



Report Card

Migrant workers in Prince Edward Island

SUBJECT	GRADE	COMMENTS
Legislative protection of migrant workers	D+	The PEI government relies on its Employment Standards Act, which has shortcomings with regards to addressing the vulnerable situation of many migrant workers. Farm labourers are excluded from many provisions of the Employment Standards Act. There is no legislation that addresses migrant worker-specific issues, although the government is beginning to consider amendments to the existing legislation to protect migrant workers.
Enforcement of Employment Standards and related legislation	C+	The Employment Standards Branch has made efforts to take action against abusive employers. However, they are seriously limited by a lack of information on the whereabouts of migrant workers.
Access to permanent residence	C	Workers in the stream for lower-skilled occupations are eligible for the Provincial Nominee Program, but many do not meet the financial savings requirements imposed by the province.
Welcoming migrant workers (settlement and support services)	D	The PEI government doesn't fund any services to help support migrant workers.
Access to information for migrant workers	D	The government has taken no action to give migrant workers information on their rights and avenues for recourse.
Awareness raising of responsibilities among employers	C	Employment Standards staff visit work sites known to hire migrant workers to ensure these employers are aware of obligations under the Employment Standards Act.
Access to healthcare services	B	Migrant workers with work permits of longer than 6 months are entitled to provincial health care. There have been cases of employers not providing insurance for workers without provincial coverage - as required under the Temporary Foreign Worker Program regulations.

Prince Edward Island and Migrant Workers: Much Work to be Done

Migrant workers in Prince Edward Island, who are mostly in rural areas have little access to information about their rights, no support services, and face additional barriers like language and isolation. These factors, together with their precarious status, undermine the effectiveness for them of the Employment Standards legislation that covers all Islanders.

The Employment Standards Branch has made efforts to track down abusive employers and have them compensate workers for any losses. However, in the absence of information-sharing from the federal government, the Branch often doesn't know where to find migrant workers. They must rely on tips, or on complaints from abused workers, who often will not speak out for fear of losing their jobs and being forced to leave Canada. Employers who are found to have violated the Employment Standards Code face only payment of owed wages, with no additional penalty. This means that unscrupulous employers have no incentive to treat migrant workers in accordance with provincial laws. One solution would be to legislate a provincial registration regime for employers and recruiters of migrant workers, as well as imposing more severe consequences for abuses, as has been done in Manitoba.

Housing conditions, particularly of farm and fish processing plant workers, are a major source of concern and cry out for action, for example through the creation and enforcement of provincial housing guidelines for migrant workers.

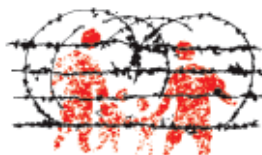
Without access to government-funded settlement or support services, and without information on their rights and recourse, migrant workers in the low-skilled streams have difficulty navigating issues such as obtaining a new work permit if they have to change jobs, applying for permanent residence through the Provincial Nominee Program, accessing appropriate housing, and making a complaint against an abusive employer. Even access to healthcare is difficult in rural areas, where transportation is a barrier.

On an encouraging note, the PEI government is beginning to consider legislative changes to enhance protections for migrant workers on the Island, and to provide improved access to justice. As the number of temporary foreign workers contributing to the PEI economy continues to increase, it is more important than ever that Prince Edward Island be proactive to ensure their well-being.

Special thanks for contributing to this report card: Cooper Institute

NUMBER OF TEMPORARY FOREIGN WORKERS IN PRINCE EDWARD ISLAND

(ON DEC. 1)	2006	2011	2012
	213	826	1,119



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