



Government Overhaul of Temporary Foreign Worker Program

CCR response to 2014 changes

Traditionally a country of permanent immigration, Canada is becoming a country where migrant workers are brought in on a temporary basis. In 2008, for the first time, the number of Temporary Foreign Workers in Canada exceeded the total number of permanent residents admitted in the same year.

Migrant workers are vulnerable to exploitation because of the precariousness of their status in Canada. Furthermore, addressing labour demands through a “disposable” workforce of migrant workers creates a two-tiered society. The effect may be to drive wages down – the perception that this is happening feeds into xenophobic reactions to migrant workers. The Temporary Foreign Worker Program is itself a two-tiered program, admitting both high-skilled workers, who enjoy a number of advantages, and workers filling positions not requiring formal training, who do not have access to the same conditions.

In June 2014 the federal government announced an “overhaul” of the program, with several significant changes. The changes are intended to “put Canadians first”, ensuring they are prioritized for jobs over the migrant workers participating in the programs. The following are some key concerns and highlights of the changes from the CCR’s perspective.

Opportunities:

- The changes include a commitment to improved information sharing between federal government departments and other levels of government. This is an important opportunity to facilitate provincial and territorial enforcement efforts, and to increase the federal government’s enforcement capacity.
- The changes include an increase in the number and scope of inspections. However, the text refers exclusively to abuse of the program, rather than of workers, so it isn’t clear that the inspections will lead to improved protection of migrant workers’ rights. (Also, changes announced in December 2013 included increased inspections, yet in June 2014 when the recent changes were announced, not a single inspection had been carried out, leading to doubts about how effectively this measure will be implemented.) Proactive enforcement is essential to protecting migrant workers’ rights and ensuring the integrity of the program.

Concerns:

- The changes are all about preventing abuses of the program, not of the migrant workers.
- It was announced that CBSA would take a significant role in the increased inspections. If Labour Market Impact Assessments (LMIAs) and work permits are suspended or revoked in response to an employer’s violation of the regulations, workers will suddenly find themselves without legal status in Canada, through no fault of their own. There is serious concern that CBSA will not only enforce employer violations, but enact its mandate to deport people in Canada without legal status, thus unfairly punishing workers who are rendered undocumented as a result of their employer’s infractions
- The changes cut in half the amount of time migrant workers are allowed to be in Canada (four years to two years). This deepens the temporary status of the workers: Canada should instead be opening the door to immigrants on a long-term basis. The time limit also gives migrant workers less time to work off

their debts, often the result of sizeable recruitment fees charged (illegally) by recruiters who lure them into the program on false pretences. We may see as a result an increase in the number of migrant workers forced to go underground once their work permits expire, and therefore an increase in vulnerability.

- The changes include an increase in fees for employers bringing in workers through the program, intended to cover program costs. It has been documented that fees and costs to the employer are frequently downloaded to the worker in various ways, such as wage deductions or exorbitant rent. If work permits were open, as CCR recommends, workers would be able to leave employers that download these costs.

Gaps:

- The federal government must take responsibility for preventing abuse by predatory recruiters. While it is positive that the federal government has written to the provinces and territories encouraging them to implement or strengthen laws against predatory recruiters within their jurisdictions, abuse by recruiters in the migrant workers' country of origin is a huge problem. By not addressing the problem, the government impairs the program's integrity.

The CCR believes that:

- Migrant workers should have open or sector/region-specific work permits to allow them the option of leaving an abusive employer.
- Any time limits should be placed on employers, not workers, to prevent employers from using temporary workers with fewer rights to meet long-term labour demands.
- Employers should be subject to regular inspections to ensure compliance, and migrant workers should not be penalized for the violations of their employers. There should be a mechanism put in place to protect workers who are rendered undocumented as a result of their employer's infractions.
- Migrant workers should have access to federally funded settlement and support services.
- Migrant workers should have access to permanent residence.
- Canada should review the focus of immigrant selection on high-skilled immigrants – the increasing demand for Temporary Foreign Workers may mean that Canada needs more "low-skilled" immigrants who currently don't qualify under the point system.

For more information:

CCR campaign for migrant workers' rights: ccrweb.ca/en/migrant-workers

Employment and Social Development Canada, *Discussion Paper: Regulatory proposals to enhance the Temporary Foreign Worker Program and International Mobility Program compliance framework*, September 2014.

Government of Canada, *Overhauling the Temporary Foreign Worker Program: Putting Canadians First*, June 2014