

Open Work Permit for Vulnerable Workers



MOSAIC
Engaging Newcomers, Enriching Communities

Best Practices and Challenges in Supporting Migrant Workers Escaping Abuse

Author: Juan Treviño - Settlement Worker
Co-Author: Carolina Nuñez - Settlement Worker
MOSAIC BC Migrant Workers Program.



Background:

Migrant workers with employer-specific work permits are one of the most vulnerable immigrant groups in Canada.

The Open Work Permit for Vulnerable Workers allows migrant workers to leave abusive situations but requires time, resources, and knowledge that workers may not have.

Vulnerable workers face multiple barriers when trying to report abuse, engage with enforcing agencies or IRCC. These are some of them:

- Power imbalances / threats of deportation
- Digital literacy / language barriers
- Cultural differences / revictimization

Who can support Migrant Workers with the application process?

People working in the settlement field, friends and family members that have access to a computer can assist with the reporting process and application.

The majority of enforcing agencies have reporting processes that are accessible for English-speakers with average computer skills. IRCC provides detailed instructions on how to get started.



YOU DON'T NEED TO BE A REPRESENTATIVE OR AN IMMIGRATION CONSULTANT TO PROVIDE HELP WITH THIS APPLICATION AND YOU CAN RELY ON OTHER AGENCIES FOR SUPPORT

Reasons why workers experiencing abuse don't submit an open work permit application:

- They don't know the program exists or think they can't apply because they quit or were fired.
- They believe or are told that they do not have sufficient evidence to prove their vulnerability.
- They are frightened by constant threats of deportation or live under conditions that are fully controlled by their employer.



SUPPORTING MIGRANT WORKERS IN ABUSIVE SITUATIONS REQUIRES PATIENCE, EMPATHY, AND COLLABORATION.

How to identify the type of abuse happening?

Migrant workers may not be able to identify what kinds of abuse they experience or to remember every situation. To better assist them, you can:

- Ask for a written testimony in a chronological order to identify the kinds of abuse and how it has evolved.
- Have multiple sessions to revisit the statement and add any updates or recent events.
- Speak with other workers who may provide more details on the working conditions.
- Read ESDC's guide on workers' rights and IRCC's definition of abuse.



Submitting reports with enforcement agencies.

Reporting abuse is an overwhelming task for migrant workers. To minimize risk of retaliation against them and ensure their safety, you can:

- Submit a report on their behalf or anonymously, always explaining that their safety is at risk.
- Ask for discretion in the investigation process or for any investigations/inspections to be delayed.
- If anonymity can't be guaranteed then simply skip that particular report and explain why submitting it could pose a greater risk.

How to find and organize evidence of abuse?

Evidence can be found in e-mails, texts, pictures, voice notes, paystubs and other employment documents. Witness testimonies, reports, and support letters are essential pieces of evidence. Learn about labor laws and workers' rights.

Organize evidence in a way that provides context to the person reviewing the application. Chronological order can be useful for this.

1. Employment documents.
2. Statement of abuse.
3. Evidence.

ABUSIVE EMPLOYERS WON'T LEAVE PAPER TRAILS. THAT DOES NOT MEAN THERE ISN'T ENOUGH EVIDENCE.

How can you maximize the resources and time available in order to complete the application quickly and efficiently?

- Collaborate with other agencies, community or family members.
- Assign certain tasks to the worker if within their capacity.
- Submit group reports for cases that involve more than 1 worker.
- Workers do not need to use professional or technical language when writing their victim statement, remind them of this.
- Request as many support letters as possible: Consular Officials, Settlement Agencies, Mental Health Professionals and family members are common actors involved.
- It is important to know what supports the worker received previously and who they were referred by as this can reveal additional evidence.
- Leave your support letter last. This will allow you to add any pieces of evidence that may have been missed.



WORKERS MUST HAVE A VALID EMPLOYER-SPECIFIC WORK PERMIT OR HAVE APPLIED TO RENEW IT.

THE APPLICATION IS COMPLETELY FREE OF GOVERNMENT FEES.

THE OPEN WORK PERMIT CANNOT BE RENEWED

This project is funded by the Government of Canada's Temporary Foreign Worker Program

