

## 2024 IHRP Fellowship Final Report

Kabir Singh Dhillon, JD 2026

### Migrant Workers Centre of BC, Vancouver, BC



My IHRP summer fellowship with the Migrant Workers Centre (MWC) was an incredible experience. Being immersed in the legal aspect of the fight migrant workers' rights in Canada has been intellectually and emotionally challenging, rewarding, enlightening, and at times overwhelming. I worked alongside and learned directly from workers, advocates, organizers, and lawyers which opened my eyes to the challenges and complexities of this seeking justice for migrant workers.

This area of the legal practice and advocacy is steeped in international and transnational law, anti-racism and trauma-informed lawyering, and the challenges of corporate and government accountability. I am grateful for the hands-on experience I have gained to these areas of the law while also bearing witness to the human and emotional dimensions of this work.

#### **Host Organization: Migrant Workers Centre of BC (MWC)**

Established in 1986 as an organization serving living-care givers, the MWC has expanded to become a non-profit organization dedicated to advancing the rights of migrant workers. The MWC facilitates access to justice for migrant workers through the provision of legal education, advice and full representation in legal matters. The organization also works to advance fair immigration policy and improved labour standards for migrant workers through law and policy reform and test case litigation. I worked alongside the MWC legal and outreach teams to support migrant workers in their employment law and immigration issues. I also had

the opportunity to contribute to research in support of MWC's ongoing law reform, public legal advocacy, and litigation.

I chose to work with the MWC because of my interest in exploring the intersection of immigration and employment law in Canada. In a country where migration and who has access to status within its borders is highly politicized and viewed through an economic lens, I wanted to gain experience in navigating the legal systems used to enforce this dynamic. I was also motivated to seek justice for migrant workers. Many of the instances of worker mistreatment in Canada are sickening. There are accounts of forced labour, extreme exploitation, human trafficking, and all forms of physical, psychological, financial, and sexual abuse, sometimes on a systemic basis. The fact these abuses are enabled by a policy framework that governments are reluctant to change only exacerbates the harm. While unscrupulous employers and agents continue with impunity, migrant workers who are in vulnerable and precarious situations continue to have their fundamental rights and dignity denied.

## **Work Deliverables**

### **Direct Legal Services to Migrant Workers**

This summer I have been conducting intake meetings with workers at the weekly walk-in clinic. I primarily met with workers on employer-specific closed work permits who require assistance in their employment and immigration matters. Navigating these meetings required a high degree of sensitivity and the ability to provide legal assistance in a non-judgmental and trauma-informed way. These meetings were used to deliver legal information to workers so they can be empowered to enforce their rights at work and to assess where legal representation is needed.

#### *Employment Law*

Under the supervision of staff lawyers, I drafted submissions for matters before the BC Ministry of Labour, the Employment Standards Branch, and small-claims court. This included researching and drafting memos, factums, and preparing evidence and materials for submissions and hearings. This work also involved some settlement and mediation discussions which I have helped prepare for. I often acted as the first point of contact for workers and helped them understand the legal process and supported them in gathering important evidence.

#### *Immigration Law*

I assisted workers applying to federal programs such as the Temporary Resident Permit for Victims of Trafficking ("VTIP-TRP") and the Vulnerable Worker Open Work Permit ("VWOWP"). The VTIP-TRP is a means for out-of-status persons to obtain temporary status to pursue legal remedies and counselling for the trauma experienced in their employment. The VWOWP is a discretionary measure for immigration officers to

issue an open work permit to migrant workers with closed work permits who are experiencing abuse. These applications required the collection and preparation of extensive evidence, drafting affidavits, creating witness statements, and crafting strongly worded legal arguments in response to ambiguous regulations and enforcement.

### **Research for Test Case Litigation**

Temporary foreign workers (TFW) are legally entitled to many of the same employment rights and protections as any other workers in British Columbia. The reality is that these rights are not enforced and that TFWs face significant barriers to accessing justice. One of these barriers is the discrimination they face by the BC Ministry of Labour and the Ministry's Employment Standards Branch. Certain policies and practices of the branch place a disproportionate burden on TFWs who tend to be some of the most vulnerable workers.

I conducted case law and legal research to support the development of legal arguments and a litigation strategy to press for an end to this discrimination. This research drew on BC Human Rights Tribunal jurisprudence under the provincial human rights code, related statutes in other provinces, and the Canadian Charter of Rights and Freedoms. The MWC will use this research for future advocacy.

### **International Human Rights Research**

The MWC participates in legal and policy advocacy at the federal level to secure the rights of migrant and precarious workers and is actively considers opportunities to intervene in cases at the appellate level. This summer I led research on the applicability of International Human Rights instruments and conventional international law in Canadian courts with respect to the rights of migrant workers. I also conducted research on the conventions and instruments of the International Labour Organization, Canada's international obligations through trade agreements and treaties, and Canada's domestic policies with respect to migrant work.

The MWC has been a long-standing proponent of the reforms to Canada's Temporary Foreign Worker Programs. My research will provide additional context and tools from an international human rights perspective to bolster and further these efforts. My research on migrant worker protection regimes will also support the MWC's briefs and committee appearances at Parliament and the Senate of Canada.

### **Book on Remedies for Labour Trafficking**

In response to public pressure to address trafficking and exploitation, Immigration, Refugees and Citizenship Canada has implemented several temporary immigration measures to assist trafficked persons with their

precarious immigration status. Despite legislative and regulatory changes, there remain large gaps in the kinds of individual and systemic remedies available to address abusive trafficking of workers in Canada.

I conducted research and helped draft a manuscript for a chapter in an upcoming book on Labour Trafficking in Canada. This chapter focused on the remedies available under domestic law, federally and provincially for victims of human trafficking. An important focus of the research was to highlight where the law in Canada is falling short.

### **Direct Outreach with Migrant Workers**

I had the opportunity to travel to interior BC and meet directly with migrant workers under the Seasonal Agricultural Worker Program (SAWP). Despite many amendments to the program since the 1980s, it continues to be criticized globally as a program that highlights the harms of closed work permits. The MWC together with other local NGOs, grass-roots organizers, and service organizations hosted health fairs to connect with workers. The events were full of great music, prizes, lots of food, and were attended by local agricultural workers. I had the opportunity to meet with workers one-on-one to build connections and provide legal information based on their individual concerns.



I come away from this summer in awe of the resilience and love that migrant workers and those supporting them on the ground embody every day. This is humbling and serves as a great motivation for my future academic and professional career. I look forward to building upon what I have learned this summer in an IHRP Working Group and further research in the future.