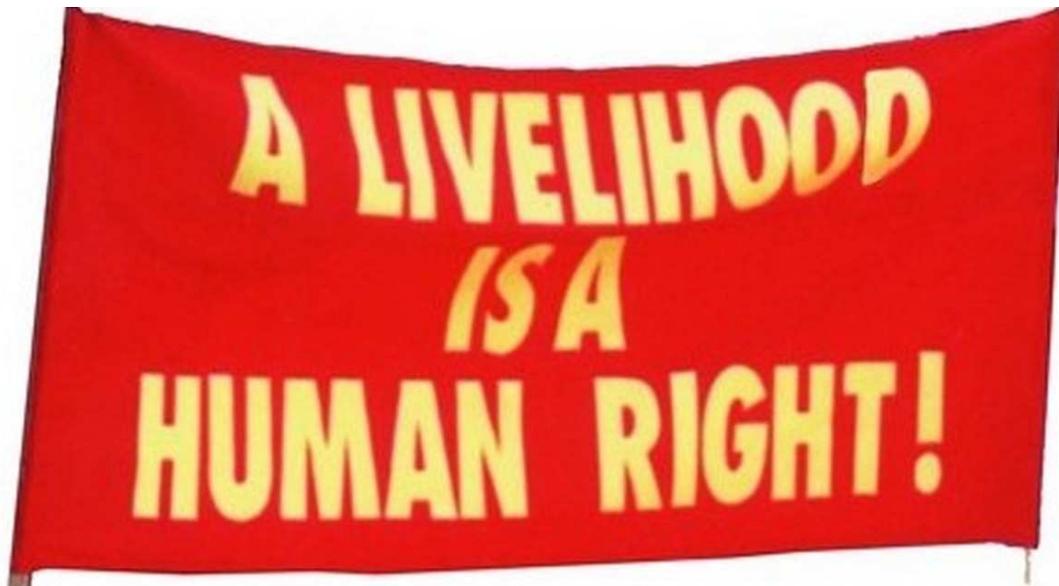


June 30, 2021 - No. 63

**Canadian Charter "Right" to Labour Mobility
Treats Workers as Disposable**

Nation-Building Requires Providing the Right to a Livelihood Where People Live and Status for All

- Steve Rutchinski -



• **Note to Our Readers**

Canadian Charter "Right" to Labour Mobility Treats Workers as Disposable

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One of the main achievements of the government of Pierre Elliot Trudeau, and of Trudeau himself, was to enshrine what is called the mobility of labour as a Charter right. As a result, the mobility of labour is one of our fundamental rights in Canada according to which a person has the right to travel anywhere to get a job -- and it was finally enshrined in the *Charter of Rights and Freedoms* in 1982.



Workers have the "right" to move all over the world to work, as if people want to leave their homes to make a living instead of having a protected right to have a livelihood, food, housing, health care and an education, in their countries and places of origin. And then, after enshrining the mobility of labour as a Charter right, the official circles treat working in Canada as a privilege. According to them, Canada is the best country in the world to live and work so people should feel grateful, obey the rules, *Put Up and Shut Up*.

The point is not whether Canada is or is not the best country in which to live and work, or to compare Canada to war-torn countries or countries wracked with poverty and misery as a result of imperialist exploitation and oppression. Such comparisons are diversionary because they do not get to the heart of the matter in any way which is to one's advantage. The self-serving side of the programs organized by the government of Canada

is such that they serve the biggest corporations on the backs of the people. By forcing everyone to fend for themselves, they also aim to divert the working people from fighting for the rights of all under all conditions and circumstances and to set a new direction for the economy.

Since the neo-liberal anti-social offensive was launched in the early 1990s, the way that labour in the world has been structured has changed.

Workers have seen the introduction of two tier wages and different strokes for different folks such as benefits and defined benefit pension plans tolerated for older workers, but not new hires -- in steel, forestry, transportation, communications and all sectors of the economy where government makes sure corporations are protected while the working people are criminalized and considered disposable. The valiant battle waged by workers at Telus and Bell Canada strongly opposed corporations closing down, recreating themselves under new names and hiring workers, especially women, back at half the wages. So too at the post office where workers are kept for years on contracts only, as is also the case in colleges and universities. While work in the public sector is more and more privatized, remaining positions are left unfilled to force people to turn to the private sector for services and jobs.

Today, more and more contract labour has replaced permanent employment and unions are either under the dictate that there are no negotiations or there are to be no unions, just workers as associates who must accept the dictate of the corporations or lose their jobs.

Within this framework, we have huge migrations of peoples on the global scale, much of it as a result of the wars of aggression and occupation or brutal sanctions regimes as we see today against Venezuela. Overall, the estimated number of international migrants has increased from 153 million in 1990 to an estimated 272 million in 2019. Of that 272 million, 70 per cent are migrant workers.

TRUDEAU'S RULES:

**90,000 SPOTS!
AND THE OTHER 1.5+
MILLION MIGRANT &
UNDOCUMENTED
PEOPLE?**



Key sectors of our economy depend upon migrant workers and the product of their labour is not even necessarily for Canadian consumption but for export which provides immense profits for huge corporations. Fruit and vegetable production which is concentrated in Ontario and Quebec is one example. Temporary foreign migrant workers account for 41.6 percent of the labour involved in Ontario and 30 per cent in Quebec. They produce \$1.047 billion in field vegetables, of which \$729.3 million is for export to the U.S. They produce \$1.53 billion in green house farm production in Ontario, British Columbia, and Quebec, \$1.18 billion of which is exported to the U.S. The same is true of Canada's fruit production, 64.8 per cent of which is exported to the U.S., valued at \$546.1 million.

Canada has created a sophisticated system of arrangements with governments of impoverished countries to supply cheap labour. It is all said to be legal, but the legality covers up that it is prone to parasites and corrupt elements involved in what can only be called human trafficking. In fact, conditions are created for human traffickers involved in corrupt schemes who prey on vulnerable people. Even Canada's consular services abroad are engaged in the recruitment of labour and students who pay vast sums for visas. This spawns all kinds of recruiters and agents who take their money for services rendered to get them these visas. They operate with impunity within and beyond the legal margins of government programs and the government plays coy. It pretends it is not taking place and turns a blind eye while the narrow private interests it serves get rich from the contracts the government itself awards to temp agencies or recruitment services. The Canadian government itself makes money off of human trafficking while maintaining contract workers, visa workers, visiting guest workers and new immigrants as well as undocumented workers in the most vulnerable positions.

The Migrant Rights Network issued a report based on extensive interviews with more than 450 migrant farmworkers in Ontario. The government is supposed to monitor their living and working conditions, but does not. It takes no action in the face of concrete facts, or it finds a way to say that the law does not apply to it and it is not responsible. The workers cited a lack of clean drinking water, lack of indoor bathrooms, no hot water for showers, cramped living conditions contributing to spread of infection, dangerous working conditions and being victimized for standing up for their rights. One worker called it modern-day slavery.

The government of Canada takes its cue from the United States where the Supreme Court recently brought down a decision against the farm workers' right to organize by deciding that the Unions cannot have access to privately owned farms as it "trespasses on private property rights." It is another example of the offensive of agribusiness against the working people.

Canada "imports" 213,700 temporary foreign migrants like the farm workers the Migrant Rights Network interviewed, every year, on work permits tied to a single specific employer. This system creates the conditions that make people vulnerable to forced labour.



One case came to light in 2019 of 43 victims, mostly men from Mexico aged 20-46, who were living in squalid conditions in Barrie, Ontario and were being trafficked to work for a cleaning company. With the trend towards contracting out to agencies, the end users of trafficked workers can be the most "respectable" and "civilized" of institutions: art galleries, museums and other government institutions, that today rely on agencies for many services, like the cleaning company in Barrie. Similar cases have come to light in Nova Scotia and elsewhere.

There is no protection of workers' human rights. The only reference to trafficked persons in the

Immigration and Refugee Protection Act is to make the fact that a person is being trafficked a factor for immigration detention of the victim. Less than one third of human trafficking cases ever go to court. Convictions for traffickers are very rare but deportation of the victims is certain.

Through their actions in defence of the rights of all, workers are shedding light on their experiences and the fights being waged in defence of rights. They can see the urgency of mobilizing Canadians and Quebecers to demand status for all.

Today, when the Justin Trudeau government talks about maximum flexibility and maximum mobility of labour, it means that nothing should obstruct the race for domination of the global oligopolies within the sphere of influence of the imperialist system of states led by the U.S., to be number one in the global markets. Nothing must hinder this -- no law, no regulation that hinders the empire-building of these monopolies nor their neo-liberal free trade treaties such as the neo-liberal reorganized NAFTA, or Trans-Pacific Partnership or the free trade agreement with the European Union or with the U.S. -led war alliances. Maximum labour mobility is an essential element of this maximum flexibility, and the claim is made that rules that still attach workers to an economic sector or region should be abolished as obstacles to the growth of the economy.

Capitalism on the world scale has always demanded that all obstacles to its expansion and power be abolished. However, with neo-liberal globalization this has been on steroids as a result of the explosion of the productive powers which the rich cannot control. Any form of social programs and fetters to the mobility of labour and capital are to be removed. But this also means that the working class on the global scale has literally become one, learning from one another's struggles, uniting in action to humanize the natural and social environment. The conditions have changed and the issue is to resolve the problems in a manner which favours the working class, not the super-rich elites who comprise one per cent, and governments in their service whose primary role is to perpetuate their rule.

It is thanks to the struggles of the workers and compatriots of those who come here from other countries and support from Canadians of all walks of life that a human approach is taken to providing for the well-being of the most vulnerable workers. They do not agree that everyone should be left to fend for themselves. Under pandemic conditions, many have died but even without pandemic conditions, the conditions of life and work are inhuman, untenable, and unsustainable. The toll they take on the workers and their families in terms of stress and strain to their mental and physical health and that of their families is unacceptable. This fight has just begun all over again. The efforts of all those who are fighting so hard to right these historical wrongs is invaluable.



(Photos: WF, Migrant Rights Network)

Note to Our Readers

The next issue of *Workers' Forum* will be published on August 2. For the month of July matters of concern will be covered as part of the *In the News* section of CPC(M-L)'s homepage and coming events will also be advertised on the website.

Please continue to send us your reports, photos and comments. Readers are also encouraged to support the work of the Workers' Centre of CPC(M-L) by joining us in increasing the readership of *Workers' Forum* and by making a financial contribution.

Have yourselves a good summer and keep safe!

Workers' Forum Editorial and Technical Staff
June 30, 2021

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