



Reforming the Temporary Foreign Worker Program: CCR Response to the HUMA Report

Introduction

The Canadian Council for Refugees (CCR) welcomed the announcement of the federal government's review of the Temporary Foreign Worker Program (TFWP) as an opportunity to address concerns with the program, particularly with regards to the human rights of participating migrant workers.

CCR submitted a **brief** to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA) outlining our key concerns and recommendations to improve the integrity of the program by protecting the rights of migrant workers.

The **HUMA report** was released on 19 September 2016. Now that the report has been published, the Canadian government needs to act quickly to address the serious shortcomings of the Temporary Foreign Worker Program, both in response to the committee's recommendations, and in order to address other critical issues inadequately covered in the report.

Open Work Permits

The CCR applauds the committee for its recommendation that the government immediately eliminate the requirement for closed (employer-specific) work permits. This important change is a necessary step toward reducing the vulnerability of migrant workers to abuse. However, we believe that work permits should be open (without restrictions), and migrant workers should have the same rights to labour mobility as Canadian workers.

Access to Permanent Residence

The CCR calls on the government to move swiftly to provide access to permanent residence for all migrant workers. This is crucial, since migrant workers' precarious and temporary status is at the root of their vulnerability to abuse, as recognized by the committee report.

The committee's recommendation, which prioritizes access for migrant workers who have integrated into Canadian society, fails to take into account that integration is virtually impossible for many migrant workers in the low-skilled categories. They often find themselves living with other foreign workers at workplaces in isolated locations, and are not entitled to language instruction, resulting in language barriers. In order to avoid discrimination and exclusion, "integration into Canadian society" must not be a prerequisite for access to permanent residence.

CCR believes workers should be able to apply for permanent resident status at the same time as they apply for a work permit. It has been documented that "pathways" to permanent residence that make migrant workers dependent on their employer for support create an opening for abuse.

Time limits

As recommended by the committee, the CCR urges the government to remove the rule on cumulative duration ("four-in-four-out" rule).

Monitoring and Enforcement

The CCR welcomes the committee's recommendations on monitoring and enforcement mechanisms, and believes the government must act quickly to address gaps in employer compliance and the protection of migrant workers' rights, including ensuring proper enforcement of labour laws and a system for regulating recruiters, as outlined in the report.

As the committee notes, migrant workers must be informed of their rights under the program, including how to report abuse. These measures must be accompanied by provisions to ensure that workers have support and recourse in cases where reporting abuse results in loss of employment, and that they are protected from involuntary repatriation.

Gaps

The committee heard compelling testimony on several crucial issues that were not addressed in the final recommendations.

Settlement services: The federal government should expand eligibility criteria for settlement services to all migrant workers including Temporary Foreign Workers and Seasonal Agricultural Workers. The lack of access to services and language instruction leads to isolation, lack of information and support, and increased vulnerability.

Family reunification: Migrant workers should be allowed to bring their spouses and children to Canada with them, to prevent the negative mental health impacts of family separation on individuals and communities. Migrant workers who participated in the committee hearings spoke eloquently about the impact of long-term separation on themselves and their families.

Seasonal Agricultural Workers: Participants in the Seasonal Agricultural Worker Program find themselves in similar situations of vulnerability, protracted family separation, and abuse as other migrant workers, and should benefit from any improvements made to the Temporary Foreign Worker Program. These changes are necessary to address the abusive practices within the Seasonal Agricultural Worker Program that the Committee heard about.

Conclusion

The HUMA report speaks to some of the key concerns brought forward by migrant workers and migrant worker rights' advocates, and can be a useful tool for policy change. The federal government must act on the concerns brought forward by witnesses and those who submitted briefs, in the interest of protecting migrant worker rights and strengthening Canadian society by allowing all workers to contribute and benefit equally.

Beyond reviews focused on the Temporary Foreign Worker Program, CCR believes that there must be a public conversation about the shift in recent years within Canadian immigration policy towards temporary labour migration. CCR believes that Canada must move away from the increasing reliance on temporary labour migration programs that are fraught with abuse, and return to using permanent immigration as a strategy for meeting labour market demands, and for nation-building. More specifically, we recommend that Canada's economic immigration program be revised to include low-skilled workers who can come as immigrants without being separated from their families or subject to the precariousness of employer-sponsored pathways to permanent residence.

CCR encourages the government to call on civil society for input when developing changes to this and other programs. Migrant workers themselves and the organizations that work with them are the best positioned to inform policy changes, and we invite the government to foster a relationship of ongoing consultation and collaboration.