

AMSSA Migrant Worker Hub Webinar Handout:

The Role of Foreign Consulates in Protecting Migrant Workers

Territorial Acknowledgement

As a provincial umbrella association, AMSSA acknowledges that B.C. is on the unceded homelands of First Nations who have stewarded this land since time immemorial. We recognize the privilege that we have as settlers on this land and acknowledge that AMSSA's operations is on the unceded traditional territories of the xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.

Thank You

We would like to thank Berenice Diaz Ceballos, Consul General of Mexico in Vancouver and Hugo Velazquez, Senior Manager of the Community Outreach, Advocacy and Migrant Worker Program at MOSAIC for their presentations during the webinar and their contributions to the content of this handout.

The Role of Foreign Consulates in Protecting Migrant Workers

On August 15, 2022, AMSSA's Migrant Worker Hub held a webinar on this topic with speakers Berenice Diaz Ceballos, Consul General of Mexico in Vancouver and Hugo Velazquez, Senior Manager of the Community Outreach, Advocacy and Migrant Worker Program at MOSAIC. The information presented during the webinar is reflected in this accompanying handout to be used as a learning tool for those working with and supporting migrant worker communities in Canada.

The webinar can be accessed on the [Migrant Worker Hub](#) here.

INTRODUCTION

Consulates play an important role in maintaining connections between employers and migrant workers, as well as migrant worker support organizations. There are best practices on building relationships and collaborating with consulates, all with the goal of providing increased supports to migrant workers in Canada.



Photo by Susan Hezarkhani

Key definitions

Migrant Worker: a person that has travelled from one region to another, or from their home country to another, to pursue work. In Canada, some migrant workers are part of the Temporary Foreign Workers Program.

Consulates: consulates are diplomatic offices of one country in a foreign country. While embassies handle significant diplomatic matters, such as negotiations, consulates generally handle smaller diplomatic affairs, and often help migrants, tourists and expatriates abroad.

ROLES AND RESPONSIBILITIES OF FOREIGN CONSULATES

Consular staff, in accordance with the international conventions that govern their functions, have an important role in protecting the rights of migrant workers from their respective countries working abroad.

These functions are based on two United Nations conventions:

- The Vienna Convention on Diplomatic Relations of 1961¹: establishes that one of the functions of diplomatic missions is to protect the interests of the sending State and its nationals in the receiving State.
- The Vienna Convention on Consular Relations of 1963²: indicates that it is the responsibility of consular staff to protect the interests of the nationals of the State they represent in the receiving State, to help and assist them and represent them before courts and other authorities.

The priority mandate and responsibilities of Consulates is to provide assistance and services to their nationals, including in times of distress. Some foreign consulates may have teams in place to specifically handle employment-related matters for their nationals, including but not limited to:

- Negotiate with host countries for labour, employment and social security agreements.
- Vet foreign employers and monitor compliance of work contracts.
- Help address any employer-employee related matters.
- Provide protection and consular assistance such as renewal of passport or work permits.



Photo by Map Box

It is recommended that migrants have access to the contact information of their home-country consulate as they might need them at some point while abroad.

Recommended Actions for Consulates to Support in Protecting Migrant Workers

According to the IOM UN Migration Report “Consular Staff and their Role in Protecting the Rights of Migrant Workers³”, there are recommended activities that consular staff can take on to protect the rights and working conditions of migrant workers. Below are a few of the recommendations from the report:

1. Learn and stay updated on labor laws, special regulations and migration legislation of the country where they exercise their functions, along with support programs available for migrants for housing, emergency aid, food security, etc.

¹https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf

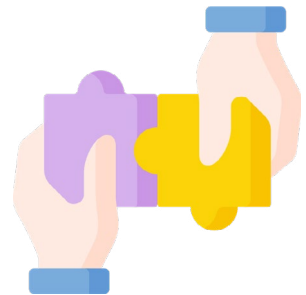
²https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf

³<https://www.iom.int/consular-staff-and-their-role-protecting-rights-migrant-workers>

2. Establish ties with key entities to understand their programs and appropriately refer cases, including unions, Ministry of Labour, WorkSafeBC, Migrant Worker Centres, etc.
3. Inform nationals in receiving countries on existing migratory, labor, and social security agreements between countries, and stay up to date on labor rights and reporting violations.

Best Practices for Collaborating with Consulates

The BC Consular Alliance has been established to share information among consulate and support organizations to protect migrant workers. The Alliance connects with federal and provincial authorities as a united group to comment on the implementation of the Temporary Foreign Worker Protection Act. The Alliance regularly connects with 22 agencies that support migrant workers throughout British Columbia in emergencies and severe cases of abuse.



Examples of the work that the Alliance has contributed to in recent years include:

- During the COVID-19 pandemic, the Alliance worked closely with provincial authorities to coordinate the arrival of workers to hotels near the Vancouver YVR Airport.
- Supporting with the emergency response during the recent B.C. floods by collaborating among agencies, consulates, Ministry of Agriculture, churches and community groups to ensure displaced migrant workers are safe and their basic needs are being met.
- Delivering groceries, warm clothing, and essential items to displaced workers.
- Providing transportation support in cases of emergency evacuation.

Consulates have a specific mandate of protection for cases in which the life or security of a person is in danger; however, they don't provide services. They can help Canadian authorities' efforts but not replace them. This is why the collaborative network of the BC Consular Alliance is so important in the protection of migrant workers in British Columbia.

RESOURCES

List of Consulates in British Columbia

<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/office-of-the-premier/intergovernmental-relations-secretariat/protocol/consular-corps/directory>

Government of Canada – About Consular Services

<https://travel.gc.ca/assistance/emergency-info/consular>

Employment Contract for Temporary Mexican Agricultural Workers in Canada

- **English:** <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/apply/mexico.html>
- **Spanish:** <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/apply/mexico-spanish.html>

United Nations - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>

The Vienna Convention on Diplomatic Relations of 1961

https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf

The Vienna Convention on Consular Relations of 1963

https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf

IOM UN Migration Report - Consular Staff and their Role in Protecting the Rights of Migrant Workers

<https://www.iom.int/consular-staff-and-their-role-protecting-rights-migrant-workers>



The **Migrant Worker Hub** is a digital centre of resources and tools to enhance the knowledge and capacity of individuals, employers, unions, professional associations and other organizations supporting migrant workers in British Columbia.

migrantworkerhub.ca

migrantworkerhub@amssa.org

The Migrant Worker Hub is a program of the Affiliation of Multicultural Societies and Service Agencies of BC (AMSSA) and funded by the Government of Canada's Temporary Foreign Worker Program.

amssa.org

amssa@amssa.org