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ORAL STATEMENT ON THE OCCASION OF THE REVIEWS OF MEXICO AND JAMAICA BY THE COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

-CHECK AGAINST DELIVERY-

Dear Committee members,

Amnesty International appreciated the opportunity to brief the Committee ahead of the review of Mexico and Jamaica.

Amnesty International is calling on Mexico and Jamaica, as countries of origin, to protect their migrant workers from discrimination and labour exploitation, by renegotiating bilateral labour mobility agreements that do not allow workers to freely choose and change employers.

Both Jamaicaⁱ and Mexicoⁱⁱ have concluded bilateral agreements with Canada governing the terms of hire and employment of Jamaican and Mexican migrant workers under a subset stream of Canada's Temporary Foreign Worker Program (TFWP), called the Seasonal Agricultural Worker Program (SAWP).ⁱⁱⁱ

The Government of Mexico estimated that 26,000 Mexican workers participated in the SAWP in 2024.^{iv} During the same year, more than 8,000 Jamaican workers travelled to Canada under the SAWP.^v

Migrant workers under the SAWP are granted a temporary work permit that ties them to a single and specific employer, and only allows them to change employers in limited circumstances.^{vi} This entrenches a power imbalance in favour of the employer, who controls both the migration status and labour conditions of migrant workers.

Amnesty International's research found that Jamaican and Mexican migrants working in Canada under the TFWP suffer a range of abuses, such as wage theft, excessive working hours, unsafe working conditions, racist physical and psychological abuse, surveillance, and others.

These abuses are not isolated incidents or the acts of a few unscrupulous employers. They are a foreseeable and intrinsic outcome of the TFWP, due in large part to the inability of migrant workers to freely change employers. In other words, these abuses stem directly from Canada's immigration policies and are allowed by the labour mobility agreements that Canada has negotiated with Jamaica, Mexico, and other countries.

Dear Committee members,

Article 64 of the Convention imposes on states the obligation to promote "sound, equitable and humane conditions" for migrant workers through international cooperation. This includes the conclusion of bilateral labour migration agreements.

Amnesty International is calling on Mexico and Jamaica to renegotiate their bilateral labour migration agreement with Canada, seeking specific guarantees to ensure that migrant workers in Canada can change employers and jobs freely.

Thank you for the opportunity to address you all.

ⁱ The arrangement between Jamaica and Canada is governed by a Memorandum of Understanding (MoU) signed in 1995. Its main principles are summarized in the *Submission by the Government of Jamaica to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on the Temporary Foreign Workers Program*, 2016, <https://www.ourcommons.ca/Content/Committee/421/HUMA/Brief/BR8360795/br-external/GovernmentofJamaica-e.pdf>

ⁱⁱ The arrangement between Mexico and Canada is regulated by the *Memorandum de Entendimiento entre el gobierno de los Estados Unidos Mexicanos y Canada relativo al Programa de Trabajadores Agrícolas Mexicanos Temporales*, 27 April 1995,

<https://transparencia.sre.gob.mx/transparencia-categorias/category/1471-fracc-vi-a?download=51951:2-memorandum-ptat-27-abril-1995>.

ⁱⁱⁱ Other Caribbean countries also participate in the SAWP, including Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago. ESDC, "Hire a temporary worker through the Seasonal Agricultural Worker Program: Overview", <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural.html>

^{iv} According to Mexican authorities, "the SAWP program has contributed to remittances to Mexico (in 2023 alone, more than \$388 million Canadian dollars)", Secretaría de Relaciones Exteriores del Gobierno de Mexico, "The Mexico-Canada Seasonal Agricultural Worker Program (SAWP) celebrates its 50th anniversary", June 2024, <https://www.gob.mx/sre/prensa/the-mexico-canada-seasonal-agricultural-worker-program-sawp-celebrates-its-50th-anniversary?idiom=en#:~:text=The%20SAWP%20program%20has%20gone,between%202019%20and%20June%202024>.

^v "14,434 persons benefited from Overseas Employment Programme in 2024", *The Gleaner*, 5 January 2025, <https://jamaica-gleaner.com/article/news/20250105/14434-persons-benefited-overseas-employment-programme-2024>.

^{vi} Employers can transfer SAWP workers to another farm/employer, subject to the worker's consent and written approval by both Employment Social Development Canada (ESDC) and the worker's home government representative. The worker can request the transfer but cannot initiate it.