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Stranded in Canada**

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Migrant Farm Workers from Trinidad and Tobago Stranded in Canada

**Charge the Federal Government for Abuse in its
Treatment of Migrant Workers!**

Several hundred migrant farm workers are stranded in Canada because of a ban, due to the pandemic, on travel to Trinidad and Tobago. These are workers who came to Canada this year under the Seasonal Agricultural Worker Program (SAWP), along with workers from Mexico and other Caribbean countries. Normally when their work on Canadian farms ends migrant farm workers return to their home countries, many coming back to Canada year after year. This year

most workers returned home at the end of the season but the workers from Trinidad and Tobago have not been able to.



The situation these migrant workers found themselves in was not only untenable but an outright violation of human persons. The federal government should be charged with abuse and give compensation for what these workers have suffered. These workers are forced to pay EI premiums when working but they are not entitled to receive EI benefits. This is because one of the conditions for EI is that a worker be willing and able to work and, under the SAWP program, a worker is tied to one employer and therefore prohibited from working for any other. This means that they are here without any income at all. Furthermore, because they came to Canada prepared to return to their families at the end of the season, they now have no winter clothing and have been forced to live in inadequate accommodation, including their employers' bunkhouses, some of which are not winterized. They have been without income, without winter clothing, without adequate accommodation and, in addition, they have had to cover expenses for food and, in some cases, rent and/or utilities -- all in below zero temperatures.

Workers' Forum firmly condemns the Canadian government for permitting this situation. The treatment these workers have been forced to suffer is outright abuse of human persons.

Migrant worker advocates have been helping out with food and clothing. They have been demanding immediate action to ensure that all these workers' needs are met while they remain in Canada, including income support, health care, proper food, clothing and accommodation. Their appeal to the government demands it provide EI benefits, training and an end to the restrictions that prevent the stranded workers from working for other employers. They are also repeating the demand to resolve the problems that have existed for as long as the SAWP has existed and which were made far worse this year because of the pandemic. Migrant workers must be provided with all benefits to which Canadian workers are entitled under the law, open work permits and permanent status in Canada.



It is now reported that on December 16, Immigration, Refugees and Citizenship Canada issued a temporary public policy which will allow the workers from Trinidad and Tobago to apply for temporary status and get a 6-month open work permit, according to a government statement. The statement says: "Under the policy, which will be in effect until February 12, 2021, workers will be able to apply for temporary status and get a 6-month open work permit. This should allow them to

find other employment and apply for any other government support they may be entitled to, such as employment insurance. This action is part of a broader effort to support the needs of these workers, including emergency accommodation."

Justice for Migrant Workers issued a statement on December 17, stating: "For decades, migrant farm workers have been demanding change and substantial reforms to Canada's temporary foreign worker program (TFWP). The federal response is a direct result of the organizing by workers and advocates to address an archaic and outdated migration scheme that resulted in the crisis that the workers from Trinidad and Tobago are put in. It is imperative to offer support and the full range of benefits and freedoms to those who are being forced to stay in Canada and that steps are taken immediately to assist migrants who desire to return home."

Justice for Migrant Workers again called on the government to extend the policy to all migrant workers employed in Canada, provide open work permits for all migrants immediately and implements a system where all migrants have permanent status on arrival. The full statement can be found [here](#).

Justice for Migrant Workers is calling on everyone to join a letter-writing campaign addressed to the Ministers of Families, Children and Social Development, Immigration, Refugees & Citizenship, and Employment, Workforce Development and Disability Inclusion -- Ahmed Hussen, Marco Mendicino and Carla Qualtrough respectively. For a template which people can fill in to send a letter to the three ministers and to their local MP, [click here](#). The letter states:

We call on the Government of Canada to do the following:

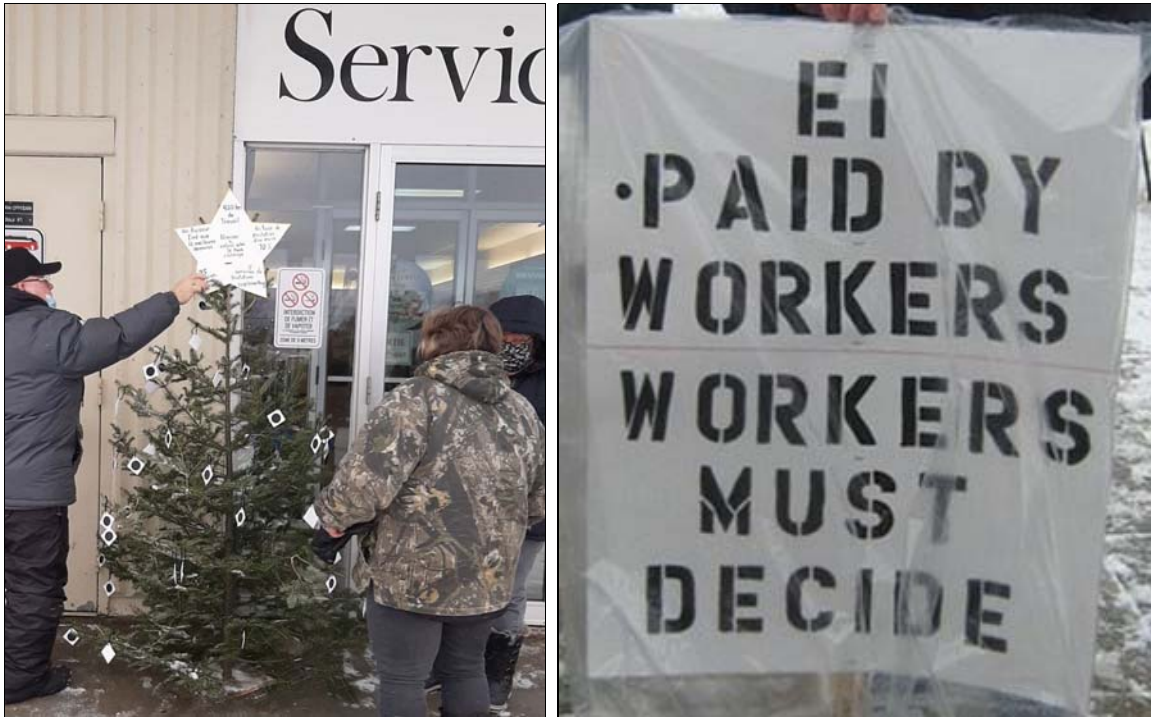
1. Reverse all decisions denying regular EI benefits to migrant farm workers, that were made on the basis that they were unavailable to work because of their work permit status. Award EI benefits to all workers who have applied immediately;
2. Remove the conditions predicating access to regular EI benefits on their work permit and their physically being in Canada. Provide equal access to the regular EI benefits for migrant workers, after they go back to their countries, through the development of interstate agreements between the governments of Canada and sending countries. This access can be modelled on similar agreements that already exist with the United States and inter-state agreements globally;
3. Restore migrant workers' access to special EI entitlements including parental, maternity and compassionate benefits;
4. Provide migrant workers with access to training and education and all social and income benefits in Canada and when they are back in their home countries;
5. Waive all fees for applications for work permits for farm work;
6. Provide all workers arriving in Canada under SAWP or the Agricultural Streams with open work permits that are not dependent on LMIA's;
7. Provide them with permanent residence status on arrival.

(Photos: J4MW, P.A. Gampoa, OFL)



**Quebec and New Brunswick Actions Demand
Thorough Reform of Employment Insurance**

All Out to Defend the Unemployed!



From December 7 to December 11, actions were held across Quebec and in New Brunswick to demand a thorough reform of Employment Insurance (EI) to uphold the rights and dignity of unemployed workers. Actions in Quebec were held as part of the campaign "We Must Improve our Situation. Unemployment insurance reform is needed!" of the Autonomous Movement in Solidarity with the Unemployed (MASSE). The New Brunswick action was organized by Assistance and Support for Workers in Seasonal Sectors (ASTS) which is active mainly on the Acadian Peninsula in Northern New Brunswick. Actions were held by defence organizations of the unemployed with the support of trade unions. They involved only some activists of the organizations in order to adhere to health and safety protocols related to the pandemic.

The actions were part of the long-standing struggle for an EI regime that upholds the rights and dignity of all unemployed workers. It highlighted the fact that millions of workers who lost their jobs during the pandemic could only survive because of emergency temporary benefits that were created by the federal government. This shows that the EI regime does not protect the unemployed. Today, only 40 per cent of the unemployed are eligible to receive EI benefits and those benefits do not cover their basic needs. Furthermore, they do not last long enough to guarantee that unemployed workers will not face periods in which they have no income at all between jobs. Unemployed refer to this period without any income whatsoever as "the black hole." It refers to the gap between when a seasonal worker's EI benefits run out and when the worker's job starts up again. The black hole has a huge impact on seasonal workers who run out of benefits, if they qualify for benefits in the first place.

The organizers of the actions put forward three main demands: a universal qualifying period of 350 hours or 13 weeks worked; a benefit rate of at least 70 per cent of the previous wage based on the 12 best weeks; a minimum of 35 weeks of benefits. This would eliminate the different qualifying periods and duration of benefits established arbitrarily in different regions of the country on the basis of the official rate of unemployment in the region. The aim is to increase

overall eligibility for EI, with special attention to part-time workers, to guarantee unemployed workers a liveable income for as long as they are unemployed, and to eliminate phenomena such as the black hole.

Workers' Forum firmly supports the demands of the unemployed workers and calls on all Canadians to defend the dignity of labour by joining them. They reflect the increased consciousness, which the pandemic has highlighted in a dramatic way, of the need for profound changes that favour the people and protect them from the crises that are erupting. The demand for EI reform is part and parcel of workers' fight for social programs that defend the well-being of all and are under the control of the people. *Workers' Forum* also congratulates and greets all the activists who face a heavy burden of work to make sure that the unemployed are not left to fend for themselves because the ruling elite and its system has wrecked the EI program and has rendered the society unable to face crises.

(Photos: G.Depalo, Action-Chômage Côte-Nord)



Spokespersons of Defence Organizations of the Unemployed Speak Out



Workers' Forum is publishing below the remarks of leaders of three of the actions calling for Employment Insurance (EI) reform it interviewed about the work of their organizations.

France Simard, Mouvement Action Chômage Lac-Saint-Jean

The pandemic has forcefully highlighted the profound flaws of an outdated law that does not reflect the reality of 21st century work and deprives a very large number of unemployed people of EI benefits to which they should be entitled. There needs to be an in-depth reform of EI and we need to be consulted; we don't want them to do it on their own. We want to sit at the same table, because we see the shortcomings on the ground, we have the experience on the ground on our side. We want a just and universal employment insurance system for all citizens of Canada. We held a press briefing on December 7 where we presented the campaign's demands, with the support of the Confederation of National Trade Unions (CSN) and the Quebec Federation of Labour (FTQ) who joined their voices with ours.

As far as the pandemic is concerned, it has brought its share of extra work. We have all had an appalling overload of work. There were a lot of program changes, especially at the beginning. Everyone acted in good faith but it was a shaky start. Service Canada closed its doors for a while. Now they offer their services but in a very limited way so everybody is turning to us. We had a big increase in the number of people we had to assist. We had to answer questions from just about everybody. We had to learn the programs very quickly. Once the Canada Emergency Response Benefit (CERB) was in place, things calmed down. We provided a lot more one-on-one help than usual. That's not usually our main work. We are funded to do collective defence but since March our focus has been on assisting individuals. We have managed to get through it and respond to everyone. No one wanted to go through a crisis like this, but it's here and we have to deal with it. We were able to rise to the challenge. I am proud of my team, a small but strong team. We can see that the work we've done for all these years was not for nothing.



December 7, 2020. France Simard speaks at press conference in Chicoutimi.

Fernand Thibodeau, Assistance and Support for Workers in Seasonal Sectors (Northern New Brunswick)

On December 7, we went to place Christmas trees in front of the employment centre office with black bells to illustrate the black hole problem. The situation of our people has improved a little bit with the federal government's emergency programs but we must not forget that the problems of employment insurance are not solved, including, among others, the problem of the black hole. In the region where we are active, the Acadian Peninsula, Baie-Sainte-Anne, Pointe-Sapin, etc., between 60 and 70 per cent of people work in seasonal industries such as fishing, fish plants, peat, forestry, and tourism.



Fernand Thibodeau, Spokesperson of ASTS

One problem we have is that the EI offices have reopened, but they are limited in their services. They assign you an agent who calls you back within 24 to 48 hours. Very often when people who need to apply for EI try to open their file on the internet, they can't open it, or it says that their file has expired. Many don't get their Record of Employment from their employer. They come to us for help to apply for EI. There are people who are illiterate, who have learning disabilities, and there is a lot of fear of making mistakes in their application because employment insurance is extremely judicialized. I myself have completed about 400 employment insurance claims for people. I have to do this at home because our committee does not receive funding from the

provincial government. We are all volunteers. We also help people on other issues, such as ensuring that seniors get what they are eligible for at the provincial level with regard to COVID-19, helping people renew their licence plates, among other things. I can honestly say that this year if the ASTS committee hadn't been there for people it would have been a nightmare.

Also, the pandemic has shed light on what we have said for several years, that the EI program is outdated. We want the government to work with us to carry out a complete reform of EI.

Line Sirois, Action-Chômage Côte-Nord

On December 7, we held a press briefing in front of the Service Canada offices in Forestville. We did what we have always done, we brought a Christmas tree decorated with black holes. We were with the CSN. We summoned the media, and we asked that the measures that the Trudeau government put in place temporarily for the pandemic become permanent measures. In this temporary reform, the Trudeau government set the number of hours of work required to qualify for employment insurance at 420 hours. We don't want to go back to requirements of up to 700 hours of work to qualify as is happening in our region. The government has said that it must consult before reforming EI. Yes, everyone must be consulted, but in the meantime the temporary measures put in place because of the pandemic must become permanent measures. We want in-depth reform, and we don't want it to end up as an election promise.



**December 7, 2020. Action in Forestville.
Line Sirois is fourth from the left.**

At the moment the unemployment rate is going down. We have told reporters that no matter whether the unemployment rate goes down or up, the hours of work for our people who depend for their living on seasonal work will not change. The lower the official unemployment rate, the more hours a worker has to work to qualify and the fewer weeks of benefits they are entitled to. Conversely, the higher the unemployment rate, the fewer hours a worker has to work to qualify and the more weeks of benefits a worker is entitled to receive. We want this to stop. We want to eliminate the unemployment rate as a criterion for establishing the required hours of work and

the number of weeks of benefits. We want to establish the same number of hours and the same number of weeks of benefits for everyone such that it is enough to, among other things, eliminate the black hole phenomenon, which is a big problem in our area.

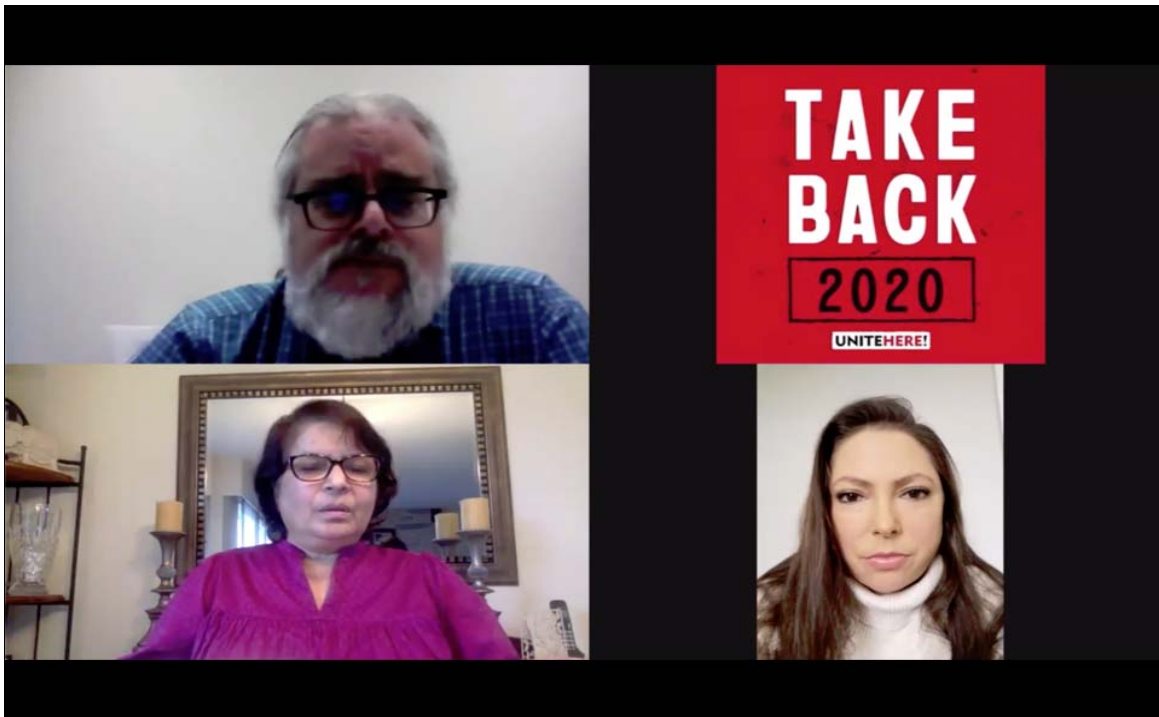
In our work under the conditions of the pandemic, we give a lot of information over the phone. We don't receive many people at the office because we are able to settle matters by phone. We get a lot of calls from people who are still waiting for their EI benefits, who have not yet received an answer from Service Canada. The transition did not go very well between the Canada Emergency Response Benefit (CERB) and EI starting at the end of September [*CERB ended at the end of September, replaced by temporary EI measures whose eligibility criteria were less stringent than usual -- WF Ed. Note*]. There appears to be a shortage of labour at Service Canada.

We are continuing the battle to defend the rights of all the unemployed.

(Translated from original French by Workers' Forum. Photos: MEPAC, A.S.T.S., Action-Chômage Côte-Nord)



Federal Government Operation of Pacific Gateway Hotel
Hotel Workers Demand Guaranteed
Recall to Their Jobs



November 25, 2020. Press conference of Unite Here Local 40 representing hotel workers at Pacific Gateway Hotel in Burnaby.

More than 80 per cent of the 150 workers employed by the Pacific Gateway Hotel in Burnaby near the Vancouver Airport have been laid off since the spring. The hotel is one of several that the federal government is using for quarantine facilities. Federal and several provincial governments and other agencies have negotiated contracts with hotels to house not only travelers but migrant farm workers and to provide emergency housing for people without homes, women fleeing violence and others. In almost all cases the hotels have recalled their laid off staff to provide cleaning, maintenance, food services, everything that is needed. Training in public health protocols required to do the work has been provided to the staff.

However this is not the case at the Pacific Gateway Hotel which is being used for quarantine for international travelers arriving at Vancouver International Airport. Instead of the laid off hotel workers being recalled, the Red Cross has brought in other workers. In hotels across the country it is the hotel workers that are doing the work. According to a CBC report on August 20, the federal government had by then arranged and paid for the quarantine of over 3,000 people coming into Canada, at 11 hotels across the country.

Hospitality workers and their union, Unite Here Local 40, have been and continue to be outspoken in demanding protection of their jobs at a time when most hotels and restaurants are operating at minimal capacity. Unionized hospitality workers have negotiated recall periods in their contracts that vary from contract to contract, however none cover the unprecedented length of the current layoffs. Unorganized workers have only the protection provided by provincial labour laws, which also do not provide protection in these circumstances. Both the federal and provincial governments acted swiftly to hand out billions of dollars to individuals and corporations and have repeated endlessly how important it is to keep the connection between workers and employers, but for months now the hospitality workers' demands for the necessary government measures to ensure

that employers cannot terminate them have fallen on deaf ears. Hundreds of workers have been terminated and hundreds more stand to lose their jobs in the next few months.



In a press conference on November 25, two Pacific Gateway workers and the Executive Director of Unite Here Local 40 Robert Demand explained the situation facing the workers at the hotel and the refusal, to date, by federal and provincial governments and the employer to guarantee the workers' right to job security.^[1] One of the workers who spoke at the press conference is a server, Treva Martell, who has worked at the hotel for 15 years. The other, Gangamma Naidu, has worked at the hotel as a room attendant for 45 years. On December 3, hotel management notified the workers that what

they call the federal government's "involuntary takeover" of the hotel has been extended to March 2021. The union is calling for an extension of recall rights for 24 months, to the fall of 2022 when it anticipates that the sector will be back in operation. The silence from the federal and provincial governments and employers is deafening.

Zailda Chan, President of Unite Here Local 40, states in a December 3 press release, "The failure of the federal government to make sure hotel workers aren't hurt by its takeover of the Pacific Gateway is astounding. Workers at the hotel -- predominantly women and immigrant workers -- have been kept in the dark for months about the duration of the federal contract and why feds are using a contractor to perform hotel workers' duties. Now the hotel is suggesting workers could permanently lose their jobs because of the extended federal contract.

"This is unacceptable from a federal government which has given lip service to caring about workers hard-hit by the pandemic. We want to know how the government plans to resolve this situation -- one in which their actions will cause hotel workers to lose their jobs."

Some of the biggest hotel employers are taking advantage of the pandemic and the shutdown of much of the tourism sector to terminate workers as a means of escaping their obligations to meet the negotiated wages and working conditions that workers have fought for and won. Most hotel employers did not apply for Canada Emergency Wage Subsidy benefits to keep workers on their payrolls and workers applied for Canada Emergency Response Benefit and Employment Insurance benefits.

Governments have responsibility to the workers at the Pacific Gateway Hotel, along with all hospitality workers and other workers in danger of permanently losing their jobs, to ensure that emergency measures are taken to extend recall rights for as long as it takes for the industry to be operational and the workers recalled to their jobs.

Workers' Forum fully supports the demands of hospitality workers for their rights and for protection of all workers in all sectors whose jobs are in danger due to shutdowns and layoffs due to COVID-19.

Note

1. For video of the press conference [click here](#).

(Photos: Unite Here Local 40)

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