



Legislative Protection of Migrant Workers

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The Newfoundland and Labrador government relies on its *Labour Standards Act*, which has shortcomings with regards to migrant workers. There is no legislation that addresses the vulnerabilities and challenges specific to migrant workers.

Enforcement of Legislative Protections

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Labour Standards legislation is generally enforced reactively, when a complaint is received. In the last five years the Province has introduced proactive workplace visits carried out randomly or when a tip is received. These visits have not generally targeted workplaces that employ migrant workers, but in early 2018 a Labour Standards Officer was carrying out preventive interventions with a focus on employers of migrant workers. Visits focus on education and awareness-raising, but may result in an investigation.

Access to Permanent Residence

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Workers in “low-skilled” (NOC C&D) occupations are eligible for the Provincial Nominee Program, and those in NOC C occupations are eligible for the Atlantic Immigration Pilot Program (AIPP). The Office of Immigration and Multiculturalism (OIM) works with applicants and their employers to ensure that economic establishment requirements are met, for example by encouraging employers to pay higher wages, provide subsidized or free accommodations, or pay for travel for family members settling in the province. The OIM also facilitates access by providing “conditional nominations” to workers who require additional language training to meet federal requirements. Seasonal workers are not eligible.

Settlement and Support Services

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The Province funds settlement services including language instruction for Provincial Nominees as well as those nominated under the AIPP. All other migrant workers are excluded from these services.

Access to Information for Migrant Workers

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The Labour Standards Division has a factsheet with general Labour Standards information, available online in several languages (but not very easy to find), and a guide to Employment Standards in English and French. There is nothing specific for migrant workers.

Awareness-raising among Employers

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The Labour Standards Division offers information sessions and an online employer toolkit with general information on responsibilities in the workplace, but the particular situation of migrant workers is not addressed. Preventive workplace visits by the Province are focused on awareness-raising. The Province has partnered with a settlement agency to provide cultural competency training to employers interested in nominating workers for permanent residence.

Access to Healthcare

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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. Workers with shorter permits must be covered by private insurance provided by the employer.

Newfoundland and Labrador Immigration, yes! But what about protections?



EVALUATING
MIGRANT WORKER
RIGHTS IN CANADA
2018

In the last five years, Newfoundland and Labrador has made a concerted effort to attract more migrant workers to stay on as permanent immigrants. However, these efforts have not been accompanied by better protections for migrant workers, who are vulnerable to abuse due to their closed work permits and temporary status.

The Province has neither legislative nor significant enforcement initiatives that target migrant workers. The Labour Standards Division relies on complaints to do reactive enforcement, but migrant workers are unlikely to complain for fear of losing their job and thus their status in Canada. The only proactive initiative is the preventive workplace visits that are focused on awareness-raising of employers and workers regarding rights and responsibilities, but this initiative is for the most part not focused on employers of migrant workers. The Province reports that if violations become evident or are suspected during a visit, officers will take steps to investigate and enforce Labour Standards. Newfoundland and Labrador should look to Nova Scotia and other provinces that have implemented legislation and enforcement mechanisms to ensure the rights of migrant workers are protected.

The Office of Immigration and Multiculturalism reports monitoring federal listings of employers who have received positive Labour Market Impact Assessments in order to contact employers of migrant workers, to encourage them to support their pathway to permanent residence. While encouragement of permanent immigration is laudable, the Province should be using the same federal government data to carry out proactive enforcement and to systematically provide migrant workers with information about their rights.

The Province funds settlement services and language instruction for migrant workers applying for either the Provincial Nominee Program or the Atlantic Immigration Pilot Program. The Province should view service provision not only as an investment in future permanent residents, but also as a necessary support to reduce the vulnerability of those who are not eligible for immigration. The Province should advocate for the federal government to expand eligibility for federally funded settlement services to migrant workers, and in the meantime it should step in to fund substantial support services and language instruction for all migrant workers in Newfoundland and Labrador.

As it continues to promote permanent immigration of migrant workers, the Province should consider introducing a family and community sponsorship stream as in Manitoba, in which nominees are not dependent on their employer for sponsorship.

To ensure access to healthcare, the Province should provide provincial health coverage on arrival to all migrant workers, regardless of length of work permit, and provide information materials systematically to workers on how to navigate the system.

Number of Work Permits Issued	2017
Live-in Caregivers	10
Agricultural Workers	20
Other Temporary Foreign Workers with LMIA	835
Total	865



Canadian Council for Refugees
Conseil canadien pour les réfugiés

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ccrweb.ca/en/migrant-workers