

Report Card

Migrant workers in Manitoba

SUBJECT	GRADE	COMMENTS
Legislative protection of migrant workers	A-	Manitoba's Worker Recruitment and Protection Act (WRAPA), adopted in 2009, requires employers and recruiters of migrant workers in the province to register with the provincial government, and prohibits the charging of any recruitment fees to workers, with stiff penalties for violations. However, the Act also allows employers to sue workers to recover recruitment fees in certain circumstances.
Enforcement of Employment Standards and related legislation	A-	Manitoba has created a Special Investigations Unit (SIU) to carry out complaint based and proactive investigations of employers of migrant workers, to ensure compliance with employment laws. Since WRAPA was implemented several employers have been ordered to pay wages owing to employees. Repeat offenders have been fined up to \$10,000. The names of these businesses have been published on the Employment Standards website.
Access to permanent residence	A-	Migrant workers in the Pilot Project for low-skilled occupations have access to the Manitoba Provincial Nominee Program (MPNP) with a job offer, or with support from a family member in the province. Manitoba should open pathways to permanent residence for Seasonal Agricultural Workers too.
Welcoming migrant workers (settlement and support services)	C	The Manitoba government only funds settlement services and language instruction for migrant workers who apply for permanent residence, leaving large gaps in access to services.
Access to information for migrant workers	B	Employment Standards (ES) partners with community groups to provide training on rules and protections, and carries out worker awareness raising during its workplace investigations. ES has recently created an information sheet for farm workers in English and Spanish, which workers will receive before arrival or at their workplace. However, this resource leaves out information about workplace safety and health rights. Manitoba's Workplace Safety and Health Division has not made significant efforts to address the needs of migrant workers.
Awareness raising of responsibilities among employers	A	The province informs employers of their obligations and the penalties for non-compliance. Employment Standards does public education sessions for employer groups and offers online resources. Those found to be non-compliant receive education and a formal Notice to Comply to avoid repeat offences. If following review an industry is found to be likely to commit infractions, employers in this industry will be preemptively sent a Notice to Comply.
Access to healthcare services	B	Migrant workers with work permits of one year or more are covered by provincial healthcare. This leaves out Seasonal Agricultural Workers, who must be insured privately by their employers. Those with private health insurance are sometimes uncertain about their coverage.
Noteworthy	★	Manitoba's WRAPA has set a precedent for provinces wanting to improve protections for migrant workers in their jurisdiction, and information-sharing with the federal government.

Manitoba and Migrant Workers: How to deepen protections

In 2009 Manitoba became the first province to implement legislation to improve protections for migrant workers in the Temporary Foreign Worker Program. The *Worker Recruitment and Protection Act* addresses some of the vulnerabilities faced by migrant workers in the “low-skilled” streams. A Special Investigations Unit responds to complaints as well as conducting proactive inspections of employers of migrant workers to enforce labour laws. Repeat violators face penalties. Manitoba has also successfully negotiated with the federal government a requirement that employers of Temporary Foreign Workers be approved by the province before receiving a positive Labour Market Opinion from the federal government. This has become known as the “Manitoba Model”, which advocates in other provinces encourage their governments to follow. These developments are very encouraging, although resources for proactive monitoring are limited and should be increased. WRAPA is not without its flaws: article 16(2) has been identified as problematic because it permits employers to sue workers to recover recruitment fees in cases of certain worker behaviours, including “dishonesty”. There has yet to be a formal evaluation of the legislation and how well it’s working, so it will be important to carry one out to track success and monitor gaps to improve on.

While Manitoba has taken positive steps to protect migrant workers, efforts to inform workers of their rights haven’t kept pace. Manitoba needs to do better in this area and should consider having a migrant worker helpline, with service in various languages.

Manitoba began to tackle the issue of recruitment abroad with its Memorandum of Understanding with the Philippines, although that document is not legally binding. Recruitment fees incurred in source countries continue to be one of the most serious issues affecting migrant workers in the low-skilled categories. Fees reportedly reach sums of \$15,000, putting migrants in situations of indentured labour, and thereby making them more vulnerable to abuse. This problem cries out for attention by Manitoba.

Seasonal Agricultural Workers are not covered by provincial healthcare. There are concerns that private health insurance provision generates uncertainty and barriers to access for migrant workers. Workers often don’t know what health services are covered, and they may be reluctant to seek care if they think they will be required to pay up front for the costs. These agricultural workers are generally in isolated areas and require transportation from their employer to visit a health clinic or hospital. Manitoba should also work with the federal government to ensure that Seasonal Agricultural Workers have access to permanent residence, along with other migrant workers in the low-skilled occupations.

Special thanks for contributing to this report card:
Migrant Workers Solidarity Network

NUMBER OF TEMPORARY FOREIGN WORKERS IN MANITOBA			
(ON DEC. 1)	2006	2011	2012
	3,286	4,923	5,572



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