

# Provincial Report Card

## Prince Edward Island



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### Legislative Protection of Migrant Workers

**D**

The PEI government relies on its Employment Standards Act (ESA), which does not address the vulnerable situation of migrant workers, and excludes farm workers from most protections.

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### Enforcement of Legislative Protections

**C**

Enforcement activities in PEI rely on complaints, although the Employment Standards officer does proactive site visits with known employers which may trigger audits. The province is implementing an information-sharing agreement with the federal government to facilitate enforcement, but this does not always resolve the problem of knowing where workers are in a timely way.

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### Access to Permanent Residence

**A**

The PEI Provincial Nominee Program Critical Worker stream is open to “low-skilled” (NOC C&D) migrant workers. NOC C workers are also eligible for the Atlantic Immigration Pilot Program. However, federal restrictions on the eligibility of seasonal workers and federally imposed language requirements make the program inaccessible to many migrant workers in PEI.

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### Settlement and Support Services

**C**

The Province has funded some settlement services for migrant workers since 2013. One person at the main settlement organization provides settlement services to migrant workers across the island on a part-time basis, but without sufficient capacity to respond to isolated workers and those who don't speak English (unless they provide their own interpreter). The Women's Secretariat funds some outreach and support services for migrant workers via a community organization. The Province does not fund language training.

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### Access to Information for Migrant Workers

**C**

The Employment Standards office has information posters available in nine languages with general information about key protections. The posters are available online and have been distributed to known work sites and the two organizations that offer support to migrant workers. There are no materials from the Province available for agricultural workers not covered by the ESA.

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### Awareness-raising among Employers

**B**

Employment Standards staff visit work sites known to hire migrant workers to ensure employers are aware of their obligations under the ESA, and to distribute the above-mentioned information posters. They target the fish and seafood processing industry because they know the location of these workplaces.

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### Access to Healthcare

**C**

Migrant workers only receive provincial health coverage if their work permit is valid for more than six months. This excludes the many seasonal workers with six month work permits. Workers with a renewable work permit are also not covered while they wait for renewal.

# Prince Edward Island Still a long way to go



Prince Edward Island has taken some tangible steps to improve support and access to permanent status for migrant workers since 2013. However, there are still serious gaps in protection and support.

In recent years the Province has negotiated an information-sharing agreement with the federal government that is in the process of being implemented. Efficient information-sharing can help the Province know where migrant workers are employed, thus facilitating distribution of information on worker rights and inspections of working conditions. Such agreements are not always timely or efficient however, so the Province should introduce legislative and enforcement measures such as those implemented in Nova Scotia and the Prairie provinces. Migrant worker rights can be better protected through legislation that regulates employers and recruiters, mandates proactive enforcement and administrative penalties, and gives the Province control over who can employ migrant workers.

Agricultural workers are excluded from portions of the *Employment Standards Act*, leaving the many migrant agricultural workers in PEI unprotected. PEI should expand the rights of agricultural workers under the Act.

While funding settlement services at the main organization on the Island has been a positive step, the capacity is limited, and more needs to be done to support the organizations doing this work. It is positive that the province is engaged in advocating for the federal government to expand eligibility for federally-funded settlement services to migrant workers.

PEI has stood out in its promotion of permanent residence for migrant workers. In the two streams of the PEI PNP that are open to “low-skilled” (NOC C&D) migrant workers, these workers accounted for 31% of all nominees in 2017. NOC C workers are also eligible for the Atlantic Immigration Pilot Project (AIPP). The Province should fund language instruction for migrant workers to facilitate their access to these programs. PEI should consider advocating with the federal government to lower language requirements that are prohibitive for workers who don’t have access to language training, and to remove restrictions on seasonal

workers. The Province should also consider introducing a family and community sponsorship stream as in Manitoba, in which nominees are not dependent on their employer for sponsorship.

Migrant workers in PEI lack information on how to access health care services to which they are entitled, whether public or private, what services are covered and how to make a claim. Private health insurance is not accepted up-front by doctors, hospitals or pharmacies, so workers without provincial health coverage must pre-pay to get health care, which is impossible for most of these low-wage workers. The province should provide provincial health insurance coverage to all migrant workers from the time of their arrival, as some provinces do, and while workers wait for their permits to be renewed.

Health PEI has produced materials in several languages to help inform migrant workers, but it is reported that these materials aren’t reaching workers. Some employers retain workers’ health insurance cards, or don’t provide information about the private or provincial health services workers are entitled to. PEI must do more to ensure workers have real information on and access to healthcare services.

The problem of exploitative recruitment practices in Canada and in the country of origin remains very present, and the Province and the Federal Government must work together to address this issue.

Number of Work Permits Issued	2017
Live-In Caregivers	0
Agricultural Workers	55
Other Temporary Foreign Workers with LMIA	560
<b>Total</b>	<b>615</b>

