

Provincial Report Card

Manitoba



Legislative Protection of Migrant Workers

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Manitoba's Worker Recruitment and Protection Act (WRAPA), adopted in 2009, requires employers and recruiters of migrant workers to register with the provincial government, and prohibits the charging of any recruitment fees to workers, with stiff penalties for violations.

Enforcement of Legislative Protections

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Manitoba has a Special Investigations Unit (SIU) to carry out complaints-based and proactive investigations of workplaces employing the most vulnerable workers. Since WRAPA was implemented, several employers have been ordered to pay wages owing to employees. Repeat offenders have been fined up to \$10,000. The SIU has an anonymous phone line and email address for people to report abuse; however, these are not widely promoted. March 2018 cuts to SIU staff will reduce enforcement activities.

Access to Permanent Residence

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Migrant workers in "low-skilled" (NOC C and D) occupations have access to the Manitoba Provincial Nominee Program with a job offer, and there is a stream for family and community nominations. A \$500 application fee has recently been applied to program applicants, which may limit access for low-wage earners. Seasonal workers are not eligible, and federal language requirements make the program inaccessible to many workers.

Settlement and Support Services

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Manitoba does not fund settlement or support services for migrant workers. Manitoba Industry, Training and Employment Services funds four settlement agencies (in addition to employment organizations that migrant workers can access) to provide employment services for which migrant workers are eligible.

Access to Information for Migrant Workers

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Employment Standards does not systematically provide information to migrant workers, but gives workers information about their rights during workplace investigations. There is an information sheet for farm workers in English, French and Spanish available online, but no other resources specifically for migrant workers. Safe Work Manitoba has a selection of general health and safety resources available online in 18 languages.

Awareness-raising among Employers

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The Province informs employers of their obligations and the penalties for non-compliance when they register under WRAPA. Public education sessions are available for employer groups on request and online resources are offered. Employers found to be non-compliant receive education and a formal Notice to Comply to avoid repeat offences. If following review an industry is found to be likely to commit infractions, employers in that industry are pre-emptively sent a Notice to Comply.

Access to Healthcare

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In 2013 the Province extended provincial health coverage to Seasonal Agricultural Workers as soon as they arrive in Manitoba and for the duration of their work permit. Other migrant workers are only eligible for provincial health coverage if they have a work permit of a year or more; they are then covered on arrival. Non-SAWP seasonal workers and others with work permits of under a year must have private insurance provided by the employer.

Manitoba Trail-blazing province still has gaps to fill



In 2009 Manitoba became the first province to implement legislation to improve protections for migrant workers. Along with creating a registry for employers and recruiters, the Province negotiated with the federal government a requirement that employers be approved by the Province before receiving a positive Labour Market Impact Assessment from the Federal Government. This gives Manitoba control and information about employers and their contracts with workers, which enhances enforcement.

The Special Investigations Unit (SIU) continues to proactively inspect workplaces employing vulnerable workers, but March 2018 cuts to staff will unfortunately mean a reduction in activities. In 2015 - 2017, 36 investigations were completed which were related to migrant workers and other newcomers. The SIU found that 52% of employers or recruiters were non-compliant with at least one major provision under the Employment Standards Code or WRAPA, indicating a need for increased enforcement.

Enforcement Statistics 2015-2017

- In 3 workplaces, about \$62,000 was returned to workers who had paid illegal recruitment fees. In two cases the employer had used an unlicensed recruiter; in one case a licensed recruiter charged illegal fees and was stripped of their licence.
- \$20,000 in administrative penalties were paid.
- Cease and desist letters were sent to 22 unlicensed recruiters.

SIU enforcement strategies for non-compliant employers are varied. They start with education and a formal Notice to Comply, and the SIU requires employers to pay retroactive wages to workers as well as recruitment fees that were charged to them. Administrative penalties are applied for repeat non-compliance, and names of businesses that are repeat offenders are published on the Employment Standards website. The SIU focuses on proactive enforcement, but their success in identifying cases of abuse is limited by a lack of resources, and by the reluctance of migrant workers to complain as a result of their precarious status. The Province should commit more resources for enforcement, and should negotiate an open work permit initiative for abused workers with the federal government, as British Columbia has done.

The Manitoba Provincial Nominee Program has brought in a relatively high proportion of nominees in “low-skill” occupations. The family and community stream facilitates family reunification and diminishes the power of the employer over the worker.

Manitoba Provincial Nominee Program

Year	NOC C	NOC D	Total Nominees	Proportion “Low-skill”
2016	1,148	290	5,000	29%
2017	1,484	402	5,000	38%

Manitoba has not funded settlement or support services for migrant workers, although there has been some funding for employment services. The lack of support, combined with inadequate awareness-raising, leaves migrant workers ignorant of their rights and recourses, and counteracts the protections offered by the provincial legislation and the SIU. However, in March 2018 the Province promisingly announced a call for proposals to offer settlement services for newcomers ineligible for federally funded services.

In 2013 Manitoba extended provincial health coverage to workers in the Seasonal Agricultural Workers Program (SAWP). However, sending country governments require SAWP workers to purchase private health insurance. Many SAWP workers do not know the difference between their public and private insurance and lack information about coverage and making claims. As a result they may not seek treatment, or end up paying out of pocket for services that could be covered. The Province should have a proactive awareness-raising strategy to help migrant workers understand how to access healthcare. Manitoba should now extend provincial health coverage to all migrant workers on arrival.

The Workers Compensation Board of Manitoba should consider adopting practices like those of the Ontario Worker Safety and Insurance Board to ensure that migrant workers with work-related injuries and illness have access to care and benefits both in Manitoba and when they return to their home country.

Number of Work Permits Issued	2017
Live-In Caregivers	15
Agricultural Workers	190
Other Temporary Foreign Workers with LMIA	560
Total	765

