

Briefing Note

re: Alliance for Gender Justice in Migration (11/23/23)

Issue:

Reproductive justice in Canada for women and gender-diverse workers with precarious immigration status.

Background:

The Vancouver-based **Migrant Workers Centre** (MWC) and the coalition it leads, **Alliance for Gender Justice in Migration** (<https://mwcbc.ca/alliance-for-gender-justice-in-migration/>), is playing an active role in the current debate about migrant worker policy reform at the federal level.

The Alliance for Gender Justice in Migration is concerned with the often-neglected concerns facing women and gender-diverse individuals. We are a network of people with lived experience, academics, advocates, and service providers from across Canada formed to identify trends and promote policy solutions aimed at ending discrimination against women and gender-diverse migrants in Canada.

Migrants are at the centre of our policy development because we believe policy regarding rights and protections for undocumented migrants cannot be properly developed without their knowledge, understanding and expertise based on lived experience.

We consider matters of reproductive health and rights as issues of reproductive justice, to allow a dignified human experience. We agree with the public statement made by The Government of Canada that the “goal of ensuring that women and girls *in all their diversity* [emphasis added] can decide what to do with their bodies, their lives and their futures-without question” should be fully supported (Government of Canada, n.d.)

Therefore, we call for more coordinated and systematic efforts towards making reproductive justice accessible for women, but also for gender-diverse individuals with precarious status.

Key Considerations

- Comprehensive reproductive healthcare access and protection for women and gender-diverse individuals with precarious status is quite limited and private health care insurance is required for most cases involving precarious status. However, obtaining private insurance is often not feasible for many and women and gender-diverse people with precarious status often pay all expenses, as well as any travel costs involved.
- Financial barriers to access pregnancy prevention and termination through private care access are a major challenge for women and gender-diverse migrants, resulting in unplanned pregnancies. In addition, many women and gender-diverse migrants live in rural or remote areas to work in agricultural, food processing, and service sectors, creating further barriers to accessing pregnancy prevention measures, termination support, or care while pregnant.
- Discrimination, lack of private health insurance, language barriers, fear of deportation, and lack of familiarity with the healthcare system are additional factors that result in women and gender-diverse migrants receiving limited or delayed care during their pregnancies. This substandard level of care may



increase the risk for emergency caesarean sections, postpartum depression, stillbirth, and other health complications for the parent and baby.

- Given their precarious immigrant status, women and gender-diverse individuals often do not benefit from labour protection against pregnancy discrimination or access to parental leave benefits. This is exacerbated by unequal power dynamics between them and employers (e.g. closed work permit and working in isolated places), the inability to take a leave as they need to accumulate additional Canadian experience to support their permanent residency application process, fear of deportation, and being the provider for their family, for example.
- Current advocacy efforts for reproductive justice include public funding for healthcare services to insured people depending on their vulnerability group, the waiving of the usual 3 month wait period, the Interim Federal Health program by the federal government for refugee claimants, and limitations on the sharing of patient information between health authorities and border services in some provinces. However, most efforts are not consistent across provinces or at the national level.

Recommendations:

1. **Broaden and integrate reproduction justice efforts** to expand healthcare access to women and gender-diverse individuals with precarious status through provincial or regional partnerships with community health clinics, midwives, or specific programs and organisations that advocate for such demographics.
2. **Disseminate accurate information of reproductive service options** available to women and gender-diverse migrants that may not be able to access the public health coverage to improve awareness of care available. It is essential that the information is shared not only with the migrant community, but also ensure that healthcare staff and providers are well informed. It has been found that individual doctors, hospital, and clinic staff members, as well as financial administrators, have exercised a considerable amount of discretion in determining when care is provided or not, which makes educating healthcare staff crucial.
3. **Provide culturally appropriate and gender-sensitive health care services** so they are accessible to migrant women and gender-diverse individuals. Discrimination, language, and difficulty in obtaining an appointment are major barriers to accessing reproductive healthcare, underlining the need for culturally sensitive care and staff. Providing language support is also essential given the language barriers faced by these vulnerable groups.
4. **Develop access without fear policies** that will encourage pregnant women and gender-diverse migrants to seek medical advice or guidance without fear of deportation or discrimination during their pregnancy to reduce long-term impacts to the health of the parent and baby through proper prenatal care. This also includes enacting legislation and policies that prevent or limit health authorities from sharing patient information to border services.
5. **Enforce and enhance labour protection and associated legislation** to ensure that women and gender-diverse migrants can access parental leave benefits and that they are protected from pregnancy discrimination and associated employment termination due to reproduction.



**Alliance for Gender
Justice in Migration**
**Alliance pour la justice de
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Women and Gender
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