

Migrant workers: precarious and unsupported

Provincial Report: Quebec

Executive Summary

The majority of migrant workers in Quebec are employed in agriculture, and are therefore located in rural, isolated areas. The needs of migrant workers have gone completely unaddressed in this province: no legislation has been passed to address their vulnerability and enhance protections for them, and they are not eligible for any support or settlement services funded by the provincial government. Quebec is also one of two provinces that restrict the rights of agricultural workers to collectively bargain. The only dedicated support for migrant workers comes from volunteer-led initiatives who are stretched thin, and a labour-funded support centre for agricultural workers. Migrant workers are ineligible for permanent residence in Quebec.

Feedback from organizations indicated frustration among service providers at not being funded to serve this population, and a recognition that they are a vulnerable group in need of support.

Principal recommendations for Quebec are:

1. Fund non-governmental organizations to provide settlement services to all migrant workers
2. Introduce legislation such as that adopted in Manitoba and Saskatchewan to improve protections for migrant workers
3. Improve permanent residence outcomes for migrant workers, thereby reducing their vulnerability, and acknowledging the need for newcomers of all skill levels in the Quebec labour market
4. Improve access to healthcare by providing provincial health coverage for all migrant workers for the duration of their contract, removing the minimum of 6-months for contract duration.

A note on terminology

For the purposes of this study, “migrant workers” refers to workers participating in the Temporary Foreign Worker Program (TFWP), which includes the Caregiver Program, or in the Seasonal Agricultural Worker Program (SAWP). TFWs (Temporary Foreign Workers) is used to talk about workers in the TFWP (including caregivers, where they are not referred to specifically). The survey used “TFWs” to encapsulate all workers in the low- and semi-skilled streams, so respondents used this term in their responses. In writing the reports it was felt that “migrant workers” is more accurate and inclusive.

Workers with higher skill/wage levels participating in the International Mobility Program (formerly part of the Temporary Foreign Worker Program) are not included in this study.

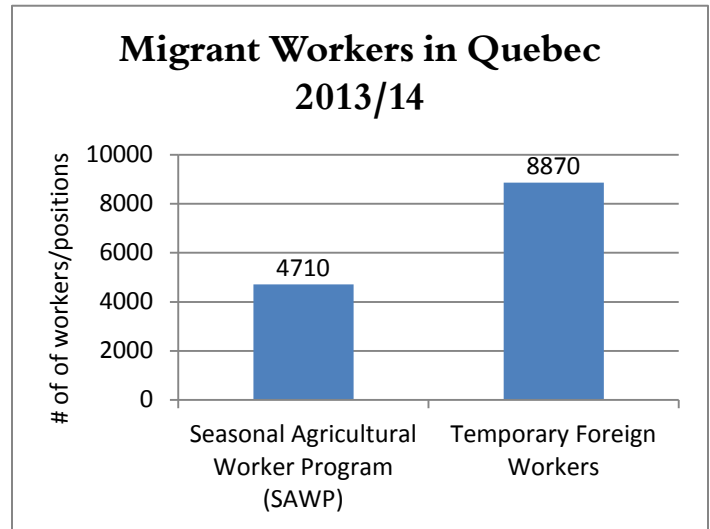


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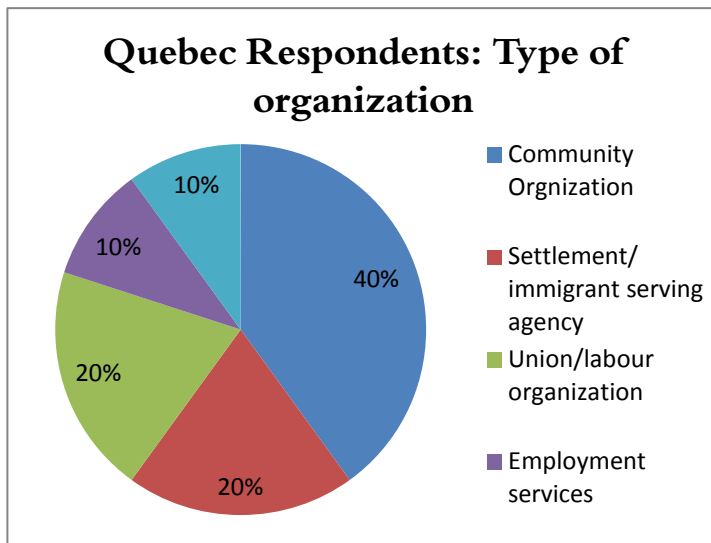
Background

Between 2004 and 2014, the number of Temporary Foreign Workers (TFWs) in Quebec in low-skill/low-wage jobs almost doubled, from 4,627 to 8,870. In addition, thousands of workers are brought in yearly as part of the Seasonal Agricultural Worker Program (SAWP), with 4710 positions filled in 2013 (numbers for 2014 are not public). The majority of low-skilled migrant workers in Quebec are brought for agricultural work – all those in the SAWP, as well as just over 5,000 of the workers brought as part of the agricultural stream of the TFWP. The others work in a variety of domains including caregiving, meat-packing, hospitality and food service.



Survey Respondents

Only thirteen survey responses to the survey on access to services for migrant workers were received from Quebec organizations. This may reflect the fact that few immigrant-serving organizations are aware of or connected with the issues of migrant workers, perhaps because so many of the workers are located in rural and isolated areas. It could also reflect the fact that in Quebec migrant workers are not eligible for newcomer settlement services, and therefore organizations may not have seen the relevance of the survey.



Three of the responses are not relevant to the study, either because the respondent misunderstood the population being addressed and answered regarding a separate group of newcomers, or because the organization is unaware of TFWs in their community, as these workers have not interacted with the organization. These three responses were excluded from the analysis, and thus only ten of the responses received were used to gather more detailed information on access to services for migrant workers in Quebec.

Of the ten relevant responses, four respondents identified as community organizations, two as union or labour organizations, two settlement organizations, one employment services organization and one health clinic. Seven of the respondents operate in or from Montreal, with one of the remaining organizations located in a Montreal suburb, and two located in other towns. Seven respondents reported that they serve an urban area, two serve rural areas, and one serves both rural and urban areas by operating out of Montreal but visiting farms where migrant workers work.

The profiles of the ten organizations whose responses we used are as follows:

Focus on newcomers

- Community organization with a newcomer settlement program
- 2 community organizations dedicated to newcomer settlement

Focus on newcomer workers

- Volunteer-run ethno-cultural women's organization assisting caregivers and other migrant workers
- Workers' centre assisting immigrant and migrant workers, with focus on supporting workers to organize themselves (no government funding)
- Volunteer-run association of Temporary Foreign Workers
- Union-funded support centre for agricultural migrant workers

Focus on workers

- Community organization focused on rights of non-unionized workers
- Employment services centre

Healthcare

- Health clinic for people without access to public healthcare

Provincial Legislation

Unlike some other provinces, Quebec has no legislation to improve the protection of migrant workers' rights. Quebec is one of only two provinces to put restrictions on the rights of agricultural workers' freedom of association. After a 10-year struggle that saw farm workers win the right to unionize in 2010, in October 2014 Bill 8 came into force, again restricting the rights of seasonal agricultural workers to unionize, and thereby affecting many migrant workers.

Access to services for Migrant Workers

All settlement services in Quebec are managed and funded by the Quebec government, according to the terms of the 1991 Canada-Quebec Accord.

Migrant workers in the low-skilled streams are not eligible for any support or settlement services funded by the provincial government. Live-in caregivers in Montreal have access to information, referral services and language instruction. TFWs who have been selected by the province to apply for permanent residence can access services. However, only workers in the high-skilled/high-wage International Mobility Program are eligible for a *Certificat de sélection du Québec* (Quebec Selection Certificate) and thus for permanent residence.

Although under the terms of the Canada-Quebec Accord, the federal government transfers to Quebec each year hundreds of millions of dollars for integration services, only a small portion is allocated to the non-governmental organizations that specialize in newcomer settlement. Much of the funds is distributed to other ministries for healthcare, education and other services. As a result, Quebec settlement service providing organizations are chronically underfunded. There are also particular current challenges increasing financial precarity, related to difficulties around communication with the Ministry, and the government's austerity agenda.

The only dedicated services for migrant workers in the province are either services funded by labour unions, or unfunded or precariously funded, mostly volunteer-run initiatives.

Survey Responses

The ten survey responses were split evenly between, on the one hand, volunteer-run or labour-funded organizations with some specialization working with migrant workers, and on the other hand, organizations that provide services to newcomers. In general, where the latter respondents were aware of migrant workers and the issues they face, it was because these workers had approached their organizations looking for help, or because they had heard stories about them. Some of these respondents reported that despite not being funded to serve migrant workers, they provide some basic information and referrals.

The survey responses showed that for the most part, where comprehensive services are provided to migrant workers in Quebec, they are provided either by union-funded community organizations or by volunteer-led grassroots groups. Despite having few resources, these organizations try to fill the gaps resulting from the absence of funded services.

One labour-funded community organization provides information and training on labour rights for non-unionized workers including migrant workers, while the union-run support centre offers services to migrant agricultural workers including training in labour rights and health and safety, individual advocacy in cases of abuse, help with paperwork for benefits and entitlements claims, and help with accessing healthcare.

The three mostly volunteer-run initiatives are comprised of two entirely volunteer-run groups, and one organization with limited and precarious funding. These grassroots groups provide a variety of support services including information and training on workplace and legal rights, referrals, help accessing healthcare, assistance with paperwork, accompaniment, emergency accommodation, and group support. These services are flexible in order to accommodate workers' schedules. One also focuses on developing leadership and supporting the self-organization of migrant workers.

Funding

Funding is the key barrier to service provision for the vast majority of migrant workers in Quebec. Settlement organizations that could potentially help migrant workers are not funded to assist them, and complain that even the funding they receive to support other newcomers is precarious. To describe this situation, one of the organizations from outside Montreal said:

Local organizations don't know what to do about any category of immigrant. We're in a remote region and our organization is the only one able to properly serve (as far as our resources permit) immigrant communities.¹

In response to a question about expanding services for TFWs, another organization said: "Despite the growing need, it's impossible for us to expand our services because of the lack of resources. For three years now we have

¹ Quotations are translated from the French.

had to limit the services we could offer.” This respondent asserted that, rather than the current situation of exclusion, “(TFWs) should have access to the full range of services offered to permanent residents and these services should be funded by MIDI [provincial ministry of immigration].”

Frustration at the limitations of the eligibility criteria of government funding was clearly expressed by another respondent, who declared: “We don’t know what to do, there are only questions without any answers. The government of Quebec tells us DON’T TOUCH THAT POPULATION.”

NGO Perspectives

Respondents had a lot to say about the situation of TFWs in Quebec, and about the gaps in services and lack of government funding. Unlike in other provinces where respondents underlined particular gaps within the services offered, Quebec responses lacked this nuance since there are *no* funded services offered for TFWs in the low-skilled categories. One respondent said: “There’s nothing for them. As long as they don’t have any information, everything goes well for the employers...”

Another stated:

Very few resources are provided specifically for their support. In fact, funding to develop specific programs is totally absent. On top of that, the groups that are helping them are already barely surviving and not all community workers are even aware of TFWs’ existence.

The point of view that services for migrant workers need to be funded was resounding. One respondent stated unequivocally: “It is necessary and urgent that these services be funded... (Employers) are increasingly turning to this labour force but the supports for the workers are really inadequate.”

And yet, among the community and settlement organizations that provide some basic services despite not being funded to serve migrant workers, there was a sense of very limited capacity and even not having the right to work with migrant workers. One stated: “We’re not allowed to, but on a case-by-case basis we’ll take the time to listen and make a referral (if possible).”

Another said:

Our organization is open to them, but with caution. We don’t want to set a precedent or send the message of “free services” that ultimately we won’t be able to offer because our funding doesn’t include that group. It’s terrible! These people need services...

Fear and abuse

More than one respondent cited fear and abuse among principal concerns for migrant workers in their few interactions with organizations for whose services they are ineligible. One said: “low-skilled Temporary Foreign Workers are often isolated and experience a lot of exploitation”, while another pointed out that due to isolation, it is difficult to access the workers and ascertain their situation, saying “we do not have resources to visit the places we receive complaints from and those are only the tip of the iceberg”.

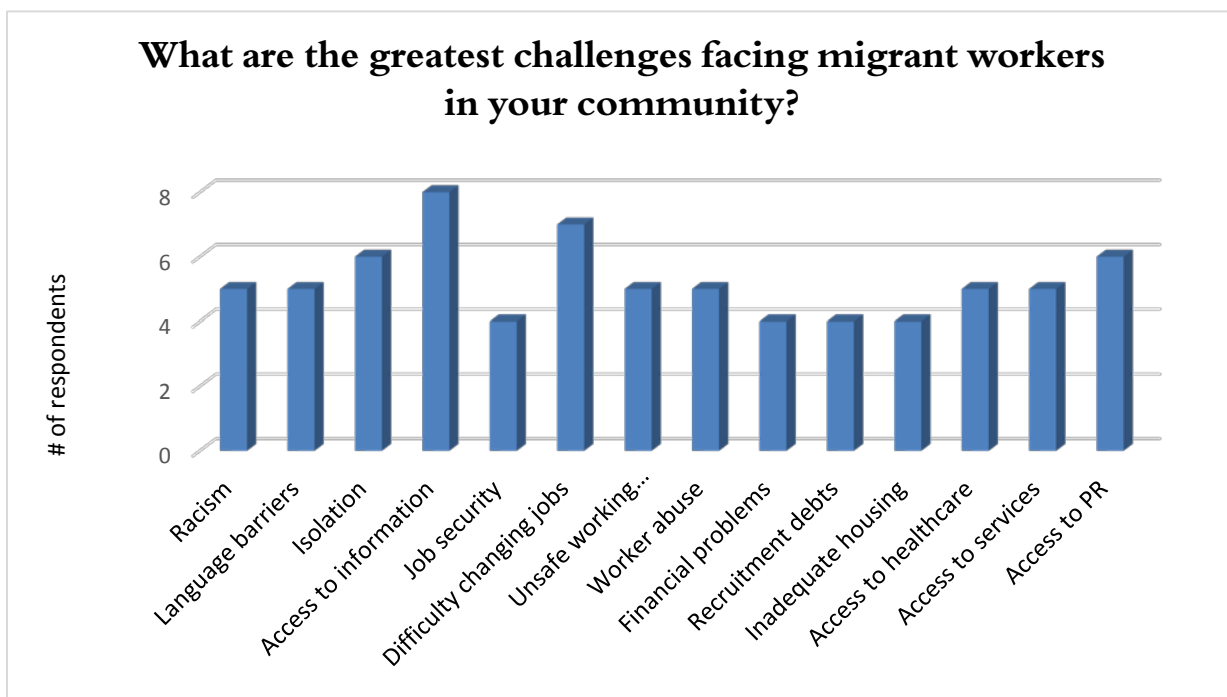
Another respondent painted a particularly bleak picture of the situation of migrant workers in Quebec, saying:

“These people are modern-day slaves, with no rights, receiving no respect, intimidated because of their status, and neglected by their employers and the community, it’s appalling!”

One of the organizations outside Montreal commented that while they occasionally see TFWs, they do not act on stories they hear for fear of reprisals against workers:

We don’t meet with seasonal workers but we have heard several horror stories... we plug our ears deliberately... for fear of reprisals against them.

Among survey respondents, the most often cited perceived challenge faced by TFWs in Quebec is access to information on their rights (80%), followed by difficulty changing jobs (70%) and isolation (60%). It should be noted however, that since some respondents have little contact with TFWs, many of the challenges may not be fully understood.



Unmet Needs and Policy Gaps

In the absence of any provincial support for organizations to serve TFWs, volunteer-run and other community organizations try and fill the gaps. Respondents who offer government-funded services to other newcomers tended to feel frustrated at the lack of capacity to help this population, and underlined the urgent need.

One Montreal community organization described their support of TFWs facing abuse in this way:

Employers often don’t fulfill their commitments or respect the conditions stipulated in the contracts they sign (salary, working conditions, dismissal before the end of the contract, etc.). We support the workers with what little resources we have, given that no one funds us to serve them.

When asked what services they would ideally offer to migrant workers, the five newcomer serving organizations were clear that they would like migrant workers to be eligible for the entire range of services they offer, among them: information and referrals, settlement and employment services, and language instruction.

Access to permanent residence

Access to permanent residence was cited by 60% of survey respondents as one of the biggest challenges faced by migrant workers in Quebec. The only pathway to permanent residence for workers with temporary work permits is the Quebec Experience Class, the province's version of the Canadian Experience Class. As with its federal counterpart, this program is only open to workers in the high-skilled/high-wage International Mobility Program, and workers in the low-skilled TFWP and SAWP do not have access to permanent residence.

Recommendations for the province

In each province, challenges and gaps for migrant workers created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the issues identified by survey respondents, and are further developed by authors who draw on their knowledge regarding dynamics of the TFWP and SAWP at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Quebec government should:

1. Fund non-governmental organizations to provide settlement services to all migrant workers
 - a) Expand eligibility criteria for its provincially-funded settlement services, including language instruction, to migrant workers in the TFWP and SAWP.
 - b) Provide stable, multi-year funding for settlement services to newcomers including migrant workers.
2. Introduce legislation such as Manitoba's WRAPA and Saskatchewan's FWRISA to improve protections for migrant workers
 - a) Implement a TFW helpline and a TFW Advisory office as has been done in Alberta, to help support and protect the rights of TFWs, reaching out especially to workers in isolated locations.
3. Improve permanent residence outcomes for migrant workers, thereby reducing their vulnerability, and acknowledging the need for newcomers of all skill levels in the Quebec labour market
 - a) Open the Quebec Experience Class to all migrant workers, regardless of skill level.
 - b) Expand Quebec's economic immigration selection to reflect the needs of the province's labour market by including workers of *all* skill levels.
4. Improve access to healthcare for TFWs by providing provincial health coverage for all migrant workers for the duration of their contract, removing the minimum of 6-months for contract duration.