

Provincial Report Card

Nova Scotia



Legislative Protection of Migrant Workers

A

Since its implementation in 2013, Nova Scotia's *Worker Recruitment and Protection Act* (WRPA) requires employers to register with the Province, and recruiters must obtain a licence and provide a \$5000 deposit that will be used to reimburse any migrant worker found to have been charged a fee. WRPA prohibits charging recruitment fees to foreign workers or confiscating their personal documents, and requires employers to honour the terms and conditions promised at the time of recruitment. Licensed recruiters are publicly listed online.

Enforcement of Legislative Protections

?*

The Labour Standards Division reports carrying out proactive enforcement of WRPA with registered employers, including conducting financial audits and monitoring compliance with the terms and conditions of the Labour Market Impact Assessment. At least one abusive employer has been suspended (the Province advocated with the federal government to secure open work permits for the affected workers).

* The Province did not provide statistics or details on enforcement activities (as other provinces did), so we were unable to assign a grade on this subject.

Access to Permanent Residence

B

"Low-skilled" (NOC C&D) migrant workers are eligible for Nova Scotia's Provincial Nominee Program (PNP) if they are high school graduates and have worked for at least six months for the employer that is supporting their application. Only a small proportion of migrant workers qualify because many in these occupations are seasonal workers with shorter work permits who are thus not eligible; federal language requirements are another barrier. Migrant workers in NOC C occupations with a full-time, non-seasonal, permanent job offer from an eligible employer can access the Atlantic Immigration Pilot Program (AIPP).

Settlement and Support Services

C

The Province funds the largest settlement organization to run a migrant worker program offering information and support on workers' rights, online webinars, and mobile service provision. Another settlement organization outside Halifax is funded to provide information to migrant workers. Access remains a challenge for workers in rural areas, at isolated workplaces, with language barriers, and without internet access. Only migrant workers who have been nominated for the PNP or the AIPP are eligible for language instruction.

Access to Information for Migrant Workers

C

The Labour Standards Division presents on worker rights at two annual events in Halifax, coordinated by the settlement organization's migrant worker program. The presentations are made available online, as is a comprehensive fact sheet for foreign workers, in English only.

Awareness-raising among Employers

A

Labour Standards provides information to employers on their responsibilities regarding migrant workers when they register with the Province, as well as through presentations to employer associations, and during proactive compliance activities. Factsheets are available online for employers and recruiters.

Access to Healthcare

D

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. Seasonal workers and others with work permits of under a year must be covered by private insurance provided by the employer.

Ensuring legislative protections realize their potential

Nova Scotia’s protections for migrant workers are the most advanced among the Atlantic Provinces. The Province requires employers to register, and a provincial registration certificate is a prerequisite for a positive Labour Market Impact Assessment from the federal government. Recruiters must be registered as a lawyer or an immigration consultant, and provide a \$5000 deposit that will be used to reimburse any migrant worker found to have been charged a fee. Licensed recruiters are listed on a public government web page. The Province reports that applications from employers and recruiters have been refused over concerns about the applicants’ willingness or capacity to comply with Labour Standards legislation or WRPA, including concerns based on previous violations.

The Province unfortunately did not provide details on enforcement activities, so it is impossible to know to what extent WRPA is being proactively enforced. However, it is clear that abuses persist. The Province should consider whether resources for proactive enforcement of WRPA are sufficient, and efforts should include systematic on-site awareness-raising among all migrant workers in the province about their rights and recourses, and where they can find support if they are in a situation of abuse. Nova Scotia should negotiate with the federal government an open work permit initiative for abused workers, similar to the one implemented in British Columbia.

Provincial funding for support services to migrant workers is a very positive step, but capacity is stretched, and there are difficulties in reaching migrant workers in rural areas and isolated workplaces. Funding should be increased so that current programming can be expanded, and the Province should consider advocating that the federal government make migrant workers eligible for IRCC-funded settlement services, including language instruction.

Although numbers of nominees becoming permanent residents under the PNP have increased in recent years, the proportion of nominees in “low-skilled” occupations has decreased. However, the Atlantic Immigration Pilot Program presents a new pathway for some migrant workers. In 2017, of the 199 nominees, 61 were in “low-skilled” NOC C occupations, representing over 30%. The Province should consider advocating with the federal government to remove PNP restrictions on seasonal workers and to lower language requirements that can be prohibitive. It should also consider introducing a family and community sponsorship stream as in Manitoba, in which nominees are not dependent on their employer for sponsorship.

Whether covered by public or private health insurance, migrant workers often lack information on how to access health care and make a claim, and on services covered, especially when they are located in rural areas or isolated workplaces. Some employers retain workers’ health insurance cards, or don’t provide information about the health services workers are entitled to, and there have been reports of employers repatriating injured or sick workers. The Province should provide provincial health insurance coverage on arrival to all migrant workers, regardless of length of work permit, as some other provinces do. This step should be accompanied by proactive provision of information on how to navigate the provincial healthcare system. Changes recently announced by Ontario’s Worker Safety and Insurance Board are an interesting model for meaningful healthcare access for migrant workers who have work-related injuries or illness.

Nova Scotia should also consider introducing an anti-reprisal mechanism in WRPA to ensure that workers can’t be repatriated without just cause.

Nova Scotia Provincial Nominee Program				
Year	Total Nominees	NOC C	NOC D	Proportion “Low-skill”
2015	717	122	20	20%
2016	1,350	134	9	11%
2017	1,383	134	10	10%

Number of Work Permits Issued	2017
Live-in Caregivers	-
Agricultural Workers	905
Other Temporary Foreign Workers with LMIA	715
Total	1,620

