

Emergency Exit or Dead End ?

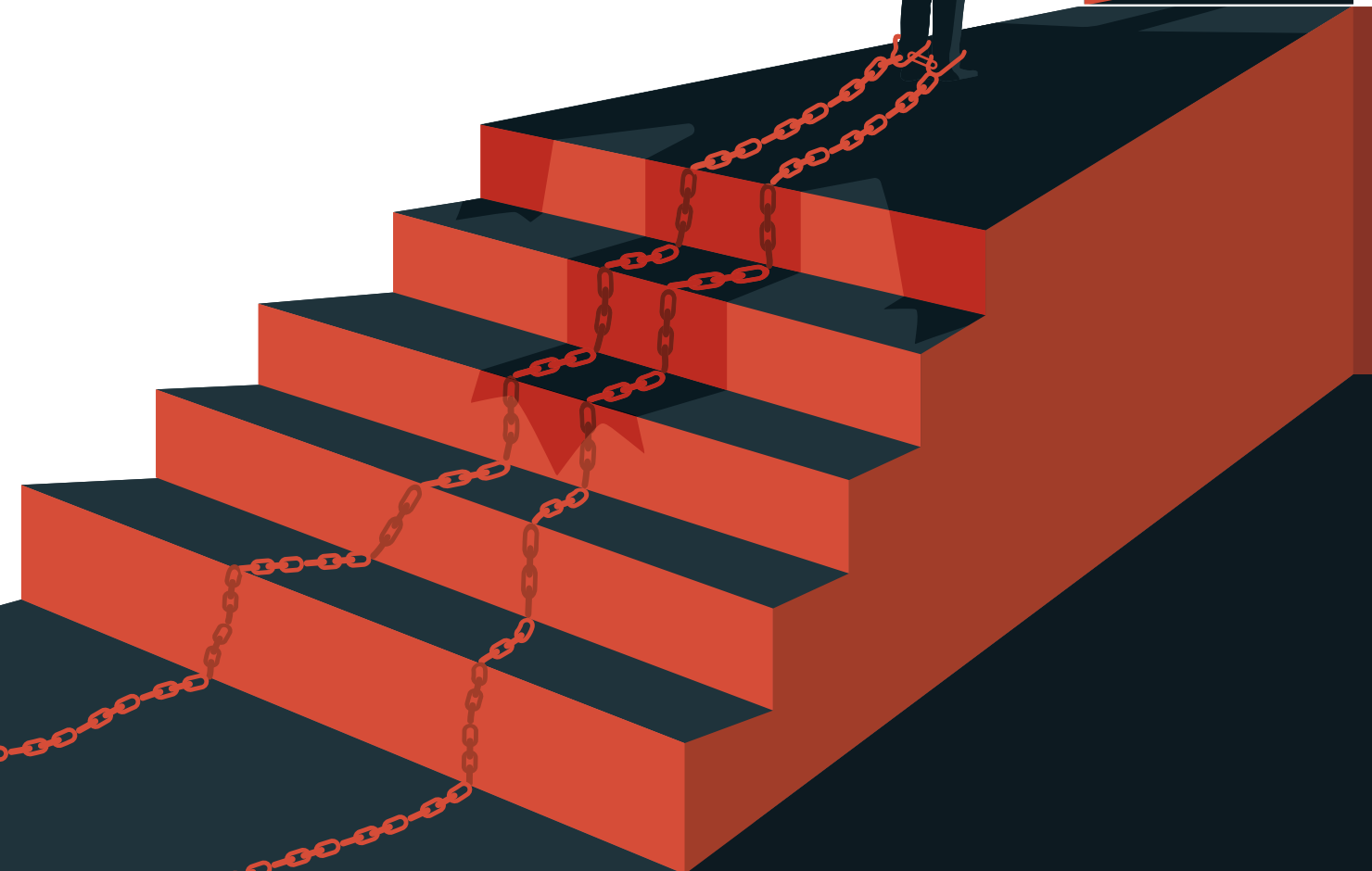
An Analysis of the Impacts of the Open Work Permit for Vulnerable Workers in Canada

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Research design, data collection, data analysis, and report writing

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List of acronyms

FCJ : FCJ Refugee Center

IMP : International Mobility Program

IRCC : Immigration, Refugees, and Citizenship Canada

LMIA : Labour Market Impact Assessment

MWC : Migrant Workers Center

TFWP : Temporary Foreign Worker Program

TRP : Temporary Resident Permit

RATTMAQ : Réseau d'aides aux travailleuses
et travailleurs migrants agricoles du Québec

VWOWP : Vulnerable Workers Open Work Permit



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EMERGENCY EXIT OR DEAD END ?

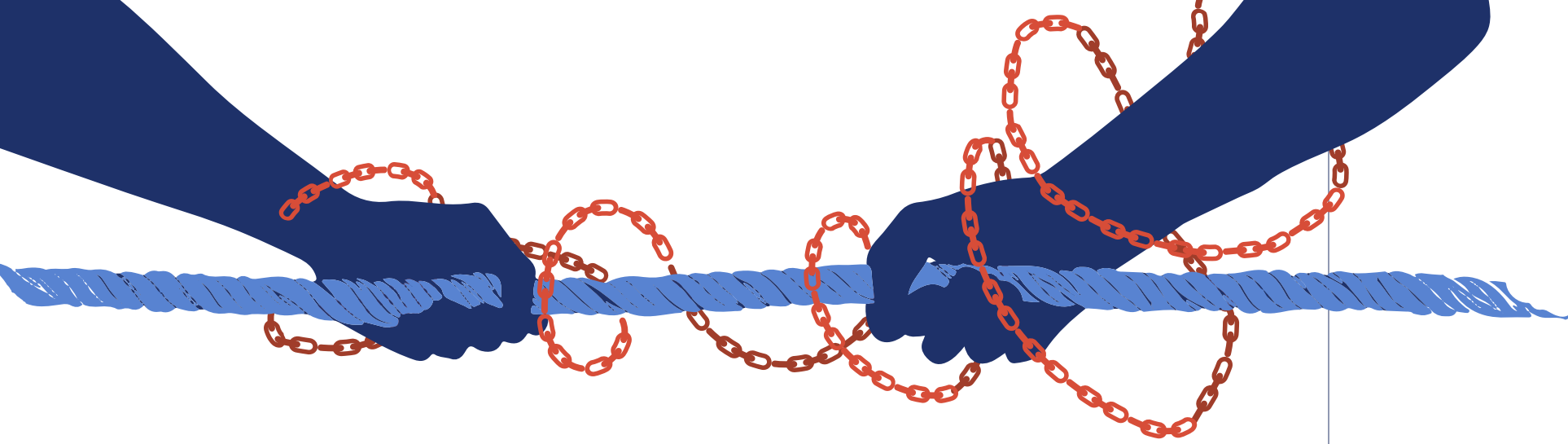
An Analysis of the Impacts of the Open Work
Permit for Vulnerable Workers in Canada



Executive Summary

This report documents the impact of the Open Work Permit for Vulnerable Workers (VWOWP) program on the trajectories of temporary workers in Canada who have applied for it. Two community organizations, the Réseau d'aide aux travailleuses et travailleurs migrants agricoles du Québec (RATTMAQ) in Quebec and the Migrant Workers Center (MWC) in British Columbia, contributed to the planning and execution of this research. The FCJ Refugee Center in Toronto provided support for data collection in Ontario. We also express our gratitude to Me Aïssa Nauthoo, Vice President, Legal Aid, Employment and Settlement, Centre francophone du Grand Toronto (CFGT).

Based on the analysis of 47 semi-structured interviews of migrant workers conducted in Quebec, Ontario, and British Columbia, this report highlights the trajectories of these temporary migrant workers who held a closed work permit in Canada and applied for a VWOWP between January 2021 and February 2024. Despite the severe abuses faced by these migrant workers and the breakdown of their employment relationships, participants reported multiple barriers to accessing and benefiting from the VWOWP program. Even after obtaining a VWOWP, workers' testimonies reveal the emergence of new vulnerabilities prompted by the VWOWP program itself, and a cycle of abuse and precarity affecting the workers' employment, housing, and immigration status. This report also reflects the participants' recommendations regarding the VWOWP program, including ways to improve the working and living conditions of (im)migrants admitted to Canada under the temporary worker programs and enhancing the protection of their rights.



! Key findings

01 Severe situations of abuse leading to breakdown of employment relationship

The circumstances of abuse leading participants to apply for an Open Work Permit for Vulnerable Workers (VWOWP) are varied. In most cases, they relate to abusive working conditions, inadequate employer-provided housing, non-compliance by the employer with the employment contract, obstacles accessing healthcare, financial exploitation, administrative fraud, and various forms of psychological abuse. In most cases, several months passed before workers decided to risk their relationship with their employer-sponsor (risking the loss of their right to work in Canada due to their employer-specific work permit) to report the abuses they endured. The fear of reprisal from the employer-sponsor (as dismissal would automatically result in the loss of a worker's right to work in Canada), lack of knowledge of their rights in general and about the VWOWP in particular, and the difficulty in accessing all the necessary psychological, financial, community, and logistical resources to access a VWOWP contribute to migrant workers enduring abuse for a long period of time before finally reporting it.

02 Significant barriers to accessing the Open Work Permit for Vulnerable Workers

Although the program aims to offer a solution to workers to quickly escape an abusive employment situation, the obstacles to accessing a VWOWP make it exceedingly difficult for workers to benefit from it. In one respect, the barriers to access are related to the lack of awareness of the program's existence and its late discovery by the workers. The efforts by government agencies to disseminate information about the work permit program to migrant workers who may benefit from it are insufficient. On the other hand, the most vulnerable workers face significant barriers in filing an application due to the cumbersome and complex application process. In this regard, the burden of proof that a worker must meet is a major barrier to accessing the program and failing to meet the burden exposes workers with closed work permits to the risk of severe reprisals and sanctions. Finally, given the nearly 50% risk of refusal on an application (and the associated risks of not being able to renew their legal immigration status), accessing the program remains a last resort for migrant workers who are victims of rights violations.

03 New vulnerabilities and a cycle of abuse

The analysis of workers' experiences following the submission of an application for a VWOWP reveals the emergence of new forms of vulnerability for these workers post-application. While waiting for a response to their VWOWP application, workers who are stuck in their abusive employment situation continue to endure various forms of abuse. Those who leave their jobs in the interim may face difficulty finding adequate housing, food insecurity, and be forced to engage in unauthorized work due to their precarious immigration status. Even after obtaining a VWOWP, it remains very difficult for migrant workers to find housing and secure employment in the labor market. This cycle of precarity is exacerbated by the absence of an associated job placement program, the inability to renew a VWOWP, the lack of a path to permanent legal status, and the lack of associated programs for post-traumatic psychological services, temporary emergency housing, and social reintegration.

04 The tip of the iceberg: TFWs endure rights violations

This analysis unequivocally demonstrates that the VWOWP does not represent an accessible way out for migrant workers experiencing rights violations while trapped by their closed work permits. The fear of reprisal and losing their right to work in Canada significantly reduces access to the VWOWP program. For the majority of workers, the need for legal or other support to submit an application makes access nearly impossible. For workers who make it past the initial barriers to submitting an application, only about 50% of applications are approved. | An analysis of application data confirms the extremely low uptake of the program. In 2023, 3 929 applications were submitted, and 2 060 permits were issued (IRCC, 2024c). During the same year, there were over one million individuals with temporary immigration status in Canada who had a work permit (Statistics Canada, 2024). Among them, the exact number of those who are on a closed work permit is not available. Nevertheless, these figures indicate that those who apply and benefit from the program represent the tip of the iceberg only in terms of the abuse suffered by migrant workers in Canada.

Introduction

Temporary workers with closed work permits in Canada

01

In Canada, the number of temporary migrants surpasses the number of permanent immigrants each year. In the first quarter of 2024, there were 1,751,758 people holding work permits in Canada, a number that has more than doubled in two years (Statistics Canada, 2024). A significant proportion of this population hold a closed work permit, which ties them to a specific employer. This includes all individuals admitted under the Temporary Foreign Worker Program (TFWP) and about one-third of the workers under the International Mobility Program (IMP) (Chartrand & Vosko, 2021).

“ 1,751,758 people holding work permits in Canada, a number that has more than doubled in two years. ”



It has been widely demonstrated that a closed work permit, which tie a worker to one specific employer, is itself one of the main obstacles to workers exercising their rights. Closed work permits restrict a worker’s ability to resign in cases of mistreatment, to refuse dangerous work, to demand contract compliance by their employer, and to access justice in case of rights violations (Association for the Rights of Household and Farm Workers – ADDPD/ARHW, 2021).

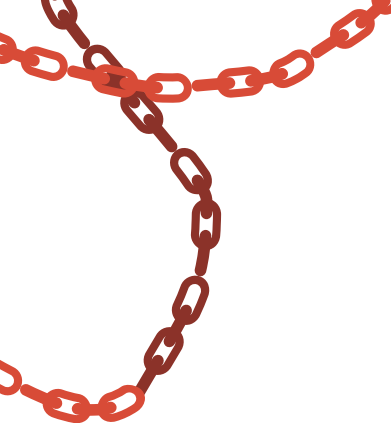
Workers with closed permits are often described as “captive” in the labour market due to their lack of employment mobility (Basok, 1999; Bélanger, 2022; Binford, 2019; Depatie-Pelletier & Dumont Robillard, 2013; Hennebry & Preibisch, 2012). Despite their significant contribution to Canada’s economic development, these workers find their ability to exercise their rights limited by the conditions of their work authorization on Canadian soil, which entirely depends on their specific employment relationship.

This disproportionate power given to an employer-sponsor discourages workers with closed work permits from reporting exploitation due to a two-fold fear: the revocation of their authorization to work (which carries the risk of expulsion from the country), and the non-renewal of their work permit with the aid of their employer necessary to maintain legal immigration status. The revocation of the right to work and the non-renewal of legal status, both feasible for employers wishing to “get rid of” a troublesome worker, create a regime of “deportability” that makes the migrant workforce docile and easily exploitable. The fear of losing the right to legally work in Canada is even more pronounced as many migrant workers who come to Canada to work are the primary providers for their families (Basok et al., 2014; De Genova, 2002; Vosko, 2016).

The regime of deportability under closed work permits combined with other vulnerability factors for certain groups of workers, causes increased opportunities for abuse. These factors include being housed by the employer (e.g. agricultural workers), working in isolated regions or in private households (e.g. care workers), performing risky jobs, and not speaking French or English as a sufficient level. The combination of these risk factors limits a worker’s access to community, legal, and health services and affects their physical and mental health, and ultimately, their working and living conditions (Bélanger & Candiz, 2015; Caxaj & Cohen, 2019; Colindres et al., 2021; Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, September 2016; Canadian Council for Refugees, 2016; Diaz Mendiburo & McLaughlin, 2016; Hastie, 2017; Hennebry et al., 2016; Landry et al., 2021). In short, the precarity and vulnerability of workers is caused by government policies regulating temporary immigration programs. This cause and effect is widely recognized by frontline organizations, the academic community, and various federal parliamentary committees.

After decades of pressure from various stakeholders, the lack of respect for the rights of migrant workers and the abusive situations they endure in Canada’s temporary migration programs has increasingly become of public concern. The Canadian government has responded to these criticisms by implementing so-called mitigation policies, measures aimed at limiting the impacts on migrant workers who have restrictions on their freedom of labour mobility (Marsden, 2019; Nakache et al., 2022). In 2015, under Section R209.996 of the Immigration and Refugee Protection Regulations, Canada committed to strengthening employer oversight by instituting a range of sanctions for those employers who did not comply with program terms (IRCC, 2024a). These measures are superficial, with limited impact on the numerous cases of abuse still experienced by workers (Depatie-Pelletier et al., 2022; Marsden et al., 2020).





Research questions and objectives

In the context of growing concern of abuse of migrant workers, the federal government introduced a novel regulatory provision in 2019 aimed at protecting temporary workers who are victims of or at risk of abuse in the context of their employment. Specifically, the Open Work Permit for Vulnerable Workers (VWOWP) [R207.1 – L72] was introduced, which targets workers holding a work permit tied to a specific employer (closed work permit). Temporary migrant workers whose application is approved by an immigration officer receive a VWOWP valid for a maximum of twelve months, allowing them to leave their abusive employer and seek alternative employment. At the end of the validity period of their VWOWP, these workers must normally obtain a new closed work permit to be able to remain in Canada.

The overall objective of this report is to analyze the impacts of the VWOWP program on temporary migrant workers attempting to utilize it. The study examines the situations and types of abuse leading workers to apply for a VWOWP, the barriers related to accessing the program and the application process itself, as well as the experiences of workers following the submission of an application, including the issuance or refusal of their VWOWP application.

This report aims to follow the journeys of workers who have applied for a VWOWP and who have alleged to have experienced abuse or be at risk of abuse in their workplace. The research was conducted in three provinces: Quebec, Ontario, and British Columbia, with workers who applied for a VWOWP after January 1, 2021. The Program's impacts on a worker's migratory status, employment, residence, and social trajectories were analyzed in depth.





A collaborative research approach

The research was designed, planned, and conducted in collaboration with two community organizations: The Réseau d'aide aux travailleuses et travailleurs migrants agricoles du Québec (RATTMAQ) in Quebec and the Migrant Workers Center (MWC) in British Columbia, who collaborated with the Canada Research Chair on Global Migration Processes at Laval University. In Ontario, the FCJ Refugee Center in Toronto contributed to recruiting participants from that province and played a role in the final report. The Association for the Rights of Household and Farm Workers (DTMF/RHFW) acted as a collaborative member of the project and supported the research team with their legal expertise.

Data analysis and the writing of the research report was conducted by the university team consisting of five individuals (co-authors of this report), in collaboration and consultation with the partner organizations. The research received financial support from the Social Sciences and Humanities Research Council of Canada and the MITACS program, in addition to the time and expert contributions from the partner community organizations.

02

Relevance of the research

Following pilot projects conducted in British Columbia and Alberta, the Open Work Permit for Vulnerable Workers program was officially established in 2019 (Aziz, 2022). Immigration, Refugees, and Citizenship Canada (IRCC) has outlined four primary objectives for this initiative (IRCC, 2024b):

1. Provide an Alternative for Workers Facing or at Risk of Abuse:

The program aims to offer migrant workers who are victims of abuse or at risk of such, a distinct means to leave their employment without jeopardizing their legal status in Canada.

2. Reduce the Risk of Irregular Work Post-Abuse: It seeks to mitigate the risk of these workers leaving their jobs and working irregularly, after having been victims of abuse.

3. Facilitate Worker Participation in Inspections: The program encourages migrant workers who have experienced or are at risk of abuse to participate in relevant inspections of their former employers or recruitment agencies.

4. Support Cooperation with Authorities: It helps victims of abuse collaborate with authorities by minimizing the perceived risk and fear of having their work permit revoked and being deported from Canada.

The program recognizes **five categories of abuse** (whether experienced or at risk of being experienced) (IRCC, 2024b):

- 01 Physical Abuse:** This includes any act intended to intimidate or injure an individual, encompassing unsafe living and working conditions.
- 02 Psychological Abuse:** This includes all controlling, coercive and threatening behavior.
- 03 Financial Abuse:** This involves controlling a person's access to economic resources, such as withholding wages or unjustly deducting part of their income.
- 04 Reprisal:** Any disciplinary action taken against an employee for reporting non-compliance with conditions or cooperating in an inspection concerning their employer.
- 05 Sexual Abuse:** Situations where an individual is forced or threatened into unwanted sexual activities.

APPLY FOR A WAY OUT

VWOWP

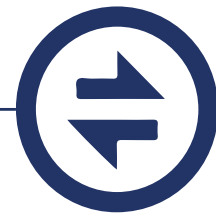
UP 01 TO Year

allowing workers to change their workplace.

TO QUALIFY :

- ✓ valid employer-specific work permit
- ✓ Demonstrate that they have been subjected to or are at risk of one or more of the forms of prescribed abuse :

01 02 03 04 05



Workers applying for a work permit under this program can be granted a VWOWP for up to one year, allowing them to change their workplace. To qualify, workers must have a valid employer-specific work permit and demonstrate that they have been subjected to or are at risk of one or more of the forms of prescribed abuse. Before the establishment of this program, workers who were unfairly dismissed or leaving an abusive work environment had severely limited options to legally remain in Canada.

Open Work Permit for Vulnerable Workers: An additional measure to limit rights violations

After five years of existence, the VWOWP program represents a significant recognition of the negative impacts of closed work permits. The administrative burdens borne by employers associated with hiring foreign workers with closed permits, often including the provision of housing, fosters a sense of ownership over the workforce by employers. This mindset of ownership can lead to situations of abuse from which workers with closed work permits may find it very difficult to extricate themselves, given their position of legal subordination relative to their employer.

IRCC accurately documents the various forms of abuse that workers may face and the reasons why they may endure intolerable situations before reporting them. The IRCC website detailing the VWOWP program demonstrates a nuanced understanding by the department of the effects of closed work permits and the asymmetric power relationships between workers and employers in Canada (IRCC, 2024b). It is noteworthy that the content of this webpage has evolved since the initial implementation of the program, indicating improvements in the guidance provided to Immigration agents evaluating applications and the training they receive.

While this type of program is not unique globally, it has drawn attention from other countries. Scotland, for instance, commissioned a consultant to study this program in Canada who makes recommendations for implementing a similar initiative in Scotland (Robinson, 2023).

Previous analysis has highlighted mixed results

At the time of the program's launch, the Canadian government underestimated the number of people who would utilize this emergency measure to 500 workers per year. However, this was a significant underestimation of the true demand for relief. Indeed, between June 2019 and July 2021, 2,481 applications were submitted to IRCC, of which 57.1% were approved (Aziz, 2022).

Two community organizations sought to understand the impact of the VWOWP on workers. One study was conducted in 2021-2022 by our partner in British Columbia, the Migrant Workers Center (MWC). The organization filed access to information requests with IRCC and analyzed the reasons for acceptance and refusal of 30 VWOWP applications. The aim was to analyze the implementation of the program and the interpretation by IRCC officers of the types of abuse reported (Aziz, 2022). The report raised concerns about program flaws, including irregularities in application assessments, and negative impacts on many temporary migrant workers experiencing workplace abuse.

The second study was conducted by the Association for the Rights of Household and Farm Workers (DTMF-RHFW, formerly ADDPD/ARFW), who undertook interviews in three provinces with ten participants (members of organizations and independent lawyers) providing support for VWOWP applicants (DTMF-RHFW, 2021). The research aimed to evaluate whether the VWOWP had achieved its goals of reducing vulnerability among migrant workers while holding accountable employers who were at fault. The study's findings echoed those of the MWC, revealing deficiencies in four main areas: poor accessibility of the program (e.g. the high risk of refusal leading to a low proportion of abused workers attempting to access a VWOWP due to the risk of losing their right to work in the country); the complex process of applying for a VWOWP; detrimental effects of the program and the application process (e.g. loss of medical coverage, re-traumatizing processes); and the program's inefficiency in preventing rights violations (DTMF-RHFW, 2021).

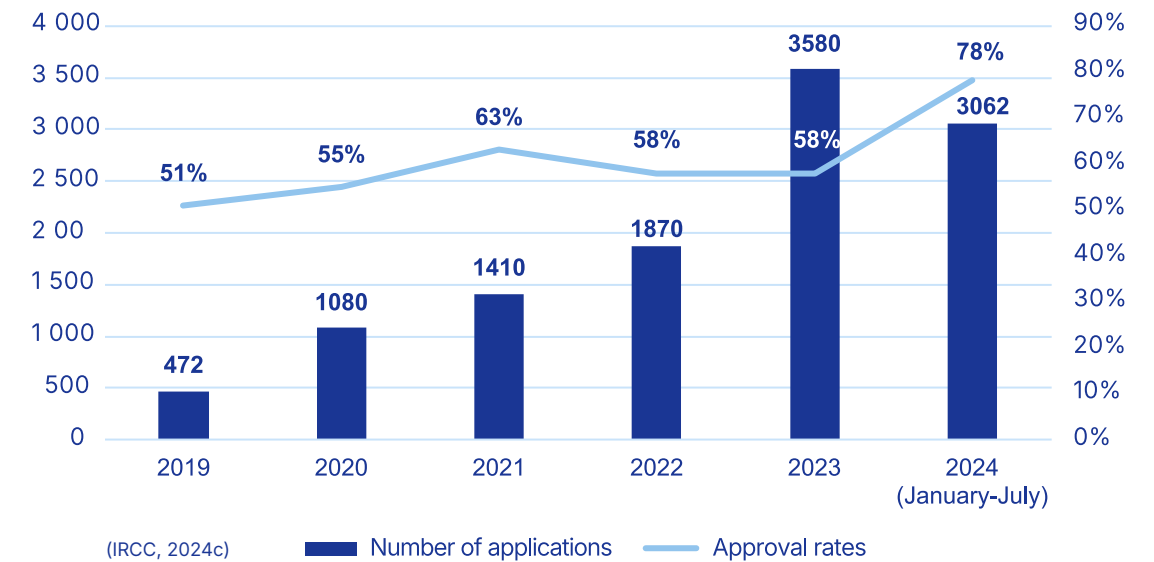
Finally, during roundtable meetings and public events about the VWOWP, academics, unions, and civil society members expressed concern regarding the program's scope. Questions were raised about the program's ability to provide a safe, timely, accessible, and sustainable solution for migrant workers subjected to abuse. Criticisms were articulated about the program's failure to reverse the structural trend of migrant vulnerability caused by Canada's immigration policies (Mojtehdzadeh, 2020). The notion that the program itself might create new vulnerabilities, highlighted in these discussions, is a hypothesis that this project aims to rigorously test based on the experiences of the workers interviewed.

Research needs and existing data on the program

There is no research or program evaluation reports that attest to the impacts of the VWOWP on workers attempting to avail themselves of it. This research focuses on the importance of the experiences and journeys of these workers, whose economic and social contribution is essential to the country. The only available data on this program pertains to the number of applications, approvals, and refusals.

The chart below shows the number of VWOWP applications submitted since the program was established in 2019 through July 2024. Over this 5-year and 7-month period, the program received more than 11,000 VWOWP applications. The number of applications gradually increased from 472 in 2019 to 1,870 in 2022, then doubled to 3,580 in 2023, showing a significant increase between 2022 and 2023. The 3,000-application threshold exceeded in the first 7 months of 2024 also suggests a marked increase in the number of applications from 2023 to 2024. The national acceptance rate for these applications varies between 51% and 78% over the entire period from 2019 to July 2024. That said, a little over 7,000 permits have been issued since the program's inception.

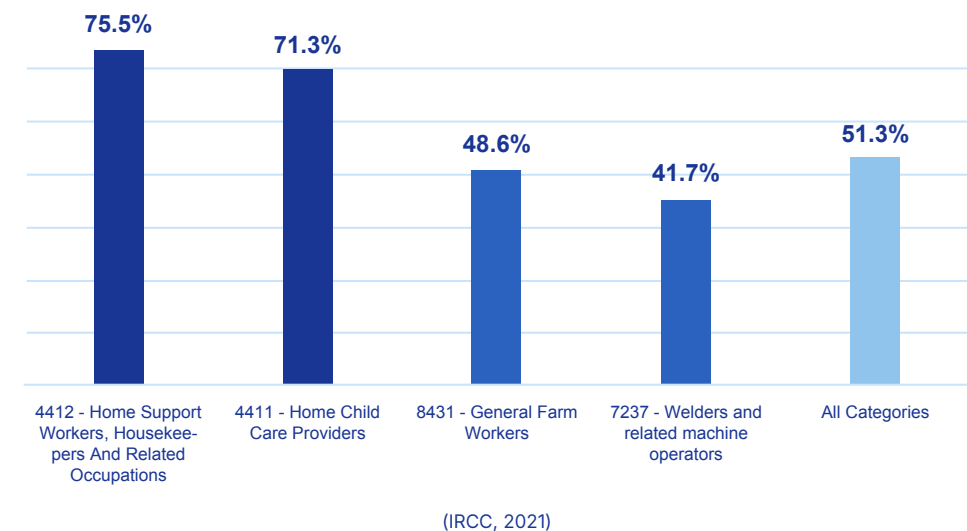
Number of VWOWP applications and approval rates from 2019 to July 2024



This second graph illustrates variations in the approval rates of VWOWP applications depending on the occupation listed in the National Occupational Classification (NOC). Disparities between applicants depending on their occupation are significant, as evidenced by, for example, a 34-percentage point difference between the occupation of home support worker, with the highest acceptance rate, and that of welder, with the lowest acceptance rate. These discrepancies more broadly reflect inequalities in access to the program among temporary workers.

Approval rate of PTO-V by NOC (in %) for the two highest and lowest categories

The NOC codes used in this chart correspond to version 1.3 from 2016.





Methodology

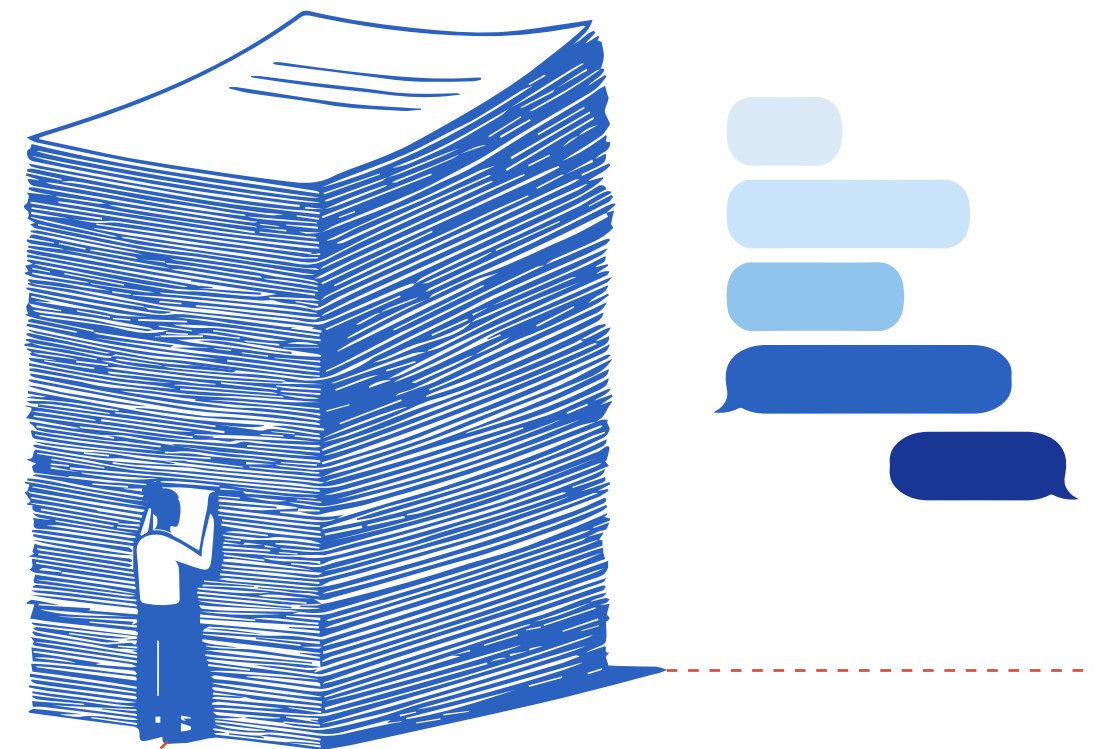
Participant selection

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The selection of participants was based on two main criteria: having applied for a VWOWP in one of the provinces covered by the study and having received a response between 8 to 15 months prior to the interview. The latter criterion was relaxed during the research due to recruitment challenges. Individuals whose applications were approved, as well as those whose applications were refused, were eligible to participate. We collaborated closely with our partners for participant identification and recruitment. This stage was carried out between May 2023 and March 2024. In total, 47 people participated in the study. Interviews were conducted in their language of choice (French, English, Spanish, or Italian) and in their preferred mode, either online or in person. Interviews lasted an average of 75 minutes.

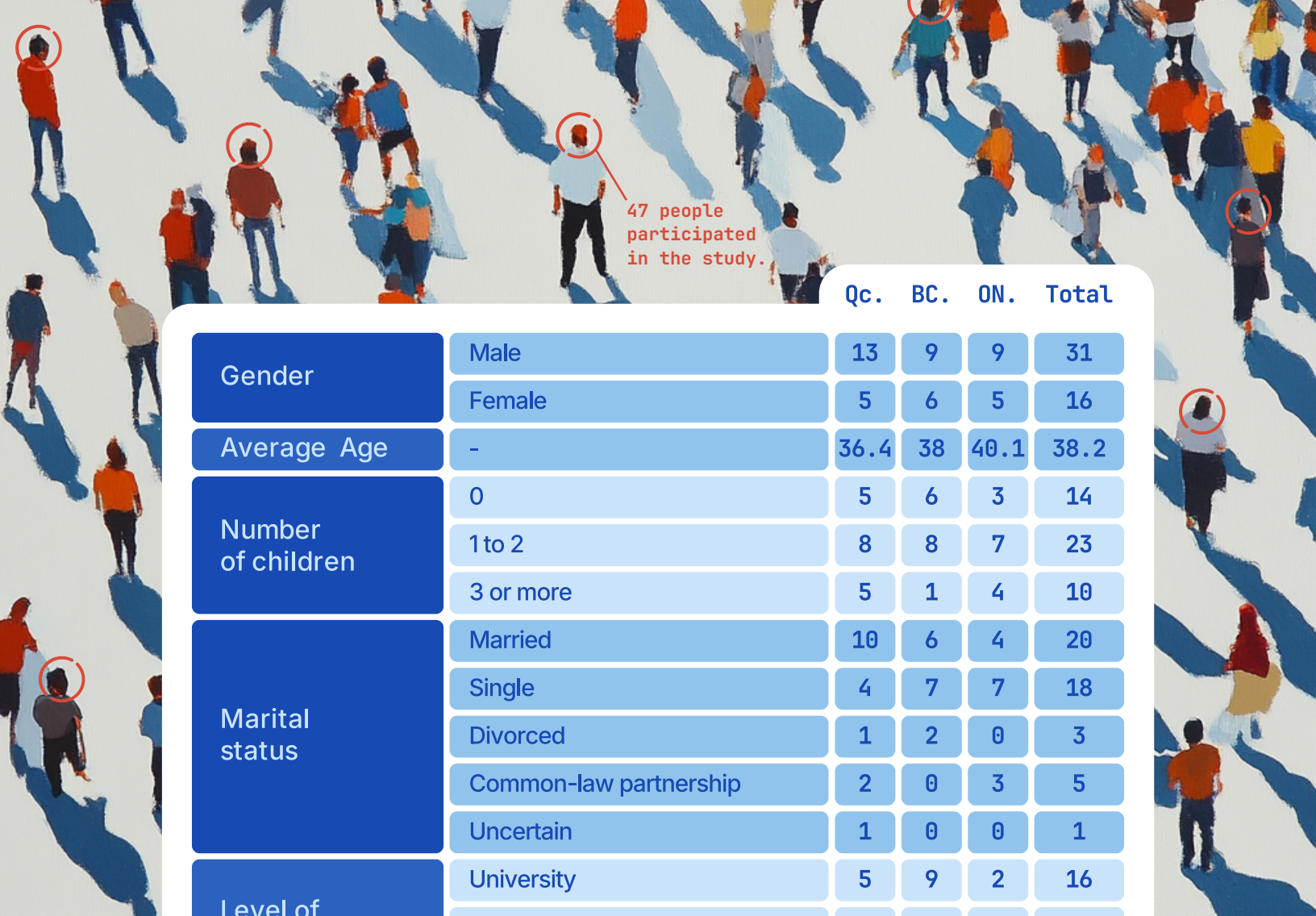
x47 people participated in the study.

- ✓ Had applied for a VWOWP in one of the provinces covered by the study
- ✓ Had received a response between 8 to 15 months prior to the interview.



Interviews and analysis

The interviews were conducted using a semi-structured interview guide (see Appendix A) arranged in three sections: circumstances leading to the application for a VWOWP; the application process itself (i.e. submission to IRCC); and post-application experiences. The purpose of the interview was to understand the worker's pathways with respect to employment, housing, migratory status, and other social aspects (for example, third-party interventions, personal networks the worker may have relied on). The selection of themes within each section was discussed in collaboration with project partners. Each interview was recorded with the prior consent of the participant. Data analysis relied on three complementary methods: writing chronological notes and extracting noteworthy quotes, creating timelines for the Quebec sample on various aspects of their pathways (see Appendix B), and fully transcribing recordings for Ontario and British Columbia. A thematic analysis of the entire data set was conducted by four team members. Additionally, an Excel table for data classification and an SPSS database were developed.



47 people participated in the study.

Qc. BC. ON. Total

		Qc.	BC.	ON.	Total
Gender	Male	13	9	9	31
	Female	5	6	5	16
Average Age	-	36.4	38	40.1	38.2
Number of children	0	5	6	3	14
	1 to 2	8	8	7	23
	3 or more	5	1	4	10
Marital status	Married	10	6	4	20
	Single	4	7	7	18
	Divorced	1	2	0	3
	Common-law partnership	2	0	3	5
	Uncertain	1	0	0	1
Level of Education	University	5	9	2	16
	Secondary school or college	9	5	12	26
	Unfinished secondary school	4	1	0	5
Time spent in Canada	One year or less	1	5	2	8
	One to five years	17	7	9	33
	More than five years	0	3	3	6

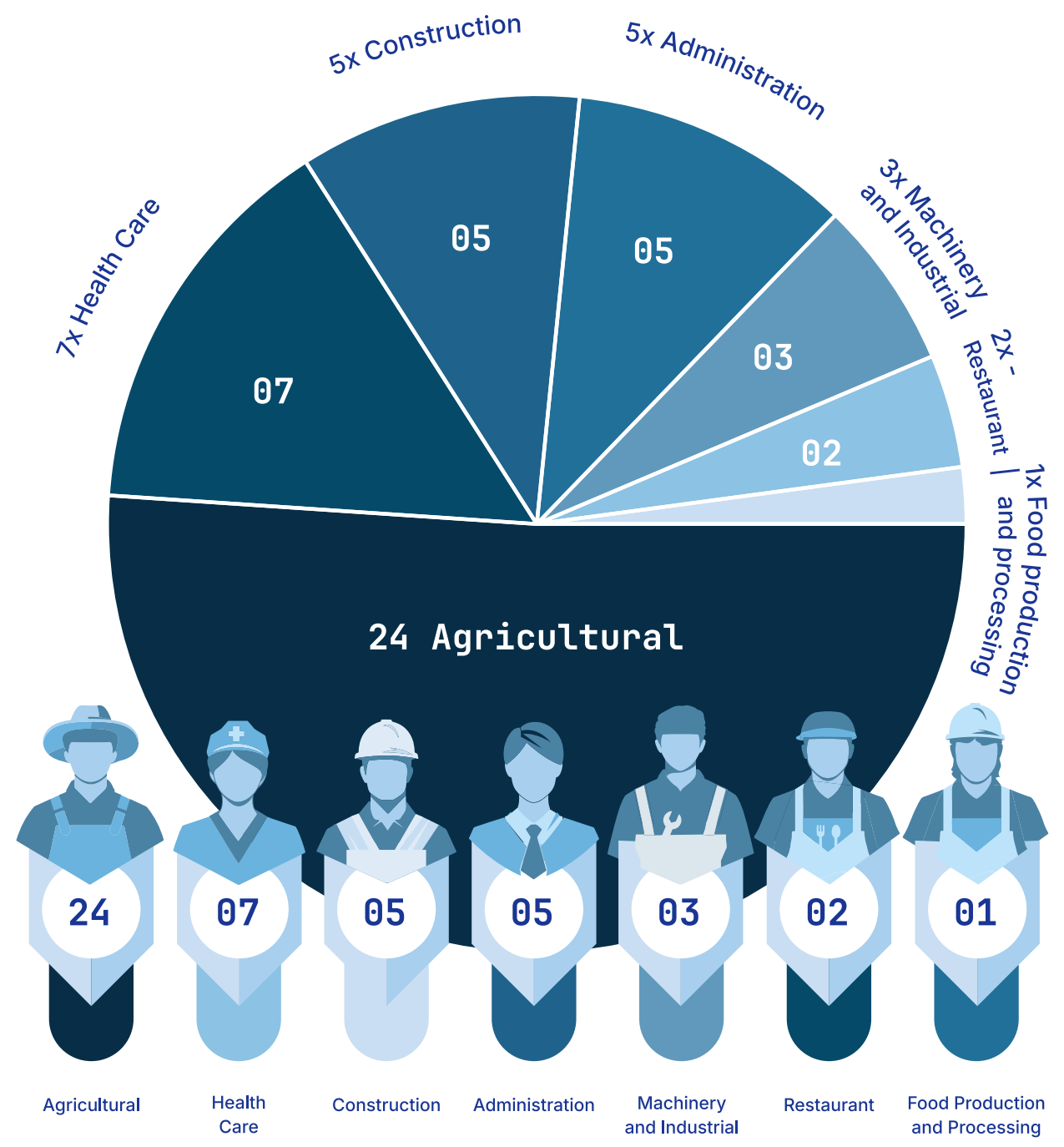
Sample description

Qc: Québec | BC: British Columbia | ON: Ontario

The sample consists of 47 individuals. At the time of the interviews, 16 individuals resided in Quebec, 13 in Ontario, 15 in British Columbia, and three had returned to their country of origin. To ensure the confidentiality of these three individuals, their information has been classified within the Quebec and Ontario datasets, where they resided before leaving Canada. The table below presents some sociodemographic characteristics of the participants, including gender, age, marital status, highest level of completed education, and length of time spent in Canada:

Distribution of participants by employment sector prior to VWOWP application

Most individuals, 40 in total, had obtained a VWOWP after one or two application attempts. In five cases, the application for a VWOWP was refused. Two individuals were unsure of the outcome of their application at the time of the interviews. The main occupational sector of applicants with closed work permits applying for a VWOWP was the agricultural sector. Other individuals were distributed across various sectors:



Contries of Origin of the Participants

The countries of origin of the participants show great diversity, as illustrated by the map below. The map also depicts the distribution by province, according to the origins of the participants.



Number of participants per country of origin :



Countries of Origin and Destination Provinces of the Participating Individuals

Destination Provinces:
 • Ontario • Québec • British Columbia





Results and analysis

Pre-application experience of Open Work Permits for Vulnerable Workers

04

The accounts of living and working conditions during the period of employment with a closed work permit and before applying for a VWOWP highlight several important characteristics of the pre-application experience of workers. Firstly, the decision to leave an abusive situation was made after a relatively long period of employment and following an accumulation of abusive experiences. Secondly, the kinds of abuse experienced are diverse and impact multiple dimensions of the lives of workers.

Enduring abuse until the decision to leave

The results show that more than half of the participants, 31 individuals, had left their jobs after working for a period ranging from 6 months to 4 years. This duration and the narratives shared by the participants indicate that most of the workers waited several months, or even years, before reporting the abuse they endured. The reasons cited for these delays relate to dependency on the employer caused by the closed work permit system. The fear of taking action and leaving an exploitative situation is linked to the general fear of losing the right to legally work in Canada in the short or medium term. Additionally, like Canadian workers, migrant workers enduring abuse also feared losing their job, income, and associated housing, or facing further retaliation by their employer. Furthermore, many participants noted they were in debt, and fear of being unable to repay their debt prevented them from seeking assistance, trapping them in abusive working conditions. Lack of awareness of their rights and resources to seek help (including the VWOWP) are other factors that keep workers in situations of mistreatment. As illustrated by the following interview excerpt, ignorance of the rights of workers who hold closed work permits is often linked to dependency on the employer.

“People are not aware of their rights. Our employers don't tell us our rights because they don't want us to know. So we're like fish out of water. If they say “you go”, they come and they say “Okay I'm going to book your flight for you to go home.” They just go ahead and do it. We don't know what to do or who to turn to, because we don't know who to trust.”

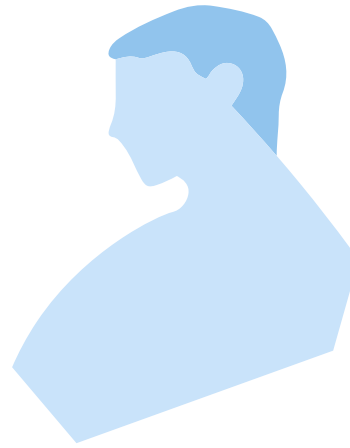
Cumulative nature and diversity of kinds of abuse

The data collected highlights a number of kinds of abuse endured by workers. This includes non-compliance with employment contracts and abusive working conditions, such as excessive working hours, dangerous conditions due to inadequate equipment, non-payment of wages, and work outside of the scope of the employment contract. These working conditions, coupled with limited access to healthcare, often adversely affect both the physical and mental health of workers. Workers also face threats, harassment, intimidation, and retaliation for vocalizing grievances. Additionally, inadequate housing conditions are often reported in cases where housing is provided by the employer. Finally, various forms of financial exploitation and administrative fraud are also noted.

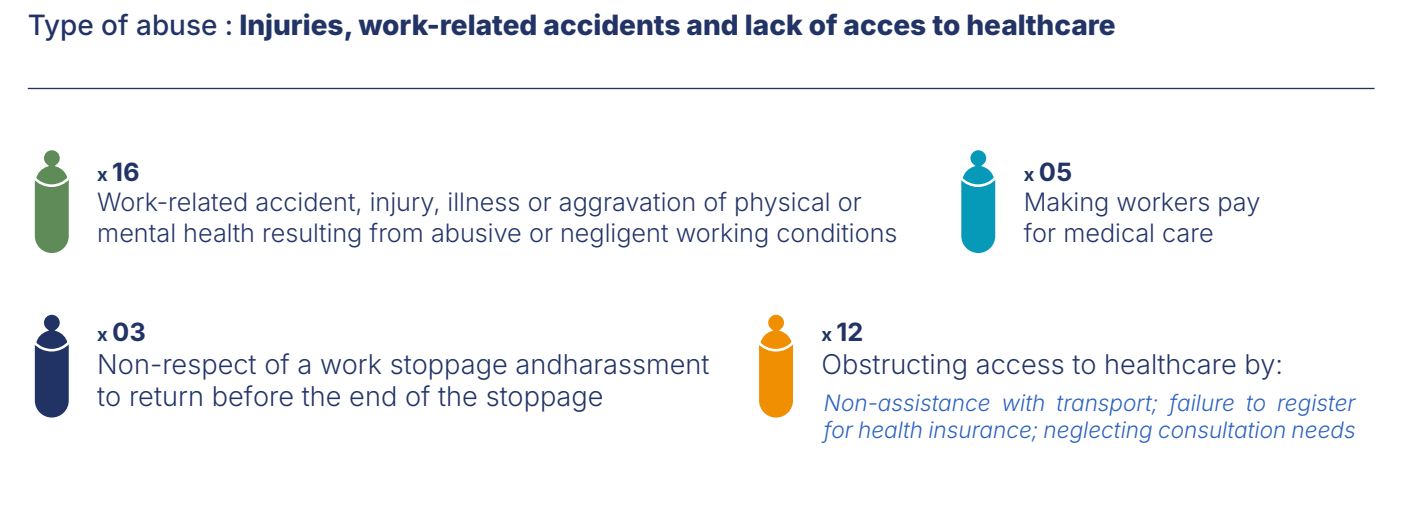
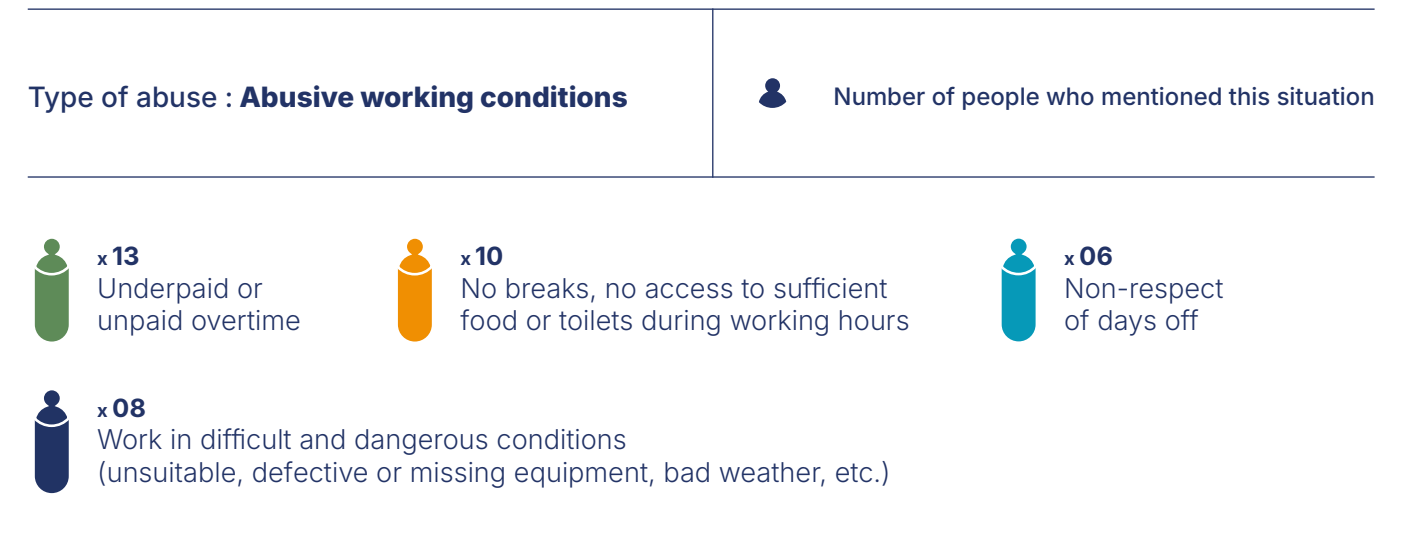
Importantly, the data shows that severing ties with the employer and deciding to leave does not occur after the first instance of abuse but rather results from an accumulation of various repeated abuses over an extended period. For example, abusive working conditions are consistently experienced alongside psychological harassment and threats of deportation. This dynamic, where different kinds of abuse occur simultaneously, stems from the power asymmetry and legal subordination of workers with closed work permits tied to their employers.



“Actually, he [the employer] felt like he owned us, just because he had us under a work permit, under his name, you know.”





All forms of abuse reported spontaneously during the interviews were documented. A comprehensive list of different kinds of abuse was not provided to the research participants. Therefore, the examples of abuse outlined come strictly from the workers' own narratives. The interviews reveal numerous cases of non-compliance with employment contracts and abusive working conditions (e.g. exceeding contractually agreed upon hours of work, unpaid or underpaid hours, additional tasks outside of the scope of the contract), various forms of threats, harassment, and intimidation in the workplace or living environment, abusive working conditions leading to work accidents and injuries, as well as barriers to accessing healthcare and various types of financial fraud. Most participants faced an accumulation of abusive situations in their workplaces. The detailed results of this analysis are presented in the table below.




Type of abuse : **Reprisals**


 Number of people who mentioned this situation

 **x08**
Threat of dismissal and punitive measures such as increasing rent, reducing working hours, assigning difficult tasks, reducing pay :
If workers talk about their rights in terms of income, working conditions, rent, and health care.


 **x02**
Verbal aggression, threat of dismissal :
If they refuse to give false testimony to government authorities or a community organization during an investigation into working conditions.

Type of abuse : **Financial exploitation and administrative fraud**

 **x04**
Intimidation and threats of dismissal :
If non-compliance with conditions is reported

 **x10**
Dismissal before end of contract :
During or after work stoppage; for medical reasons that require modification of the tasks assigned to the worker; due to lack of speed and efficiency in the execution of tasks; as a punitive measure when the worker does not comply with abusive conditions


 **x07**
Demand reimbursement of costs related to the closed permit (Labour Market Impact Assessment, recruitment fees, etc.)

 **x02**
Unjustified payroll deductions

 **x06**
Extortion of fees for non-existent permits by employer or immigration consultant

Type of abuse : **Housing condition**

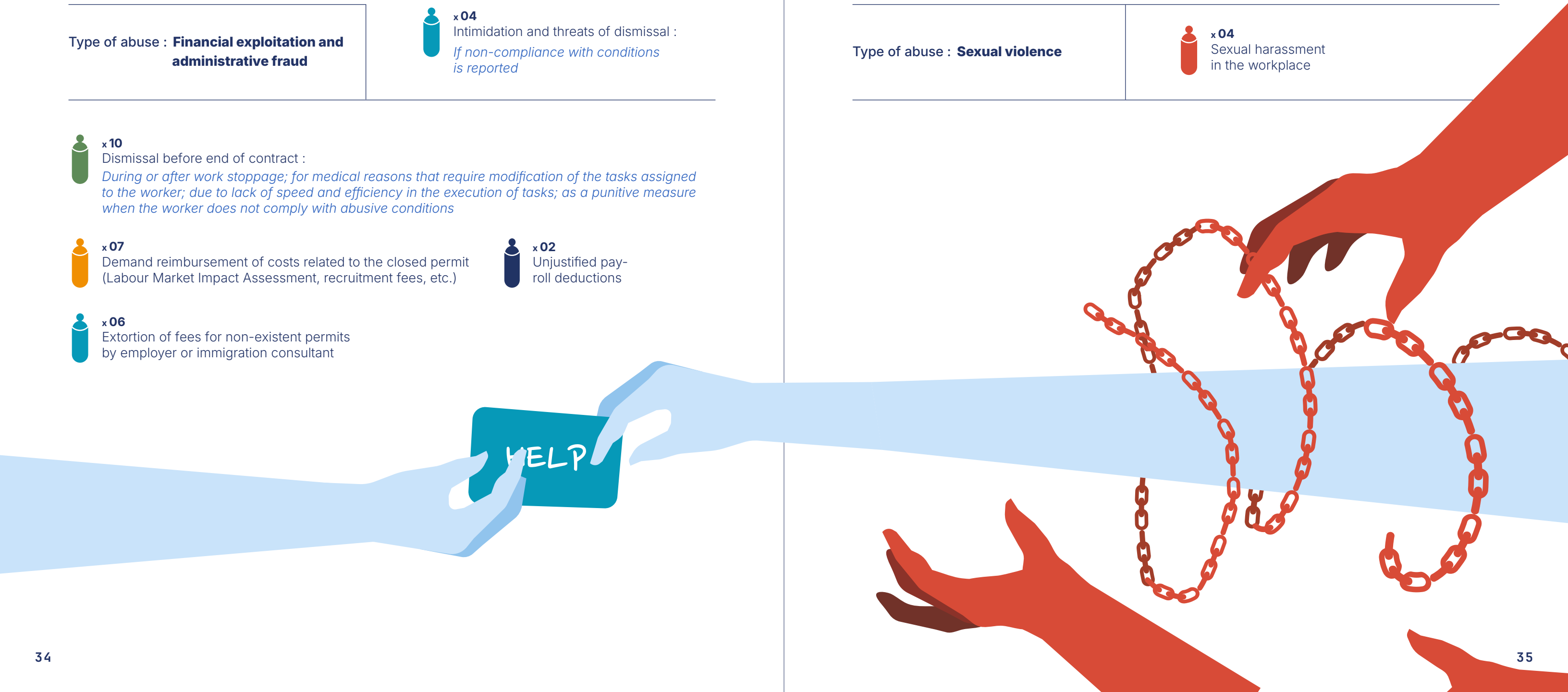
 Number of people who mentioned this situation

 **x12**
Confinement and lack of respect for privacy (surveillance cameras in the home, searches of the home, control of food, control of purchases, control or even prohibition of comings and goings in free time)

 **x18**
Inadequate and unhealthy employer-provided housing

Type of abuse : **Sexual violence**

 **x04**
Sexual harassment in the workplace





Application process for the Open Work Permit for Vulnerable Workers



To apply for a VWOWP, migrant workers must submit an application online directly to IRCC. This process, seemingly straightforward, is however fraught with challenges and varies in accessibility depending on the resources available to different workers. This section details the experiences of workers who have gone through the application process and highlights the inherent obstacles within the application procedure itself. These barriers include issues related to knowledge of the program's existence or lack thereof among migrant workers, systemic gaps in addressing on-the-ground realities of workers, and discrepancies between the expertise required and the resources allocated for the program's effective operation.

Lack of awareness of the program and inadvertent discovery



One of the initial obstacles faced by migrant workers experiencing abuse or at risk of abuse in their employment in Canada is their lack of awareness of their rights in general, and a specific lack of knowledge about the VWOWP program. In 2022, Employment and Social Development Canada established the Migrant Worker Support Program (MWSP), aimed at informing migrant workers of their rights in Canada (EDSC, 2022). This program primarily funds organizations that support migrant workers through airport orientation services upon workers' arrival to Canada and community services during their time in Canada. Despite the crucial presence of these community organizations on the ground, the systematic and structured transmission of critical information necessary for the protection of the fundamental rights of migrant workers is lacking.

As a result, many workers find themselves unable to exercise their rights in Canada, whether due to ignorance of their rights or due to pessimism induced by false claims from their employers and various intermediaries.



« As a foreigner, there were things I didn't quite get yet. Like, I didn't know about the rights foreign workers have... When you think you have no rights, that there's nothing you can do with these kinds of employers, you just gotta keep your head down, hold back from saying certain things. You take it all because you're scared, to avoid any backlash. »

« When [the migrant worker] arrives here, he knows nothing about here and then the person that has to advise him is the employer. So he gives him all the negative advice that he can give in his own advantage. [The worker] is enslaved. We have no freedom, no freedom at all. We're going to the market, they are taking us to the market. [...] They will wait until you finish to take you back home, because they don't want you to ask anything from anybody. They don't want you to know about the outside world. They don't want you to know about Canada. The closed permit to me is just giving the employer the opportunity to enslave workers. »

(The recruiter said)
 Don't go against your boss,
 there's nothing you can do
 because here, foreign workers
 are not respected, they are not
 known by the government.



« When we came, we were brainwashed by the recruiters. That's really brainwash. What you thought you knew, they will remove it from your brain. [The recruiter said] "Don't go against your boss, there's nothing you can do because here, foreign workers are not respected, they are not known by the government." So we should not waste any time going to the police station to report them over. We should not waste any time to report them anywhere, because they will always support our employer. [...] So you see with all that, I was like, if this man is really saying the truth, you have no choice than to work »

Most workers encountered in the study became aware of the VWOWP through a community organization. However, for many of them, contact with these organizations occurred by chance, often after abuse by their employer had already begun. The narratives collected underscore the random and often accidental ways workers became aware of and got into contact with an aid organization, including by referral from an incidental encounter (with medical personnel, human rights organizations, or government officials, for example) or through the individual's personal network (via a friend, online community, or family). The findings highlight that the timing of incidental discovery of the VWOWP poses a significant barrier to accessing the program. Indeed, some participants learned about the program too late, several months after leaving their employer or after their closed work permit had already expired, significantly reducing or nullifying their chance of obtaining a VWOWP.

Various paths to making an application

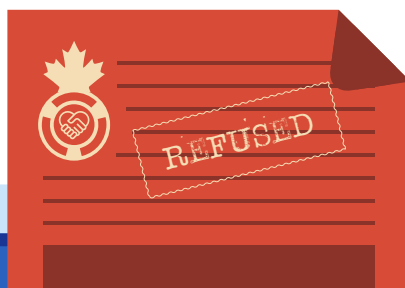
A second inherent obstacle in the VWOWP program lies in the inconsistencies between a normative approach, that theoretically allows systematic access to the VWOWP, and the reality faced by individuals. These inconsistencies are notably expressed through the diversity of pathways leading a worker to an application for a VWOWP.

The primary hurdle faced by those who deviate from the program's normative trajectory concerns the burden of proof on which an application is assessed. The granting of a VWOWP relies on the standard of "reasonable grounds to believe" that a worker has been abused or is at risk of abuse, which requires that this belief be based on objective, conclusive, and credible information. Unfortunately, for workers who have fled an abusive employer before contacting a community organization capable of supporting them in their application, the necessary evidence to obtain the permit is often lacking and impossible to gather once the employment relationship has been severed.

REFUSED

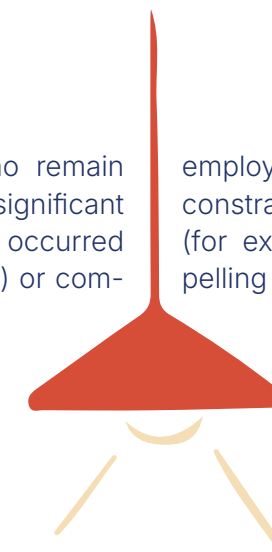
"I didn't have any evidence to provide, because when we asked [the supervisors] to bring us to the doctor, they didn't. So when I came to [the organization] [a year later], it was like after the fact. [...] My back was actually resting so I couldn't prove [the injury]."

"I only recorded [the conversations with the employer] for my own safety, 'cause they were saying awful things to me. They were practically threatening to kill me and my family. So, I had to have proof, no choice. One time, I reported another employer and they said they couldn't help 'cause I didn't have proof. That's when I learned my lesson. Here, you absolutely gotta have proof."



However, even for individuals who remain employed at the time of their application, the burden of proof remains a significant constraint in the absence of a competent authority able to confirm that an event occurred (for example, medical personnel, police, or employment standards commission) or com-

employed at the time of their application, the burden of proof remains a significant constraint in the absence of a competent authority able to confirm that an event occurred (for example, medical personnel, police, or employment standards commission) or compelling material evidence against the employer:



"If you're vulnerable, you can't just start recording and say, 'Hey, can you insult me, please, but do it here on the phone? I need proof.' It's really tough."

"I applied, explained everything, and they turned me down. They denied me because, from what I gather, if you haven't... How can I put it? If you haven't been beaten, if you haven't been physically attacked, if this, if that, there's no chance you'll get it"



The criticisms expressed by these participants clearly highlight the gap between the normative trajectory of the program, which is blind to the nature of exploitation, and the stark reality of daily life marked by abuses and barriers to collecting evidence of abuses.

Role of third parties

The burden of proof also represents a challenge in terms of the expertise required to submit a potentially successful application. A third obstacle faced by migrant workers who are victims of abuse lies in the necessity for many of them to be assisted by a third party with administrative and legal expertise in immigration and employment law when applying for a VWOWP. Some workers initially filed an application without assistance. However, these individuals had significant resources and the knowledge to do so (e.g. knowledge of one of Canada's official languages, digital literacy, and understanding of legal issues). Despite this, they still faced a rejection of their application and had to seek help from third parties to file a new application. The problems encountered by workers who face one or more refusals include difficulties with compiling the required evidence needed, submission of incomplete files, and/or assistance from third parties who may be incompetent or even ill-intentioned. Indeed, upon leaving their employment, workers who fail to find competent organizations for assistance are often forced to turn to private services. In this context, workers often encounter fraudulent immigration advisors who demand exorbitant fees and deceive them by submitting incomplete applications:

“The [consultant] that I asked to do it the first time, she said she was going to charge \$800 [...] When she realized that I wasn't going to get it, she said I don't have to pay her that much for the second time. [...] I tried again, and I didn't get it again. When I tried with [an organization] I tell her I tried two times and I didn't go through I don't know why. [...] She said because you did not write the letter properly and you did not go about it the right way. And I said, she [the consultant] did not explain all that to me. They just said I must write a simple letter.”

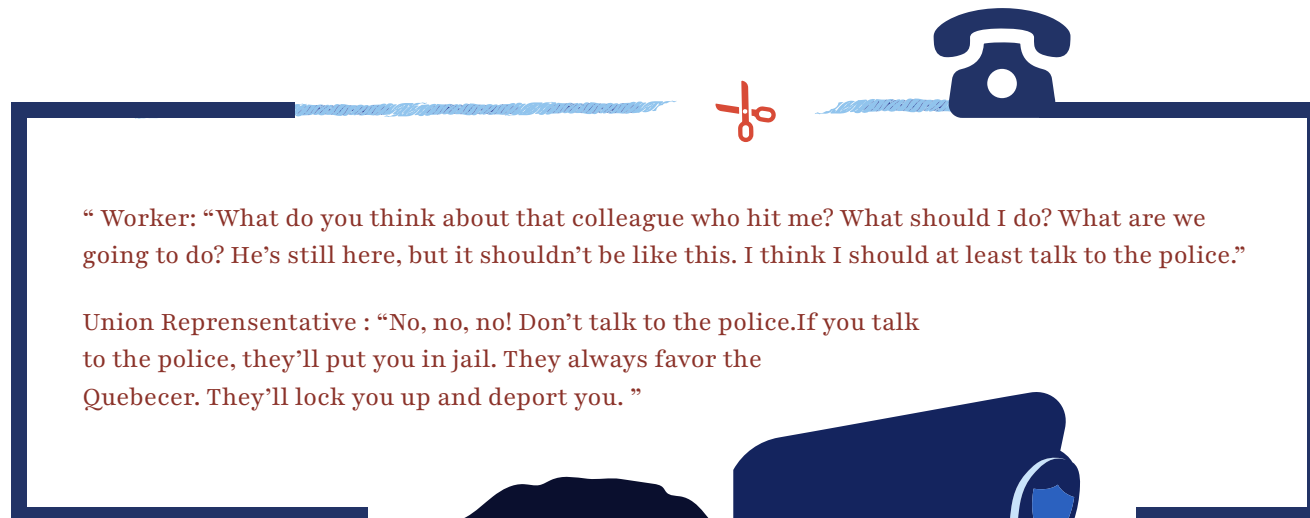
As illustrated by this participant's case, this situation not only reduces the chances of obtaining a VWOWP but also makes these workers more vulnerable to abuse by various actors in the migration industry.

Despite the variability in the intensity of obstacles encountered by different migrant workers, a general observation emerged regarding the inability for workers to successfully navigate the application process for a VWOWP alone. All participating individuals who attempted to apply on their own experienced failure, even if they were proficient in one of Canada's two official languages. Access to the program is even more challenging for workers whose first language is neither English nor French:

« There was a moment when I made [an application], but it didn't work out. I sent all my information to Service Canada, but I didn't know exactly what to do. Actually, it was like a request that I sent to them, but because I didn't know exactly what to do... I tried, and since I don't speak English or French, it was a bit difficult. »



In the absence of knowledge about community organizations that assist migrant workers, other workers turn to resources they are familiar with, such as unions, employment placement agencies, and their country's consulate. However, the experience of the participating workers shows that these resources can instead increase the vulnerability of workers without providing the necessary help requested. This is illustrated by the case of a worker who sought help from his union after experiencing physical assault by a colleague at his Quebec workplace. Not only did the union fail to intervene, but it also discouraged the worker from reporting the assault to the police, as illustrated by this conversation reported by the worker:



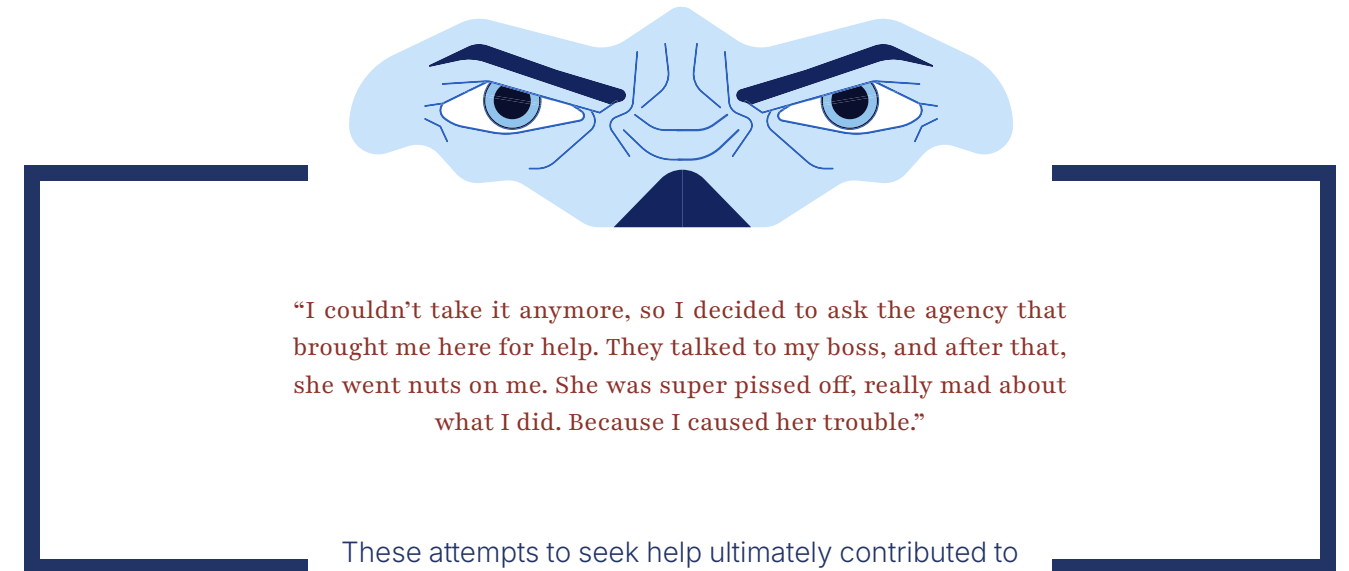
“ Worker: “What do you think about that colleague who hit me? What should I do? What are we going to do? He’s still here, but it shouldn’t be like this. I think I should at least talk to the police.”

Union Representative : “No, no, no! Don’t talk to the police.If you talk to the police, they’ll put you in jail. They always favor the Quebecer. They’ll lock you up and deport you. ”



In this case, the union also obstructed the exercise of this worker’s rights by refusing to provide him with his employment contract when requested. Importantly, this case is not being illustrated to imply that unions do not support workers who are victims of abuse, but rather, to suggest a lack of understanding on the part of the union in this worker’s case regarding the realities faced by their members with temporary immigration status.

Faced with unbearable abuse, another worker tried to seek help from the employment placement agency that brought him to Canada. The agency immediately contacted the employer to inform them of the worker’s grievance, which angered the employer. The agency then directed the worker to their consulate, which also contacted the employer. This approach of involving the employer had the effect of escalating the employer’s abuse against the worker, particularly through increased threats.



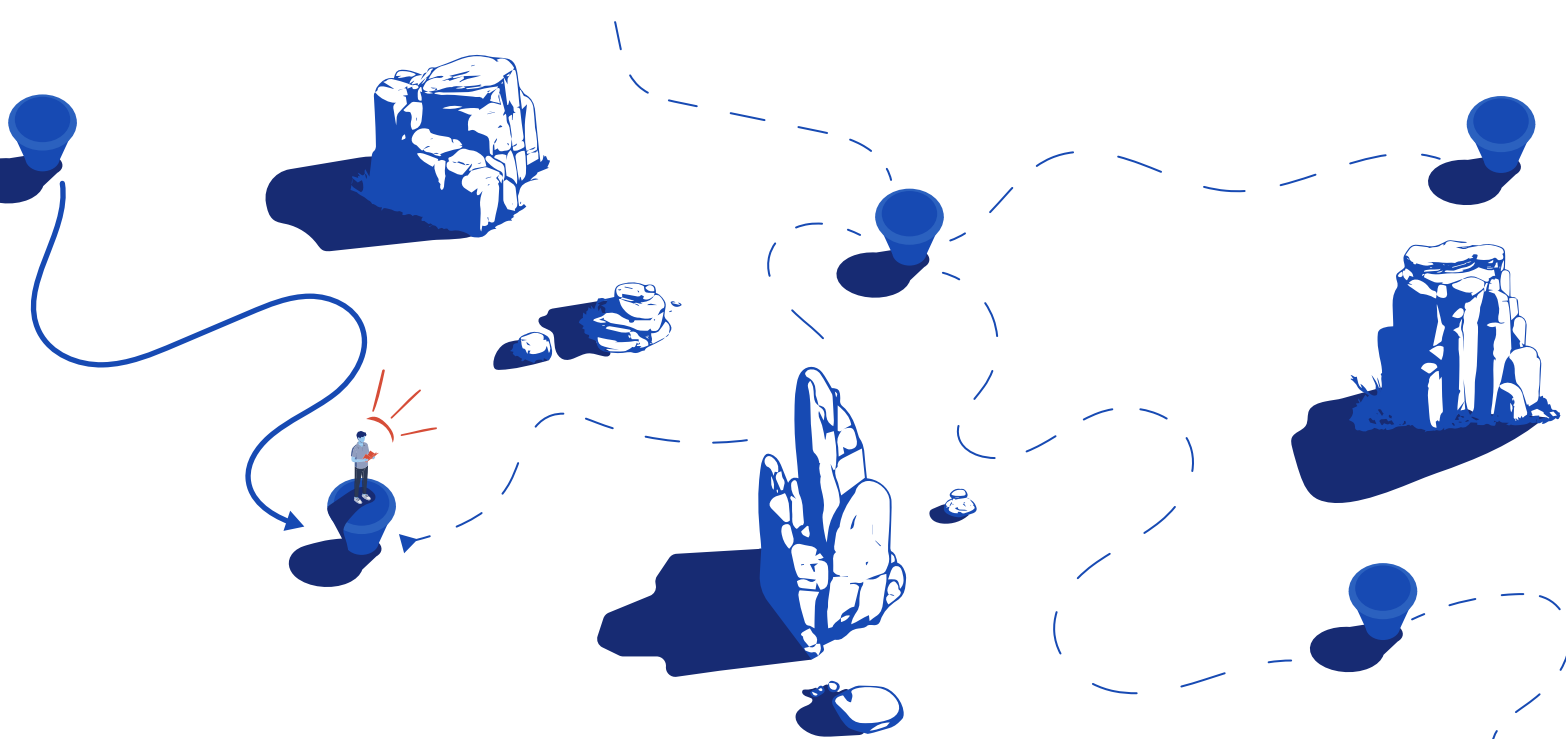
“I couldn’t take it anymore, so I decided to ask the agency that brought me here for help. They talked to my boss, and after that, she went nuts on me. She was super pissed off, really mad about what I did. Because I caused her trouble.”

These attempts to seek help ultimately contributed to making the worker even more vulnerable.

Post-application experiences with the VWOWP: Encountering new vulnerabilities

While the VWOWP program suggests a linear trajectory for a worker who applies, with the simple steps of submitting an application, awaiting a response while remaining employed, and then reintegrating into the job market and securing immigration status again through obtaining a new closed work permit, the reality for workers is far more complex. The analysis shows that once an application for a VWOWP is submitted, workers go through several periods of insecurity, and are constantly at risk of losing their immigration status or experiencing new forms of abuse. They rely heavily on their own networks or on community organizations, when available, to meet their basic needs.

Two periods of uncertainty followed and formed part of the post-application experiences of the workers who applied for a VWOWP. The first period of insecurity involved the long waiting times for a VWOWP application to be processed after submission, ranging from one to five months for half of the participants. These long wait times led to a period of heightened precarity, especially with respect to income and housing for workers who were initially housed by their employer and who had left their place of work.



“Like I said, I wanna do things right in this country to get a work permit. I don’t wanna do anything illegal. So, I waited that month, or several weeks I think, for them to approve the open permit. So, I didn’t work, I just had to wait like that. [...] Thank God, I had some savings. So, I had to live off my savings.”

However, even after obtaining a VWOWP, the conditions of precarity improved very little for the workers interviewed. This observation is particularly alarming considering that 40 out of the 47 workers interviewed had obtained a VWOWP, and not only did the issuance of a VWOWP failed to alleviate precarity, but the VWOWP also introduced new forms of vulnerability. This section presents the trajectories of the participants following the issuance of a VWOWP, focusing specifically on their immigration status, reintegration into employment, housing situations, and indicators of psychological distress.

Sinuous Paths of Immigration Status

The circumstances surrounding the workers’ immigration status following an application for a VWOWP were complex, requiring multiple and sometimes simultaneous steps to maintain or regularize immigration status for individuals who may have lost status in the process of applying for a VWOWP. The interviews identified four trajectories with respect to the workers’ immigration status post-application.

Obtained a VWOWP - Ongoing or successful post-immigration processes

Each of the workers who obtained a VWOWP expressed concern about the limited time provided by the permit to renew or extend their immigration status before the expiration of their VWOWP. Among the participants, only a few managed to obtain a new closed work permit during the validity period of their VWOWP in order to extend their immigration status. Others, whose employer’s Labour Market Impact Assessment (LMIA) applications were pending, saw their VWOWP expire before obtaining a new closed work permit, leading to a period of severe precarity and restricted access to social rights due to no longer holding status in Canada as a temporary worker. Some workers who transitioned to visitor status no longer had the right to work and relied on their savings, receiving occasional assistance from community organizations or support from their personal networks to meet their needs. Those who applied to extend their work permit before expiry of their VWOWP but who were still waiting on a response to their application when their VWOWP expired (workers with maintained or implied status) were still entitled to work, however, faced other restrictions such as the inability to extend provincial health care coverage, travel outside Canada, or change jobs.

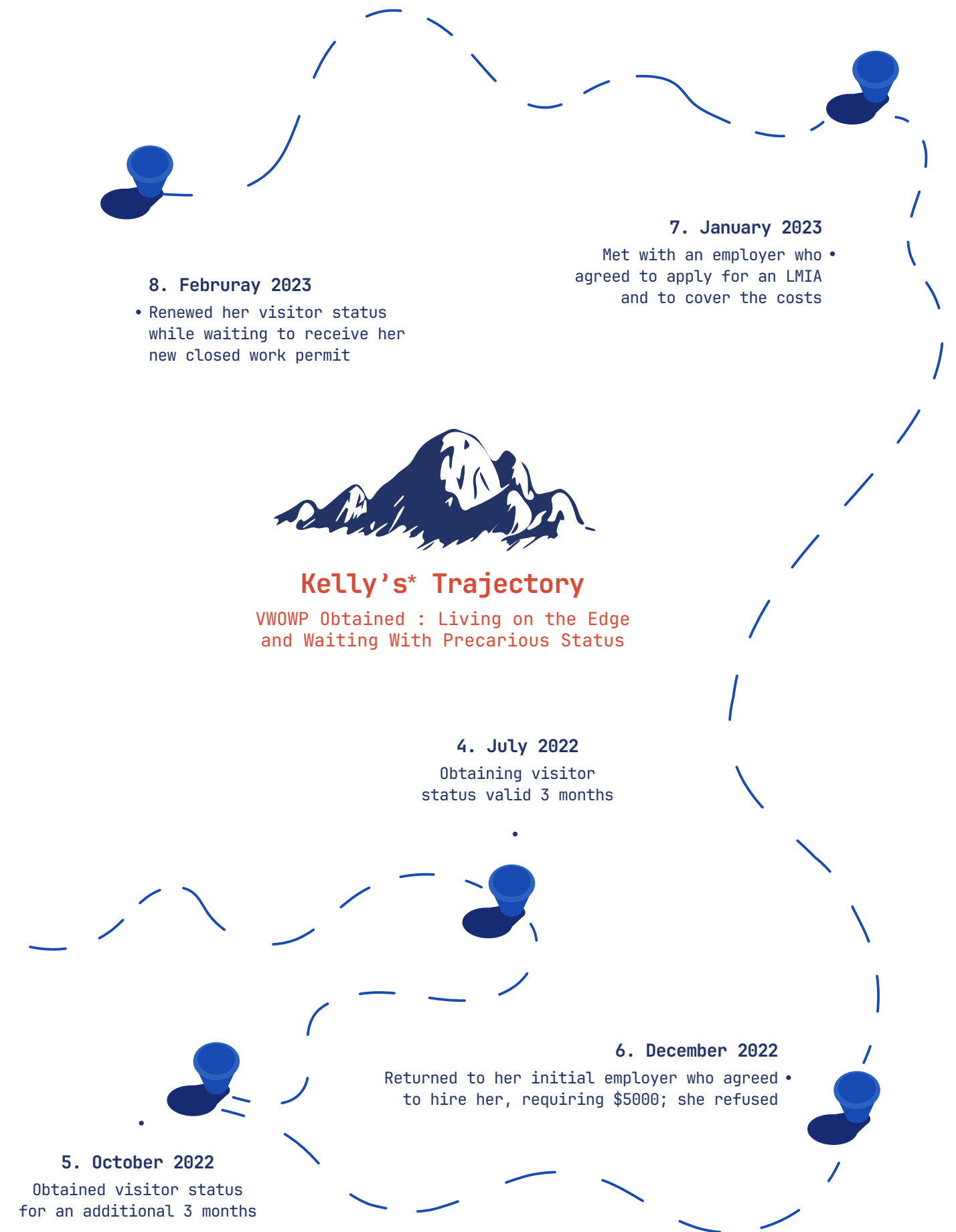
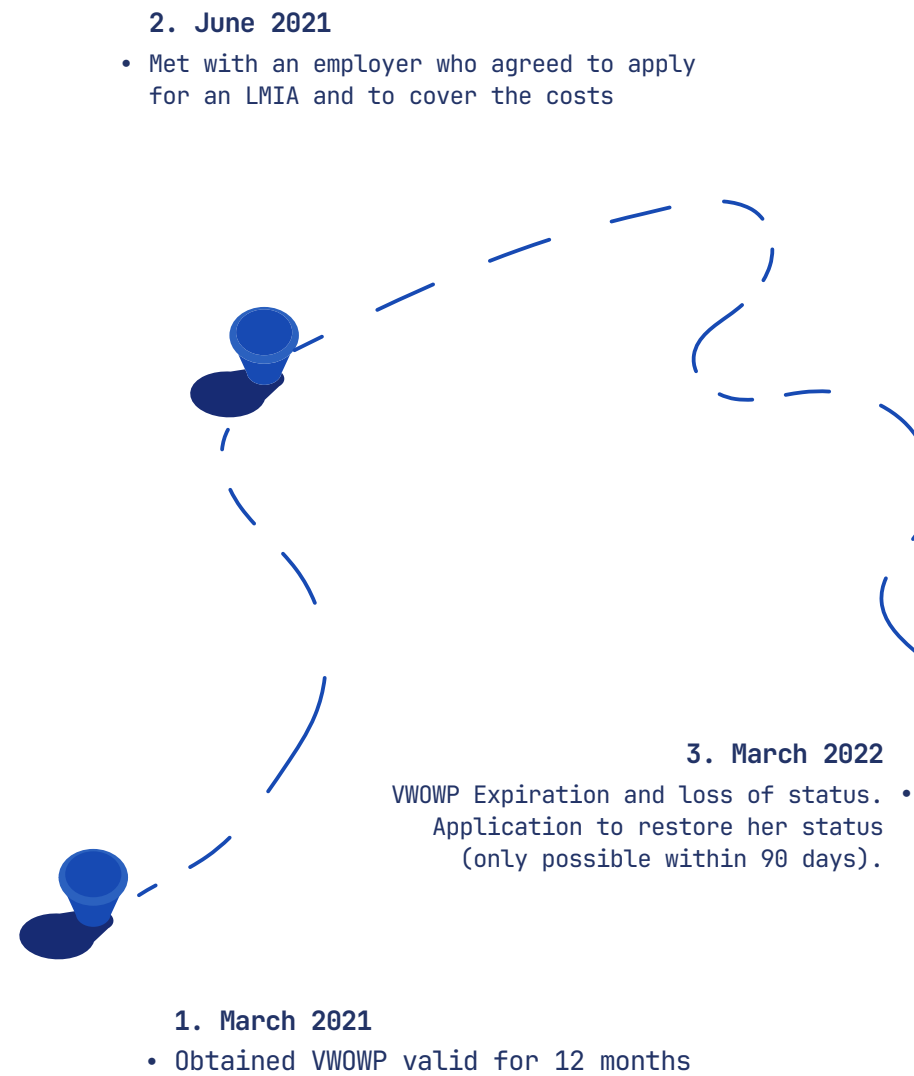


“ When you finally get your open work permit, you’re happy because you think: ‘Well now, no one can hold me anymore, no one can pressure me.’ But then, afterward, when you’re in implied status, it’s like, you’re no longer a prisoner of the company; but a prisoner of the government.”

Some workers who obtained a VWOWP were able to begin the process of applying for permanent residence. However, this option was and is not accessible to all of the workers for several reasons. First, eligibility criteria generally exclude low-skilled workers from most pathways to permanent residence. Second, socioeconomic disparities among workers prevent many from being able to afford the associated costs with applying for permanent residence. Additionally, whether seeking a new employer or pursuing permanent residence, the majority of participants relied on immigration consultant services. The use of often expensive private services exacerbates existing financial precarity and exposes workers to debt and potential administrative and financial fraud by dishonest and negligent representatives.

The following figure illustrates the multiple steps taken by one participant to maintain legal status, their vulnerability to financial exploitation while seeking an honest employer to assist with a new work permit application, and the extended period under which they held visitor status in Canada after the expiration of their VWOWP:

* Fictitious Name



Kelly's* Trajectory

VWOWP Obtained : Living on the Edge and Waiting With Precarious Status

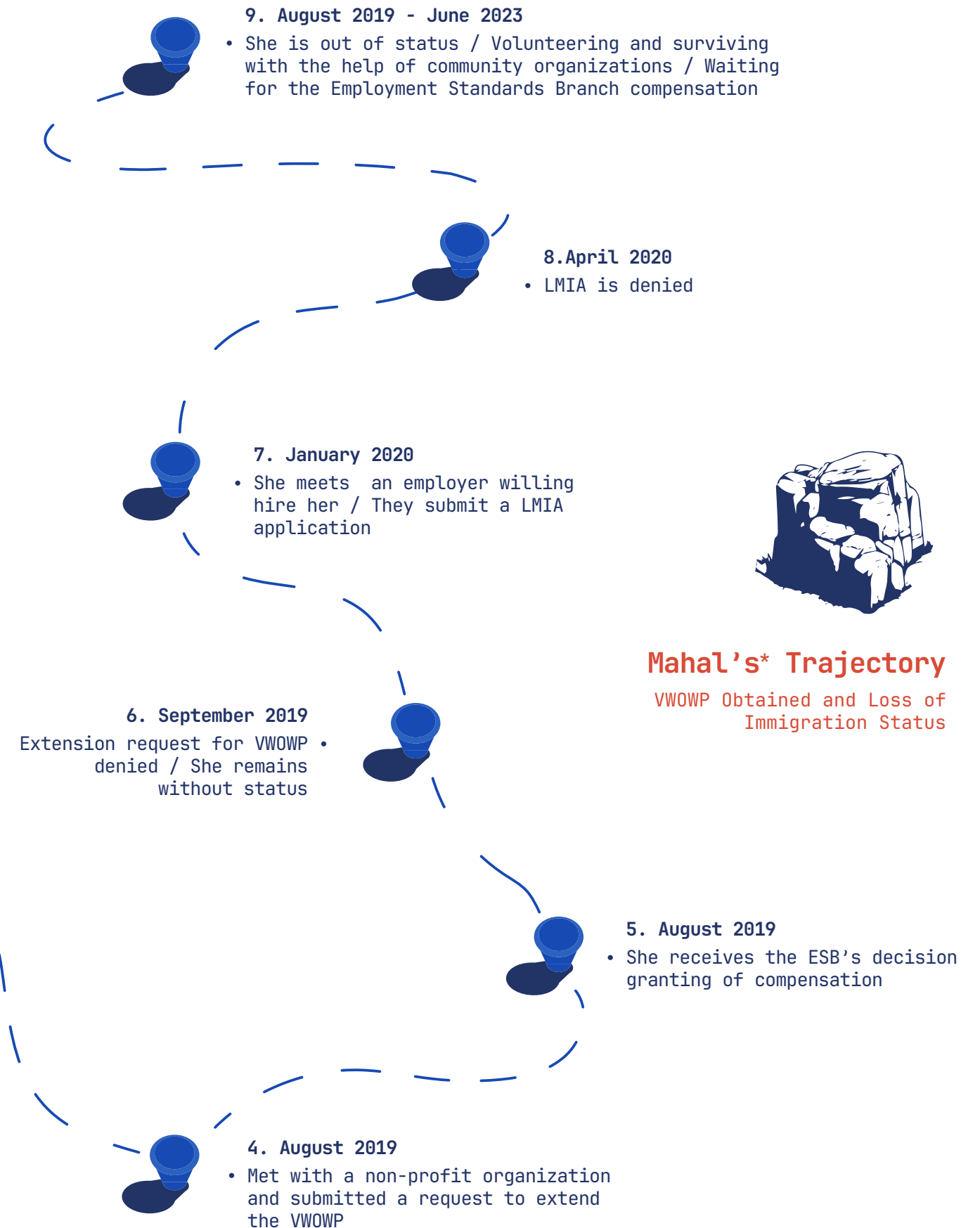
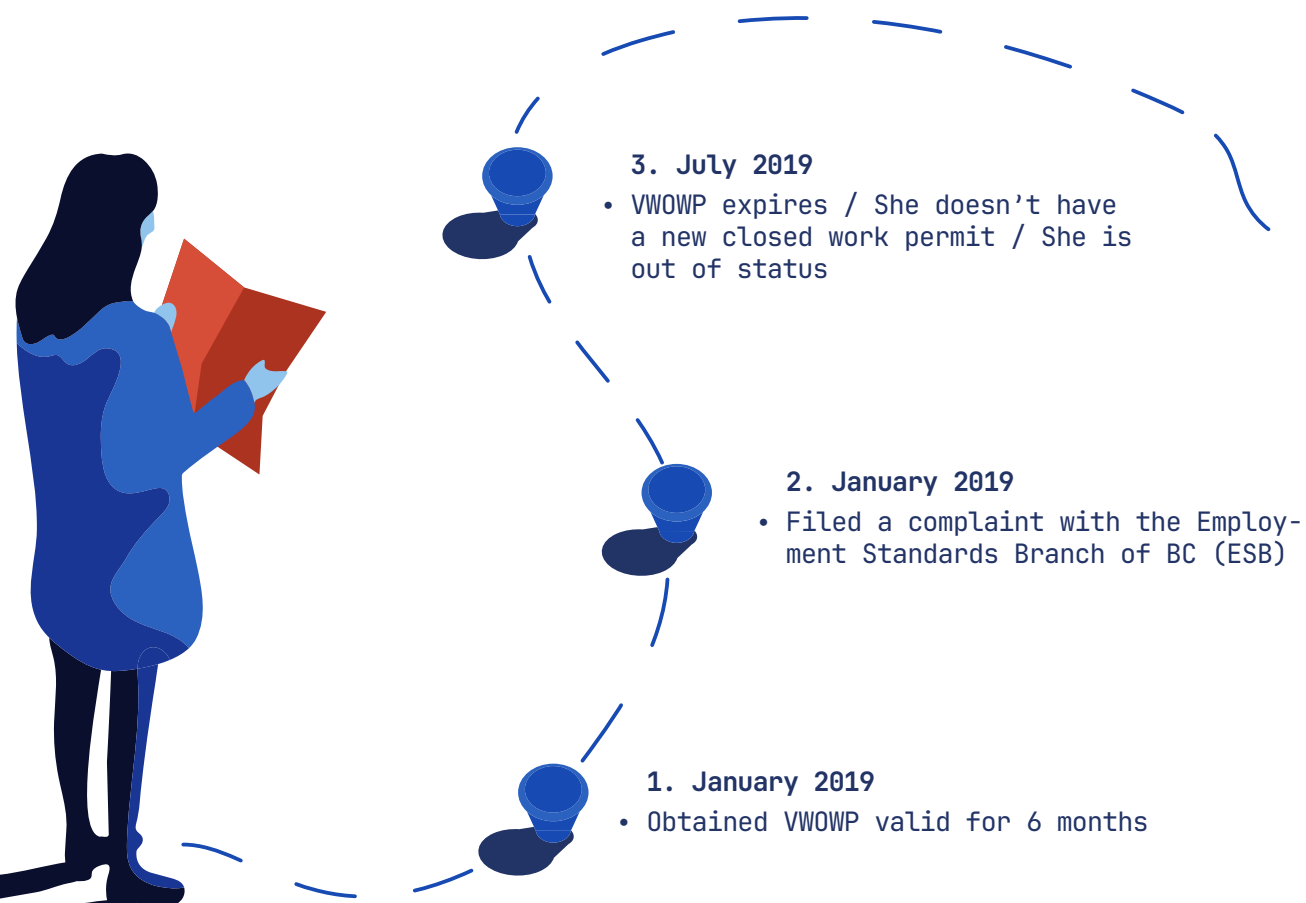
Obtained a VWOWP - Absence or failure of post-immigration process

Among those whose permits had already expired, workers of this group had not been able to engaged in procedures to restore their legal status. The precarity of this group of workers stemmed from the uncertainty linked to false promises by new employers or by fraudulent intermediaries (e.g. immigration consultants) offering assistance with a new closed work permit, either by requiring workers to cover the LMIA fees and/or demanding exorbitant fees for assistance.

When all attempts to obtain a new closed work permit failed, and with the expiration date of their VWOWP approaching, workers faced an impasse. Some were compelled to return to their abusive employer out of fear of losing work authorization and the resulting loss of essential income necessary for their family's survival and to repay debts incurred during migration. Others, unable to find a new employer in time or otherwise maintain their immigration status, lost their status once their VWOWP expired. Despite being recognized as victims of abuse, these workers are left without protection or social benefits. Moreover, once their VWOWP expires, it becomes harder to assert their rights.

The following figure illustrates this trajectory, including the loss of immigration status after the worker's VWOWP expired and the failure of any immigration process that could have maintained their status.

* Fictitious Name



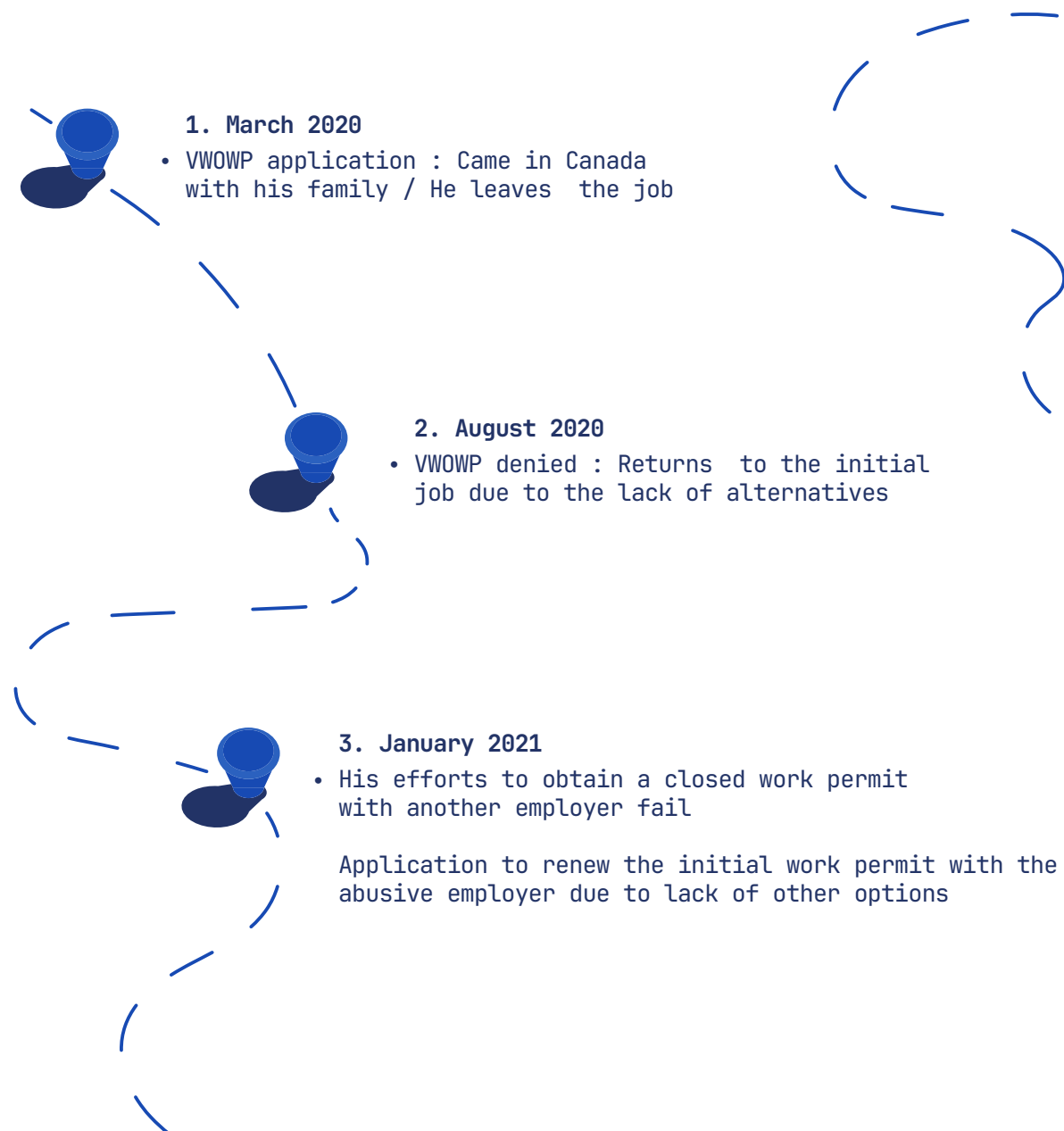
Mahal's* Trajectory

VWOWP Obtained and Loss of Immigration Status

Refused VWOWP – Precarious pathways and efforts to maintain status

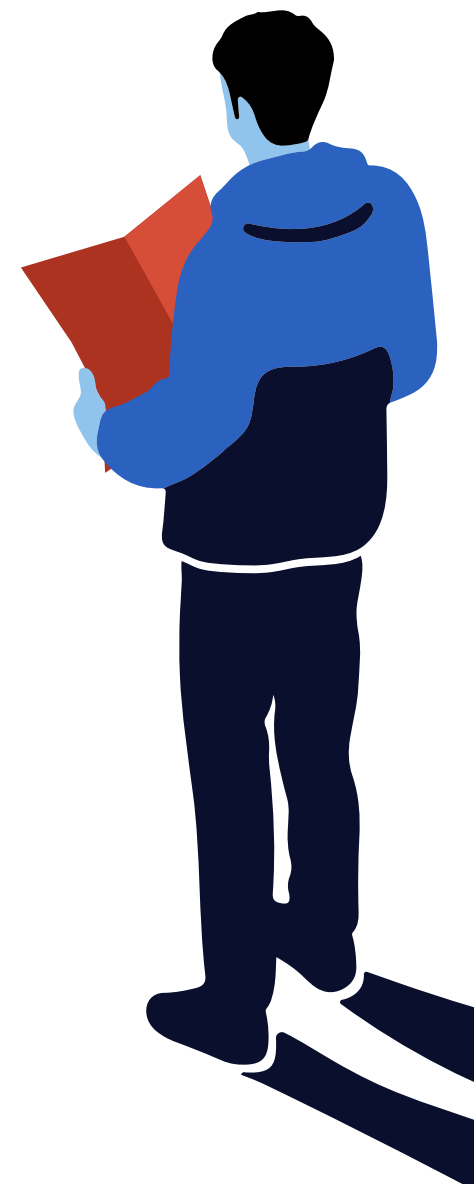
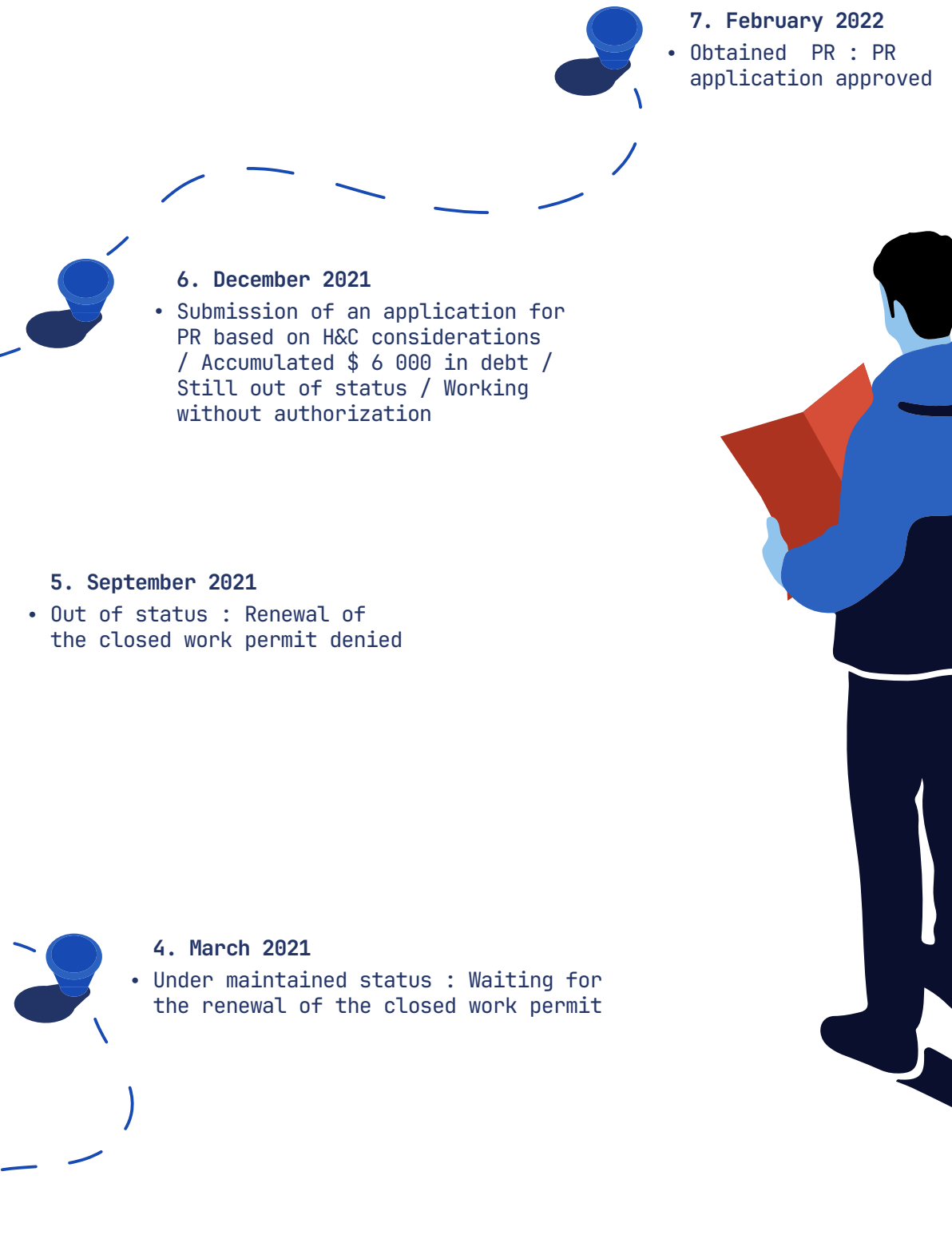
Workers have few options to maintain or restore their status and be able to work in Canada after their VWOWP application is refused. Some participants managed to find a pathway and apply for permanent residence and were awaiting a decision. However, the data shows that the pathways to permanent residence themselves remain precarious as they inevitably involved a worker returning to a potentially abusive employer to meet certain eligibility criteria for permanent residence rather than enduring the disadvantages of maintained status or loss of the right to work during application processing periods. This is the case, for example, when a worker applies for permanent residence on humanitarian and compassionate grounds, an application process that is lengthy and can span several years before finalization. The story of Ravi* illustrates this trajectory:

* Fictitious Name



Ravi's* Trajectory

VWOWP Denied : Navigating Precarious Status and a Cycle of Exploitation before Obtaining Permanent Residence

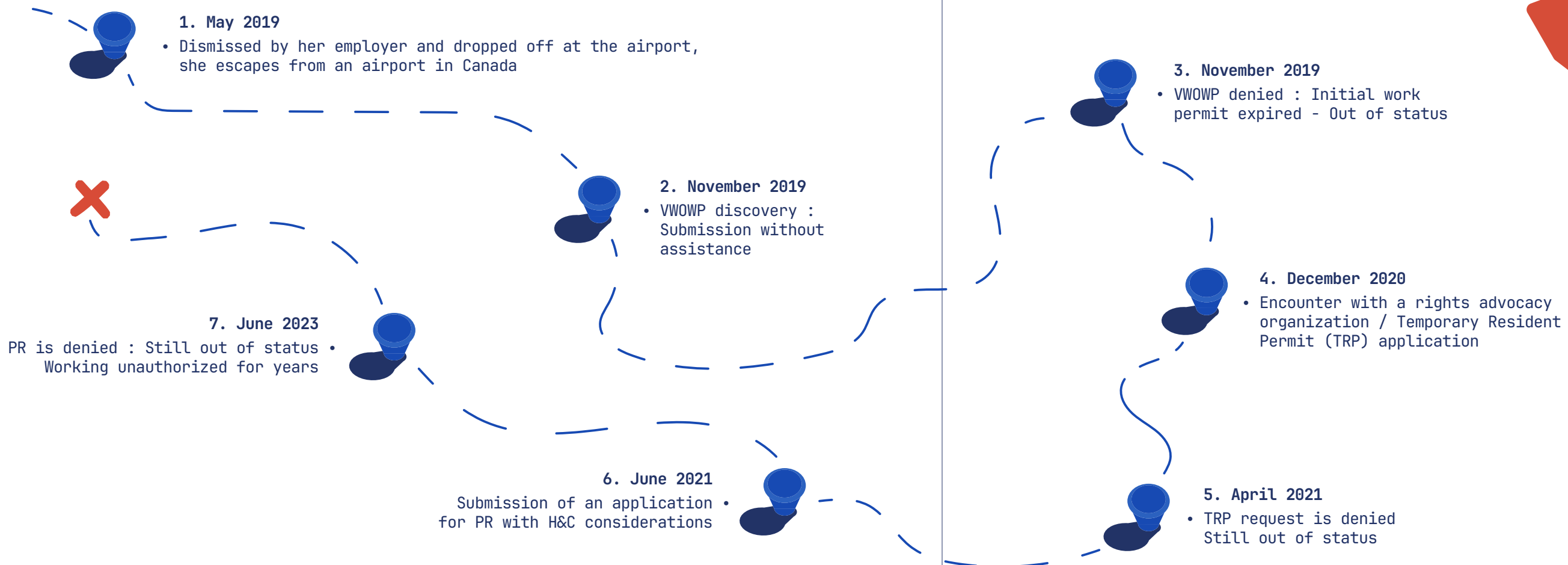


Refused VWOWP – Dead-end trajectory

The loss of legal immigration status following refusal of a VWOWP characterized the trajectory of some participants. These workers discovered the program late in their immigration journey and applied for a VWOWP after their initial closed work permit had expired. Having fled an abusive employer without assistance from an organization, they had limited support networks and a limited understanding of their rights and the immigration system, including the eligibility requirements for a VWOWP. Consequently, their VWOWP application was rejected, and despite undertaking subsequent steps, such as applying for a Temporary Resident Permit (TRP) or permanent residence on humanitarian and compassionate grounds, they were unsuccessful in regularizing their status.

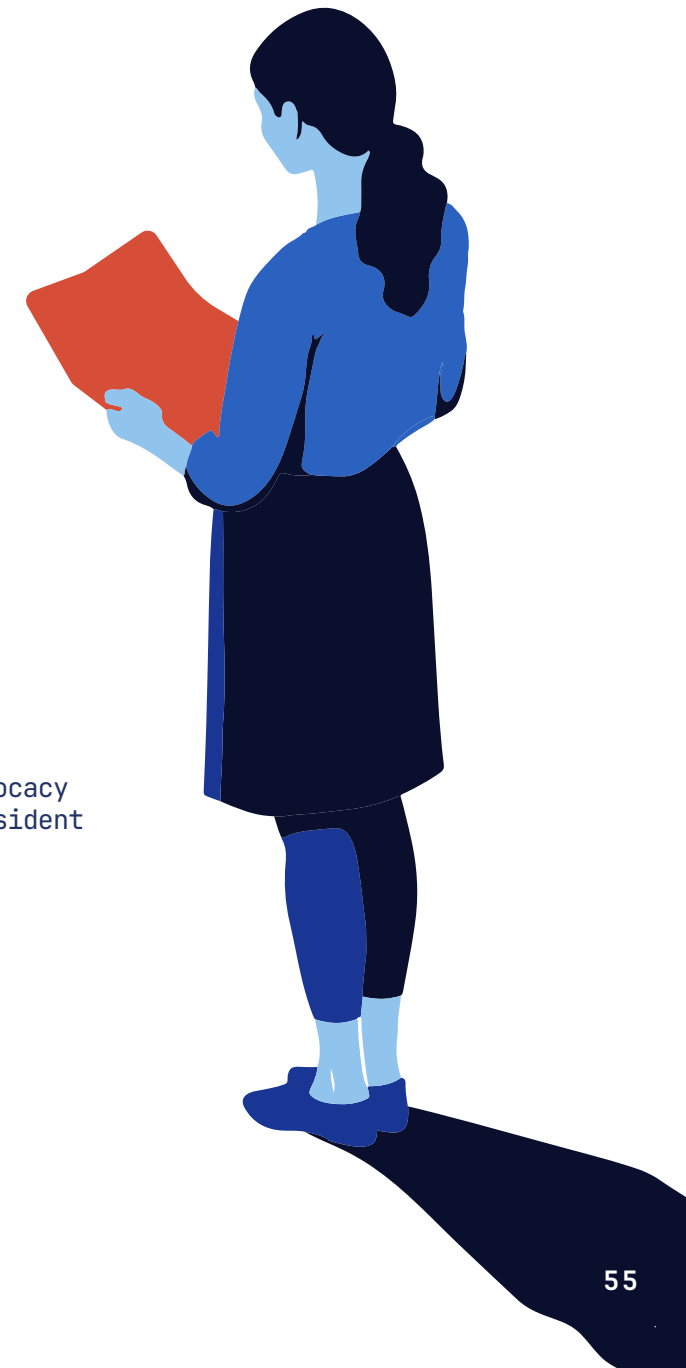
The ineligibility of workers who are out-of-status to apply for a VWOWP highlights the program's significant limitations. A common form of abuse is employers or recruiters misleading workers about the steps taken to renew and/or extend a worker's work permit, which often only becomes apparent after the expiry of their work permit and consequent loss of status. This means that the program is inaccessible to many workers who are victims of this prevalent form of abuse. The case of Louise* illustrates this trajectory.

* Fictitious Name



Louise's* Trajectory

VWOWP Denied : VWOWP Denied and Unstoppable Fall Towards Loss of Status



Economic survival and new employment

Many challenges mark the professional experiences and the search for new employment of participants following the submission of their VWOWP application. During the waiting period for their VWOWP application to be processed, workers who left their employer experienced financial precarity and depended on members of their networks or community organizations for support. Without income and without financial aid from third parties, some workers exhausted their savings, while others incurred debt. This precarity was exacerbated, either because workers submitted several successive VWOWP applications before finally being approved or because they learned about the program later in their journey.



“For months, I was begging. People were helping. [...] For most of the time I had to sleep on the floor. [...] People donated stuff and I ate. People donated clothes, I wore. People donated soap, I washed my clothes.”

These administrative delays and the lack of institutional support during the waiting period for a VWOWP application to process force people who lack a personal network or access to community resources to resort to unauthorized work. This form of activity then becomes a survival solution to meet their basic needs.

“I know it’s not the right way, but I had no choice. I had no choice and I can’t be living in a foreign country without working. I would go crazy.”

Once a VWOWP is obtained, this period of uncertainty and precarity is prolonged when workers face difficulties finding a job quickly. Obstacles often include employers’ distrust of the VWOWP, the absence of a network to facilitate finding a new employer, or a lack of knowledge about online job search sites and computer tools to assist with a job search. Those who do manage to find a job quickly typically do so through their personal networks, through recruitment agencies, and, more infrequently, through the intervention of community organizations. These trajectories reflect employment instability, characterized by a succession of short-term jobs and frequent job changes due to precarious conditions and the hope of finding a job with an employer who is willing to provide the worker with a Labour Market Impact Assessment (LMIA). Moreover, holding multiple jobs, often

underpaid and low-skilled, and in subordinate sectors, also highlights the instability and precarity that marked the employment trajectories of many participants.

The search for an employer willing to apply for an LMIA to obtain a new closed work permit proved very challenging to participants, particularly due to the short validity period of the VWOWP, sometimes less than a year. Additionally, the trauma associated with their previous jobs left significant marks on participants, who associated the closed work permit with a “prison” and feared experiencing new abuses. However, many found themselves without other alternatives:

“After receiving the open work permit, it was still not just about getting the work permit. But it was about me. Mentally, it wasn’t all that for me. I wasn’t okay. [...] I was traumatized and it’s like I did not want to go back to work and going through that same thing again.”

“I was happy but now I’m nervous again because everyone is saying different things, that I have to reapply for the [LMIA] to extend my permit. [...] I don’t want to be again stuck into the LMIA situation.”

“I’m struggling right now. I’m not ready to go look for a job at a residence like that because I still... I’m thinking, will I end up going through the same things again? [...] I really don’t want another closed work permit. [...] I’m not mentally recovered yet.”

“I couldn’t go back to the farms because I developed a fear of farms. Sometimes, I don’t even have the courage to take roads that pass near farms. It scares me, it gives me anxiety... That’s why I decided to change fields.”

The necessity to find a new employer to assist with a closed work permit confronts many workers with a complex dilemma while they are living in extremely precarious conditions. Upon obtaining a VWOWP, workers are caught between the urgency of finding a job quickly to ensure immediate income and the longer-term goal of obtaining a new closed work permit, an often time-consuming process.

“Money gave me an illusion for a while, for a month. Then I asked, ‘Hey, what’s going to happen after the season?’ [The employer replied] ‘No, after that, it’s over.’ That’s when I said, ‘And the LMIA?’ and he said, ‘No, we don’t have that.”



Moreover, the conditions for accessing permanent residence, a goal for many temporary workers, placed some participants in a difficult position, especially in Quebec given the province’s permanent residence criteria. The jobs available and more easily accessible to the participants were low-skilled positions, while most permanent residence pathways require a higher skill level of employment in Canada. In these complex processes to search for new employment, many workers find themselves trapped in cycles of abuse, including re-entering the informal labour market after applying for a VWOWP, accepting difficult and dangerous working conditions that lead to further abuse, or facing financial exploitation by employers and fraudulent consultants offering an LMIA on the condition that the workers cover the costs. Faced with the refusal of their VWOWP application or lacking a longer-term solution as the permit’s expiration approaches, some workers return to an abusive employer, primarily to avoid further financial exploitation related to LMIA fees:

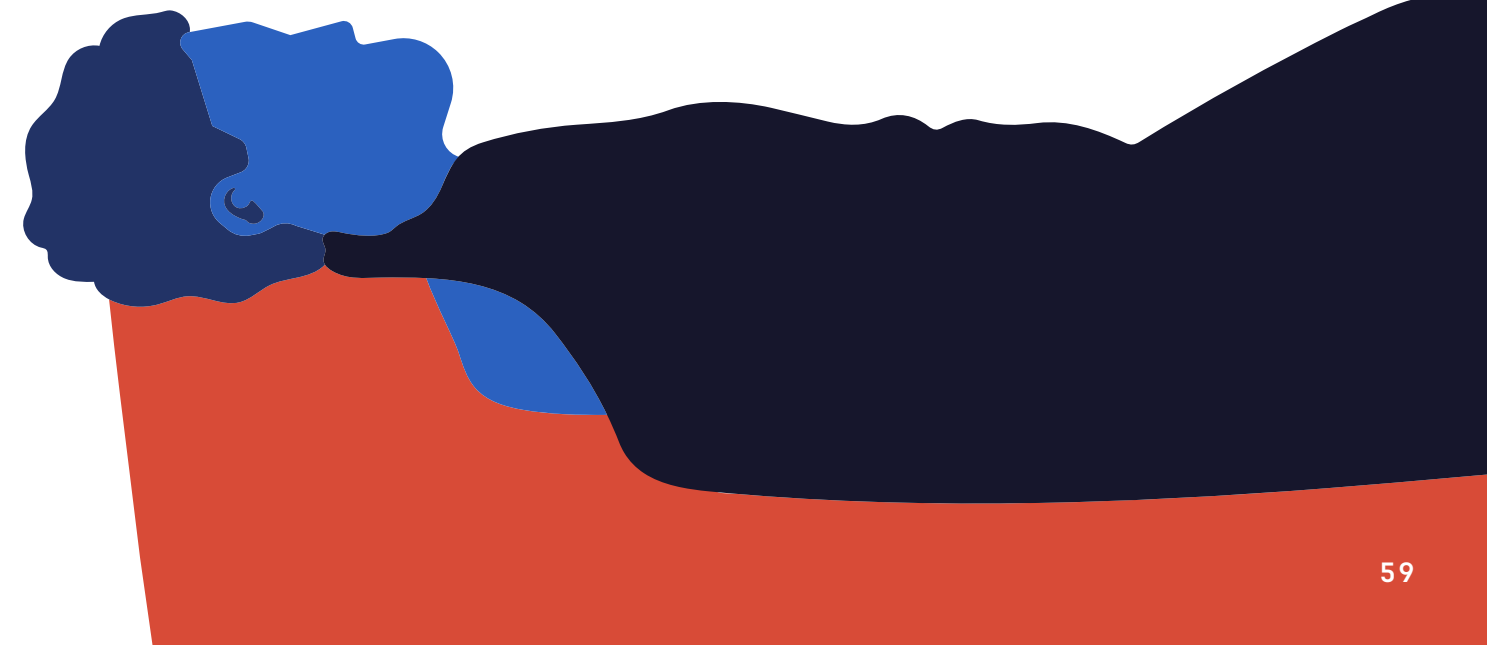
“[IRCC] says ‘Oh you have to find a new employer’ [...] The consultant, they are there for money. I was asking people, friends and they said ‘Oh like now rate [for an LMIA] is like 30,000 \$: I didn’t have that money like you know. [...] And then I was digging, calling people and telling if somebody, like you know, give me some job... But then finally I went back to the first employer.”

Housing precarity

While inadequate housing conditions are one of the causes of vulnerability and part of the cumulative abuses faced by many participants that pushed them to apply for a VWOWP, housing precarity remained for workers after leaving their employer on their closed work permit. Among the 47 study participants, 40 were housed by their employer during the term of their closed work permit. Consequently, for most, the issue of housing became crucial as soon as they decided to leave their employer. Some workers had already planned their exit and arranged to stay with a family member, a friend, or an acquaintance. Those with financial resources chose to stay in a motel for a few days while finding a more permanent solution.

In cases where a community organization assisted a worker in leaving their job, the person usually received accommodation provided or funded by the organization. However, while offering a temporary solution, this accommodation was sometimes also inadequate. For example, for some participants housed in emergency shelters, cohabitation with people facing dependency issues, such as substance abuse, led to feelings of insecurity. Additionally, these institutions are often overcrowded, forcing some people to at times sleep on the floor:

“For most of the time, I had to sleep on the floor. [...] The beds were all occupied. You have to wait until someone leaves to get a bed.”

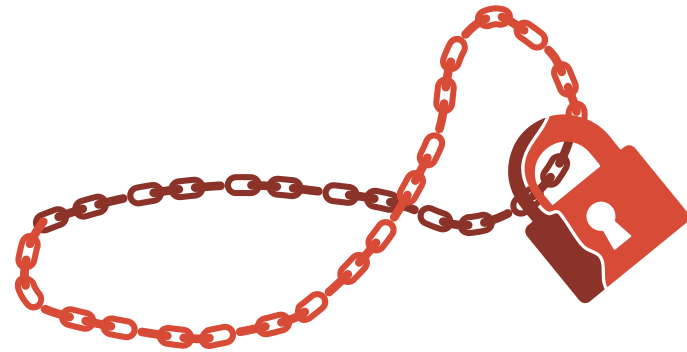


Complete dependence on organizations or on personal networks for assistance with housing, as well as precarious housing conditions, often go hand in hand with food insecurity. Many workers had to rely on food banks and experienced periods when it was very difficult to meet their basic needs:

HELP, PLEASE!

“I don’t really like to talk about it because, like I said it, it’s hard. [...] I’m only lucky I have this Cameroonian brother and so, I don’t have to pay for rent. Food, it’s not really a big deal, you know. Sometimes you get used to being hungry or you get used to being broke. [...] I’m just managing the little savings I had back then in 2020. I’m just managing and hoping I get a work permit and start working again.”

“How do I manage [living for months without a job, income, or savings]? Honestly? I’m not sure... Honestly... but... oh gosh... [silence]. By the grace of God, I’m just getting through I don’t know how... Even if I go days without even eating.”



These situations rarely changed once a VWOWP was obtained, with most workers having very few opportunities to improve their housing conditions. Difficulties in finding a job, combined with periods of unemployment without compensatory employment benefits, created unstable housing trajectories for participants. This led to constant changes in housing, with participants moving from one temporary accommodation to another, and from one acquaintance to another.

When able to cover the cost of rent, workers usually found shared housing, such as a rooming house or a shared apartment where a room is shared with one or more roommates. Instability also arose when the need to find a job required geographic mobility between cities, regions, and provinces. In some cases, housing conditions became precarious again following these moves. Additionally, some workers, primarily women, found themselves homeless after being evicted by acquaintances or friends who were hosting them.

“The first friend that I came to, I was living with her [...] for 3 weeks. Then they start to show a bad face. I had to leave. Actually I had to sleep in a bush for two nights. And after that I called one of my cousins and he took me in. I stayed with him for a few weeks and then from there, I have just been living at friends and just moving from here to there. I don’t have a steady place.”

The cases of housing instability and homelessness are far from isolated, and the data set of interviews highlights the risk of exposure to homelessness faced by all participants after leaving their employer and without a source of income and with no one to shelter them.

To avoid experiencing homelessness, some workers had no choice but to remain housed with their employer during the processing of their VWOWP application, or even after obtaining it and while searching for a new job. This situation exposed them to an increased risk of harassment and abuse when the employer became aware of their immigration proceedings. The following interview excerpt highlights the dependency between employment and housing. Finding a job quickly allows workers to simultaneously leave the housing provided by the employer and the abusive situation.



“I can’t get any place right now, until I get a job. I need proof of income to get a place or to rent a place. If I get kicked out [from the employer’s accommodation], I got no place to go. I’d be homeless. So just.. if there’s any place that I can get free housing or something or even work there or something, I would. But I can’t get any place right now. I got no income...”

HELP, PLEASE!

Major psychological stress associated with the program

While most workers who left their employers were escaping psychological abuse, psychological distress remained prominent in their testimonies even once they were out of the abusive situations. The distress experienced after a worker left their abusive employer resulted from both a buildup of past abuses, and from the various forms of precarity experienced following the submission of a VWOWP application including uncertainty about the future. Not only did the participants lack psychological support to address the abuses they fled, but the cycle of abuse and continued precarity workers experienced significantly impacted their mental health. Moreover, the uncertainty about the future generated major psychological stress for workers whose VWOWP applications were rejected and for those whose work permits were about to expire.

“[The application process] is very long and kind of cruel. Yeah, in a way, kinda cruel because it makes us relive everything we’ve been through just to finally say, ‘No, we won’t help you.’ And that’s cruel for someone who’s really suffering abuse. It’s like they’re somehow approving of the company’s behavior towards us. Someone with low self-esteem will end up thinking, ‘Okay. This is the treatment I deserve as an immigrant.’”

All these circumstances contribute to administrative fatigue and (re)traumatization, further deteriorating a worker’s mental health and exacerbating their depressive state. Several workers admitted to having suicidal thoughts.



“You gotta fight and have courage. You gotta try to have stability... Mental stability, I mean, you know? Otherwise, you end up without a job, without anything, and you might end up doing something to yourself... you know.”

Given the extent of the psychological distress, several participants considered returning to their country of origin, and some chose this option to preserve their mental health.

“I felt like I was going crazy, so I had to. I had to just make a decision. It’s either I wanted to stay or save my sanity. [...] So I decided, you know, that I will save my sanity and go back, swallow my pride and go back to my home.”



End of vulnerability to abuse?

An analysis of all the interviews leads to an important conclusion that the VWOWP program presents several contradictions when comparing its demonstrated impacts with its stated objective to protect vulnerable workers. These paradoxes arise from a lack of access to the program for the most vulnerable workers, a burden of proof that undermines the reality of leaving an abusive situation, the necessity for some to perform unauthorized work, and ultimately, workers who are recognized as victims of abuse feeling institutionally abandoned.

Significant inequalities in accessing the VWOWP program

The first paradox lies in the accessibility of the program. In addition to the inherent structural obstacles detailed throughout this report, social disparities among workers in terms of cultural, social, and economic capital create an uneven matrix of access to the VWOWP program. This includes when workers discover the program's existence, preparing and submitting an application, and the ability to navigate administrative processes and technological tools necessary to submit an application. Factors such as language barriers, limited access to and knowledge of computers and administrative procedures, a lack of personal networks, and limited financial resources to be able to afford private immigration services and sustain themselves during processing waiting periods all impact the ability of workers to avail themselves of the program. In the absence of mechanisms ensuring widespread awareness among migrant workers about the program's existence and without increased availability of competent support services, the VWOWP program risks leaving the most vulnerable workers in the shadows despite those very workers being the intended target of the program.

Burden of proof vs. necessity to leave

The burden of proof imposed by the VWOWP program on workers who are victims of abuse is another significant contradiction. To qualify for the program, workers must provide substantiated evidence of the abuse they have experienced. However, this requirement overlooks the realities of being in an exploitative and abusive situation, and in particular, the difficulty of gathering evidence after leaving such conditions. The program also disregards the risk of retaliation involved in documenting one's own exploitation while still employed.

Unauthorized work to address program failures

While one of the objectives of the program is to mitigate the risk of workers leaving their jobs and working irregularly after experiencing abuse, the findings paradoxically reveal that the program contributes to the underground labour market. Several mechanisms contributed to this reality and to participants working without authorization, including workers who are refused a VWOWP, those unable to secure another closed work permit after their VWOWP expires, and those victimized by fraudsters who exploit vulnerable workers through the program.

In addition, the wait for a VWOWP application to process ranged from one to five months for the majority of participants. With this kind of processing time, and with no institutional support available, resorting to unauthorized work becomes a worker's only option to meet their daily needs and those of their families. The immediate need for housing after leaving an employer who provided accommodation proves to be a significant barrier that requires urgent income during the waiting period.

Right to exit and institutional abandonment

A final paradox lies with the program design in that on the one hand, a VWOWP grants the right for workers to exit abusive situations, but on the other hand, this right is undermined by the lack of institutional support and the obligation for the majority of workers to return to a closed work permit at the end of the validity period of their VWOWP. Granting a 12-month VWOWP, without other avenues and support for workers to find new employers and maintain their immigration status except by obtaining a new closed work permit, poses numerous challenges. The data shows that workers benefiting from a VWOWP face a constant and increased risk of losing their immigration status. This risk is amplified by the absence of a specific pathway to permanent residence for these workers, despite being recognized as victims of abuse by the Government of Canada.

Moreover, finding a new employer willing to hire a worker with a closed work permit without access to employment support services puts workers at risk of financial exploitation by various actors in the migration industry and at risk of falling back into abusive and precarious working conditions under a new closed work permit. The same applies to housing conditions. Without formal support and a housing program dedicated to supporting workers holding a VWOWP find new housing, workers rarely have access - whether alone or with the support of their network, community organizations, and/or unions - to sufficient resources to ensure a post - abuse journey that would respect fundamentals rights. Finally, the testimonies collected also reflect a sense of abandonment due to the lack of follow-up support and the absence of psychological services to help workers heal from the trauma they have experienced.

Recommendations

From the participants' perspectives, while the granting of a VWOWP offers the possibility for workers to leave an abusive employer and theoretically allows for labour mobility, significant changes to the temporary worker migration programs are necessary to improve conditions for migrants and better protect them in cases of abuse. Their recommendations focus not only on structural changes to the VWOWP program but also on unconditional access to social benefits and essential services following the approval of a VWOWP. The participants advocated for greater commitment from governmental institutions to provide protection to workers and to strengthen support for community organizations, and directed attention to the root of rights violations: employer-tied work permits.

This section presents the recommendations of the participants and complements previous analyses of the program (Aziz, 2022; Depatie-Pelletier et al., 2022). A summary of their recommendations can be found in Appendix C of this document.

05



01 Improving the Open Work Permit for Vulnerable Workers Program

- All participants agreed that it is imperative to inform migrant workers about the existence of the VWOWP upon their arrival to Canada, either through information sessions in different languages or through regular information campaigns in workplaces conducted by rights advocacy organizations. This would facilitate access to the program.
- Participants advocated for workshops and information sessions outlining workers' rights in their native language before situations of abuse occur. These sessions should be led by unbiased organizations with expertise in immigration and labour law, sufficiently funded to be effectively available in case of abuse.
- Participants unanimously stressed the need to extend the duration of the VWOWP beyond 12 months or to make it renewable to allow more time for workers to find a new employer to support a new closed work permit application and initiate permanent residency processes.
- Regarding the decision-making process for VWOWP applications, some workers advocated for assigning the decision-making to a small committee rather than to a single officer to avoid decisions influenced by individual biases.
- Workers strongly recommended that the program recognize the difficulty in providing evidence due to the unequal power dynamics between employers and workers, which is inherent in the closed work permit system.
- Several individuals also emphasized the need to reduce processing times for VWOWP applications, systematically providing reasons for refusal in decision letters, and establishing a swift review process for denied applications outside of the Federal Court of Canada.



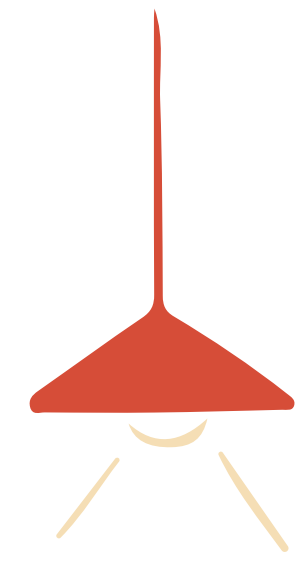
02 Ensuring social benefits and access to essential services

- From the perspective of the participants, it is essential that all temporary migrant workers be informed about their rights and the conditions of their closed work permit contracts well in advance of situations involving abuse and exploitation.
- Many individuals agreed on the necessity of establishing pathways to permanent residence for all workers who have obtained a VWOWP.
- Victims of abuse should be granted the same rights to social benefits as those accorded to citizen workers, particularly concerning employment insurance, health insurance, and social assistance.
- Testimonies emphasized the critical need to provide psychological support services to all temporary migrant workers who have reported instances of abuse.
- Given that finding new employment is a major concern for workers who have fled abusive employers, it is essential to develop job search and housing support services for holders of a VWOWP that are tailored to their situations and needs.



03 Strengthening government accountability in protecting rights

- In order to prevent abusive employment situations, the government must implement frequent inspections aimed at verifying that employers respect labour rights and employment contracts, especially in sectors characterized by significant numbers of migrant workers.
- Visits and inspections should occur without prior notice to employers, and considering the risk of retaliation. Provincial labour inspectors should meet with workers outside of their workplace to discuss employment conditions.
- The Canadian government must increase monitoring of administrative and financial fraud committed by various actors in the immigration industry in Canada related to closed work permits.
- Following the submission of a VWOWP application, inspections must be conducted, and VWOWPs should be automatically granted to other workers at the same workplace with closed work permits. Sanctions must be systematically imposed on employers found guilty of abuse and exploitation.
- Many participants also believed that IRCC or Service Canada should systematically follow up with victims of abuse who have filed complaints, as they often have no updates for months regarding the government's actions against their former employer.



“There’s no way to improve [the Open Work Permit program]. There’s no way to improve it simply because this open work permit is meant for people who have been abused. So it’s... how can I put it... You don’t let the problem happen first and then say ‘we’ll help you.’ You have to go back to the source. So the source of all this is the closed work permit, which is abusive for employees.”

04 Enhancing support for community organizations

- From the perspective of those workers who have benefited from the support of a community organization, whether with applying for a VWOWP or for any administrative and legal processes related to immigration or employment law, it is essential to increase funding for organizations to expand and improve services to support migrant workers, including for assistance with emergency housing.
- Establishing greater collaboration and communication between IRCC officers and frontline staff of community organizations supporting temporary migrant workers at various stages of the administrative procedure to apply for a VWOWP is also crucial.

05 Addressing the root of the issue: closed work permits

Many participants emphasized that even if the VWOWP program is improved, it does not solve the root cause of the problem of abuse in employment, which is the existence of closed work permits—whether directly or indirectly tied to a specific employer or group of employers. Returning to a closed permit after obtaining a VWOWP, due to lack of other alternatives, does not permanently break the power dynamic that keeps workers in a vulnerable position. Only the elimination of closed work permits and the introduction of open work permits upon arrival for all, regardless of country of origin, profession, or personal characteristics, would address the systemic issues underlying the widespread abuse.

Emergency Exit or Dead End ?

An Analysis of the Impacts of the Open Work Permit for Vulnerable Workers in Canada



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Appendix

Appendix A: Semi-structured Interview Guide

Individual Maintenance Guide - Permit Approved

Questions may be asked in a variety of ways and in a different order than suggested in this guide, depending on the style of conversation, as is usually the case in a semi-structured qualitative interview.

Section A: Socio-demographic Details

Gender: Female Male Other

How old are you?

What is your country of origin?

What is your marital status?

Do you have children? If so, how many?

What is your level of education? If relevant, in which area of training?

How many years/seasons have you been in Canada as a temporary worker?

Section B: Application Process for the Open Work Permit for Vulnerable Workers

At the time you applied for an open work permit, what were the terms of your employment contract in Canada? (occupation, start and end dates of your closed work permit, years with the employer)?

Were you housed in accommodation provided by your employer?

How did you hear about the Open Permit for Vulnerable Workers?

Why did you decide to request it (in summary)?

When did you apply?

Can you tell us about your application process for an open permit for vulnerable workers?

Were you still employed when you applied?

Were you assisted in the preparation of your file?

If so, by whom and why? What were your impressions of the assistance received? Would you have liked it to be different?

How did you prepare your application? Were there any difficulties (evidence to be provided, etc.)?

How long has it taken for the Government of Canada to respond?

How long was your open work permit valid?

Do you have colleagues/friends who have also applied or want to apply?

In addition to your open work permit application, have you made a complaint against your employer to other organizations (Employment Standard Commission, Service Canada, Police Services, etc.) ?

If so, what were the results of the complaints? How was this process? Was the process facilitated by obtaining the open permit?

Would your complaint/disclosure process have been different if IRCC's response to your open permit application was different?

Section C: Employment Pathway

Can you describe your employment history since obtaining your open permit? For example:

When and how did you leave the workplace where you were abused?

Did you do undeclared work?

What job/s have you had since obtaining your permit?

Did you get help with job searches?

If so, from whom, or from which organization?

Have you experienced any difficulties during your job search?

Have you informed your new employer(s) of the reasons for obtaining your open work permit?

Have you observed any changes in your employment relationships or working conditions since you changed your work permit?

Section D: Migration Route

Can you describe your immigration status-related processes since your open work permit application? For example:

Is your open work permit still valid?

- If so, have you started the process of obtaining a permit with a new employer after your permit expires?
- If not, what is your current status (new closed work permit, loss of status, PR transition?)

Have you had or do you have difficulty renewing your status as a worker after obtaining your open work permit?

Did you get help with your immigration/status renewal?

- If so, from whom?

How has getting the open work permit changed your integration in Canada?

What is your migration plan? How do you plan to do this? (e.g. return to your country, permanent residency, family sponsorship)?

Section E: Residential Route

Since you obtained your open work permit, where have you lived? For example:

How have your housing conditions changed (moving to another city/region, better/worse conditions)?

Did you need help with your housing searches? If so, did you get it? If so, from whom or from what group?

How did your life change?

Section F: Political Awareness and Knowledge of Rights

Since your request, have you participated in any political or advocacy activities related to migrant rights (meetings, group formation, engagement, speaking, etc.)?

Has your open work permit application changed your perception of the role of temporary foreign workers in Canada?

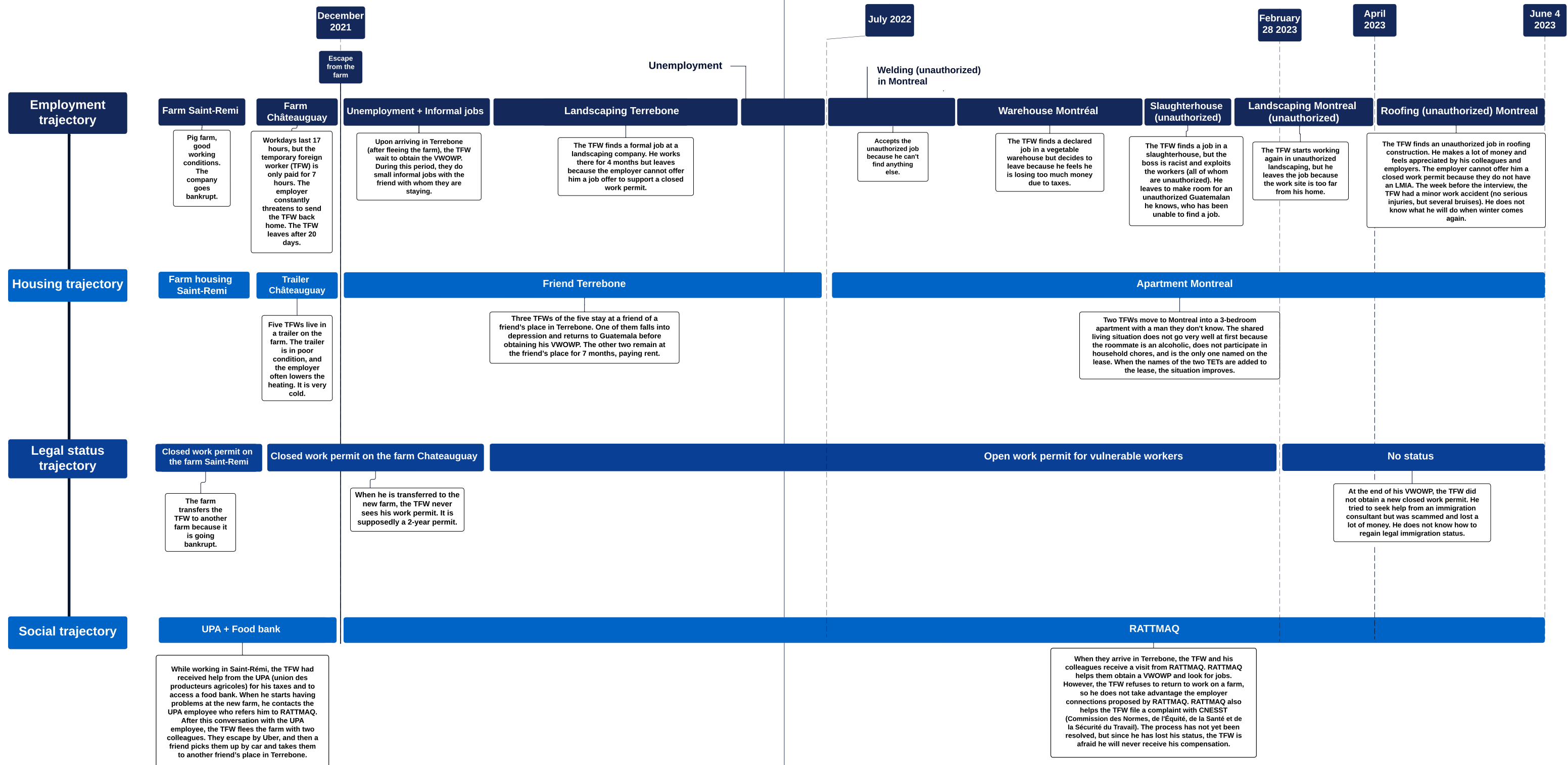
Has your open work permit application changed your perception of temporary foreign workers' rights in Canada?

If this process were to be redone, would you do it the same way? Would you do it again?

What would be your suggestions for improving the Open Work Permit for Vulnerable Workers Program?

Appendix B: Sample of Data Analysis Tool

QC #12	Age: 27 Nationality: Guatemala Gender: Male	Marital status: Married Children: 3 Education: First year basic education	Years spent in Canada: 2 Profession: Unknown VWOWP: Obtained
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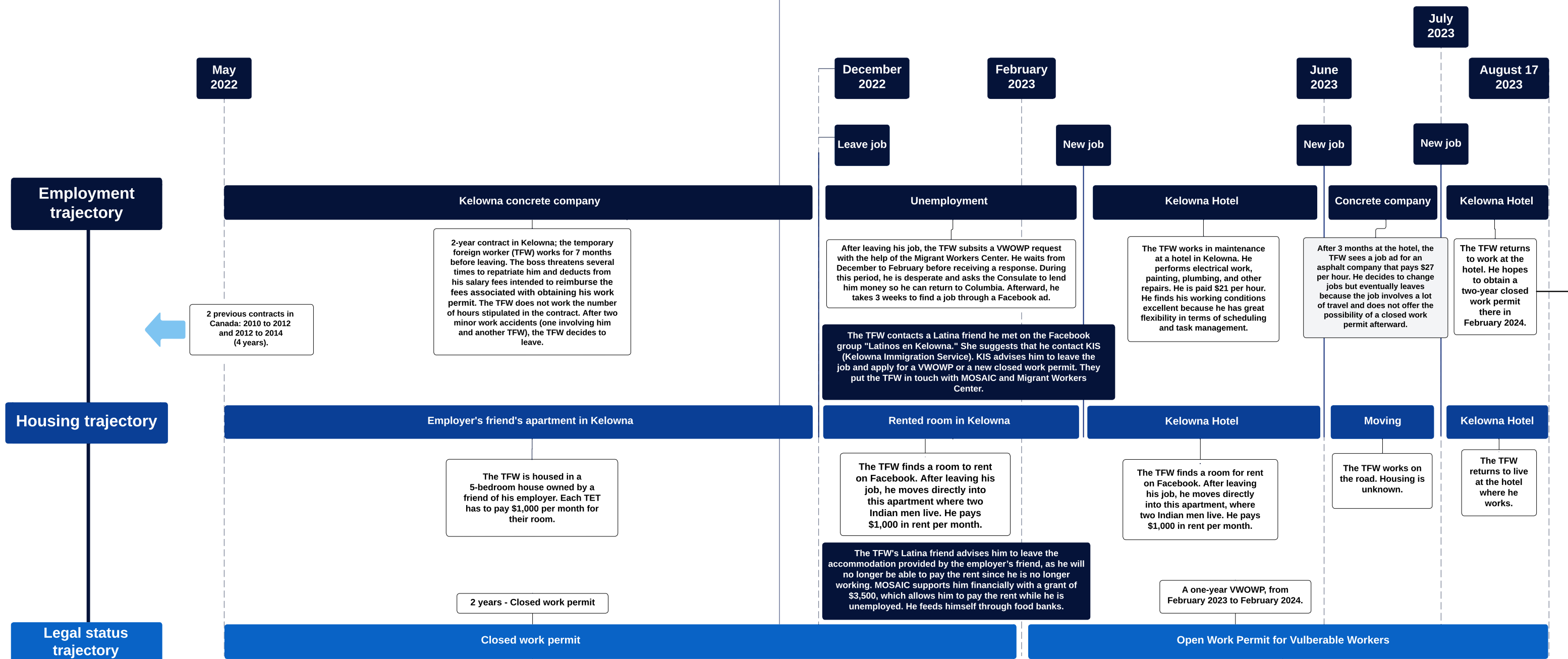


BC #2
 Age: 39
 Nationality: Columbia
 Gender: Male

Marital Status: Single
 Children: 2
 Education: Technical high school in electricity

Years spent in Canada: 5
 Profession: Truck washer
 VWOWP: Obtained

Ten days after the interview, the TFW contacts the researchers again via message to inform them that he is once again experiencing abuse from his employer (Kelowna Hotel).



Enhancing support for community organizations

Depatie-Pelletier (2022)

- Removal of the “valid” work permit requirement.
- Redesign of the online platform to simplify it and make it mobile-friendly.

Aziz (2022)

- Allow access to the program for individuals who are out of status, or at least extend eligibility to those within 90 days after the expiration of their closed work permit.
- Simplify the application process (provide a multilingual website and enable applications via mobile phone).

Increase protection and access to social rights for holders of the Open Work Permit for Vulnerable Workers

Depatie-Pelletier (2022)

- Enactment of an official firewall policy around applications to address workers’ concerns that information disclosed during the application or interview could have negative consequences in their future dealings with immigration authorities.

Aziz (2022)

- Follow-up with immigration consultants who have been found to have participated in the abuse of the worker
- Follow-up with employers who have been found to have abused a worker.
- Pathway to permanent residence for workers who have faced abuse.

Increase financial support for organizations

Depatie-Pelletier (2022)

- Allocation of dedicated funding to organizations to assist with OWP-V applications.

Aziz (2022)

- More funding for legal aid/legal assistance to assist with VWOWP applications.

Improve the application processing and decision-making procedures

Depatie-Pelletier (2022)

- Engagement with stakeholders to create a training program for immigration officers on how coercion and abuse occur within the context of temporary foreign worker-employer relationship.
- Enactment of an official policy regarding the right to be accompanied and assisted during every step of the procedure by legal counsel and a chosen support person.
- Directives to immigration officers instructing them to prioritize paper reviews of applications and to require phone interviews only in the most exceptional cases.
- The provision of interpretation services if an interview is required.
- The establishment of an expedited and accessible review process that provides workers with full access to reasons for refusals.

Aziz (2022)

- Recognize the power imbalance between workers and employers and their agent
 - Assign specialized officers and provide training on concepts and evidence of abuse
 - Enforcement should not be a consequence of the application. Have a contextual approach to consider that undeclared work is part of the abuse experienced by a TFW and should not be a reason for refusing VWOWP
 - Allow counsel to attend interviews
 - Introduce requirements for greater transparency in officers’ written reasons for their decisions
 - Ensure a trauma-informed approach at interviews
 - Reduce processing time
 - Introduce a mandatory 12 month for work permits issued under the program
 - Make renewals possible
 - Develop a review process outside of the Federal Court of Canada.
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For questions regarding the survey, the interviews, or the research project data, please contact Dr. Danièle Bélanger, principal investigator of this project and Canada Research Chair in Global Migration Processes, at :

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