

A Healthier Toronto: Enhancing Access To City Services For Undocumented Workers

Submission to the City of Toronto's Community
Development and Recreation Committee

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Introduction

Recent changes in federal immigration policy will increase the number of undocumented workers in Toronto. Undocumented workers face extreme health risks. These workers are without access to any rights to legislated minimum standards with respect to employment terms and conditions, or health and safety. Like all who are undocumented, they too are excluded from systems of care and support. As a result, undocumented workers are likely to be subject to abuse and exploitation.

This is very troubling because of the potential for increasing numbers of Toronto's residents being subject to exploitation and rights violations. What's worse is the effects of a growing, highly exploitable labour force are not limited to only these workers. There are negative impacts on all marginalized workers, both those with and without status. Increased numbers of undocumented workers put downward pressure on wages and working conditions for many in Toronto's labour market as people compete for employment.

As a result, it is timely that the City is considering the policy issues raised by undocumented workers.

Evidence On Health Impact Of Working Without Status

There is an emerging body of health and social research that looks at the experiences of precarious workers in Canada and elsewhere.^{1,3} While there are substantial difficulties in documenting the experiences of undocumented workers in Canada, what evidence exists points to similarities to the experiences of other precarious populations including temporary foreign workers, migrant workers and refugees.^{4,5} This increase in a vulnerable workforce will also pose increased threats to their health as migrant workers are typically overrepresented in dangerous and hazardous work.¹ For those without status, there is likely an increased exposure to situations of abuse and exploitation, which may be heightened for some, including women and youth.⁶ Further, risk of poor health may be intensified by exploitation and a greater exclusion from systems of care and support.

In one of the few reviews of the academic and grey literatures, Magalhaes and colleagues identified the central issues for undocumented workers in Canada⁴:

- mental health issues (including anxiety, trauma, and depression) exacerbated by fears of deportation and experiences of exploitation
- barriers to services (delayed care, exclusion from public and private systems of care)
- adverse impacts on women and children (absence of reproductive care for women, experiences of violence and absence of routine pediatric care for children)
- poor working conditions (poor and unsafe working conditions, lack of supports if injured or needing medical assistance)

Gastaldo and colleagues echo these findings in their qualitative study of undocumented workers from Latin America, noting that workers reported high levels of depression, anxiety and stress associated with the fear of living without status or a safety net, and the precarious (and risky) work and living situations they encountered. Delays in seeking health care were commonly reported, with a reliance on emergency care (through walk-in clinics) rather than primary care, and the use of non-licensed professionals to provide health care, and over the counter medicines to manage health issues.⁷

The occupational health risks migrant workers face were brought home to Torontonians when four workers plunged to their death on a construction site on Christmas Eve, 2009.⁸ The deaths resulted in convictions of the employers for violations of the *Occupational Health and Safety Act*. While these horrific deaths are a stark reminder of the dangerous conditions faced by undocumented workers, the day-to-day impacts of precarious, low-paid work on health outcomes are also of concern.

In a survey of precarious workers in 2011, 22 percent of workers reported being paid less than minimum wage; and 33 percent reported being owed wages from their employer.⁹ As this survey did not specifically target undocumented workers, and they have no avenues to enforce minimum standards, it is reasonable to assume that these rights violations are even more prevalent among these workers. Further, the absence of any social safety net for undocumented workers will make the occupational health and safety risks worse, through the inability to refuse unsafe work, and the well-documented impact of low-wage work on income and health.⁹

Women who are undocumented workers face heightened problems associated with their vulnerability to sexual abuse and exploitation.¹⁰ Again we can turn to the research on migrant workers for insights into the available evidence. In a review of research on the conditions faced by domestic workers in Canada, a number of problems surfaced. These ranged from contract violations (non-payment of wages, and substandard living conditions), to constraints on daily activities (restrictions on movement or freedom of association) to experiences of more blatant exploitation and abuse (violence, racism, and neglect).¹⁰

Recent Experience Of Refugees Without Access To Health Care

In July, 2012 the federal government implemented changes to the Interim Federal Health (IFH) program that resulted in reduced access to health care services for many refugees.¹¹ The documentation of these changes in policy provides a window into the health impacts of living without access to health care.

The cuts to the IFH program have raised significant concern among health care providers, governments, and communities across Canada. As a result, the impacts of the cuts are being tracked by health care providers across Canada using the Refugee Health Outcome Monitoring and Evaluation System.¹² Results to date indicate that refugees are experiencing adverse health outcomes owing to the reduction and elimination of IFH coverage, including the following examples:

- A young female refugee claimant is 18 weeks pregnant as a result of a sexual assault while being used as a sexual slave. She has no IFH coverage to address the pregnancy.
- A woman in her third trimester of pregnancy develops pre-eclampsia, a potentially lethal disease, but has no coverage to treat her condition.
- Two young children with multiple hospitalizations for asthma cannot get access to their inhalers leaving them at risk for seeking out care through emergency departments.
- A male refugee claimant experiencing chest pain and having symptoms that make his physician suspicious of tuberculosis is not eligible for a chest x-ray.

The lessons learned from the cuts to the IFH program are illustrative for the City of Toronto as it considers policies to support undocumented workers. The IFH program cuts demonstrate that:

- Lack of access to preventative care or early acute care can result in worse health outcomes for already marginalized individuals.
- This lack of access also results in significant avoidable expenses and service use from a system perspective.
- Decisions made at one level of government have cascading effects on other levels of government. In the IFH example, cuts at the federal level are creating greater need for health care services at the provincial and local levels, and adding avoidable expenses and pressures to already stretched service providers.

Changes In Federal Immigration Policy Will Increase The Numbers of Undocumented Workers

Recent changes to federal immigration and refugee legislation and policy will increase the number of undocumented workers. The 2012 changes to the refugee determination process will shorten timelines; create two classes of refugee claimants, and, for some, introduce mandatory detention and a long-term bar on permanent status.¹³ These increased penalties and more restrictive access to permanent status will likely result in larger numbers of refugees in Canada without status.

Under the federal Temporary Foreign Workers Program, workers come to Canada for a short period, generally without future prospects for immigration or citizenship. The federal government has increased the number of workers coming to Canada under this program. The number of temporary foreign workers in Canada has more than doubled since 2006.¹⁴ In 2011, more people entered Canada as temporary foreign workers than as permanent residents.¹⁵ Rights violations and abuses of workers brought to Canada under this program have been well documented.¹⁶⁻¹⁷

A number of administrative and regulatory changes have made it easier for employers to bring temporary foreign workers to Canada. The changes to the program have also increased the potential for abuse and exploitation. Changes introduced in 2011 mean that many workers in Canada under the Temporary Foreign Workers Program must leave Canada for 4 years, if they have worked here for 4 years.¹⁸ Universal experience with “guest worker” regimes shows us that they fail: a significant proportion of workers do not leave when their work permits expire. The predictable and inevitable result is an increase in undocumented workers.

As non-renewable work permits under the program expire, there will be a growing undocumented workforce. This workforce will also grow as a result of those who are seeking refugee status and have not been successful or do not believe that they will be.

Strengthen City Of Toronto Policies To Support Undocumented Workers

There are calls internationally for greater attention to the needs of vulnerable worker populations, including migrants and individuals without status, emphasizing migrant-sensitive health care, attention to data monitoring and research in population health to better meet the health needs of vulnerable workers.^{2,3,6}

Access Without Fear policies provide important supports for undocumented people. They include ensuring that all residents are provided with services regardless of their immigration status. They ensure that service providers do not inquire about, record or keep information pertaining to a person’s immigration status and that when a service provider becomes aware of a person’s immigration status, the service provider does not communicate that information to any federal authorities.

The City’s existing Access without Fear policy is an important step in providing services to residents in Toronto who are without status.¹⁹ It describes the services that are available to Toronto residents without requiring information about their status, and outlines when City staff will not provide information to federal immigration authorities. In particular the Toronto District School Board policy has a detailed articulation of the policy, how it will be implemented, and training requirements.²⁰

Recommendations

To enhance the implementation of the policy city wide, we recommend that the City:

1. Conduct an internal audit, with community consultation, of all city-funded services and agencies, and then produce a report on the application of the Access Without Fear policy.
2. The report should identify the gaps and inconsistencies in the application of the Access Without Fear policy, and should contribute to the development of an accountability framework for this policy.
3. The Access Without Fear policy should be implemented consistently across city departments and agencies and they should clearly communicate that they follow this policy to the communities they serve.
4. Training should be provided for front line staff and managers on the policy and on its implications for service delivery in each division or agency.
5. The City should establish a clear and accessible review and complaints process based on consultation with communities to address gaps in implementation of the policy.
6. The City should require service providers and agencies to have an Access Without Fear policy in place as a condition of receiving City funding.
7. The City should publicize the Access Without Fear policy so that undocumented people are aware of it and will be more likely to access services.

Endnotes

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