



Report Card

Migrant workers and the Federal Government

Enforcement of TFWP rules and regulations	In April 2011 the federal government implemented changes to the Temporary Foreign Worker Program intended in part to protect migrant workers from abuse and exploitation. Revised rules include a two-year prohibition for employers who violate obligations, and publication of their names. However, no names have been published. A monitoring initiative was also introduced, but it is voluntary for employers. The federal government notes that enforcement of labour standards is a provincial jurisdiction, but does not facilitate the provincial role through effective information-sharing.
Fair wages and working conditions	Human Resources and Skills Development Canada (HRSDC) is responsible for assessing employers' eligibility to hire migrant workers, and for approving the terms of their contracts. Once contracts have been approved, HRSDC does not follow-up to ensure compliance with contract terms.
Protection from unscrupulous recruiters	The RCMP has taken action after abuses amounting to human trafficking were uncovered through the enforcement of Manitoba's law against predatory recruitment practices. The federal government has not addressed issues relating to recruitment within the structure and rules of the Temporary Foreign Worker Program.
Ensuring decent housing	The federal government has not developed any strategy to address the problems related to housing for migrant workers, notably inappropriate accommodations and excessive rent.
Access to permanent residence	The federal government offers access to permanent residence only to workers in the high-skilled streams of the TFWP, with the exception of Live-in Caregivers. The federal government has also put limits on some provinces' initiatives to allow low-skilled workers to immigrate via their Provincial Nominee Programs by imposing mandatory minimum language requirements for applicants, as well as numerical caps.
Access to benefits	Migrant workers pay into the same Employment Insurance Act benefit schemes as Canadians, and are entitled to receive benefits under these programs. In practice they face barriers to access, because delays in obtaining work permits can leave them technically "unavailable to work" and thus ineligible to claim benefits. In 2012 the federal government restricted eligibility to EI parental, maternal and compassionate benefits to those still in Canada with a valid work permit, making many migrant workers ineligible.
Access to recourses	Migrant workers generally have access in theory to the same recourses as Canadian workers, but federal policies contribute to the barriers migrant workers face in practice. Closed work permits make them dependent on their employer for status and employment, and thus reluctant to make complaints. Where workers do complain, there is no policy to grant them permission to remain in Canada while the complaint is investigated.
Information sharing and transparency	The federal government does not systematically share information with provincial governments about which employers are hiring Temporary Foreign Workers. Migrant workers themselves have limited access to documents concerning their employment.
Access to settlement and support services	Live-in caregivers are eligible for federally funded settlement services, but other migrant workers are not.
Family unity	Temporary Foreign Workers in the high-skilled streams may bring their families with open work permits, but not those in the low-skilled streams.

The Federal Government and Migrant Workers: Need for longer term thinking

In recent years the number of Temporary Foreign Workers in Canada has tripled, as the federal government has facilitated employers' use of the program to address perceived labour shortages.

Unfortunately, the increased reliance on migrant labour has not been accompanied by measures to protect the workers' rights. There have not been meaningful amendments of the regulations to address patterns of abuse against workers, and those rules in place are not proactively enforced. There is little indication that the federal government has worked with provincial governments to ensure that their labour laws are responsive to the particular vulnerability of migrant workers that results from their precarious status.

Migrant workers are issued work permits tied to a specific employer. This makes them dependent on that employer for their employment, their status in Canada, and sometimes their housing and healthcare. Many advocates for migrant workers' rights identify the closed work permit as a primary source of these workers' precarity. Making work permits occupation or region-specific would significantly reduce their vulnerability to exploitation.

Abusive recruitment practices outside of Canada also require urgent action. Migrant workers have reportedly paid up to \$15,000 for minimum-wage work in Canada, often with false promises of good wages and conditions, and access to permanent residence. Unscrupulous recruiters are also responsible for trafficking workers into Canada through the Temporary Foreign Worker Program.

Employers have been known to provide workers with unsuitable housing, or to have profited unfairly by charging exorbitant rent. One solution would be to develop and enforce guidelines on housing for migrant workers.

While workers must be provided with health insurance by their employer when they are not eligible for provincial coverage, it sometimes does not cover services required. One step towards addressing this would be to require that private coverage be commensurate with provincial healthcare.

Lack of information on rights and lack of support services for migrant workers are significant barriers to accessing recourses. Migrant workers are not systematically provided with information on their rights, and most are ineligible for the federally-funded services that offer information and referrals to other newcomers. The federal government should extend eligibility for settlement services and language instruction to all migrant workers.

Consideration should also be given to how immigration policy can support meaningful access to recourses in cases of abuse, by ensuring that workers can remain in Canada, for example through the issuance of a Temporary Resident Permit, where necessary to pursue a complaint.

In May 2013, the government announced certain changes aimed at giving Canadians priority for job openings. Absent from the changes are any measures to protect migrant workers from abuses. Nevertheless, it is encouraging to hear that the government expects to introduce regulatory changes to enhance worker protection and program integrity in summer 2013. The cases of grave abuse occurring in the Temporary Worker Program make improvements both crucial and urgent.

NUMBER OF TEMPORARY FOREIGN WORKERS IN CANADA			
(ON DEC. 1)	2006	2011	2012
	160,780	299,430	338,189

