

# Project Backgrounder

## CCR Migrant Worker Report Cards



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### This Project

This series of report cards is an update to the CCR's Migrant Worker Report Cards initially published in May 2013. At that time, the Canadian Council for Refugees was concerned about Canada's shift from permanent to temporary migration, and the many documented abuses of migrant workers in Canada. Since 2013, migrant workers and advocates have continued to be vocal in their concerns about the Temporary Foreign Worker Program, organizing and mobilizing for change. Some changes and advances have taken place, with more needed. Five years later, we can take stock of what has been accomplished and what still remains to be done to ensure fair treatment of migrant workers in Canada.

The purpose of the project is to review the situation for migrant workers in each provincial and federal jurisdiction, and to make recommendations for changes that will improve the lives of migrant workers, making a more just society. The report cards are deliberately kept concise, and thus offer only a summary of a complex and changing reality.

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### Why the focus on migrant workers?

A number of factors related to the structure and implementation of Canada's Temporary Foreign Worker Program make migrant workers vulnerable to abuse. The root cause of migrant workers' vulnerability is their precarious immigration status: not only the temporary nature of their status, but the closed work permits that tie their status to one employer. Although in principle they have the same labour rights as Canadian workers, their status makes these rights largely inaccessible. Migrant workers hesitate to complain for fear of losing their job and thus their status in Canada, and may be unable to pursue recourses because they are forced to leave Canada long before a decision is rendered. Other factors such as lack of information or support services, isolation, and language barriers exacerbate their vulnerability. Some workers come to Canada deeply indebted to job recruiters and end up in situations of coercion and even labour trafficking.

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### Temporary labour migration in the context of Canadian immigration policy

Canada has a long history of exclusionary immigration policies. Until the 1960s, Canada's immigration policies were explicitly racist, and a wide range of barriers were put in place to deter or prohibit the immigration of non-whites. A similar pattern of discrimination, on the basis of race and class, continues to be seen in the Temporary Foreign Worker Program. Those coming to fill low-wage, so-called "low-skill" jobs are almost all racialized and they are for the most part restricted to temporary status, with no option to stay via federal immigration programs, although the jobs they fill are usually not temporary in nature.

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### Canada in the international context

It is important to look at Canada's exploitation of temporary migrant labour in the context of globalized economies. Canada is in some instances complicit in creating the conditions that displace communities in the Global South who then come to Canada as migrant workers. For example, communities in the Philippines, Guatemala and Mexico have been displaced by Canadian private mining interests and then come to Canada as migrant workers. Canada's trade relations can also contribute to creating a supply of migrant workers who can't find work opportunities at home. For example, NAFTA displaces some rural populations in Mexico that then come to Canada as migrant agricultural workers.

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## Explanation of terms

**Migrant worker:** when we use this term, we are referring for the most part to workers in the following streams of the Temporary Foreign Worker Program: low-wage (including some caregivers), agricultural stream, and Seasonal Agricultural Workers Program. These workers have tied work permits, and for the most part (with the historical exception of caregivers) do not have access to permanent residence. Both women and men come to Canada as migrant workers: some types of work (e.g. caregiving and agricultural labour) are highly gendered.

**NOC C and D:** the National Occupation Classification (NOC) is a system to classify jobs according to the type of work being done and the skill level assigned to that type of work. Jobs grouped under NOC codes A, B and O are considered high-skilled, while jobs grouped under NOC codes C and D are considered semi- and low-skilled. In these report cards, we have put skill levels in quotation marks as a way of calling into question the value assigned to job types that is then reflected in the way candidates are valued (or not) as prospective immigrants.

**Provincial Nominee Program:** the Provincial Nominee Program (PNP) is an immigration program that is jointly administered by the federal and provincial/territorial governments, and which allows provinces and territories to address their specific economic needs. There are currently bilateral agreements with all provinces and territories except Quebec and Nunavut.

**Labour Market Impact Assessment (LMIA):** employers wanting to hire workers under the Temporary Foreign Worker Program must obtain a positive LMIA which verifies that there is a need for a temporary worker and that no Canadians are available to do the job.

**Employment and Social Development Canada (ESDC) and Immigration, Refugees and Citizenship Canada (IRCC):** the Temporary Foreign Worker Program is jointly administered by these two federal departments. ESDC issues LMIA's to employers applying to hire migrant workers through the program, and IRCC issues the work permits that allow the workers to enter and work in Canada.

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## Note on numbers provided

In each report card, we have included a table with the number of work permits issued in 2017 to different types of workers under the Temporary Foreign Worker Program. It should be noted that the “other Temporary Foreign Workers with LMIA” category includes high-wage workers in the TFWP. The numbers of migrant workers actually present in each jurisdiction in a given year are not publicly available: in some cases more workers may have been present than the number of work permits issued.

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## Explanation of grades

The grades are intended to give a general indication of where the federal or provincial government stands with respect to protection of migrant workers' rights, both in relation to actions taken and changes since the 2013 report cards. For a detailed evaluation, please refer to the accompanying text.

<b>A</b>	Significant and innovative action taken
<b>B</b>	Considerable action taken but significant gaps remain
<b>C</b>	Some limited action taken
<b>D</b>	Insignificant action

CCR thanks the many organizations and individuals who provided input for these report cards.

