

END MIGRANT WORKER UNFREEDOM

*It's time for **Constitutional/Class Action***



About us: RHFW



www.dtmf-rhfw.org

Association for the Rights of Household and Farm Workers

Status	Montreal-based non-profit organization incorporated in 1977
Mission	Defense of household and farm workers' fundamental rights
Activities	Research, rights education, political advocacy, and strategic litigation
Members	Concerned individuals - including jurists and social scientists
Partners	Migrant rights groups, community organizations, and universities

Contact: eugenie.depatie-pelletier@dtmf-rhfw.org

DENIED:

Right to change employers

- Abolition of slavery
- Jurisprudence on illegality of employer-tying policies
- Right not to be held in servitude (N.B. ECHR)
- WWII and employer-tying arrangements
- Employer-tying work permits
- **2006: Supreme Court decision**
- Workers' right to liberty and not to be held in servitude in Italy/Europe?

*"THE DEFENCE AGAINST OPPRESSIVE ... WORKING CONDITIONS, OR TREATMENT IS THE **RIGHT TO CHANGE EMPLOYERS**".*

US Supreme Court (1944)

"We cannot avoid the conclusion — a painful and shameful conclusion — that the foreign worker has become his employer's serf, that the restrictive arrangement ... has hedged the foreign worker in from every side and ...has created a modern form of slavery."

Supreme Court of Israel - Unanimous declaration of employer-specific work permits' unconstitutionality (2006)

DENIED:

Right to change employers

- Abolition of slavery
- Jurisprudence on illegality of employer-tying policies
- Right not to be held in servitude (N.B. ECHR)
- WWII and employer-tying arrangements
- Employer-tying work permits

*"THE DEFENCE AGAINST OPPRESSIVE ... WORKING CONDITIONS, OR TREATMENT IS THE **RIGHT TO CHANGE EMPLOYERS**".*

US Supreme Court (1944)

"We cannot avoid the conclusion — a painful and shameful conclusion — that the foreign worker has become his employer's serf, that the restrictive arrangement ... has hedged the foreign worker in from every side and ...has created a modern form of slavery."

Supreme Court of Israel - Unanimous declaration of employer-specific work permits' unconstitutionality

2006: Supreme Court decision

Modern employer-tying measures

Governments allow, promote or impose:

- **employer-based access to work permits**
- **employer-tied work permits**
- **employer-based renewals of work permits**
- employer-based access to permanent status
- employer-tying work contracts



Overwhelmingly confirmed by social science and exponential media coverage

Employer-tied workers face:

- Restriction of physical liberty/movement
- Restricted capacity to exercise rights and access to justice
- Vulnerability+ to wage theft and debt bondage
- Vulnerability+ to work-related illnesses, accidents and death
- Vulnerability+ to harassment, assault, rape and human trafficking
- Discrimination based on the country of origin

Racism, Discrimination and Migrant Workers in Canada: Evidence from the Literature

Policy Research, Research and Evaluation Branch

PEI · CBC Investigates

Temporary foreign workers rescued from abusive situation on P.E.I. farm

Montreal

Quebec seeing rise in injured temporary foreign workers hired to fill labour gaps

Business

Sex abuse case highlights vulnerability of workers on visas

HUFFPOST

NEWS POLITICS ENTERTAINMENT LIFE PERSONAL VOICES SHOPPING VIDEO

Human Rights Abuses in Plain Sight: Migrant Workers in the U.S.

State restrictions of the right to change employers **violate fundamental rights**

- Liberty/Not to be held in servitude
- Bodily integrity and life
- Access to justice
- Not to be discriminated on the basis of the country of origin

Forced Labor on American Shores

July 8, 2012

Give this article

Toronto

Jamaican migrant workers in Ontario pen open letter likening conditions to 'systematic slavery'

CLOSE TO SLAVERY

Guestworker Programs in the United States

a report by the

Southern Poverty Law Center

I. Federal laws and regulations protecting guestworkers from abuse must be strengthened:

- Guestworkers should be able to obtain visas that do not tie them to a specific employer. The current restriction denies guestworkers the most fundamental protection of a free labor market and is at the heart of many abuses they face.

To: Citizen President Andrés Manuel López Obrador and Prime Minister of Canada Justin Trudeau

We invite you to be part of history and give us the respect we deserve both in Canada and in Mexico and to end this system of modern day slavery.

Att: Written and signed by Agricultural workers and Migrants members of MWAC

"This guestworker program's the closest thing I've ever seen to slavery."

Charles Rangel, Former Chairman of US House Committee on Ways and Means (2007)

"How did we get here? How did we get to this state-sanctioned, modern-day enslavement...? How much of this is tied to Canada's shameful past of enslavement and colonization? ... why are we still in this place where we have such horrible conditions?"

Senator Wanda Thomas Bernard, Member of Canada's Standing Senate Committee on Social Affairs (2022)

"Canada's temporary foreign worker programmes are a breeding ground for contemporary forms of slavery."

UN Special Rapporteur on Contemporary Slavery, Report on Canada (2023)

"The design of Canada's Temporary Foreign Worker Program... exposes labourers... to shocking abuse... Labourers ... will be vulnerable ... as long as the closed work permit requirement and other harmful provisions remain."

Amnesty International, Report on Canada (2025)

Slavery 2.0 regimes
have no place in
free societies.

**It's time to
go back to
court. And to
educate
legislators .**

We are asking the courts to declare that:

- the **capacity to freely change employers is necessary** for fundamental rights, in particular for:

- » liberty (not to be held in servitude

- » life and security of the person

- » no discrimination based on the country of origin;

- state measures **tying workers to specific employers** are **unjustifiable** and thus invalid in a free society;

- **Damages to be paid to every employer-tied worker** to compensate her/him for the violation of their fundamental rights by the Canadian state... and **to deter the re-establishment** of employer-tying policies



A. Canadian legal action (2023 -)

We are consulting and mobilizing towards the identification of the rights and freedoms that are **fundamental for any worker** – including for workers recruited abroad:

- **right to quit and freely change (groups of) employers** (placement agency, occupations, sectors, regions of employment)

N.B. freedom from increased risks of **debt bondage**

- right to quit and change **places of residence**

- right to **family** (including the right to leave the country temporarily)

- **access to justice** in the country in case of a right violation



B. Fundamental Rights Declaration (2026)

We will submit to the Parliament a legislative **Labour (im)migration regime** proposal to ensure:

- the **emancipation of the class of unfree employer-tied (migrant) workers** within the society;
- (Too) **dangerous jobs** considered essential **not** (anymore) filled by **forced (migrant) labour** but **instead targeted for governmental support** to allow employers and towns to render them both decent for humans and associated with highly attractive working and living conditions;
- Open work permits and upon arrival **permanent status (to** allow access to justice but also to **facilitate circular migration)**



**C. Anti-Slavery Labour Migration
legislative proposal (2027)**

Legal action: Key steps

Constitutional class action

authorization request to court
sept 2023

1

2

Constitutional class

action authorized by court
sept 2024

3

Active consultations with
migrant workers and allies

Oct 2024-2027

4

Presentation in court of
**State violation of fundamental rights
evidence file & Fundamental rights
arguments (pro-migrants and pro-society)**

Spring 2027

5

Court decision

Dec 2027

Political action : Next steps

National consultations of
Migrant Workers & Allies on
MW's Fundamental Rights
2024-2025

1

2

Core drafting group
(Declaration and Policy Proposal)
May 2025

Anti-Slavery Labour
(im)migration regime
proposal
May 2027

4

3

Migrant workers' Fundamental Rights
Declaration campaign Sept 2026-Sept 2027

Submission to
Parliament of
Anti-Slavery
Labour
(im)migration
Bill
Sept 2027

5