

# Provincial Report Card

## Alberta



EVALUATING  
MIGRANT WORKER  
RIGHTS IN CANADA  
2018

### Legislative Protection of Migrant Workers

**B**

Since 2015 the *Enhanced Protection for Farm and Ranch Workers Act* has made Workers Compensation Board coverage mandatory on all Alberta farms and ranches, which are no longer excluded from Occupational Health and Safety legislation. Farm workers may now unionize and bargain collectively. Caregivers are not covered under Occupational Health and Safety Legislation, and are excluded from the basic protections of a minimum wage and maximum hours worked. The *Consumer Protection Act* prohibits charging recruitment fees to workers and requires recruiters to obtain a licence with the Province.

### Enforcement of Legislative Protections

**B**

Alberta Employment Standards has a Special Investigations Unit that prioritizes vulnerable populations including migrant workers. The unit carries out proactive inspections and issues orders to employers. Tips can be submitted anonymously. Where a migrant worker has experienced wage theft or other financial abuse, complaints must be filed within six months, a barrier for migrant workers who are often reluctant to complain until they have left their employer. Service Alberta's Consumer Investigations Unit responds to complaints about breaches of the legislation on recruitment. In 2012 the enforcement regime was strengthened with administrative penalties and suspensions that are publicly reported online.

### Access to Permanent Residence

**B**

Migrant workers in certain "low-skilled" occupations can access the Alberta Immigrant Nominee Program (AINP). Changes were announced that would reduce access for "low-skilled" workers, but these have been postponed to further consult stakeholders. The changes would increase language and income requirements and reduce the proportion of spots open to "low-skilled" workers. Seasonal workers are not eligible for the AINP, and federal language requirements are a barrier for many migrant workers.

### Settlement and Support Services

**B**

Alberta funds basic information and referral services for migrant workers at settlement agencies in eight communities across the province (up from six in 2013). However, in 2017 funding was significantly reduced. Language instruction for migrant workers is not funded. Alberta is unique in offering a TFW helpline and two TFW advisory offices to support migrant workers dealing with violations of Employment Standards or human rights. However these initiatives are under-resourced and unable to meet the demand for support.

### Access to Information for Migrant Workers

**B**

Alberta has developed useful resources for migrant workers about their rights, in several languages. These are available online, at settlement agencies serving migrant workers, and at the TFW advisory offices in Edmonton and Calgary.

### Awareness-raising among Employers

**B**

The Province has developed a Guide for Employers of migrant workers and a Tip Sheet on the *Consumer Protection Act* relating to recruitment practices, as well as a general Employment Standards Guide and Toolkit. Since late 2016 the TFW Advisory Offices offer webinars as part of their outreach to employers.

### Access to Healthcare

**D**

Migrant workers are only eligible for provincial health coverage with a work permit of 12 months 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.

### Noteworthy



In June 2016, the Alberta government started providing healthcare to Canadian-born children of parents without status, some of whom are former migrant workers.

# Alberta

## Two steps forward, one step back



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In 2017 there were 7,515 new work permits issued for migrant workers in Alberta, making it the fourth largest recipient of migrant workers in Canada.

While the changes brought into force with the *Enhanced Protection for Farm and Ranch Workers Act* have an important positive impact on migrant agricultural workers, caregivers remain exempt from Occupational Health and Safety (OHS) legislation, and are excluded from Employment Standards provisions on overtime and maximum hours of work, as well as minimum wage criteria. A gendered and racialized population is thus at significant risk due to isolation and precarity of employment.

The re-establishment of the Special Investigations Unit for vulnerable workers in 2016 represents a step forward. An OHS unit also carries out proactive inspections. Combined, these two units carried out 126 inspections of employers of migrant workers in 2016–17. Changes to the *Employment Standards Code* in force since January 1, 2018 are another step towards holding employers accountable. Previously, the law only provided for the prosecution of employer infractions through the courts, but Employment Standards may now impose administrative penalties between \$500 and \$6000 for violations of the legislation. Alberta should commit more resources to continue and increase proactive inspections of workplaces employing migrant workers, and the six-month limit for filing complaints should be extended, as it has a negative impact on migrant workers' ability to recover stolen wages and illegally charged recruitment fees.

The *Consumer Protection Act* (formerly the *Fair Trading Act*) prohibits recruiters and employment agencies in Alberta from charging migrant workers for finding them a job, and recruiters must make a \$25,000 deposit to become licensed. The enforcement regime for this legislation was strengthened in 2013 with administrative penalties of up to \$40,000, and reports of administrative actions taken on violators are published online. These steps are very positive.

Alberta has issued around 5,500 certificates yearly under the Alberta Immigrant Nominee Program (AINP) in the last several years, but the proportion being issued in the Semi-Skilled Worker category has plummeted from 25% in 2014 to 3.5% in 2017. The Province says this is the result of a decrease in applications. Alberta should enhance efforts to fill labour shortages and protect migrant workers by offering increased access to the AINP, but instead the Province plans to reduce “low-skilled” migrant workers' access to the program. The planned changes include an income requirement that is unrealistic for low-wage earners, and language requirements even more stringent than those imposed by the federal government, which already put the program out of reach for many workers. The planned narrowing of access for these workers is disappointing.

Cuts to provincial funding in 2017 have meant a decrease in settlement and support services for migrant workers, but service providers report that migrant workers actually need more support services, tailored to their needs. They note that, because of the vulnerability of migrant workers, advocacy and legal support services are required. Lack of language instruction is a significant gap, especially since this further limits access to the AINP.

To ensure access to healthcare, Alberta should extend provincial coverage to migrant workers on arrival regardless of the length of their work permit, and implement systematic awareness-raising to ensure they know how to navigate the system.

| Number of Work Permits Issued             | 2017         |
|---|--------------|
| Live-In Caregivers                        | 715          |
| Agricultural Workers                      | 1,060        |
| Other Temporary Foreign Workers with LMIA | 5,750        |
| <b>Total</b>                              | <b>7,515</b> |

