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Supporting the rights of temporary and migrant workers

By the National Farmers Union

Submission to Senate Standing Committee on Social Affairs, Science and Technology

The National Farmers Union (NFU) appreciates the opportunity to provide a written submission to inform this committee's study on Canada's temporary and migrant labour force.

The NFU is in a unique position to provide feedback on how to transform the agricultural streams of Canada's temporary foreign worker programs. As Canada's largest voluntary direct membership farm organization, the NFU is composed of farmers and farm workers that advocate on issues of importance to us, including fostering a just and healthy food system. A number of our members employ migrant farm workers from the Caribbean and/or Mexico. Our recommendations to the Senate Committee below are based on policy voted upon by our membership at annual conventions and discussions in our migrant worker committee, which is led by and includes employers of migrant workers.

Whether as a farmer or a farm worker, all NFU members have been directly impacted by a dysfunctional system that has the agricultural sector relying on a temporary and migrant workforce to meet over a third of its labour needs. This workforce, as this committee's study has demonstrated, is frequently mistreated, subject to unsafe working and living conditions, discriminated against, and denied and/or prevented access to basic health and safety measures (from adequate housing to the right to draw upon their own contributions to Employment Insurance, etc.). Closed work permits also mean that temporary and migrant workers are unable to flee dangerous work conditions and punitive employers.

These failings are not simply a problem of a "few bad apples" among our agricultural employers but the result of federal programs that are designed to maintain a cheap food system at the expense of the people who grow our food. The recent statement by Tomoya Obataka, the UN special rapporteur on contemporary forms of slavery, may have seemed inflammatory to some Canadians, however we share his concern. The way the Temporary Foreign Worker Program is structured does make migrant workers in this country "[vulnerable to exploitation](#)."

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The NFU asks: if producing food is an essential service, why aren't all agricultural workers afforded the full rights of other workers in Canada and the agency to avail themselves of them? To end our overreliance on temporary foreign worker programs we request that Immigration, Refugees and Citizenship Canada (IRCC) commit to developing a dedicated immigration stream for agricultural workers. We recognize that global trade agreements, climate change, and political upheavals in the Caribbean, Latin America, and elsewhere have displaced many farmers who have the skills and experience we need to alleviate our farm labour shortages. Instead of having these farmers tied to short-term, second-tier contracts, we should be inviting these skilled workers to Canada through direct pathways to permanent residency.

Until such time as Canada has increased our resident agricultural workforce through immigration and/or through government-funded agricultural training and affordable land access for those interested in pursuing agricultural careers, we need to ensure labour mobility for temporary and migrant farmworkers. Closed work permits need to end. The NFU, along with other sector partners, is willing to sit down with the government to discuss how open work permits, sector-specific open work permits, or other worker-initiated measures might ensure migrant worker protection and mobility.

Based on [auditor general reports](#), [COVID-19 coroner investigations](#), [the UN special rapporteur's assessment](#), and other studies of Canada's temporary foreign worker programs, we also believe that the regulatory compliance overseen by Employment and Social Development Canada (ESDC) is not being adequately enforced. Even with the 2021 increase in funding for agricultural inspections, we are aware that many employers continue to be allowed to hire migrant workers in spite of serious infractions that have compromised workers' health and safety. We are concerned that the agricultural industry has co-opted and swayed ESDC to prioritize corporate agriculture's needs over the public interest in upholding the human rights of these workers. ESDC needs to improve its enforcement practices and prove to Canadians that it is not subject to corporate regulatory capture.

The NFU is optimistic that the findings arising from this committee's study will place the public's interest in a just and healthy food system over that of corporate agriculture's overreliance on migrant workers who are far too frequently subject to unsafe and inhumane working and living conditions. We call on the federal government to resolve the farm labour crisis in ways that enhance the country's food security while avoiding the continued reliance on a tier of workers who are denied and/or prevented from exercising fundamental human rights. We further call on the



federal government to ensure these rights by [adopting and implementing the U.N. Declaration on the Rights of Peasants and Other People Working in Rural Areas \(UNDROP\)](#).

We reiterate that we represent farmers who employ farm workers, including migrant workers. You may be hearing the common narrative that farmers are defending the status quo in our migrant worker programs in agriculture. Please recognize that there are farmers who prioritize the human rights of all people who provide our farm labour, and we are advocating for changes to Canada's migrant worker programs that further this priority.

We welcome any further opportunities to share how NFU farmers and resident farm workers are united in their commitment to improving the rights and working conditions of temporary and migrant farm workers in Canada.

All of this respectfully submitted by
The National Farmers Union
October 20, 2023

