
MIGRANT WORKERS NEED PRIORITY ACCESS TO THE COVID-19 VACCINE

Fay Faraday, Judy Fudge, Jill Hanley, Janet McLaughlin, Chris Ramsaroop, Ethel Tungohan and Anelyse Weiler | February 25, 2021

Fay Faraday is a lawyer, Assistant Professor at Osgoode Hall Law School and Chair of the Royal Society of Canada's COVID-19 Task Force Working Group addressing the impact of COVID-19 on migrant workers. All authors are members of that Task Force Working Group.

Judy Fudge is the LIUNA Enrico Henry Mancinelli Professor in Global Labour Issues at McMaster University.

Dr. Jill Hanley is an Associate Professor at the McGill School of Social Work and Scientific Director of the Sherpa Research Institute on Migration, Health and Social Services.

Janet McLaughlin is an Associate Professor in the Department of Community Health at Wilfrid Laurier University and co-coordinator of the Migrant Worker Health Project.

Chris Ramsaroop is a PhD student at OISE/University of Toronto, Co-Director of the University of Windsor, Faculty of Law's Migrant Workers Clinic and Instructor in Caribbean Studies at the University of Toronto.

Ethel Tungohan is the Canada Research Chair in Canadian Migration Policy, Impacts and Activism and an Assistant Professor in the Department of Politics at York University.

Anelyse Weiler is an Assistant Professor of Sociology at the University of Victoria.

Last year, in the first COVID-19 wave, [12% of migrant agricultural workers in Ontario](#) were infected with the virus after arriving in Canada, and three men died. Migrant agricultural workers' incidence of infection exceeded other high risk occupational categories like front line health care workers. But as the 2021 agricultural season quickly approaches, Canada still has no plan to ensure these essential workers receive priority, free and safe access to the COVID-19 vaccine.

As of 31 January, [5,400 migrant agricultural workers were already in Canada](#). Over 50,000 more will be returning across the country soon. Media attention waned after the fall harvest season, but COVID-19 outbreaks have continued on farms every month since – including [53 since the end of October](#).

The virus spreads quickly on farms because migrant workers typically live in crowded employer-provided congregate living quarters. Without a plan to give these workers priority access to the COVID-19 vaccines, we stand on the verge of another season where essential workers will risk their lives to feed Canadians.

Governments [promised to increase health and safety inspections for agricultural workers](#). However, a blitz by health and safety officers this month revealed that [nearly one-fifth](#) of Ontario farms are not compliant with COVID safety protocols. Action is required urgently to prevent further tragedy.

Agricultural workers are only the most visible of the 85,000 low-wage migrant workers who come to Canada under the Temporary Foreign Worker Program each year. Other migrant workers perform

essential jobs delivering in-home care to children, the elderly and people with disabilities as well as working in meat processing plants, warehouses, food preparation, grocery stores, cleaning services, delivery services, construction and many other jobs that keep the economy running. Tens of thousands more workers are undocumented.

Whether they have temporary or undocumented status, migrant workers need priority access to vaccines because most live in congregate settings and work in spaces or roles that preclude physical distancing, putting them at high risk for infection.

Vaccine access must be delivered with keen awareness of the imbalance of power that puts migrant workers at risk of coercion. Access to vaccines must be free, informed, consensual and safe. Migrant agricultural workers from rural Mexico report travelling a day or more into urban centres to take pre-departure COVID-19 tests for which they have been [charged up to \\$350](#). They must then take another test after arriving in Canada. This is prohibitive for minimum wage workers. It puts them in debt before they start work in Canada which increases the risk of exploitation.

Here are four steps for government to take to protect workers in accessing the vaccine.

First, migrant workers need access to free COVID-19 testing and vaccines. Workers must also be able to receive both of the required vaccine doses while they are in Canada. Unless this is guaranteed, they may return to their home country not fully vaccinated and without access to the same or any vaccine to complete their immunization.

Second, public education about the vaccines must be delivered directly to migrant workers in their own language. Many racialized migrant workers come from communities that distrust the medical system because of longstanding histories of systemic racism in healthcare. Migrant agricultural workers in southern Ontario have particular reasons to be wary after they were subjected to [mass DNA testing by police](#) due to racial profiling in 2013.

Third, migrant workers must be able to access vaccines on the basis of informed consent and that consent must be real. Workers must be able to freely agree to or decline a vaccine. Migrant workers' precarious immigration status and dependence on their employers due to their employer-specific work permits and housing arrangements must not be leveraged to coerce migrant workers into mandatory vaccination.

Fourth, migrant workers must be able to access vaccines in a way that is safe and attentive to their precarious status. Many migrant workers do not have health cards or coverage under provincial healthcare programs due to the nature of their work permit, being between contracts or being on implied status awaiting their permanent residency. Having a health card must not be a precondition for vaccine access.

At the same time, undocumented migrant workers must be able to access vaccines without fear that their immigration status will be disclosed to the Canadian Border Services Agency. Coming forward to protect

themselves, their co-workers and the broader community during a global pandemic must not put them at risk of detention or deportation.

But vaccination alone will not eliminate the risks that migrant workers face.

Like [70% of low wage workers](#), most migrant workers do not have the right to paid sick days. Governments must move immediately to legislate, on a permanent basis, a minimum of 7 paid sick days with an additional 14 paid sick days during a public health crisis. Unless workers can stay home without penalty when they are ill, poverty and the risk of being fired will force them to keep working. At all times, going to work while sick increases the probability of disease spreading. During the pandemic, it means those who are already most marginalized will continue to become ill and die in disproportionate numbers.

Over the past year, the pandemic has laid bare the underlying structures that drive social and economic inequality in our society. While prioritizing migrant worker access to COVID-19 vaccines is of immediate urgency, real security won't exist until governments address the laws and policies under Canada's labour migration programs that make migrant workers exploitable. Permanent residency status, full coverage under labour and social protection laws, family reunification and an effective right to collective bargaining would go a long to more lasting security.

This article initially appeared in the Globe and Mail on February 25, 2021.