

MIGRANT WORKERS IN CANADA USED AND ABUSED



Charged exorbitant recruitment fees, forced to work unpaid overtime, subjected to dangerous working conditions, housed in sub-standard living conditions... these are just some of the abuses endured by migrant workers in Canada.



Workers at a fast-food chain in Alberta (Edmonton Journal/ Greg Southam)

Because of their lack of permanent status and their isolation, temporary migrant workers are especially vulnerable to exploitation and abuse.

In recent years the number of Temporary Foreign Workers in Canada has risen dramatically to over a quarter of a million.

There is no system for monitoring and enforcing the terms of the program. Thus, while many employers are respectful of their workers, unscrupulous ones may abuse migrant workers without facing consequences.

Temporary Foreign Workers are employed in many different jobs. They may be cooking or serving your meals at a fast-food restaurant, growing the food you eat on farms or processing it in factories, or looking after your children.

The Temporary Foreign Workers Program (TFWP) is divided into high-skilled and low-skilled categories. In the low-skilled category (where the abuses most often happen) there are three streams:

- ✦ **Low-skill Pilot Project**
- ✦ **Seasonal Agricultural Workers Program**
- ✦ **Live-in Caregiver Program**



EXPLOITATION BY RECRUITERS

Recruiters, both in Canada and in the countries of origin, sometimes charge workers high recruitment or “consulting” fees. This is illegal, but the recruiters take advantage of migrant workers’ vulnerability and lack of information regarding their rights. Recruiters may also give false information about salary and working conditions in Canada.

“I feel that I was tricked into coming to Canada. There is no protection for me here.” Natalie



According to the terms of the Temporary Foreign Worker Program, the employer must pay for all recruitment and placement fees, as well as for part or all of their travel costs to Canada. However, there is no mechanism in place to enforce these rules.

Delia left her husband and four children in the Philippines to work in Canada and send money home to them. When she arrived she found that her promised job was a scam, and she was unemployed.

- ✦ Delia paid a recruitment agency in the Philippines more than \$3,000 to find her a job in Canada as a Live-in Caregiver. When she arrived in Canada she was told the position was no longer available. (It is not uncommon for recruiters to charge fees for “phantom jobs”.)
- ✦ Linda had to pay almost \$20,000 to work in Canada: she put up her family’s farm in Thailand as collateral and took out a bank loan to pay recruiters in Thailand and Canada.
- ✦ Natalie paid a Thai recruitment company approximately \$12,000 to get a Canadian work permit, borrowing from a lender in order to do so. The recruiter lied to her about how much money she would make in Canada. She has been unable to pay the lender and is now locked into debt.

It is time to protect migrant workers by monitoring and enforcing the rules that require employers to pay any recruitment fees.

Manitoba has already set a precedent with its Worker Recruitment and Protection Act.

Migrant farm workers near Leamington, Ontario picking tobacco leaves. Photo by Alfredo Barahona/KAIROS



ABUSE BY EMPLOYERS

In principle, Temporary Foreign Workers are entitled to many of the same rights and protections as Canadian workers. However, there is no effective monitoring of employers. If workers complain about ill treatment, they may be simply fired and sent home by their employers. This leaves workers vulnerable to abuse and exploitation.

- ✦ Natalie worked on a mushroom farm 6 days a week, 9.5 hours a day, earning only half of what she was promised in her contract.
- ✦ Delia, a live-in caregiver, was “shared” by her employer with two other families. She had to work overtime and on her days off, without being paid for it.
- ✦ Seasonal Agricultural Workers at an Ontario greenhouse were forced to inhale toxic chemicals sprayed on the plants while they worked. The migrant workers were the only employees exposed to the chemicals.

“Rather than being paid \$9.30 an hour, our take home pay was approximately \$4.62 per hour. We were monitored like children. We had to pay for cramped, cold living conditions that we had never endured – despite our poverty in Thailand.” Natalie



Sub-standard Living Conditions

In both the Live-in Caregiver Program and the Seasonal Agricultural Workers Program, employers are required to provide housing for their employees. Sometimes employers in the Low-skill Pilot Project include housing in their workers’ contract, and charge rent.

There have been many reports of inappropriate and over-priced accommodations.

Natalie’s Story

On arriving in Canada as part of the Low-skill Pilot Project, Natalie and 11 other Thais were taken to a small house with two bedrooms, a kitchen and a single bathroom. There were no beds so they had to sleep on the floor. There were no blankets, no washer or dryer, and no phone. The house was in the country, and not in walking distance of a telephone or store. The workers were each charged \$300 a month rent (their contracts stated rent would be \$30/month). The workers were told they could not leave the house or receive any visitors.

A mandatory monitoring system for employers could ensure that working conditions are in line with regulations, and that contracts are being respected.

Both the federal and provincial governments have a role to play: the TFWP is a federal program, while labour standards are enforced at the provincial level. Both levels of government need to work together to protect migrant worker’s rights.

MIGRANT WORKERS AND TRAFFICKING

In some cases, Temporary Foreign Workers have become victims of human trafficking, meaning that they are under coercion and exploited for their labour.

Linda's Story

When she arrived in Canada, Linda's recruiter took her to a fish factory in Ontario where she worked for one year. She was paid much less than minimum wage and had to work unpaid overtime. She was also charged for transportation and housing.

Linda's boss confiscated her passport. She was forced to sign documents she couldn't understand.

She was not permitted to leave the house, except on limited occasions when she was accompanied by the employer or one of his men.

Linda's experience has had serious psychological consequences, including depression, insomnia, apathy and loss of appetite.

TEMPORARY FOREIGN WORKERS FORCED UNDERGROUND

Work permits are tied to a single employer. This increases the workers' vulnerability.

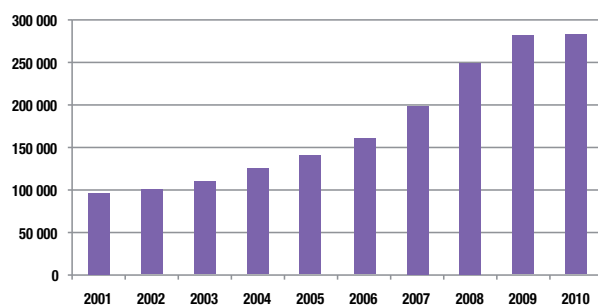
- ✦ Temporary Foreign Workers cannot simply look for a better employer, if they are treated abusively.
- ✦ Sometimes recruiters will place workers with a different employer than on their permits, putting the workers in a situation of illegality.
- ✦ Some workers who find themselves unemployed have little choice but to try and find a job "under the table" to send money home to pay recruitment debts or support their families, or even to pay for a plane ticket home.

Suw's Story

Suw was paid less than the salary promised, housed in horrible conditions and his passport was confiscated by his employer. He didn't dare to confront his recruiter because he feared being sent home. Suw and a co-worker escaped and found work in some Ontario greenhouses, where he was paid \$6-7 an hour in cash. While this situation was better than with his legal employers, he was now part of the underground economy, living in fear of police and immigration raids.

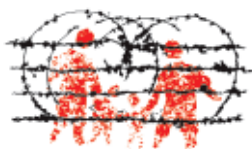
Did you know? The number of Temporary Foreign Workers has increased dramatically in the last 10 years. In 2001 there were fewer than 100,000 in Canada, compared to over 282,000 in 2010.

Foreign workers present on December 1st



Some recommendations to improve the situation of Temporary Foreign Workers

- ✦ Migrant workers' permits should not be tied to a single employer
- ✦ Employers should be subject to mandatory monitoring
- ✦ Migrant workers should have access to settlement services
- ✦ Low-skilled migrant workers should have access to permanent residence, as do high-skilled migrant workers



CANADIEN COUNCIL FOR REFUGEES
6839 Drolet #302, Montreal, QC H2S 2T1
Tel. 514-277-7223 info@ccrweb.ca
ccrweb.ca/en/migrant-workers