



FORCED LABOUR HAPPENS IN CANADA

THE WASAGA/BARRIE CASE OF MEXICAN MIGRANT WORKERS IN CANADA

INTRODUCTION

In 2019, more than 60 migrant workers from Mexico were caught in a network of labour exploitation in Wasaga/Barrie Ontario. 43 workers were directly removed from the trafficking situation by police. This case tells us a lot about labour trafficking in Canada.

Why do Mexicans migrate?

- » Economic necessity: poverty and economic duress, tied to losses of livelihoods, lead to the need to look outside of Mexico for vital income.
- » Crime and violence: Mexico faces a continued urgent concern over high crime rates, primarily related to drug trafficking rings and cartels. Violence against women, forced disappearances and corruption are also major challenges in Mexico.

What leads them to Canada?

- » Many Mexicans travel to Canada every year, with numbers on the rise since the visa requirement was lifted.
- » But, most Mexican residents enter through the Seasonal Agricultural Worker Program (SAWP), a program allowing workers to work on Canadian farms for up to 8 months.
- » Some recruiters deceive workers with false promises of work opportunities, status and a future in Canada.

(Migration Policy Institute, 2019)

DID YOU KNOW ...?

TOP 20

Mexico is in the top 20 countries with the highest homicide rates in the world (United Nations Office on Drugs and Crime, 2018)

43.6%

of people are living below the national poverty line (World Bank 2018)

THE SAWP is designed to specifically recruit Mexican and Caribbean agricultural workers.

The SAWP's Employment Agreement outlines the obligations of each party and it's the employer's responsibility to:

- » pay for transportation
- » provide housing
- » pay the prevailing wage
- » set the contracted terms of the job, according to the labor laws of the specific province (Employment and Social Development Canada)

THE IMPLEMENTATION OF NAFTA in 1994 led to large agricultural corporations shutting out small-scale farmers, leading to unemployment and extreme poverty. The devaluation of the peso the following year made the economic situation even worse.

This poverty and economic duress led Mexicans to look outside their own country for economic security. Economics is also linked to Mexico's crime and violence. (Mexican Law Review, 2019)

CANADA

UNITED STATES

MEXICO

FACTS

24,000

Average number of Mexican labourers formally in the Canadian agricultural sector annually

3,000

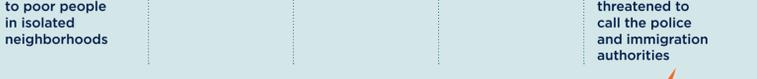
Average number of Mexicans gaining permanent resident status annually

32,770

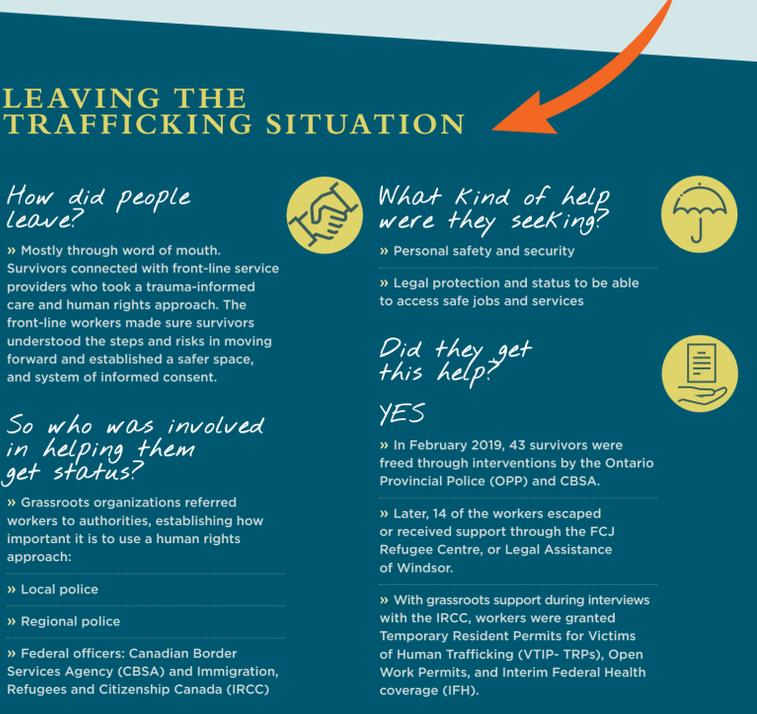
In 2018, a new record was set with 32,770 Mexicans entering Canada on work permits

393,000

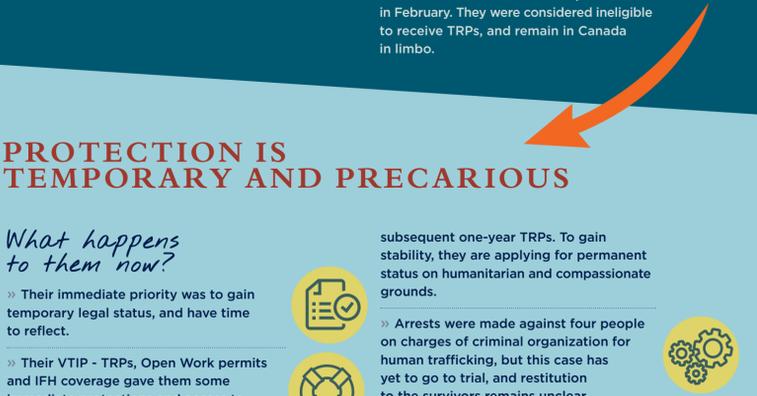
Travel from Mexico decreased dramatically when a visa requirement was introduced in 2009. Travel rebounded after the visa was lifted in 2016. In 2017, 393,000 Mexicans traveled to Canada. (Migration Policy Institute, 2019)



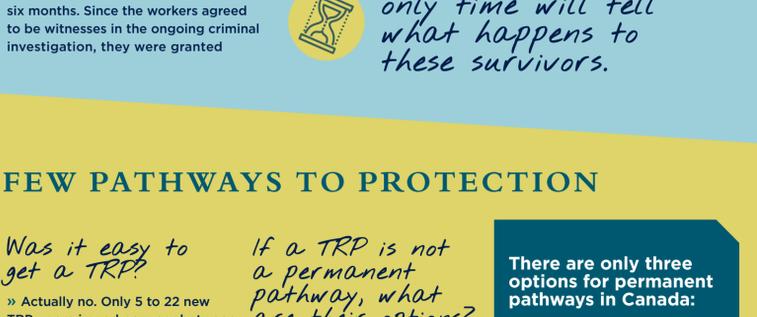
WHAT HAPPENED TO THE GROUP IN WASAGA/BARRIE?



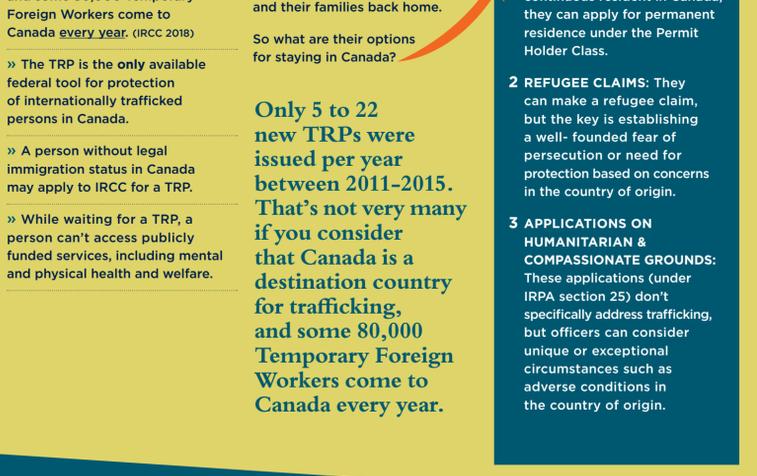
LEAVING THE TRAFFICKING SITUATION



PROTECTION IS TEMPORARY AND PRECARIOUS



FEW PATHWAYS TO PROTECTION



WAS WHAT HAPPENED TO THESE WORKERS TRAFFICKING?

Human trafficking involves an action taken through various means for the purpose of exploitation. However, this is not clear-cut in practice because exploitation can take many forms and interact with psychosocial factors.

What is key is examining the combination of three factors:

- ACTION (WHAT):** the act used to place a person in a situation with a trafficker.
- MEANS (HOW):** the strategies used to take the person with the trafficker.
- PURPOSE (WHY):** the exploitation of the person through some type of work or activity.



Traffickers ACT using various MEANS for the PURPOSE of exploiting people.

So how does their situation fall along the spectrum of exploitation?



The workers experienced offenses that could fall in all of these categories along the spectrum, including employment violations, unequal treatment or discrimination, threats and restricted movements.

Was this a typical case?

- » There is no "typical" trafficking case, which means there can be no "one size fits all" approach to these cases either. However, as reported in the U.S. Trafficking in Persons Report (2019), Canada is a source, transit, and destination country for men, women, and children subjected to sex trafficking, and a destination country for men and women subjected to forced labor.
- » Forced labour overwhelmingly involves foreign-born people, all with precarious immigration status. So, in some ways what happened in Ontario is consistent with labour trafficking cases that rely on the exploitation of foreign-born workers.

What if they want justice?

- » Legal proceedings for trafficking cases are very complex and fall on the spectrum of exploitation, meaning you can look to human rights remedies, labour rights remedies, or criminal violations.
- » As of May 2019, there have only been 227 human-trafficking specific and/or related convictions under the Criminal Code, and one conviction under the Immigration and Refugee Protection Act. Most cases and prosecutions under the Criminal Code are for domestic sex trafficking. (RCMP Human Trafficking National Coordination Centre, 2019).

What are the barriers to reporting?

- » The Temporary Foreign Worker Program is employer-specific, therefore workers who are deceived into working outside of their contracts' terms of conditions face arrest and removal.
- The same applies to people who try to escape exploitative conditions by finding alternative work.

WHAT NEEDS TO CHANGE?

- » We need to make protection accessible to trafficked persons and have clearer statutory protection for trafficked non-citizens.
- » TRPs are an important tool, but they are issued at the discretion of the immigration officer, inconsistently, and their administration varies across regions, which is a key barrier to protection.
- » Prospects after a TRP are unclear, there is no right to family reunification, and there are barriers to health care coverage. These are all barriers to protection for potentially trafficked persons.
- » There is now an Open Work Permit for vulnerable workers but it is not available for workers without status. This means the most vulnerable do not actually have access.

What else needs to change?

- The CCR has five main demands to provide protection and justice for trafficked persons:

- 1 Address root causes of trafficking
- 2 Permanent protection
- 3 Protection of rights
- 4 Access to justice
- 5 Access to services

WHAT CAN YOU DO?

- » CALL ON THE GOVERNMENT to make these changes, call or write your MP
- » SHARE THIS with others
- » IF YOU ARE A SURVIVOR, call the new national human trafficking hotline: : 1-833-900-1010 or visit: www.canadianhumantraffickinghotline.ca
- » IF YOU ARE A SERVICE PROVIDER OR ADVOCATE, share what trauma-informed practice looks like
- » IF YOU ARE AN ADVOCATE, get involved with the CCRs anti-trafficking work

For more information and resources

ccrweb.ca/en/trafficking

The CCR supports and coordinates anti-trafficking efforts across the country to develop and strengthen the network of NGOs working to protect trafficked persons. The CCR supports their work through creating opportunities for education, sharing best practices, and strategizing at the national level, as well as creating and sharing resources. The CCR also advocates to protect trafficked persons through legislation and policy reform.



BECAUSE WE ARE HERE

BECAUSE WE ARE HUMAN

PROTECTION AND JUSTICE FOR TRAFFICKED PERSONS

ccrweb.ca/trafficking

