, imperialism, and patriarchy that have long sorted labour migrants into different economic, social, and legal playing fields” (Knott, 2016, p. 379).

2.6 Wages of Migrant Workers in Canada

“Unfree labour,” “captive labour,” “modern slavery,” these labels may lead one to wonder why migrant workers continue to come to Canada (Gogia, 2011; Basok, 2002; Obokata, 2023). Gogia (2011) identified that despite the poor pay, wages in Canada are greater than wages in migrant workers' native countries. According to ESDC’s website, employers must pay migrant workers the same wage as they would pay Canadian employees who perform the same or similar tasks (ESDC, 2024d). Under the TFWP, the wage a worker receives is required to be the median hourly wage (or higher) for the occupation and work location as published by Job Bank Canada (ESDC, 2023b). Furthermore, when employing migrant workers, employers are expected to review and adjust these wages to ensure they meet or exceed applicable federal, provincial or territorial minimum wage requirements. Despite this, TFW Maritimes (2021) found that workers often make the minimum wage in the province and nothing more. Obokata (2023) states that some of the workers he interviewed made even less than minimum wage. A study undertaken by the International Labour Office (ILO) noted vast inequalities when comparing the earnings of migrant workers to that of non-migrant workers with similar market characteristics. ILO’s findings concluded that on average migrant workers in high-income countries earn about 12.6 percent less than nationals. While their research extended beyond Canada, numerous news

stories and academic publications over the years have highlighted the prevalence of this issue in Canada, including studies conducted in the Maritime provinces (Choudry & Smith, 2016; Wheeler, 2022; Knott, 2016; Bejan et al., 2021).

In 2021, the Centre for Migrant Worker Rights Nova Scotia (formerly known as No One is Illegal Halifax) surveyed 100 migrant workers across Nova Scotia. Within the survey, respondents were asked to answer questions regarding fundamental changes they would like to see at the provincial level. The first recommendation on the list was to "increase the minimum wage" (Gomez, 2021, para. 5). The article further states "Many [migrant workers] come to Canada to support their families, yet they have difficulty making ends meet on Nova Scotia's minimum wage" (Gomez, 2021, para.5). Remittances are often a major asset that assist families in improving their financial situations in their home country. Remittances are often sent to meet a targeted, specific need including for the consumption of basic goods, housing, children's education and health care (Ratha, 2005). Considering the current high cost of living in Canada, provincial minimum wages pose a significant challenge for migrant workers in accumulating funds to remit back home.

Yet another reason why migrant workers may continue to work in Canada despite exploitive conditions is due to what Obokata (2023) refers to as "debt bondage" (6:24). Debt bondage refers to the large amount of fees that migrant workers pay to recruitment agencies to find employment in Canada. In their first few weeks and sometimes even after months employed in Canada, many workers are not working to make profit but rather to repay the debt they previously accumulated (Obokata, 2023). Sums paid to recruitment agency vary greatly. Canada's West Coast Domestic Workers' Association (2015) conducted a study on recruitment fees paid by workers from Dubai, Philippines, Hong Kong, and Mexico. They found that workers

typically pay between \$2,000 to \$10,000. A report conducted by TFW Maritimes found that workers paid recruitment fees up to \$2,000 (Bejan, 2023). In an extreme case, a young woman interviewed by Obokata (2023) stated that she paid \$30,000 to a recruitment agency in India. In 2022, Canada banned recruiters from charging fees to migrant workers; however, this only protects migrant workers from agencies within Canada and the Canadian government has no control over the fees charged by immigration agencies and consultants outside of Canada (Obokata, 2023). Recruiters act as “gatekeepers” to job opportunities in Canada and weak regulatory enforcement create a permissive environment where they can engage in illegal practices (West Coast Domestic Workers’ Association, 2015).

2.7 The Open Work Permit for Vulnerable Workers (OWP-V)

Given that many migrant workers are tied to their employers for the duration of their contracts, the Temporary Foreign Worker Program creates a power imbalance between the employer and the migrant worker. The program allows the employer significant leeway and great authority over their employees. In contrast, migrant workers are placed in extremely restrictive, vulnerable positions (Depatie-Pelletier et al., 2022). Walia (2021 p.132) writes that given a migrant worker’s precarious status, employers can use deportation as “a form of blackmail against the worker who decided to speak out against exploitation or form a union, for he can threaten not only their sacking but also to put an end to their permission to remain in the country.”

The OWP-V was introduced in June 2019 and allows immigration officers to grant vulnerable migrant workers an open work permit while avoiding the lengthy process of applying for a new employer-sponsored contract (Canada Gazette, 2019.) Moreover, it is an option that

allows migrant workers to voice their unfavourable working and/ or living conditions without having to go through their employer. The Government of Canada (2019) writes that the OWP-V policy was implemented as part of the “Government of Canada’s ongoing commitment to migrant worker protection.” Due to the recent launch of the Open Work Permit for Vulnerable Workers, the literature surrounding the experiences of migrant workers who receive these permits is very limited; as stated, there has yet to be a study performed in the Maritime provinces that assesses the efficacy and implementation of the Open Work Permit for Vulnerable Workers.

According to section 196.2 of the Immigration and Refugee Protection Regulations the term “abuse” refers to four types: physical, sexual, psychological and financial (IRCC, 2022). It is worth noting, that during the COVID-19 pandemic, IRCC updated the forms of abuse to include employer violations that risk workers’ safety in regard to the pandemic. This included inadequate accommodations for quarantine, self-isolation or the prevention of the virus spread or employers restricting or preventing employees’ access to essential goods during quarantine (i.e. groceries, medication) (IRCC, 2022). To receive an OWP-V, the migrant worker must meet the following three criteria:

- (1) The worker must be inside Canada. Applications made at a port of entry won’t be accepted.
- (2) The worker must have a *valid* employer-specific work permit or have applied for a renewal of their employer-specific work permit (implied status). Applicants with an expired work permit will not be considered.

(3) The employee must demonstrate that they are being abused or are at risk of abuse in relation to their job in Canada (IRCC, 2022).¹⁵

If the worker meets this criterion, they can apply directly through Immigration Refugees and Citizenship Canada's (IRCC) webpage for an OWP-V. IRCC emphasizes that the individual applying for the OWP-V *must* include a letter describing their situation and the abuse they are experiencing or are at risk of experiencing (IRCC, 2022). Applicants are also advised to include as much evidence as possible in their application. Evidence may include a "letter, statement or report from an abuse support organization, medical doctor, health care professional etc., an affidavit, an official report submitted to an enforcement agency, a copy of an official complaint submitted to a provincial government, a victim impact statement, email or text messages, pay stubs or bank statements, photos showing injuries or working conditions, witness testimony or other types of evidence" (IRCC, 2022).

In addition to the online application, the immigration officer may also request an in-person or telephone interview with the immigration officer responsible for their case (IRCC, 2022). From there, it is in the hands of the immigration officer to determine whether they have reasonable grounds to believe that the worker is experiencing abuse or is at a risk of abuse with their current employer in Canada (IRCC, 2023c). The immigration officer responsible for determining the results of each case follow a two-step procedure. The first step is to "determine if the facts and evidence presented by the migrant worker occurred and are credible on a balance of probabilities" and the second step involves "Assessing the totality of the circumstances and evidence and determine if they have reasonable grounds to believe that the migrant worker is

¹⁵ I decided to section the criteria of the OWP-V as a block quote so that it is easier for readers to reference back to later in this thesis.

experiencing abuse or is at risk of abuse in the context of their employment in Canada” (IRCC, 2023c).

IRCC (2023c) states that immigration officers should maintain an objective, open mind when assessing a case and should hear out the migrant worker’s story in the case of an interview. According to the IRCC webpage (2023c), OWP-V are processed on an urgent basis. They indicate that the applications should be processed within five business days after receiving the application at the local IRCC office. Despite the supposed urgency of OWP-V processing, Depatie- Pelletier et al. (2022) write that the process often comes with lengthy processing delays. IRCC does make note of this on its webpage stating that processing times fluctuate as a result of the number of applications received at the IRCC office (IRCC, 2023c). In a news article published by the Toronto Star in 2020, IRCC stated that they were aware of the delayed processing times. At the time they said in a statement that they were “considering ways to make it quicker and easier to exit unfair working conditions and find new jobs through open work permits” (Mojtehdzadeh, 2020, para.2).

The OWP-V has been labelled a “band-aid solution” given that it only serves as a transitional measure, and it does not address the core issue of abusive employers. Furthermore, it allows employers to continue hiring other migrant workers and Canadian labourers even if they have been accused of abuse or exploitation (Depatie-Pelletier et al., 2022, p.1; Mojtehdzadeh, 2020). Additionally, OWP-Vs are only valid for a *maximum* period of 12 months. It is at the discretion of the IRCC officer to determine how long the OWP-V is valid for (Díaz-Bertrana Rosales, 2023). Once the OWP-V expires, it is up to the migrant worker to find an employer with a valid Labour Market Impact Assessment and apply for a new employer-specific work permit. Generally speaking, OWP-Vs are non-renewable. The only way for an OWP-V to be renewed is

if “the migrant worker’s employer-specific work permit is still valid, they are still in Canada, and officers have reasonable grounds to believe the worker is still experiencing abuse or at risk of experiencing abuse in the context of their employment in Canada” (IRCC, 2023c, Renewals, para.1). According to Depatie-Pelletier et al.'s findings (2022), no OWP-V has been renewed.

When the policy was legislated, IRCC anticipated that they would receive approximately 500 annual applications. However, between June 2019 and July 2021 the number of applications received was 4 times the forecasted amount, demonstrating the federal government’s naivety regarding the high prevalence of abuse endured by migrant workers (Díaz-Bertrana Rosales, 2023). In 2019, 20 workers’ rights organizations, legal clinics and unions across Canada rallied to persuade the federal government that the OWP-V should only be an “interim step” and that more had to be done to protect migrant workers from abuse (Mojtehdzadeh, 2020). Four years have since passed and only minor revisions have been made to the policy.

Chapter 3: Methodology

3.1 Qualitative Methods

During my research, the research questions I sought out to answer were *Is the Open Work Permit for Vulnerable Workers (OWP-V) an effective policy for supporting migrant workers in abusive and exploitative employment conditions? Are there ways to improve the OWP-V policy to better support migrant workers and migrant serving organizations?* I utilized qualitative methodology to understand the implementation and efficacy of the OWP-V.

Jackson et al. (2007) define qualitative research as the understanding of experiences of human beings through an interpretive approach. Qualitative research methods allow the researcher to obtain a unique in-depth perspective into the experiences of the participants that can then be converted into descriptive data. Qualitative research focuses on how individuals interpret their experiences, construct their worlds and attribute meaning to their personal experiences. This focus was essential for gaining a comprehensive understanding of the viewpoints, opinions, and experiences of research participants in their engagement with the OWP-V. (Merriam & Tisdell, 2016). As I discuss later in this chapter, this research analyzed government policies, secondary literature, and employed semi-structured key informant interviews.

3.1.1 Semi-Structured Interviews

Semi-structured interviews were selected as an appropriate research methodology because they allow the researcher to have a general question guide that covers a range of topics, while also allowing participants significant leeway in how they choose to respond. Semi-

structured interviews allow the researcher to ask additional questions and explore new avenues during the interview that were not previously considered (Bryman et al., 2012). Additional subjects brought up by interviewees during semi structured interviews are integral to the research and should not be overlooked as they demonstrate thoughts and ideas that interviewees deem important (Bryman et al., 2012). The questions included in the question guide for this research were open-ended questions. Open ended questions refer to questions that “respondents can formulate their own answers, unrestricted by having to choose between pre-determined categories” (Hay, 2021, p.427), which give participants further choice of the topics discussed during the interview. The semi-structured question guides were constructed prior to ethics approval and received approval from the Dalhousie Research Ethics Board (Appendix D and Appendix E).

Throughout my research, I conducted 16 interviews. Semi-structured interviews were conducted with three study populations (1) 11 migrant support workers that provide legal and social support to migrant workers. (2) Four interviews were conducted with key academic experts that have significant background in migrant labour research (3) And finally, one interview was conducted with an international consulate officer who supports migrant workers in the Maritime provinces. Three study populations were chosen for this research so that I could hear various perspectives on the OWP-V policy and compare and contrast different insights and expertise. Fusch & Ness (2015, p. 1408) write that “data saturation is reached when there is enough information to replicate the study when the ability to obtain additional new information has been attained, and when further coding is no longer feasible.” After conducting 16 interviews, saturation was reached, with no further emergence of new themes. In terms of migrant support organizations (MSO) in the Maritimes, I reached out to all migrant support

organizations in the region. With a sample of this size, I was able to have thorough, in-depth conversations. Despite being a relatively small sample size, according to Fusch & Ness (2015) and Guest et al. (2006) this is a sample large enough when utilizing qualitative data collection, to create rich, thick descriptions and meaningful data.

Interviews took place between August 2023 and January 2024. Given that interviews were semi-structured, the length of the interviews varied greatly from 25 minutes to 85 minutes. The mean length of interviews was 49 minutes. The length of the interviews depended heavily on how familiar the participant was with the OWP-V policy, how comfortable they were sharing their experiences working with migrant workers, and their availability at the time of interview. Two of the interviews were conducted in-person, as preferred by the research participants. The remaining 14 interviews were conducted virtually using my Dalhousie Microsoft Teams account. Given that participants were dispersed throughout the Maritime region, virtual interviews made for more feasible and efficient interviews.

All participants agreed to having their interviews audio-recorded on the researchers private recording device for easier facilitation of transcription. Immediately following the completion of each interview, the interview was uploaded to the transcription tool Otter.ai and was removed from the recording device. All interviews were transcribed within two weeks of the time of interview. All information identifying information was removed at this phase and participants were given a categorical code to ensure anonymity.

Once the interviews were transcribed, the transcripts were sent out to participants using my Dalhousie Microsoft Outlook email. This was done to ensure accuracy of the participants' thoughts by allowing them the add, edit, or reject anything discussed during the interviews. Although this was not necessary, it was done so that participants could hopefully feel more at

ease during the interview process, knowing they could modify something they said later. Three of the participants chose to make minor edits to their transcripts, but no major revisions were made. From there, recurring categorical themes were identified, and subjective perspectives were compared and contrasted. The statements provided by interviewees were divided into categorical themes using the coding software NVivo.

3.1.2 Recruitment

Based on literature review and prior conversations with migrant support organizations in the Maritimes, I determined that representatives from migrant support organizations were likely to know the most about the OWP-V. With this in mind, I selected migrant support workers to form the largest sample size (5-10). Additionally, prior to commencing the research, a handful of academic experts were identified, and some were contacted to determine whether they were familiar with the OWP-V. Given these existing connections with academic experts, I determined that recruiting 3-5 key academic researchers would be beneficial to the research. In addition, I sought to interview 2-3 international consulate officers, given that they could bring a unique perspective to my research. However, due to international consulate officers' wide scope of duties and priorities, I recognized that international consulate officers would likely be the most challenging group to recruit which explains why I was only able to interview only one.

Migrant Support Workers

Through my honours research, I established ties with an organization that provides support to migrant workers.¹⁶ This existing relationship eased the recruitment process, as they

¹⁶ To ensure anonymity, I did not name this organization.

acted as a gatekeeper for this research. As Hay (2021, p.190) writes “Connecting with oral history participants often requires rapport and vouching,” rapport meaning “forming a dialogue with participants prior to recording.” This prior relationship served as a good starting point for recruitment (Appendix F). To recruit other representatives from non-profit organizations, an internet search of organizations that provide legal and social support to migrant workers in the Maritime provinces was performed. From there, the organizations that met the inclusion criteria of the study were contacted via e-mail with the recruitment script to determine whether they were interested in participating (Appendix A).

In addition to this form of recruitment, I also employed snowball sampling (Appendix B). Hay (2021, p.190) writes that the snowball method “is a process in which one participant connects a researcher with other potential participants.” Following the completion of interviews, I asked participants if they knew of other organizations or individuals that met the inclusion criteria that they wished to share. In most cases, the interviewees shared one or more names of individuals who they thought could benefit the research. In some cases, the participant offered to reach out to the individual themselves and provide an introduction. In other cases, the participants provided me with the contact information of the prospective participant and their permission to mention their name in the recruitment email. Snowball sampling proved to be an effective means of recruitment and was how the majority of participants were identified. This supports what Hay (2021) writes, that personal references are a great means to connect with prospective participants. Migrant support workers were the easiest to get in contact with, with most participants being very supportive of the research.

Academic Experts

To recruit academic experts, I performed a search on Dalhousie library's One Search and Google Scholar to identify researchers that had conducted research on migrant workers in the Maritimes and/or that had researched the OWP-V. From there, the email addresses of prospective participants were located through their academic institution's webpages.

Unfortunately, the response rate from academic researchers proved to be lower than that of the migrant support workers. Once again, following each interview I employed snowball sampling technique.

International Consulate Officers

As anticipated, the recruitment of international consulate officers was the most challenging, which explains why only one consulate was interviewed. To recruit international consulate officers, I utilized a webpage maintained by Global Affairs Canada that lists foreign representatives in Canada. From there, all consular officers from sending countries who provide support to migrant workers in the Maritime provinces were contacted.

3.2 Consent

Once prospective participant expressed that they were interested in participating in an interview, I responded to any questions that they had about the research and interview. Once the participant was clear about the objective of the research and their potential role in the research, I then sent a copy of the consent script to review, if they wished to do so (Appendix C). For the participants who requested it, the question guide was also sent at this stage (Appendix D & E). From there, participants were asked about their availability to meet for an interview, and we

endeavoured to schedule the interview. Prior to each interview, key components of the consent form were reviewed and any additional questions that the participant had were addressed. Once consent was obtained, the name, date and time of consent were recorded in the researcher's private journal and the interview commenced.

3.3 Limitations and Ethical Concerns

Initially, when I constructed my research, I intended to interview migrant workers themselves to hear the narratives of those directly impacted by the Open Work Permit for Vulnerable Workers. However, I experienced significant challenges recruiting migrant workers for my honours thesis. Migrant workers are sometimes apprehensive to speak to researchers for several reasons including language barriers, distrust about anonymity, uncertainty where the information they provide may go, and because of their precarious status (Fête et al., 2019). Additionally, I had doubts whether I was equipped to conduct research with such a vulnerable population. After discussing these concerns with my supervisor, we collectively decided that it would be in my best interest to interview organizations that provide direct legal and social support to migrant workers, academic researchers, and consulate officers.

Unfortunately, there are some limitations that come with this decision. This research does not include direct input from migrant workers themselves and does not share their first-hand perspectives. Instead, this research relies on narratives from migrant support workers, key academics, and a consulate officer as opposed to migrant workers themselves. Although I am certain that the experiences of migrant workers would have been extremely beneficial to my research, I did not feel as though I had the resources or experience necessary to recruit and interview migrant workers who have been issued an OWP-V. With this said, the narratives

included in this research should not substitute the lived experiences of those directly impacted by OWP-V policy.

Although the sampling method was effective and efficient, it is vital to address the limitations of the sampling method. First, the sample utilised in this study was not constructed to include a representative sample. A representative sample is “A sample that reflects the population accurately so that it is a microcosm of the population” (Bryman et al., 2012, p.87). Convenience sampling was used. The sample was determined based on virtue of accessibility, on a “first-come first-served” basis (Bryman et al., 2012, p.100). Given the small sample size of this study, there was not enough data to make generalizations about the population as a whole. Furthermore, given that most of the data I gathered pertained to the Maritime region, it is possible that the implementation of the program varies greatly across the nation and further reiterates why the collected data should not represent the nationwide application of the OWP-V.

3.4 Reflexivity of the Researcher

Reflexivity in research refers to “the practice of reflecting on how you as a researcher are impacting the research process” (Thurairajah, 2018, p.10). Reflexivity requires the researcher to consider why they chose to study a particular group of people or phenomenon and how their bias and positionality impact their decision to study a specific topic. Thurairajah (2018) highlights the importance of being conscientious of one’s own particularities and social locations and how they impact the research process.

Given that I was brought up on a farm and spent time working alongside my father, I have witnessed firsthand the daily realities and challenges faced by workers employed in 3D jobs. I recognize the physical demands of such occupations, the long, unpredictable hours, and

the precariousness of their employment. This background has instilled a deep appreciation for the resilience and dedication of migrant workers, especially those employed on farms. My upbringing has provided me with a unique vantage point, allowing me to empathize with some of the struggles they face. It is also what led me to explore this topic.

Despite these experiences, I acknowledge that I am susceptible to bias due to my positionality as a white Canadian woman who has not travelled to the Global South. Throughout interviews, numerous instances were discussed, elucidating the challenging circumstances faced by migrant workers concerning their residency status, their dependence on their employers, and their associated precarity. As a Canadian citizen with permanent status, I recognize that I am unable to relate to many of the experiences of migrant workers. For instance, there were situations and experiences disclosed during the interviews that were very far removed from my own life experiences, potentially impeding my complete understanding of their stories. Furthermore, possessing fluency in both English and French may introduce inherent biases during policy assessments, given that many applicants are not proficient in these languages. This could potentially result in misinterpretations or misunderstandings regarding the linguistic difficulties faced by non-English and non-French speakers in navigating the application process.

Additionally, as a white individual from a largely white community in PEI, my perspective may not fully encompass the experiences of applicants from diverse racial backgrounds.

Consequently, this may hinder my understanding of the specific challenges racialized workers encounter when applying for the Open Work Permit for Vulnerable Workers (OWP-V).

By being conscious of my privileged social location and these intersectional privileges, I tried to temper my susceptibility to viewing the world solely from my Western subjectivity or vantage point. To mitigate these precipitating factors of bias, I went into the interviews and tried

my best to set aside all preconceived notions of the topic at hand. I wanted to capture the subjective thoughts and opinions of the interviewees without influencing the topics of conversation with my own experiences. I ensured that I thoroughly listened to the points brought up by all interviewees without interruption or judgement. In addition, I did not attempt to interpret what the interviewees stated. All interviews were recorded and transcribed exactly as they were heard. Following this explanation of my research methods, the subsequent two chapters will present my research findings.

Chapter 4: Implementation of the OWP-V: The Good, the Bad, and the Ugly

This chapter begins by providing an overview of the implementation of the OWP-V in the Maritime provinces and the integral role stakeholders play in the application process. In the second part of this chapter, I discuss the benefits interviewees identified regarding the policy, followed by its associated drawbacks. Despite the policy's intended advantages, the existing barriers discussed by stakeholders substantially outweighed the benefits. Many key informants believe that the obstacles in place impede the permit's accessibility and effectiveness. Interviewees consistently expressed the need for major policy reforms so that the OWP-V can serve its intended purpose.

4.1 Context and Administration of the OWP-V in the Maritime Provinces

To begin interviews, I was interested in learning how many OWP-V applications migrant support organizations in the Maritime provinces have assisted with. Although some were unsure of exact numbers, the average number of applications that stakeholders assisted with was five.¹⁷ Two participants stated that they assisted with approximately 15 cases, which was the highest number of applications supported. On the lower end, two participants were new to the field and had only assisted with one application to date. In total, the participants of this study assisted with approximately 70 OWP-V applications.¹⁸

¹⁷ This number reflects the number of applications migrant support workers have supported either since the implementation of the policy in 2019 or since they began working at a migrant support organization.

¹⁸ Interviews demonstrated that there is considerable collaboration between MSOs not only in the same province but also across provinces in the Maritimes. With this said, it is possible that two or more of the MSO representatives interviewed assisted with the same application and may have skewed this number.

Notably, two weeks after one of my interviews with a migrant support worker, I received a follow-up email. At the time of our interview, they indicated that they had assisted with six or seven OWP-V applications. They wrote me to let me know that since our interview, the number of cases they assisted with had doubled. Seven new cases that required assistance came through in one week, demonstrating that abusive situations are prevalent in this region. It is also important to note that the number of cases that organizations have supported does not necessarily represent the number of migrant workers that are coming to them in hopes of applying for the OWP-V. As discussed later in this chapter, there are several risks, stressors and barriers that present themselves when applying for an OWP-V. Given this, there are many migrant workers who choose not to go through with the application. This was brought up in nearly every interview. As one interviewee indicated, “There's been a lot of people who have left, there's been people because the work permit can be difficult to get, sometimes there's been times when people just say like, I'm not gonna go through, they just go home” (Migrant support worker, August 8, 2023, personal interview).

In a previous study undertaken in Canada concerning the OWP-V, Depatie-Pelletier et al.'s (2022) research found that approximately 50-60 percent of applicants are approved for the OWP-V. Similarly, IRCC (2024b) published that the approval rate of applications is 58%.¹⁹ These statistics differed greatly from the findings of this study. Through interviews, six migrant support workers indicated that 100 percent of the applications they supported were approved, two participants stated that 80-95 percent of their applications were approved, and two were unsure. It is difficult to pinpoint why these figures differ so greatly, however, it should be noted that

¹⁹ IRCC (2024b) notes that this statistic is skewed partly due to “a lack of information and withdrawn and repeated applications.” Some applicants also wrongly applied for the OWP-V, under the impression that it was the work permit extension form. In other cases, applicants that applied for the OWP-V did not hold a valid employer-specific permit which is a requirement to receive the OWP-V.

many of the stakeholders I spoke with voiced that although they never discourage migrant workers from applying, they are honest and upfront with workers that without significant evidence, it may be hard for them to receive the OWP-V. Similarly, some migrant support workers reported they discuss the pros and cons of applying with the worker and after hearing them, some workers no longer wish to apply.

4.1.1 Forms of Abuse

Stakeholders indicated that they see a plethora of different forms of abuse, many of which are not listed in the Government of Canada's list of four forms of abuse—physical, sexual, financial, and mental— that are covered by the OWP-V. Below is a word cloud that captures the different types of abuse migrant workers report experiencing when seeking an OWP-V as reported through key informant interviews.

Figure 5: Forms of abuse migrant workers report to MSOs in the Maritimes



As the above word cloud illustrates, one recurring reason migrant workers applied for the OWP-V was because they were wrongfully fired. This means they were fired before their contract finished, or their employer fired them without a valid reason. Although some workers who are wrongfully fired can receive an OWP-V, wrongfully firing a worker can have consequences on a migrant worker's ability to receive an OWP-V. For instance, when a migrant worker is wrongfully fired, employers sometimes opt to repatriate them immediately (Alberga, 2023; Ibrahim, 2023). One requirement of the OWP-V is that the worker must be in Canada when they apply, meaning that if the worker has already returned to their home country, they are ineligible to receive an OWP-V. For this reason, during interviews some participants critiqued the requirement that migrant workers must be in Canada to apply for the OWP-V. Furthermore, being wrongfully fired falls into a strange gray area, as it does not directly fall into one of the four categories of abuse listed by the Government of Canada.

Therefore, the migrant worker must provide concrete evidence to demonstrate why they are eligible to receive an OWP-V and even then, they may not have success.

Many of the other examples mentioned during interviews also fall into this gray area, where the workers' motive to apply might not necessarily align with the government's definition of abuse, but nonetheless key informants explained that these migrant workers are equally deserving of the OWP-V (e.g., due to uninhabitable living conditions, breaches of privacy, and poor working conditions.) For example, a key informant indicated that a migrant worker they met had severe asthma and was employed in a workplace where others around them were frequently smoking. Despite this leading to unhealthy and intolerable working conditions for the worker, the worker was ineligible to receive an OWP-V because the worker wasn't experiencing abuse per se.

One interviewee highlighted their concern with the policy, which is that it is a government agent who is solely responsible for determining what is defined as abuse and whether a worker is eligible to leave their workplace. As they explained, "One thing that I find fundamentally problematic is the normalization of the fact that it shouldn't be a government agent who decides if you should have the right to quit or not, you know, an occupation, including, the fact that somebody should decide if you're not in a case of abuse, well, then you should not leave." They further argued that leaving this decision up to government agent strips the worker of their "fundamental liberty and fundamental autonomy" (Migrant support worker, August 8, 2023, personal interview).

This discussion underscores the precarious situation faced by migrant workers in Canada, emphasizing their susceptibility to the authority and decisions of both employers and government officials. In a study on migrant live-in caregivers, Straehle (2013) wrote that migrant worker

programs “restrict and disable” migrant workers’ capacity for autonomy (p.122). Further, she writes that migrant worker often “have to move” to industrialized countries if they wish to attain certain goals and better their lives (Starehle, 2013, p.123). Therefore, their economic well-being often depends on their employment in industrialized countries, which they have very little control over. If they are unhappy with the employment they are handed, they are often out of luck and do not have the ability to switch employers. Decision making remains in the hands of powerful actors such as government officials and employers, reflecting the neoliberal priority of capital growth over worker rights.

4.1.2 The Process: Applying for an OWP-V

During interviews with key informants, I asked participants to walk me through the process following their initial encounter with a migrant worker experiencing abuse. From these conversations, I learned that there are two distinct ways in which migrant support organizations support their clients when applying for an OWP-V. The first form of support that MSOs provided to workers was through redirection. When workers came to them about the abuse they were experiencing, the migrant support worker would first sit them down and listen to their story to help them determine whether they wanted to apply for the OWP-V, a process that many referred to as “intake.”

In some cases, MSOs indicated that workers were not familiar with the OWP-V prior to coming to them, as explained by one interviewee: “The problem is most migrant workers are not aware of this program. They should be made aware of it when they get their [initial] work permit” (Migrant support worker, October 26, 2023, personal interview). In other cases, migrant workers had heard of it, and some had already even attempted the application on their own.

After discussing the incident or incidents of abuse, MSOs that took the redirection approach would then provide the workers with the contact information for another MSO in the region that had more experience with the OWP-V application. Given the complexity of the applications, certain organizations preferred to refer their clients to other organizations with greater expertise in the process, so that the worker had a greater chance of success. Time and availability were also factors taken into consideration when organizations chose to redirect their clients. One migrant support worker described the redirection process as follows:

Okay, so I told them about the option, the open work permit. I told them what is involved, like all the information of what they have to do and whatever, what is the risk like that, like good points, bad points, everything...However, as I mentioned, right now, I'm just doing the intake, which is like, all the intake from the workers. And after I would send it to another association. And they're the ones doing the application with them (Migrant support worker, November 8, 2023, personal interview).

Other representatives expressed hesitancy in terms of overstepping when it came to helping workers with the application and therefore left it up to the worker to contact Service Canada themselves:

I'll sit and have a conversation with them and just find out, you know, so what's happening? What's the history, what's the past? And then I'll explain how this program works. Sometimes they come in, and they're familiar with it already. And they'll say, 'Do you think that I could apply for this or', and I explain, you know, we don't make that

decision, but I'll give you all of the details. So, one thing that has changed, I did not encourage people, I didn't say oh, you really should call [Service Canada], I would say if you chose to call, they might be able to help you. But now I am really encouraging them and telling them you know, if it feels wrong to you, then something wrong is happening. So, you absolutely should call, even if you know, they may say 'okay, this does not apply', but they can make that determination when you call (Migrant support worker, October 26, 2023, personal interview).

Other participants stated they directly assist workers with the application process each step of the way. In addition to assisting workers with the application, some MSOs even mentioned writing letters of support to assist migrant workers with their application. This is a lengthy process that usually requires a great deal of time from both the migrant workers and the migrant support worker.

The process can be summarized as the following: The MSO does intake with the worker to understand the migrant worker's situation. They then set up a time for the worker to come in and they ask them to bring any and all documentation that could be beneficial. In cases where the support worker doesn't speak the language of the migrant worker, they also arrange for a translator to be present.²⁰ MSOs then help the worker login to their IRCC account. From there, the MSO helps draft a letter detailing the migrant worker's perspective of everything they experienced, with as much detail as possible. The support worker then writes a letter discussing the relationship they have with the migrant worker including any information they may know about the employer, region, or industry. Together, they work through the necessary forms, take a

²⁰ Many of the MSO representatives I spoke with were fluent in multiple languages which enhanced their ability to assist with the OWP-V.

picture of the worker to include in the application, scan the worker's passport and gather all possible evidence, including photo evidence, old pay stubs, work contracts, communications, among other relevant items. In some cases, organizations obtain an affidavit from a lawyer to support the application. Then they await the results, which may take days to months.

4.2 Advantages of the Policy

While interviews uncovered many critiques of the OWP-V policy, they also highlighted some benefits, particularly in especially abusive situations. Some of the advantages of the policy that stakeholders identified included that the OWP-V is better than having no policy in place, in some cases it expedites migrant workers' ability to find new employment and it provides temporary increased labour mobility.

4.2.1 A Step in the Right Direction

If workers receive the OWP-V, they have a transitional mechanism to legally stay in Canada while they figure out their next steps. During interviews, key informants highlighted that prior to the establishment of the OWP-V, workers either had to live with the abuse, leave Canada on their own terms or risk staying in Canada without status. Although some were reluctant to say so, participants across all three groups indicated that the policy is a "step in the right direction" and is better than having no policy in place for migrant workers experiencing abuse:

I think it gives people an option. So, before this program existed, your options were live with it, or go home. And those are not great options, if you look at most of the workers

who are coming in from a much more difficult situation in their home country. Right? So having this program in place, it really gives an option to the people who are in unbearable situations and conditions (Migrant support worker, October 26, 2023, personal interview).

I'm happy that a few are able to sometimes get justice and reparation. But even if you know the policy of giving them a one-year permit, it's very rare that any real rights violation issue can be even resolved in one year. And just the fact that the need to find, again, a sponsor and be back in a condition of servitude before the end of the year, it's almost it maintains a worker in a state of anxiety and stress that is, yeah, a level that is also very disturbing (Academic expert, December 19, 2023, personal interview).

Well, as I said, it is, of course, because they take them out of the situation. But it's only a temporary migratory relief, you know, measure, it really does not address the problem. You know, it's not a structural or systemic response to the issue, it's just a relief. It's just a relief, a temporal relief of a given situation. So of course, my answer would be mitigated, I would say yes, but it's just a temporary relief. Yeah, it's a band aid solution (Consulate, December 19, 2023, personal interview).

In his text, Henaway (2023) discusses the devastating case of Melca Salvador. Salvador was a Filipina woman who entered Canada through the Live-in Caregiver program. When Salvador's employer found out she was pregnant, she was fired immediately, stripping Salvador of her ability to apply for permanent residency. She continued to live in Canada undocumented,

fearing deportation. She felt as though staying in Canada was her only way to avoid the extreme poverty that she faced in her home country. To avoid deportation, Salvador went into hiding for several months as she continued to fight to stay in Canada with status. Unfortunately, the stress of fighting to stay in Canada became too much for Salvador and she became exhausted and sick. Later, while still in Canada, Salvador was diagnosed with cancer. She succumbed to her illness in 2009.

In another tragic incident from 2015, CBC News covered the case of a migrant worker in Ontario who suffered severe sexual abuse at their workplace. This worker was coerced into performing sexual acts by their employer under the threat of deportation. Eventually, the victim was awarded \$150,000 by a human rights tribunal (Noakes, 2015). During the time these two cases occurred, the OWP-V was not available to assist these workers in finding new employment in Canada or escaping the abuse and discrimination they faced. The OWP-V is designed as a transitional tool to help migrant workers, like those mentioned in these cases, escape abusive situations. Had the OWP-V been available at the time, their situations might have turned out very differently, and the outcomes they faced may not have been as severe.

4.2.2 Expedited Ability to Find New Employment

The OWP-V is a unique policy that exempts migrant workers from the often-lengthy process of applying for a new Labour Market Impact Assessment when beginning employment with a new employer. In *some* cases, the OWP-V allows migrant workers to find new employment faster. Some interviewees viewed this as one of the advantages of the policy:

Oftentimes, people are going to places that hire other temporary foreign workers. Because usually... they have to apply for, like, an LMIA. But because someone has an open work permit, they can just go in and work. Right? So, they don't need to apply for that LMIA (Migrant support worker, August 8, 2023, personal interview).

Well, you know, the processing time is fast because it's priority and it allows the client to leave the abusive situation and, you know, investigate if it's either the employer or the immigration consultant, you know, to have some penalty so that they will not do it again (Migrant support worker, November 15, 2023, personal interview).²¹

When the Government of Canada established the Open Work Permit for Vulnerable Workers in June of 2019, they recognized that applying for a new LMIA and finding a new employer requires a considerable amount of time (See Figure 6) (IRCC, 2022). OWP-Vs are designed to provide migrant workers with 12-month grace period, allowing them to remain employed while they search for a new LMIA and go through the process of finding a new employer. IRCC's website says that when officers are determining the validity period of the permit, they must consider the time needed for the worker to find a new employer, as well as the processing time of the Labour Market Impact Assessment and a new work permit (IRCC, 2022). According to the Government's webpage (2024f), the average LMIA processing times as of April 2024 are outlined in Figure 6. Recall however, that Government processing times can sometimes be significantly longer than advertised.

²¹ Although this quote sounds promising that there is some form of repercussion for employers who are responsible for the abuse of a migrant worker, the results of this study find that this is often not the case. This will be discussed further on in this thesis.

Figure 6: Average processing times for LMIA as of May 2024

Stream	Time in business days
Agricultural Stream	17
Seasonal Agricultural Worker Program	8
High-wage stream	43
Low-wage stream	50

Source: ESDC (2024c).

4.2.3 Temporary Increased Labour Mobility

When a migrant worker is successful in obtaining an OWP-V, they are provided with temporary increased labour mobility which can be beneficial. OWP-Vs are issued on a maximum 12-month basis; however, some participants stated that they have seen some applicants only receive a six-month OWP-V. When asked why, participants said they weren't sure what determined the length of the permit, and that applicants are not provided with any feedback once the results of their application are released. They are only told if they've been approved or denied. A few of the stakeholders highlighted that the OWP-V gives workers the freedom to choose the sector and region they wish to work in, as long as they are able to find employment: "So, if you're not happy in the province that you are in, well, you can move to another one and kind of, like, have a fresh start" (Migrant support worker, November 8, 2023, personal interview). Although it is in some sense a "fresh start," one must not forget it is a temporary measure, and the thought of returning to a closed-work permit after it has expired may weigh on the migrant worker.

Regarding labour mobility, one migrant support worker shared that instead of having to leave immediately after experiencing abuse, the OWP-V allows workers the right to stay in Canada longer to gather some savings, in particular savings to afford a flight, to send remittances back home, and to pay off recruitment fees they may owe. They indicated that many migrant workers that come to Canada have the education to work in high-skill jobs, however they are employed on a closed work permit in a low-skill/ low-wage job. The phenomenon to which the participant is referring is known as "deskilling" (Siar, 2013). Deskilling is a process whereby immigrants and migrants in high-income countries, such as Canada, experience occupational downward mobility. Although they may be skilled professionals in their home countries, they are relegated to lower status and lower paying jobs when they enter high-income countries. As discussed by this participant, the OWP-V sometimes helps low-wage migrant workers find employment in sectors where their skills lie and potentially even apply for Permanent Residency in the future, allowing Canada to “keep that talent” (Migrant support worker, November 7, 2023, personal interview).

Overall, stakeholders identified three notable strengths that enhance the policy’s value. First, it provides a safety net for employees experiencing abuse and exploitation that did not exist previously. Second, it expedites migrant worker’s ability to find new employment, enabling them to avoid delays commonly associated with changing employers. Finally, it temporarily increases workers’ labor mobility, granting them the flexibility to change jobs and/or sectors. When implemented as described on IRCC’s webpage, it enhances migrant workers’ ability to secure safe and suitable employment.

4.3 Downfalls and Barriers Associated with the OWP-V

Discussions surrounding the downfalls and barriers associated with the OWP-V dominated interviews. Key informants were largely dissatisfied with the implementation of the OWP-V for a variety of reasons. It is noteworthy that there were several other unique barriers that were briefly highlighted during interviews, however, in this section I highlight the most reported critiques.²²

4.3.1 Requires Assistance

One of the most prominent complaints made by stakeholders was how difficult the OWP-V website is to manoeuvre. Key informants stated that the website is not user friendly. They explained it requires extensive assistance, and it is next to impossible for migrant workers to navigate on their own. In fact, multiple interviewees indicated that while some workers had initially applied for the permit on their own and were rejected. However, after receiving help from a migrant support worker, their applications were approved. In most cases, stakeholders believed that the worker did not get approved the first time around due to misunderstandings regarding sufficient or proper evidence:

We did support one worker. She was the worker who testified before the Senate committee. We supported her in doing that. And she initially had failed her application for an Open Work Permit for Vulnerable Workers. And she didn't know what kind of

²² Other barriers discussed during the interviews which I do not elaborate on in this chapter include applicants having to relive their trauma when completing applications, the requirement for workers to have a valid work permit to be eligible to apply (and the inability to apply once the permit has expired), and lack of feedback provided to applicants who are not approved. Although these barriers are still worth mentioning, they were referenced fewer times and with less detail during the interviews, which is why I chose not to discuss them further in this chapter.

evidence she was expected to give. I also think that probably stops a lot of workers too when they look at the application, if they can't find an advocate to help them through it, then yeah, it's very difficult (Academic expert, January 11, 2024, personal interview).

Another reason why migrant workers may require assistance is due to language barriers when attempting to apply. Many migrant workers in Canada are not proficient in English or French. In my previous undergraduate honours research, I interviewed eight migrant farmworkers in Prince Edward Island. Of them, only one was able to speak English and he served as the translator for many of my participants (Weeks, 2022). According to stakeholders, OWP-V applications must be submitted in one of the two official languages, English or French. Without the assistance of migrant support services, many migrant workers cannot find the application, let alone complete the application in their non-native language.

4.3.2 Time Spent on Application

On IRCC's webpage, the information required to apply for an OWP-V appears to be quite straight forward.²³ However, multiple participants pointed out that if a worker wants to be approved for an OWP-V, it requires a lot more time, effort, documents, and evidence than may be perceived.²⁴ For those willing to fully commit to the application, some stated that it requires a minimum of a day and half of consistent concentration and dedication. Others indicated that some applications require legal assistance and evidence such as an affidavit, which take much

²³ With this statement, I acknowledge my positionality as a Canadian citizen fluent in both English and French, and possessing sufficient technology skills, and how this may lead to researcher bias. It is evident that the OWP-V website was not designed with its intended end users in mind. It is likely not as straightforward for individuals who do not speak English or French and who do not have strong computer skills.

longer to prepare. It can sometimes take weeks to gather all documentation and correspond with legal aid before applications can be submitted. One representative stated that they hired a highly educated Canadian professional to work for their organization, and even with their English proficiency, “It took them, like, five, six hours just to understand the process. It's really complicated” (Migrant support worker, October 16, 2023, personal interview). One participant indicated that applications are “50-60 pages not including some other additional things” (Migrant support worker, August 8, 2023, personal interview) and another indicated that they are around “100 to 150 pages all together” (Academic expert, September 26, 2023, personal interview).

Once submitted, response times for applications varied greatly, from a couple of days to a couple of months. In some cases, workers did hear back within the advertised wait time of five days, whereas others waited three months for their results.²⁵ When asked why some applications take significantly longer than others, participants were unable to provide an answer because as mentioned, workers do not receive any feedback on their application. One participant stated that during the waiting period, “you have no one to contact, right. It's just there's nobody we can go to about this. So, we have to just wait” (Migrant support worker, August 8, 2023, personal interview). Some speculated that it may have to do with the stream that the workers came through. Others believed it could depend on the individual responsible for assessing the case and some thought it could also be tied to the severity of the abuse occurring.

The findings of excessive wait times corroborates the findings of Depatie-Pelletier et al.’s (2022). In their research, Depatie-Pelletier and colleagues stated that almost every participant cited delayed wait times associated with the OWP-V as a “serious issue” (p. 13). Similarly, participants of their study indicated that they assisted with some applications that took three or

²⁵ These varied wait times did not depend on the organization. The same organizations that waited five days waited three months in some cases.

four months to process. As a result of these prolonged wait-times, migrant workers may experience signs of psychological distress, anxiety and hopelessness as they wait, either unemployed or in an on-going abusive situation, for the results of their OWP-V application (Depatie-Pelletier, 2022).

4.3.3 Technological Issues

Another significant issue that stakeholders identified regarding the policy didn't have to do with the policy's efficacy but rather with the various technological issues that they experience when assisting migrant workers with the application. The technological issues begin even before representatives can access the application. Workers at various MSOs stated that just getting to the page where the application is, is difficult. Even after having gone through the application many times with clients, they still have difficulty accessing the application online. To arrive at the application, applicants must first go through a lengthy questionnaire. Answering just one question "wrong" in the questionnaire, will prevent workers from seeing "apply for Open Work Permit for Vulnerable Workers" as an option. One migrant support worker discussed these frustrations as follows:

Yeah, I mean, I'm sure like messing around would eventually get you there. But it's really difficult. You got to know, you got to know some of that stuff. Just to even get there. I mean there's a questionnaire you have to answer correctly in order to get to that page. And even sometimes, when I'll fill them out, I'll not get there. I was like, oh, geez, I'll go back. And I'll have to recheck a couple answers. And then boom, we see it: 'Do you want to apply for an open work permit?' And you know, too, because as you're going

through the questionnaire, when you get to like the 12th or 13th question or something, it'll say like, 'Are you a worker experiencing abuse?' And then you say 'yes', and then boom, it'll come out (Migrant support worker, August 8, 2023, personal interview).

Stakeholders complained that the application is far too complex for workers to access via their cell phones. With this said, to fill out the application in its entirety, a worker must possess a laptop or computer. This is a resource that very few migrant workers have access to and those that do, the computers are often found in very public spaces, spaces where migrant workers likely do not feel comfortable filling out an application detailing the abuse they experience.

I know that it's a difficult application if you just have a phone. And like, I know that some of our caseworkers have talked about trying to get access to laptops, and that for the workers to fill it out and having like, there are no real safe spaces in some of these small communities where you could say, just go to the library (Academic expert, January 11, 2024, personal interview).

The technological issues associated with the application do not stop there. Although there are individual spaces to upload necessary documents such as immigration forms, passport scans, photo of the applicant and the immigration forms, all the evidence must be compiled and uploaded in a single document. Given that those assisting with the application want to provide as much evidence as possible, the bundles often have many parts and are quite large. Just when workers think they are done with the application, they often find that their evidence bundle is too many megabytes to upload. The maximum upload size for evidence is just four megabytes and

applicants' packages are sometimes 14-15 megabytes. To compile and submit the evidence, a stakeholder indicated "unless you have Adobe, like the paid version of Adobe, you're not going to be able to make this doc or else you're just going to be able to upload one Word document, like a letter" (Migrant support worker, August 8, 2023, personal interview). Applicants and those assisting with the application must go back through the evidence and create smaller renders of everything, which not only comes at a cost to the applicant if they do not have Adobe, but it also takes a great deal of time. One stakeholder referred to this as "the most annoying part" and represents a significant barrier to access.

4.3.4 Privacy Issues

As detailed on IRCC's webpage, the OWP-V process should be confidential, but stakeholders reported numerous breaches of privacy. IRCC's (2022) webpage reads "After you get your open work permit, we may contact your employer to perform an inspection. We won't contact them for any other reason." Throughout interviews, there was several instances of concerning government intervention. I have chosen to include this long quote as it stood out to me as the most troublesome thing heard during my conversations:

Ah, well, I heard another story that I can share with you that is quite similar. And it was very concerning to me. And as a result of this I no longer...because when they want to make a complaint, you can do it by phone, you can do it in person at a Service Canada office, or you can do it like a written. I used to tell people go to a Service Canada, but since this -what I'm going to tell you - happened, I always say don't go in person. Do it by phone. Yeah, small community. Same thing. This is a fish plant worker, not a farmworker

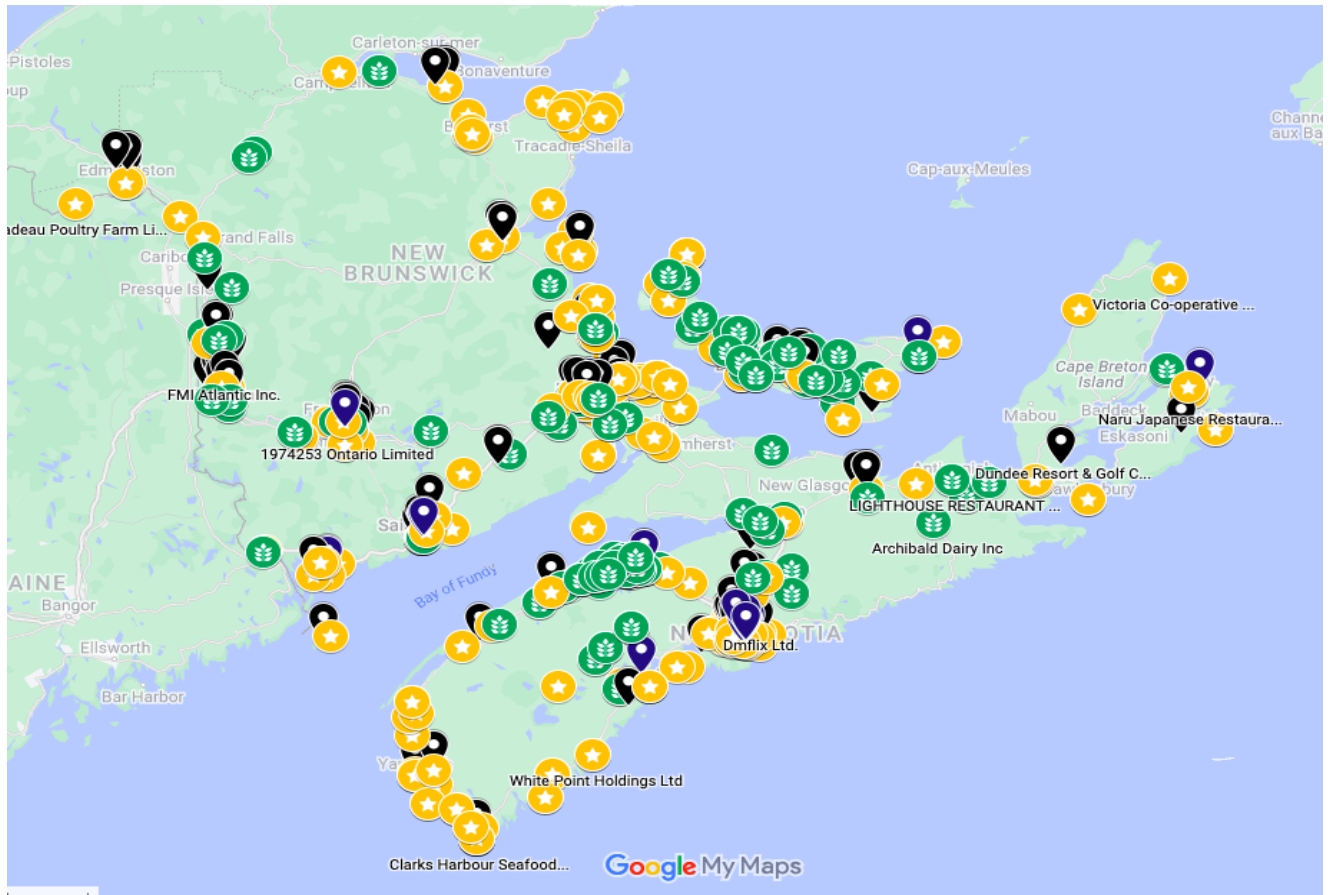
who went to the Service Canada office to make the complaint. The same day, the employer was made aware, and the employer was told who made the complaint. The worker was fired and sent back to their home country within 48 hours. Isn't that disgusting? And I did have this conversation with my boss, like, I don't feel comfortable sending clients to access this if there's any chance that there's going to be retaliation, right. So, we decided, okay, we're going to just really encourage the phone option.... I think that the Service Canada person, we're all human, right, so, the person at Service Canada, who took the complaint had some vested interest in that company, either they owned part of it, or their brother owns it, or, you know, somebody close to them. It mattered to them that somebody find out, 'hey, this is going on.' Right? So, and especially in the smaller, more rural communities. And that is where you're going to find the most migrant farmer workers and the fish plant workers. They are smaller communities, they tend to be more tight knit. So, they do need to do something about making sure that the complaints do remain anonymous (Migrant support worker, October 26, 2023, personal interview).

Deportation after filing a complaint or speaking up to one's employer is not an uncommon practice of employers and is occurring across Canada, not just in the Maritime region. In 2020, a migrant worker employed at a farm in Ontario was fired and faced deportation after he voiced fears regarding COVID-19. At the time, 199 of the 218 workers employed at the farm had tested positive for the virus. Minister Mendicino declined to comment on the matter but stated that if the worker was being mistreated, they could have applied for the OWP-V. However, in the article, Sharaf Sultan, principal at Sultan Lawyer, added that given migrant

workers' vulnerability, regardless of the legal framework, they may not be protected and often do not know much about their legal protections (Colabrese, I., & Crysler, J., 2020).

Similar discussion from another interview indicated that after a migrant worker contacted Employment and Social Development Canada (ESDC), ESDC contacted the employer about a complaint and notified them of an inspection in two or three days, allowing time to prepare. Although this may not be an issue in larger businesses employing hundreds of migrant workers, many of the migrant workers that are employed in the Maritimes work for small family-owned businesses where few migrant workers are employed, making it relatively easy for an employer to pinpoint who filed the complaint. In their study conducted in Nova Scotia, Fitting et al. (2022, p. 973) state that farmers in the region have an “increased reliance on migrant farmworkers via the Seasonal Agricultural Worker Program and the Temporary Foreign Worker Program.” Moreover, these authors found “that a growing reliance on migrant farmworkers was not just the case for larger, industrial farms, but also for smaller farms participating in local and alternative food initiatives” (Fitting et al., 2022, p.973). Figure 8 demonstrates that migrant workers are employed tip to tip in all the Maritime provinces, with many working in rural, remote regions.

Figure 7: Map of where migrant workers work in the Maritimes July 2021-June 2022



Source: Patzelt & LaBossiere (2023)

Legend:

-  Low Wage
-  Primary Agriculture
-  High Wage
-  Global Talent Stream

One participant highlighted that exposing that a worker lodged a complaint in a small workplace can have great consequences on the migrant worker’s employment in Canada:

Well, at this workplace, there's only four workers, the employer only had an issue with one worker. [So, they know exactly who it was.] Exactly. So, their open work permit was denied. And this person had to leave because they're in danger. They're scared. They're nervous, they believe. Yeah. And it's like, well, now what do we do? They're in very difficult position. So, you know, stuff like that happens. And it's frustrating (Migrant support worker, August 8, 2023, personal interview).

Similarly, in small rural communities, employers tend to be quite tight knit and have knowledge of the movement of migrant workers, particularly if they received an OWP-V. Stakeholders argued that this makes migrant workers more vulnerable as there is a stigma around migrant workers who obtained an OWP-V as being a “bad employee” or a “whistleblower.” Furthermore, OWP-Vs are differentiated from other general open work permits as they directly state on them “Open Work Permit for Vulnerable Worker” which some employers view as a “red flag.” As a consulate explained:

And one other issue is that these open permits tend to be stigmatized amongst other employers, that means that in small regions, where the employer community knows each other very well, once they have a worker that has been benefited by an open work permit they could be stigmatized as a bad worker, quote on quote, so and so, it could be, maybe challenging for him or for her for this worker to get another job (Consulate, December 19, 2023, personal interview).

Speaking of the experiences of migrant workers after receiving the OWP-V, one stakeholder stated the following.

So, but some yeah, sometimes they stay on the island, just because it's familiar. They know that they have some contacts, potentially. Others have kind of really been, like, I need to get out. Because there's also often a fear that folks are talking to each other. And I have definitely seen that, like, either farms are talking to each other or fish plants are talking to each other where they say, 'Oh, yeah, this person worked for me. Like don't hire them or something (Academic expert, September 26, 2023, personal interview).

Despite being described as a confidential measure, stakeholder's reports of breaches of privacy and employer's awareness of workers with OWP-Vs demonstrate that the OWP-V is not always a safe option for workers attempting to escape abuse and exploitation. This underscores the systemic challenges faced by migrant workers in accessing protections under the existing policy framework.

4.3.5 Minimal Penalty Against Employers

Yet another concerning topic that was commonly brought up during interviews was that there is often very minimal, and sometimes no penalty against employers when a migrant worker obtains the OWP-V. Furthermore, there are no corrective measures put in place to ensure that the incident doesn't repeat itself. In some cases, stakeholders indicated that employers are required to pay a \$1000 fine. Participants indicated that a \$1000 fee does not suffice for the abuse migrant workers endure, "Yeah, \$1,000 fine because you abused John for six months, but you're still allowed to bring in 60 workers that will not be effective" (Migrant support worker, October 16, 2023, personal interview). Given that many of the companies hiring migrant workers are multi-million-dollar companies, the consulate official I spoke with stated that \$1000 likely will not be

enough to change the ways of some employers, “When you're talking about big, multimillion dollar companies. If you know, if you have just small, low fines, this won't change anything” (Consulate, December 19, 2023, personal interview). Additionally, in the majority of cases, employers are still able to hire migrant workers despite there being evidence of abuse in the workplace. When a migrant worker leaves on an OWP-V, the employer simply replaces the worker with someone ready and willing to take their place.

A recent documentary by The Fifth Estate investigated Canada Nectar Products apple orchard in Prince Edward Island. It revealed that numerous migrant workers were deceived into paying \$20,000-\$30,000 to recruitment agencies in Canada, believing they would obtain permanent residency after working at the orchard for six months. When they arrived at the orchard, there was no work for them (D’Souza, 2024). Given their documented abuse allegations, 31 migrant workers successfully obtained OWP-V. Many of the workers who obtained the OWP-V received assistance from The Cooper Institute, a migrant support organization that supports migrant workers in PEI. Not only did The Cooper Institute assist with the application process, but they also put up 15 workers in a motel in Charlottetown as workers reported extremely poor living conditions where they were forced to sleep on plywood bunks (D’Souza, 2024). Despite complaints of the company’s practices dating back to 2018, according to online government sources, until 2021 the orchard was authorized to hire 217 migrant workers. Moreover, the company has yet to face federal sanctions, such as monetary penalties (D’Souza et al., 2024). In a comment on the situation, the owner of the orchard responsible for deceiving the migrant workers argued that it is not his fault this happened, but instead it is the government’s “lax” immigration regulations (D’Souza, 2024).

Depatie-Pelletier and colleagues (2022) found that there is currently no established protocol to expedite the issuing of an OWP-V permit for a migrant worker employed by a non-compliant employer, as evidenced by a successful applicant's experience. Instead, workers wishing to receive an OWP-V permit must independently navigate the entire application process. Consistent with this research, Amanda Aziz, staff lawyer at the Migrant Workers Centre in British Columbia, states that investigations might be happening, “but we [Migrant Workers Centre] have not seen a lot of consequences” (Di Cintio, 2024).²⁶

²⁶ Further discussion of consequences and penalties issued to employers can be found in section 5.4.

Chapter 5: Reforms to Enhance the OWP-V Program

During interviews, I asked key informants what changes they would like to see to the OWP-V policy. In the following section, I discuss the most prominent suggestions brought up during interviews. Some of these suggestions included increased language options, easier application accessibility, more regulation and surveillance, greater consequences to those guilty of abuse, faster processing of applications, and, finally, systemic changes to the TFWP.

5.1 Increased Language Options

The OWP-V has several technological and functional issues that unnecessarily complicate its usage. A recurring request made by stakeholders pertains to expanding the language options of the application. Presently, the OWP-V requires applicants to submit the application in either English or French, languages that many migrant workers are not proficient in. This limitation excludes a significant portion of potential applicants from effectively engaging with the process. If the application is made available in additional languages, applicants could potentially navigate the process independently, thereby alleviating the time spent on applications of often overstretched MSO representatives. As explained by an academic expert:

Only a few people can end up benefiting from because they have the ability to connect with someone or have the English language ability, or French, have a high enough education, or computer literacy or to understand like, you know, how to fill out the form or what they're asking that type of thing. So, you know, it's still very discriminatory.

Which I think is part of the reason why we don't see larger numbers kind of thing (Academic expert, September 26, 2023, personal interview).

Clearly, adding all the languages spoken by migrant workers in Canada would take a considerable amount of time. With this said, it would be advantageous for government officials to determine the most spoken languages of migrant workers and proceed accordingly. A study conducted by the Canadian Council for Refugees (2016) found that 64 percent of front-line workers supporting migrant workers declared “language barrier” as the most significant challenge migrant workers have navigating their communities, which they argue directly contributes to service provision gaps. Language barriers inhibit migrant workers in several areas of their lives, inevitably contributing to their precarious status. According to Goncalves (2020, p.2), some of these areas include “not understanding their work contracts, how to access benefits, how to collect their Canada Pension Plan after their work terms are complete, access to social services, communication barriers, isolation, and feeling like a citizen of nowhere.” Accessing the OWP-V should also be added to this list, as some participants went as far as saying that the language barrier makes the application impossible for some hopeful applicants:

There's just no way like, there's a lot of people like, the easiest one is the language barrier. There's just no possible way. There's, you know, if you don't speak English or French fluently, you're not going to be able to do this (Migrant support worker, August 8, 2023, personal interview).

The OWP-V is a government-established policy that, despite its presumed good intentions, impedes migrant workers from asserting their rights. Interviewees highlighted that

migrant workers frequently lack awareness of their rights, primarily due to the absence of documents outlining their rights in a language they understand. Fortunately, some organizations across the Maritimes indicated that they have begun giving presentations in languages commonly spoken by migrant workers, to assist migrant workers with understanding their rights. One of the topics covered during these presentations is the OWP-V. However, this should not be the responsibility of migrant support organizations. Legally, employers are obligated to “make sure the temporary workers get the most recent information about their rights (1) on or before their first day of work (2) in their chosen official language of Canada” (IRCC, 2024c). However, key informants explained that employers often fail to do so. Moreover, educating migrant workers about the OWP-V policy will not help them if the government doesn’t add additional languages to allow migrant workers to navigate the webpage and application independently. Migrant workers should have access to documents and their rights, including access to the OWP-V in their native languages. Figure 7 includes some resources posted by migrant support organizations in languages commonly spoken by migrant workers. This is something the government should take note of to ensure they are doing everything they can to protect migrant workers in Canada.

Figure 8: Resources available in migrant worker’s native languages from MSO websites

The consulate officer I interviewed suggested that there should be greater collaboration with the migrant sending countries so that migrant workers know their rights before entering Canada.

They stated that while in Canada, migrant workers often work long shifts, so attending education sessions led by MSOs don't always fit into their priorities and schedules. As they explained:

One of our main objectives or our direction is to have implemented educational programs, both for workers on labour rights, and that's what we're doing here in Canada with NGOs. But we also have to do it in [name of sending country consulate supports], through our national service of employment within the Ministry of Labour, to empower them to give them more information about their labour rights. And once they're here in Canada, they usually don't have the time or the will to, you know, attend to any educational program, because what they want to do is basically work or rest or do something else. Right. So, which is understandable. So, what we have to do is stress on the fact of having educational programs for workers, but in [name of sending country consulate supports], with [name of sending country consulate supports] NGOs, or Canadian NGOs, or any type of NGOs that are based in [name of sending country consulate supports], and through our national service employment of our Ministry of Labor (Consulate, December 19, 2023, personal interview).

If presentations occur in the worker's home country, prior to their departure, this might reduce the need for an excess of translators in Canada and would hopefully minimize one factor contributing to migrant workers' precarity.

5.2 Enhanced Application Accessibility

A recurring suggestion mentioned during interviews was the need for the application to be more accessible. For this to happen, key informants would like to see the application available on mobile devices and be easier to navigate online. Many migrant workers come to Canada without a computer – for most their mobile device is their only means of accessing the internet. Given that the application is incompatible with mobile devices, this creates a significant barrier for potential applicants and is something the government must strongly consider modifying.

I think the application needs to be way more accessible to workers to be able to fill out the application on their phone without special software or, like, acknowledging the fact that many of them are in remote communities where even access to the internet might not always be the greatest (Academic expert, January 11, 2024, personal interview).

Some key informants discussed developing a user-friendly app to help migrant workers locate and submit applications easily. As stated, OWP-V applications require significant documentation and evidence. Workers must scan documents and upload photos (e.g. screen grabs, headshots) to include in their application. This increases the time spent on application preparation and necessitates strong technological proficiency. Today's smartphones allow users to take pictures and scan documents directly from their devices. With this said, an app would allow migrant workers to seamlessly complete the entirety of the application from their mobile device, eliminating the need to possess a computer. Furthermore, on this app, it would be beneficial if applicants could view the status of their application and, if approved, a mobile

version of their OWP-V so that workers do not have to wait additional time for their application to arrive by mail.

If a migrant worker meets the criteria to apply for an OWP-V, there is no reason the application should be difficult to access online. Several participants stated that migrant workers should have the ability to access the OWP-V application directly by searching for it, bypassing the need to navigate through the complex questionnaire. Interviewees explained that migrant workers are frequently intimidated by the process of locating the application and the lengthy questionnaire prior to arriving at the application. If a migrant worker is in a vulnerable, abusive situation, they do not need any additional stress. When the application is made more accessible, and easier to locate maybe then it will begin to help more migrant workers.

5.3 Stronger Regulation of TFWP and Surveillance of Workplaces

Another commonly discussed suggestion was stronger regulations of the TFWP and surveillance of migrant hiring workplaces to avoid the need for the OWP-V in the first place. As stated, the government does not keep track of the number of migrant workers entering Canada through the TFWP, but rather they estimate numbers based off approved work permits (Government of Canada, 2023). The program is loosely structured and requires closer monitoring, as issues of abuse across the nation are far too prominent. Particularly in cases where workers demonstrate abusive working conditions through their OWP-V application, experts argued that businesses must be kept under stricter surveillance.

I think more regulation, more regulation on the program. There's no doubt that our farms, the agriculture sector, fishing, seafood processing, those are all areas where we

need these migrant workers. We just need to make sure that the programs are set up in a way that the workers are being treated well, and if they don't feel that they are that they have someone to go, someone safe to go to (Migrant support worker, October 26, 2023, personal interview).

So there needs to be oversight by the government and this is not just for migrant workers. This is, like, the government needs to make all employers comply with safety standards, with employment standards, etc., right? (Migrant support worker, November 7, 2023, personal interview).

On the topic of more regulation and surveillance, one of the recommendations that key informants suggested was more random, unannounced inspections to ensure employers are following guidelines and regulations.

Yes, any employer who is accessing the Temporary Foreign Worker Program, so the one that brings in these migrant workers, there should be more people that are doing spot checks that are dropping in (Migrant support worker, October 26, 2023, personal interview).

They have to put more people on the ground, you know, inspection, employment inspections are a provincial law (Migrant support worker, November 15, 2023, personal interview).

In July 2020, during the onset of the COVID- 19 pandemic, the federal government earmarked \$16.2 million in additional funding to enhance ESDC’s agricultural inspections of the SAWP stream. However, the Auditor General found that despite the large monetary contribution, there were little improvements to working conditions (Tasker, 2021). The report further demonstrated two key findings: 88 percent of all inspections showed deficiencies, and the vast majority of these inspections were not performed in a timely manner (Tasker, 2021). This finding aligns with Bejan et al.’s (2023, p.9) finding that rules do exist, but government officials do not “adequately implement these rules to create a safe, dignified, and regulation-compliant work environment for migrant workers.” Seeing funds put towards protecting the well-being of migrant workers is commendable; however, without proper subsequent actions, little will change.

Unfortunately, when inspections do take place key informants explained that migrant workers are often fearful of federal inspectors and rarely speak to them. Given that there have been cases of migrant workers fired after speaking up about abusive and/or unsafe working conditions, this does not come as a surprise (Colabrese, I., & Crysler, J., 2020). Several stakeholders also indicated that government officials frequently attempt to contact migrant workers while they are at their workplace to discuss complaints they have filed (e.g. to ask further questions about their OWP-V abuse claim). Evidently, this comes with great risks of identification and could affect the results of an applicant’s OWP-V if they cannot honestly respond to the additional questions given lack of privacy.

During interviews, stakeholders indicated that a separate tip line does exist for migrant workers to file complaints; however, many migrant workers are unaware of this option and are fearful of reaching out. In a report published by The Canadian Senate on May 2024, the report reads that the tip line receives approximately 5,000 calls annually. Despite this, only 570

inspections were performed (Standing Senate Committee on Social Affairs, Science and Technology, 2024). Henaway (2023) writes that workers often remain silent about mistreatment and labour rights violations because they must send whatever little they can to their dependent family members. Another important feature that could be included in an app would be a portal where migrant workers could electronically and anonymously file complaints, ensuring the protection of their privacy and preventing any potential breaches. One migrant support worker summed up the need for more surveillance perfectly, “It’s clear that there’s less abuse where more state regulation happens” (Academic expert, September 26, 2023, personal interview).

5.4 Greater Repercussions for Those Found Guilty of Abuse

According to migrant support organizations and academic experts, many migrant workers have lost trust in the OWP-V policy as there are rarely consequences for employers found guilty of abuse. Interviewees would like stronger penalties issued to employers not abiding by TFWP policies and not providing safe working conditions. Some participants expressed that there needs to be sanctions in place to “scare employers.” Some interviewees stated they would like to see abusive employer’s businesses shut down until they can demonstrate better working conditions. They argued that if an employer’s business is at stake, they would be less likely to mistreat their employees.

Given that migrant workers are tied to a single employer, if a workplace closes for an extended period, this may increase their vulnerability. If migrant workers speak up about unfavourable working or living conditions and authorities temporarily close their workplace, this action could significantly impact their livelihoods. On the other hand, if they choose not to speak up, they must continue to endure abuse or exploitation. Finding a solution isn't simple,

highlighting the immense precariousness experienced by migrant workers. Henaway (2023) writes that immigration regimes are designed to ensure that migrant workers remain "vulnerable, docile, deportable and disposable" (p.6), and in this case, the migration regimes in place ensure that migrant workers remain precarious.

Many interviewees would like to see greater fines given to employers than the frequently issued amount of \$1000. While participants did not offer a concrete amount, the media has highlighted instances where businesses faced fines exceeding \$1000. For instance, LeBreton Fisheries in New Brunswick was fined \$30,000 and barred from hiring foreign works until the fine was paid. Stakeholders would like to see these sorts of sanctions delivered more frequently. In another case, Bolero Shellfish Processing Inc in Saint-Simon, New Brunswick was issued a \$75,000 fine for psychological abuse after a disagreement broke out between two temporary foreign workers and their employer. However, despite the original fine, the amount was lowered to just \$2000 (Gunn Reid, 2020). There was no explanation provided as to why this fine was substantially reduced.

Businesses found non-compliant of TFW policies are supposed to be published on the Government of Canada's webpage (IRCC, 2024a). Among the listed businesses, two employers have received fines in Prince Edward Island, 20 in Nova Scotia, and 10 in New Brunswick (IRCC, 2024a). Unfortunately, this does not necessarily mean that all businesses where a migrant worker has been issued an OWP-V are added to this list. As explained earlier, Canadian Nectar Products located in PEI has been found guilty of several violations and as a result, 31 workers on this orchard have received OWP-V permits "on the basis of their documented abuse allegations." Yet, the business has not been added to the non-compliant list of employers (D'Souza et al., 2024). In another documented case in PEI, a former employee at North Lake Fisheries, Lude

Meng, was approved for an OWP-V after proving she was sexually harassed and assaulted by her manager. Similarly, North Lake Fisheries was never penalized for failing to provide a safe work environment, nor was their business published as a non-compliant employer. Meng fears that her former co-workers could be experiencing the same thing but may be too fearful to speak up or discouraged, given that their employers likely won't be punished (Nguyen, 2024).

5.5 Quicker, Consistent Processing Time

Key informants would like to see improvements in the time spent processing applications. Some applications are processed in a few days whereas others take months. Stakeholders expressed several concerns regarding the processing period, including workers continuing to work for their abusive employers, migrant workers housed by their employers with nowhere else to stay, and the requirement that workers must remain in Canada while they await the results of their open work permits. When asked about the impact of this waiting period on migrant workers, here is what one migrant support service worker had to say:

There was a time where we actually... we did have some money from a previous project. And we got a motel for workers, but it was about a week they were in a motel. So, it's a huge cost to us. Some workers stay working, if they can, when they don't, like, that becomes much more challenging. Another dynamic that happens is, let's say an employee gets fired and the employer, you know, is on the hook for their flight home. They'll give them their flight home that day, right? But if the worker wants to stay to apply for something like this, then it makes it difficult because, you know, they ask me and I explain to them, you can leave with your employers, like, your employer has the flight

back, you can leave. If you don't take that flight, the employer then has filled their part of the contract, they got you the flight, you know, and you're gonna have to pay for your flight home. Right? If you don't get approved for this open work permit, you're on the hook, right? And it's difficult because then, you know, people want to apply. So like, it's just like, all of a sudden, they have no income. They have no place to stay. They're living with the employers usually. So, like, they have to, we have to find somewhere to be. And they also, like, they have to keep buying food and stuff. Right. So yeah, it's dangerous. And then, let's say they put a lot of their eggs in the basket, because they don't get approved for this (Migrant support worker, August 8, 2023, personal interview).

In another case, a migrant worker that came to another organization for assistance with the application indicated that their church provided them with accommodations until they received the results of their application.

So, the issue is, if we take the average of one month, they've got no income, these workers are all on closed work permits, so they're not allowed to work elsewhere until they actually get the new work permit. Our churches have helped a lot. So, they'll, you know, rely on food banks. The most difficult case, the one where the person who took three months to get theirs, they were actually living in the church rectory for two months of that waiting, so they had a good relationship. And the church was able to help them give them a temporary place to stay (Migrant support worker, October 30, 2023, personal interview).

Unfortunately, not all migrant workers are as lucky as these individuals and have nowhere to go during this waiting period, therefore increasing their vulnerability. There is a pressing need for faster processing times and the implementation of transitional measures to support migrant workers during the waiting period. IRCC (2023f) reports they are working on gradually improving the processing times for OWP-V applications. They acknowledge that the surge in application volumes has caused delays beyond the initially estimated five days. Their data indicates that the average waiting period has reduced to 35 days, an improvement from the previous average of 40 days (IRCC, 2023f). The sooner applications are processed, the sooner workers can move forward from this situation and pursue a new, ideally brighter, future.

5.6 Major Changes to TFWP: Elimination of Closed Work Permits

In a recent article criticizing the OWP-V, Di Cintio (2024) proclaims “the policy ignores the vulnerability imposed on workers by the TFW system itself. The policy doesn’t address the fact that the whole machine is broken.” Similar arguments were made during interviews. When asked what changes stakeholders would like to see made to the OWP-V the most cited response didn’t have to do with the policy itself, but rather the program that necessitates the OWP-V: employer-specific contracts issued through the TFWP.

Migrant support services across Canada have strongly emphasized abolishing employer-specific, closed work permits for decades due to their tendency to trap workers in exploitative and abusive working conditions (Di Cintio, 2024). In 2016, a House of Commons Standing Committee advised dissolving the employer-specific system in its entirety. In response, instead of following these suggestions, IRCC enacted the Open Work Permit for Vulnerable Worker policy (Di Cintio, 2024). According to the Canadian Council for Refugees (2024)

“This position overlooks well-documented human rights violations, downplays the urgent need for reforms, and fails to acknowledge how deeply out-of-sync the current situation is with the values and principles we claim to uphold as a country.” They further argued that the government’s rejection of the widely supported call for open work permits for migrant workers illustrates that the government sides with employers and their exploitative practices (Canadian Council for Refugees, 2024). One interviewee stated that all closed work permits must be replaced with open work permits so that there is no “unfree labor regime.” Furthermore, open work permits offer workers the freedom to switch employers for any reason, not just in cases of abuse as stipulated in the OWP-V.

Even when migrant workers experience severe abuse in the workplace, government authorities still refuse to provide workers with an open work permit for longer than a year. The longer the OWP-V is issued for, the less control the government has over a migrant worker in Canada. As Henaway argues, neoliberal countries like Canada continually rely on a “constant pool of cheap and exploitable labour” (Henaway, 2023). The OWP-V allows migrant workers a sense of freedom for a short period of time, but in the end, workers must return to a closed work permit stream, or in other words, return to the cheap and exploitable pool of labour. Under closed work permit streams, like the TFWP, the government can put more restrictions on migrant workers’ mobility in Canada, hence making them easier to exploit and making their employment in Canada more precarious. Henaway (2023) writes, “Immigration policies and controls that force people into precarious status are central to producing a cheap and disposable workforce, subject to forms of hyper-exploitation in the Global North” (p.48). Various sources confirm that the TFWP is a strategy put in place to assist with job retention to fulfill jobs that Canadian residents are not interested in performing (IRCC, 2022; Simmons, 2010).

The TFWP may create further societal issues if it continues to operate the way it has for decades creating the belief among Canadians that certain racialized groups are “naturally suited for low-wage, unfavoured jobs” (Satzewich 2011, p.4). In the same vein, Harsha Walia (2014, p.6) writes that borders create divisions of status, leading to the stratification and racialization of migrants, ultimately facilitating their exploitation for profit. She further argues that abuses under the TFWP are not a coincidence, proclaiming that labor migration is set up to guarantee capital growth while simultaneously upholding racialized and gendered citizenship (Walia, 2021).

5.6.1 Regional or Sectoral Work Permits

During a House of Commons immigration committee meeting in November 2023, Immigration Minister Marc Miller stated that he is willing to look at “a more regional form of permit” including allowing seasonal migrant workers to move to other jobs within a particular area of the country. Participants in this study were split on whether regional or sectoral work permits are a step in the right direction considering the relationships among employers in the Maritimes. However, most participants did agree if regional or sectoral permits come into place, they should only be a transitional measure towards achieving open work permits for all workers:

Instead of having a closed work permit, what we would favor is a gradual opening process, where we have regional permits and or sectoral permits, within for example, as the seasonal workers program, where you have a permit to work in a given region or in a given job in a given sector, agricultural or other sectors. So, a gradual process opening, having a sectoral working permit with an objective of having eventually an open work

permit. And so, a clear migratory path based on these permits, including those workers that are in the low-wage segment in the in the farming industry and the low stream segment and expansion of our bilateral temporary working program work program (Consulate, December 19, 2023, personal interview)

One of the migrant support workers I spoke with stated that they are in favour of the industry specific work permits over the closed work permit system that exists today, but they argued that migrant workers still deserve better:

Some people talk about industry specific work permits....sure. I don't think that's as good as we can get. But again, like I mean, it's better. It's better than what we got (Migrant support worker, August 8, 2023, personal interview).

One academic expert I spoke with indicated that there are countries in the EU that recently adopted sectoral work permits. They stated that the sectoral work permits have not solved any issues and have led to a “continuation of exploitation” and “very severe exploitative labour practices” (Academic expert, January 11, 2024, personal interview). In a brief to the House of Commons Standing Committee on Citizenship and Immigration, the Association for the Rights of Household and Farm Workers (2023) vouched that restrictive work authorizations including sectoral, regional, occupational or agency-specific permits “are rooted in racism and produce discriminatory outcomes including the segregation of socio-politically under-integrated individuals within employment sectors and, more generally, society” (p.1). Further they insisted

that the transition from closed work permits to another form of restrictive permit would consolidate Canadian employers' "reliance on and preference for pools of captive workers" (p.1).

5.6.2 Permanent Residency Upon Arrival

Beyond the transition to open work permits, some participants took it one step further, stating they would like to see permanent residency offered to all workers upon arrival. They argued that if there is a job in Canada for someone, they should be able to come and access it and have the security to leave if they wish to. Coupled with permanent residency would also come other benefits that most closed work permits and even open work permits do not allow, including full access to health care, the opportunity to bring one's family and the leisure to come and go to Canada as they please.

While permanent residency would undoubtedly improve the lives of migrant workers, the Canadian government would likely be concerned about losing access to a cheap, exploitable labor pool. Additionally, decision makers and the general public may perceive this as a question of political feasibility. Given the on-going conversations around excessive immigration, the likelihood of expanding PR in the near future seems unlikely.

In the words of Walia (2021) the refusal of permanent residency is what creates an "extranational segmentation of labor." Despite working alongside citizens year after year, migrant workers' labour power and status position them as "temporary" and "foreign", allowing the Canadian government to maintain a global division of labour pools while distinguishing migrant workers as "third world" workers. She further argues that instead of collapsing borders, migrant worker programs under neoliberal globalisation, "act as a spatial fix for capital accumulation" (Walia, 2021, p.139). With this said, if migrant workers are offered permanent

residency upon arrival, the government's neoliberal agenda may be jeopardized, as workers would have the freedom to change sectors and employers as they please, a risk the government is likely not willing to take. One interviewee made note of this, stating "of course a purely open work permit would be fantastic. But you can't sort of guarantee that you're addressing the labour shortage" (Migrant support worker, October 10, 2023, personal interview). On the same topic, another interviewee stated that the decision to abolish closed work permits comes down to human rights versus neoliberal growth:

And yeah, I was kind of reflecting on this the other day, because I think when talking with like, businesses, or farmers kind of thing, you know, the argument was, often, if it's an open work permit, we do all this work to bring people here and they can just go somewhere else kind of thing. And I think, like, within that it's like, business versus human rights thing of like, so you almost have to, like, view folks, as not fully deserving of human rights. So be like, okay, the business has the right to have their employees kind of thing. And I think like that often can wreak havoc on someone's, like, value system. You know what I mean? So yeah, so I feel like that's almost an argument of like, who has more rights, like the business or the, like a human kind of thing? (Academic expert, September 26, 2023, personal interview).

Canada is world renowned for its exemplary immigration system by other OECD countries including the U.S. and EU (Henaway, 2023). However, the TFWP in Canada's immigration system not deserving of this praise (Henaway, 2023; Walia, 2021). Rather than excluding certain racialized groups, Walia (2021, p.132) writes "Border controls, governing

through illegalization and deportability, serve a critical function in the political economy by producing pliable labour. Border controls manufacture spatialized difference not to completely exclude all people but to capitalize on them” which serves as the template for the TFWP.

Chapter 6: Conclusion

This thesis employed a qualitative methodology to explore the implementation and efficacy of the Open Work Permit for Vulnerable Worker policy in the Maritime region. This research was driven by the following two key research questions:

- (1) Is the Open Work Permit for Vulnerable Workers (OWP-V) an effective policy for supporting migrant workers in abusive and exploitative employment conditions?
- (2) Are there ways to improve the OWP-V policy to better support migrant workers and migrant serving organizations?

This chapter will summarize the key research findings in relation to the research questions, outlining recommendations for policymakers to improve the OWP-V. In this chapter, I also present my own recommendations for enhancing the policy's effectiveness. I conclude this thesis by offering suggestions for future research.

6.1 Summary of Results

The first objective of this study was to determine whether the OWP-V is an effective policy in supporting migrant workers in exploitive and abusive situations. The findings of this study indicate that due to several barriers hindering workers' effective engagement with the process, the OWP-V is an inadequate solution for removing migrants from abusive and exploitative conditions. Aligning with Depatie-Pelletier and colleagues' study (2022), participants of this study perceive the OWP-V policy as merely a band-aid solution that ends up returning migrant workers to precarious situations.

Although many participants viewed the OWP-V as a step in the right direction given it provides migrant workers with a temporary solution, interviewees were dissatisfied because the

policy is exactly that, *temporary*. As mentioned, OWP-Vs are issued for a maximum period of 12 months. A notable concern expressed by stakeholders across all three groups was that after the permit expires, migrant workers are forced to return to a closed-work permit. Moreover, employers found guilty of abusive and/or exploitative working conditions are seldom punished, or receive only minimal penalties, allowing them to continue hiring migrant workers. Given the structure of the policy, migrant workers are set up to re-enter a “vicious circle” of abuse (Migrant support worker, October 16, 2023, personal interview). Furthermore, there were several instances mentioned of poor government intervention that exacerbated the precarity of the vulnerable migrant workers (e.g. phone calls to reported employers, announced inspections). Instead of offering migrant workers a fresh start, stakeholders indicated that workers are further stigmatized, given that OWP-Vs are differentiated from general open work permits. The findings of this research indicate that workers possessing OWP-Vs sometimes face significant challenges finding a new employer because they are perceived as troublemakers or whistleblowers. As a result of these factors, stakeholders believe that many migrant workers choose to endure employer abuse, rather than speak up or apply for an OWP-V.

The second objective of this study was to determine ways of improving the OWP-V to better support migrant support workers and migrant workers. Interviewees highlighted several systemic issues regarding the OWP-V. Participants stated the application needs to be more accessible (e.g. available on mobile devices, and easier to locate online without having to complete a complex questionnaire), available in more languages, and have a consistent, quicker processing time. Given the wide range of abuse experienced by migrant workers (see Figure 5), the Government of Canada might also consider expanding its definition of abuse to support a wider range of vulnerable migrant workers experiencing mistreatment.

Additionally, when employers are found guilty of abuse, stakeholders would like to see greater sanctions issued. Moreover, to prevent instances of exploitation and abuse necessitating the OWP-V policy, stakeholders favour the idea of having more inspectors on the ground, monitoring employers and workplace conditions. The inspectors and immigration officers involved with the process must also be held accountable for ensuring the privacy and anonymity of complainants. To better protect migrant workers, stakeholders provided general suggestions including the abolishment of closed work permits and providing migrant workers with permanent residency upon arrival.

Despite the overwhelming incidences of abuse across Canada and evidence that the government is not taking the proper steps to ensure migrant worker safety, the number of temporary foreign workers entering Canada continues to expand (Basok & George, 2020; Encalada Grez, 2018; Henaway, 2023; Landry et al., 2021; Walia, 2021; Weiler & McLaughlin, 2019). Why is this the case? According to Migrant Workers Alliance for Change employee Syed Hussan, “The answer to that is ... there is no shortage of workers. There's a shortage of more exploitable workers” (Galloway, 2022). Likewise, Fitting et al. (2023) write that there is a shortage of Canadians *willing* to work physically taxing and demanding jobs that pay minimum wage. Canadian workers cannot be exploited in the same way migrant workers can. Canadian workers are protected by Canadian labour laws outlined in the Canada Labour Code including standard hours of work, overtime pay, and the ability to change jobs as one pleases (Branch, 2024). However, as “non-citizens”, migrant workers do not receive the same protections. As Henaway writes, “employers know too well that these workers are desperate for employment, so agencies send them to the most labour intensive and demanding jobs” (2023, p.98). Ultimately it comes down to where the priorities of the Canadian Federal Government lie. The federal

government has created legal policies and structures to entrench migrant workers in situations of vulnerability, yet historically they have rarely intervened with the regulation of working conditions for migrant workers (Walia, 2021). Instead, as Walia (2021, p.3) argues, the Government of Canada has “exercised its powers solely to protect Canadian jobs and the domestic labour market.”

While the Government of Canada’s immigration officers are responsible for issuing OWP-Vs, the OWP-V perpetuates a neoliberal system that calls for minimal state intervention. Once the permit is issued, it is entirely up to the migrant worker to navigate the labour market and improve their employment situation. Migrant workers play an essential role in sustaining the Canadian economy across various sectors including agriculture, forestry, and fishing. Regardless of their contributions Henaway (2023, p. 6-7) writes, “despite how essential their labour is to the way our global, interdependent societies are organized, as people they are also disposable *because* they are migrants.” Moreover, they routinely face exploitation, precarious working conditions and lack access to basic rights and protections. Canada has an international reputation for its multiculturalism, human rights, and fair treatment. As a nation built on immigration, all workers should be treated with dignity and respect, regardless of their status. Greater protections must be put in place to protect migrant workers from these unfavourable conditions and, as this research suggests, improvements to the OWP-V would be a good place to start.

6.2 Recommendations

Interviews revealed that numerous migrant workers are unaware of the OWP-V policy prior to their interactions with migrant support workers. Ensuring that migrant workers are informed about the OWP-V policy upon their arrival is essential, so that they can apply for the OWP-V as

soon as possible when necessary. This research also revealed that without the assistance of migrant support workers, many migrant workers would not be able to navigate the OWP-V application, let alone attain a favourable outcome. This study uncovered that migrant support workers put in herculean efforts to support migrants, despite limited funding and resources. Given the lack of state supports, migrant support organizations have had to innovate creative ways to provide support to migrant workers. Some organizations indicated that they had to dip into other funds to support applicants with the OWP-V process (e.g. for housing, to seek legal aid, and to hire a translator).

Migrant support workers facilitate a variety of initiatives and programs to better the lives of migrant workers. To name a few discussed during interviews: direct support to migrant workers through WhatsApp or Messenger, collaboration with HR departments in sectors that hire migrant workers, organizing rallies on several relevant topics, settlement support, dissemination, distribution and assistance with employment rights, food drives for workers and organizing events/ leisure activities.

The number of migrant workers in relation to the number of migrant support workers is drastically disproportionate, especially in the Maritime region. I argue that funding plays a significant role in this. During interviews, some migrant support workers mentioned having to take a step back from their position because it was “too much” or because of burnout. It was evident through interviews that these organizations go above and beyond to provide the best support possible to their clients, but only so much is possible with the limited funding they are provided. Not to mention, many workers at these organizations work on a volunteer basis, which may also impact their availability to dedicate the time necessary to assist with these applications. In some cases, paid workers mentioned working overtime hours on weekends

and evenings without additional pay to assist individuals with applications. The astounding, selfless work performed by migrant support workers often goes unrecognized.²⁷

More government funding would allow organizations to receive assistance when completing OWP-V applications through the hiring of lawyers, translators, or regional workers dedicated to assisting with applications. IRCC has seen exponential growth in terms of the OWP-V applications they receive. When the program was introduced in June of 2019, IRCC expected to receive approximately 500 applications per year. To their dismay, during the first six months of the program, they received 567 applications. In 2020, the number of applications nearly doubled (Di Cintio, 2024). More recently, in 2022 IRCC *approved* 1,075 applications and, as of September 2023, IRCC had already approved 1,320 applications for the year. From the onset of the policy until September 2023, IRCC approved over 4,000 applications (IRCC, 2024b). Figures this high illustrate the need for well-funded migrant support organizations dedicated to assisting with the complicated OWP-V application process.

However, it is unlikely that the Canadian Government would be interested in providing funding to migrant support organizations. In fact, upon looking into this, when the OWP-V policy was first introduced, stakeholders asked if the Government could federally fund non-profit organizations to assist migrant workers with the applications. In response, the Government of Canada stated the following, “While IRCC appreciates the role that stakeholders currently play in providing migrant workers with support services, most notably as

²⁷ Given the relationships I have established with MSOs while researching migrant labour over the years, this may bias my perception of the important work they perform.

they are often a worker's first and most-trusted point of contact, there is no formal role for third parties provided for in this initiative" (Canada Gazette, 2019).²⁸

The Government of Canada's unwillingness to provide funding to migrant support organizations to assist with applications is no surprise as neoliberalism encourages private entities, including businesses and non-profits, to take the lead in addressing societal needs (Alexander & Fernandez, 2021). Finally, I would like to see publicly available records pertaining to the OWP-V policy accessible through Statistics Canada. To ensure government accountability and confirm that the policy is achieving its intended purposes, the Government of Canada should be responsible for publishing statistics on the number of applicants by stream, the types of mistreatment or abuse reported, and the number of approved applicants. These statistics should be released quarterly, or at the very least, annually.

6.3 Suggestions for Future Research

The OWP-V is a recently introduced policy and has not gained much traction in the realm of academia. This study has helped to fill the gap in the literature surrounding the experiences of those assisting with the application and their perspectives of its efficacy. Additionally, this research contributes to the small body of literature surrounding the experiences of migrant workers in the Maritime region. I hope this research will contribute to improving the OWP-V so that it can serve its intended purposes.

²⁸ In this quote, "There is no formal role for third parties," indicates that although migrant support workers may still provide support and be an important resource to migrant workers, the initiative itself does not have official or formal provisions to support their involvement e.g. funding to assist with applications or application training (Canada Gazette, 2019).

Future research could benefit from the perspectives of migrant workers who have gone through the OWP-V process themselves to obtain first-hand testimonies. During interviews, stakeholders were familiar with migrant workers' trajectories up until receiving the permit but, in many cases, they were unfamiliar with what occurs in migrant workers' lives after their OWP-V expires. It would be worthwhile to perform a longitudinal study to determine the trajectory of migrant workers after their OWP-V expires. Furthermore, this research was conducted with the help of stakeholders from the Maritime region. Future research should look at the implementation of the OWP-V nationwide utilizing a larger sample size, so not to generalize for the whole country. Finally, this study did not examine the influence of identity on migrant workers' experiences with the OWP-V process or their broader experiences in Canada. In a recent report published by the Standing Senate Committee on Social Affairs, Science and Technology (2024) an advocate who supported 30 migrant workers with the OWP-V stated that the majority of the applicants they assisted with the application were racialized, exhibiting the crucial need to uncover how identity shapes the precarity of migrant workers.

To close out this thesis, I end with a quote from Mary Grace De Guzman, who was a migrant worker in Canada victimized in a human trafficking scandal (Regino, 2022). To compensate for the horrific trauma she endured, the Canadian Government issued her a six-month Open Work Permit for Vulnerable Workers. Yet, despite this, De Guzman maintained:

“A six-month victim temporary resident permit is not enough for us. It’s not enough to heal from the trauma.” – Mary Grace De Guzman

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Appendix A: Recruitment Script

Hi there,

My name is Alyssa Weeks, and I am a graduate student at Dalhousie University in the Department of International Development Studies. I am reaching out to you because I think you may be a good participant for a research project I am doing on the issuing of Open Work Permits to vulnerable migrant workers in the Maritime provinces.

If you are interested in participating, the study involves one approximately 45-60 minute interview, with myself, Alyssa. The objective of my research is to determine whether the Open Work Permit for Vulnerable Workers is being implemented where needed in the Maritime provinces and whether it is an effective policy to eliminate the abusive and exploitative. It is important to note that you will not be asked to speak about your personal practices and/or experiences with migrant workers. You will instead be asked to reflect and share your perspective on the Open Work Permit for Vulnerable Workers policy. You will be able to choose whether your interview is audio-recorded or not. If it is audio-recorded, what you say will be typed up. If you chose not to have your interview recorded, but you are okay with it, I will take notes of what you say in a private journal during our interview. You will get a copy of the interview, once it is written, by email and can read over what you said to make sure it is all accurate. You can also make any changes you would like to the information you provided. Your participation in the interview is voluntary and you have the option to withdraw from the interview whenever, for no particular reason, if you wish to do so.

If you are interested in participating, you can contact me by email at al505486@dal.ca. From there, I will send you the guide questions for the interview and can answer any other questions you may have!

Sincerely, Alyssa Weeks

Appendix B: Post-Interview Snowball Sampling Recruitment

Thank you for participating in my research study. Is there an individual or an organization that you are familiar with that you think would meet the inclusion criteria of my research? If so, would you be willing to pass along the name and contact information of any organizations/consulate officers/academic researchers who may be interested in participating? Please note that there is no obligation for you to share this information, and there will be no repercussions if you chose not to provide this information. I will let potential participants that you refer know that you were the source of the referral. Also, you have the right to request that you are given time to notify the potential participant before I contact them.

Appendix C: Consent Form

CONSENT FORM

Project title

Navigating Precarious Paths: An assessment of the Open Work Permit for Vulnerable Workers in the Maritime Provinces

Lead Researcher

Alyssa Weeks, graduate student, Dalhousie University: MA International Development Studies; Email: al505486@dal.ca

Supervisor

Dr. Kate Swanson, PhD, Dalhousie University: International Development Studies; Email: kate.swanson@dal.ca

Introduction

I am inviting you to participate in a research study. The information below provides important details about the study and what you will be asked to do. If you have any questions about this information or the study in general feel free to ask. Choosing whether to take part in this research is entirely your choice. There will be no impact on your employment if you decide not to participate in this research. The information below tells you about what is involved in the research, what you will be asked to do and about any benefit, risk, inconvenience or discomfort that you might experience. You should discuss any questions you have about this study with Alyssa Weeks. Please ask as many questions as you like. If you have questions later, please contact Alyssa.

Purpose of study

The purpose of this study is to learn more about the implementation of the Open Work Permit for Vulnerable Workers in the Maritime provinces. To this end, the objective of this research is to determine whether the OWP-V is being used when vulnerable migrant workers are experiencing abuse or are at risk of abuse in the Maritime provinces. If stakeholders believe the Open Work Permit for Vulnerable Workers is an effective policy to eliminate the abusive and exploitive conditions commonly reported by migrant workers.

Who can take part in the research study

The study participants will include four different groups: **(1)** 5-10 Representatives from non-profit organizations across the Maritime provinces who provide support to migrant workers **(2)** 3-5 Key academic researchers who have experience researching and working with migrant

workers (3) and 2-3 International consulate officers who assist migrants with legal and social issues they may face while in Canada.

What you will be asked to do

You will be asked to respond to a series of questions regarding your knowledge of the Open Work Permit for Vulnerable Workers. Some of the topics explored during the interview will be: Your familiarity with the Open Work Permit for Vulnerable Workers, whether you think it is an effective policy in terms of getting migrant workers out of vulnerable and/or abusive situations, and the suggestions you may have that may help eliminate the abusive and exploitative conditions commonly reported by migrant workers etc.

As a participant of this study, you will be asked a series of questions by myself, Alyssa Weeks. The duration of the interview will range from 45-60 minutes in length, depending on the amount of discussion generated. You have the choice to have your interview conducted face-to-face or virtually, through Microsoft Teams.

Possible Risks

This is a minimal risk study. However, there is the possibility that sensitive topics may be brought up during the interviews which may lead to discomfort. In order to mitigate these feelings, you will not be asked to share your own personal practices or experiences of abuse. Instead, you will be asked to reflect on the Open Work Permit for vulnerable workers policy and whether you believe it is an appropriate solution. With this said, if you do experience feelings of discomfort at any point during this interview, you can choose to skip any question that you do not feel comfortable answering for no reason, at no fault.

Given that no questions will be asked regarding your personal practices and experiences this will further ensure that only I, Alyssa Weeks, and my supervisor, Dr. Kate Swanson will know your identity.

Benefits of the study

The major benefit of the study is that participants will have the opportunity to freely express their concerns and opinions of the Open Work Permit for Vulnerable Workers. Overall, this research will produce firsthand dialogues from yourself, key academic experts and consulate officers that will hopefully aid to improve the experience of migrant workers in the Maritime provinces.

Confidentiality

All conducted interviews will be recorded and transcribed. If you do not wish to have your interview recorded, Alyssa will instead take notes during your interview. Any information that may lead to your identification will remain confidential (ex: name and age). Additionally, each participant will be given a fake name in all written and typed material. Within two days your audio-recorded interview will be typed up and the audio-recording will be deleted. You will receive a copy of your written interview by email within two weeks, in order to ensure the

accuracy of your thoughts and opinions. You will be given one week to make any changes you wish to what you said during the interview. If you do not reply, we will assume all the information you provided is okay to use. Your typed interview will be securely stored on a private document on Dalhousie's One-Drive. The One-Drive account will require private login information that only Alyssa and her supervisor Dr. Kate Swanson, will have. If you agree, we would like to keep your typed interview, anonymously of course, to use in future research. However, if you prefer, we can destroy all of the data we collected from you five years after the completion of the study. (See bottom of form to provide your preference.)

Questions about the study

If you have any questions regarding the study, please contact Alyssa Weeks by email at al505486@dal.ca. If you have any ethical concerns about your participation in this research, you may also contact the Dalhousie University Social Sciences and Humanities Research Ethics Boards that approved this study at 902-494-3423, ethics@dal.ca and reference REB Approval #2023-6661.

Please indicate your choice of 'Yes' or 'No'

1. I agree to participate in interview: Yes No
 2. I consent to the use of audio-recording for the purpose of the interview: Yes No
 3. I consent to the use of quotes from the interview: Yes No
 4. I consent for the researchers to hold my data anonymously to use for future, related studies:
Yes No
- * If you responded "no" to the preceding question, please answer the following question.
5. I consent to my data being anonymously kept for five years following the completion of the study, then being destroyed: Yes No
 6. I would like to receive a copy of the finished report: Yes No

Appendix D: Question Guide for Migrant Support Organizations and Consulate Officers

Instructions:

- Prior to beginning the interview, review key components of the consent form and respond to any questions the person has.
- Begin the recording and write down answers to consent questions, and name, date, and time
- Ask if they want to receive a summary of the results by email

Questions:

1. In what capacity do you/ does your organization work with migrant workers?
2. Have you assisted migrant workers through your work?
3. Are you familiar with the OWP-V? If so, have you assisted vulnerable migrant workers with the Open Work Permit process? (If they respond ‘no’ provide a brief overview of the program):

In June 2019, to combat exploitative and abusive workplaces, the Minister of Immigration, Refugees and Citizenship Canada granted authority to immigration officers to issue Open Work Permits to vulnerable migrant. In order for migrant workers to receive an Open Work Permit in Canada, they must demonstrate they are experiencing abuse or are at risk of abuse at the hands of their employer. The permit allows migrant workers to find alternative employment in Canada for one year, exempting them from the Labour Market Impact Assessment process. After this period, they must find a new employment, a new work permit and re-apply for the Labour Market Impact Assessment Program.

In order to receive an OWP-V, a worker must have a valid employer-specific work permit or have applied for a renewal of their employer-specific work permit. The vulnerable migrant worker can apply directly to the IRCC for an open work permit by filling out an online application and including a letter explaining the abuse or the risk of abuse with their current employer. In addition, they are asked to submit any supporting evidence that may help prove their situation (e.g. text messages, photos etc.) According to the Government of Canada’s website (2023) the open work permit is open to those experiencing any form of abuse, including: physical, sexual, psychological and financial. It is worth noting, that during the COVID-19 pandemic, the Government of Canada updated the forms of abuse to include employer violations that risk the worker’s safety in regard to the pandemic.

4. If so, speaking generally, what forms of abuse might push a migrant worker to seek your assistance?
5. A migrant worker reaches out to you and expresses that they are experiencing/ are at risk of abuse. Could you walk me through how the application process for an OWP-V works and what you do to assist them?

6. How long does the application process typically take in terms of filling out? How long does it usually take to hear back? What do workers do during the waiting period?
7. From your experience, how successful are applicants that apply for the OWP-V?
8. If a migrant worker receives an OWP-V, what is usually their next step/ what do they do next?
9. What, if any, do you see as the advantages of the OWP-V policy?
10. What, if any, do you see as the downfalls and barriers of the OWP-V policy?
11. What changes, if any, need to be made to the OWP-V policy?
12. Do you believe that the OWP-V is an effective policy in terms of getting migrant workers out of vulnerable and/or abusive situations? Why or why not?
13. Do you believe the OWP-V counteracts the high risk of abuse commonly associated with employer-specific work permits? Why or why not?
14. Moving forward, what suggestions do you have that may help eliminate the abusive and exploitative conditions commonly reported by migrant workers?
15. Is there anything else that you would like to share regarding migrant workers and/or the implementation of the OWP-V?

*** Given that interviews are to be semi-structured, these questions serve as a sample of some of the questions to be asked. Questions are subject to change or be modified throughout the interview depending greatly on the conversation generated, but will involve similar topics as those listed in the questions above.**

Appendix E: Question Guide for Key Academic Researchers

Instructions:

- Prior to beginning the interview, review key components of the consent form and respond to any questions the person has.
- Begin the recording and write down answers to consent questions, and name, date, and time
- Ask if they want to receive a summary of the results by email

Questions:

1. Could you provide a brief overview of the type of research you've been doing with migrant workers in the Maritimes?
2. From your research, what can you tell me about the experiences/treatment of migrant workers in the Maritime region?
3. Are you familiar with the Open Work Permit for Vulnerable Worker Policy? (If they answer no, provide them with a be brief summary of the Open Work Permit for Vulnerable Worker):

In June 2019, to combat exploitative and abusive workplaces, the Minister of Immigration, Refugees and Citizenship Canada granted authority to immigration officers to issue Open Work Permits to vulnerable migrant. In order for migrant workers to receive an Open Work Permit in Canada, they must demonstrate they are experiencing abuse or are at risk of abuse at the hands of their employer. The permit allows migrant workers to find alternative employment in Canada for one year, exempting them from the Labour Market Impact Assessment process. After this period, they must find new employment, a new work permit and re-apply for the Labour Market Impact Assessment Program.

In order to receive an OWP-V, a worker must have a valid employer-specific work permit or have applied for a renewal of their employer-specific work permit. The vulnerable migrant worker can apply directly to the IRCC for an open work permit by filling out an online application and including a letter explaining the abuse or the risk of abuse with their current employer. In addition, they are asked to submit any supporting evidence that may help prove their situation (e.g. text messages, photos etc.) According to the Government of Canada's website (2023) the open work permit is open to those experiencing any form of abuse, including: physical, sexual, psychological and financial. It is worth noting, that during the COVID-19 pandemic, the Government of Canada updated the forms of abuse to include employer violations that risk the worker's safety in regard to the pandemic.

4. What, if any, do you see as the downfalls and barriers of the OWP-V policy?
5. What, if any, do you see as the advantages of the OWP-V policy?
6. What changes, if any, need to be made to the OWP-V policy?
7. Do you believe that the OWP-V is an effective policy in terms of getting migrant workers out of vulnerable and/or abusive situations? Why or why not?

8. Do you believe the OWP-V counteracts the high risk of abuse commonly associated with employer-specific work permits? Why or why not?
9. Do you know of any other strategies or policies that are in place that protect migrant workers from abuse?
10. Moving forward, what suggestions do you have that may help eliminate the abusive and exploitative conditions commonly reported by migrant workers?
11. Is there anything else that you would like to share regarding migrant workers and/or the implementation of the OWP-V?

*** Given that interviews are to be semi-structured, these questions serve as a sample of some of the questions to be asked. Questions are subject to change or be modified throughout the interview depending greatly on the conversation generated but will involve similar topics as those listed in the questions above.**

Appendix F: Ethics Approval



Social Sciences & Humanities Research Ethics Board Letter of Approval

July 10, 2023
Alyssa Weeks
Arts & Social Sciences/International Development Studies

Dear Alyssa,

REB #: 2023-6661
Project Title: Overworked and Undervalued: An assessment of the Open Work Permit for Vulnerable Workers in the Maritime Provinces
Effective Date: July 10, 2023
Expiry Date: July 10, 2024

The Social Sciences & Humanities Research Ethics Board has reviewed your application for research involving humans and found the proposed research to be in accordance with the Tri-Council Policy Statement on *Ethical Conduct for Research Involving Humans*. This approval will be in effect for 12 months as indicated above. This approval is subject to the conditions listed below which constitute your on-going responsibilities with respect to the ethical conduct of this research.

Sincerely,

Dr. John Cameron
Chair, Social Sciences and Humanities Research Ethics Board
Dalhousie University

ethics@dal.ca