

# Migrant workers: precarious and unsupported

## Provincial Report: Saskatchewan

### Executive Summary

Use of the Temporary Foreign Worker Program (TFWP) in Saskatchewan has more than doubled since 2011, with the majority of workers employed in service industries. The province funds settlement services, including language instruction, that are available to all migrant workers, and has passed legislation that is actively enforced to protect the rights of these workers. Some Temporary Foreign Workers have access to permanent residence through the province's Immigrant Nominee Program.

Survey respondents provided feedback on remaining gaps and suggestions on ways to improve support and service provision to migrant workers in the province.

Principal recommendations for Saskatchewan are:

1. Continue to provide access to services for all migrant workers, regardless of skill level or program.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories.
3. Explore local and provincial initiatives to resolve the problem of unavailable or unaffordable housing.

### A note on terminology

For the purposes of this study, “migrant workers” refers to workers participating in the Temporary Foreign Worker Program (TFWP), the Seasonal Agricultural Worker Program (SAWP) or the Caregiver Program. TFWs (Temporary Foreign Workers) is used to talk about workers in the TFWP. The survey used “TFWs” to encapsulate all workers in the low-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.



Conseil canadien pour les réfugiés  
Canadian Council for Refugees

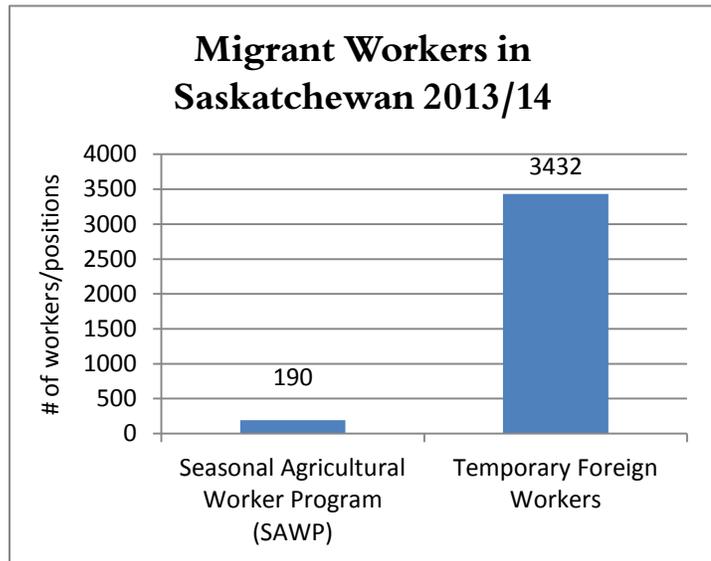


## Background

Use of the Temporary Foreign Worker Program (TFWP) has ballooned in Saskatchewan in recent years as Temporary Foreign Workers (TFWs) have been increasingly promoted by the Province as a means to alleviate labour shortages in Western Canada’s resource-based economy. Between 2011 and 2014 the number of low-skilled TFWs in Saskatchewan more than doubled from 1,436 to 3,432, and the province is the fastest growing destination for TFWs. The majority of TFWs in Saskatchewan (62%) are employed in service industries.

Hospitality and food services are the single largest employer by industry, employing 23% of TFWs.

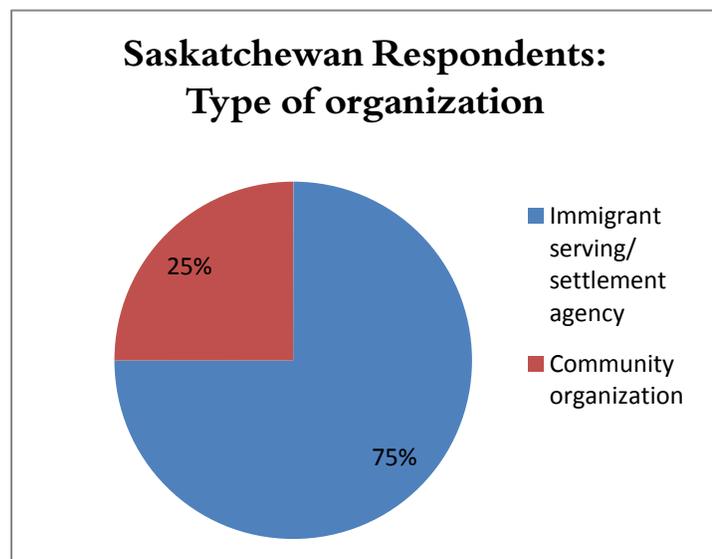
The Seasonal Agricultural Worker Program (SAWP) is used to a lesser extent in Saskatchewan, with 190 SAWP positions filled in 2013 (numbers for 2014 are not publicly available).



## Survey Respondents

Eight Saskatchewan organizations responded to the survey on the NGO role in serving Temporary Foreign Workers (TFWs). Of these, five said they serve an urban area (3 from Regina and 2 from Saskatoon) and three said they serve in a rural area. Six identified as immigrant-serving/settlement agencies, and two as community organizations.

All respondents were aware of TFWs in their community, and all said that TFWs had interacted with their organization seeking services. Four respondents said TFWs made up between 20% and 60% of their total yearly clients. Three said migrant workers made up 5-20% of their clients, and one did not know.



## Provincial Legislation

To address violations of migrant workers’ rights, the Government of Saskatchewan put into effect in October 2013 the *Foreign Worker Recruitment and Immigration Services Act* (FWRISA) to protect immigrants and foreign workers from exploitation and mistreatment during the migration and recruitment process. This legislation

prohibits recruitment fees or costs being charged to foreign workers, and requires immigration recruiters and immigration consultants to be licensed and sign transparent contracts with employers and foreign workers/immigrants. It also introduced an employer registry so that the province would know where migrant workers are located and who their employers are. It also prohibits various exploitative behaviours towards migrant workers. FWRISA is enforced through a Program Integrity Unit. Information about investigations of employers is not made public (as it is in Manitoba, for example); however, hundreds of audits and investigations of employers and immigration representatives have been conducted, resulting in the suspension of nine employers and one representative.

## **Access to services for Migrant Workers**

Saskatchewan has prioritized the attraction and retention of newcomers in recent years. To meet settlement needs in a largely rural province, a unique “Gateway” settlement model was created. “Gateway” organizations in 11 smaller centres (including Saskatoon and Regina which attract the majority of newcomers) cover areas within a 150km radius, and provide services including information and referrals, counselling, interpretation, and employment services. Meanwhile, regional colleges deliver language instruction in 40 communities. Five of the eight respondents to the survey were from Gateway organizations. One service not offered by the Gateways is assistance with immigration processes.<sup>1</sup>

Migrant workers are eligible for all services offered by Gateway organizations, including language instruction. For assistance with immigration processes, including Provincial Nominee applications, TFWs must rely on themselves and their employer, or hire paid immigration consultants.

## **Funding**

All eight survey respondents reported receiving funding from the provincial government to serve newcomers, including migrant workers. While some respondents received one-year funding which they felt was not stable, one gateway organization was cautiously optimistic, saying:

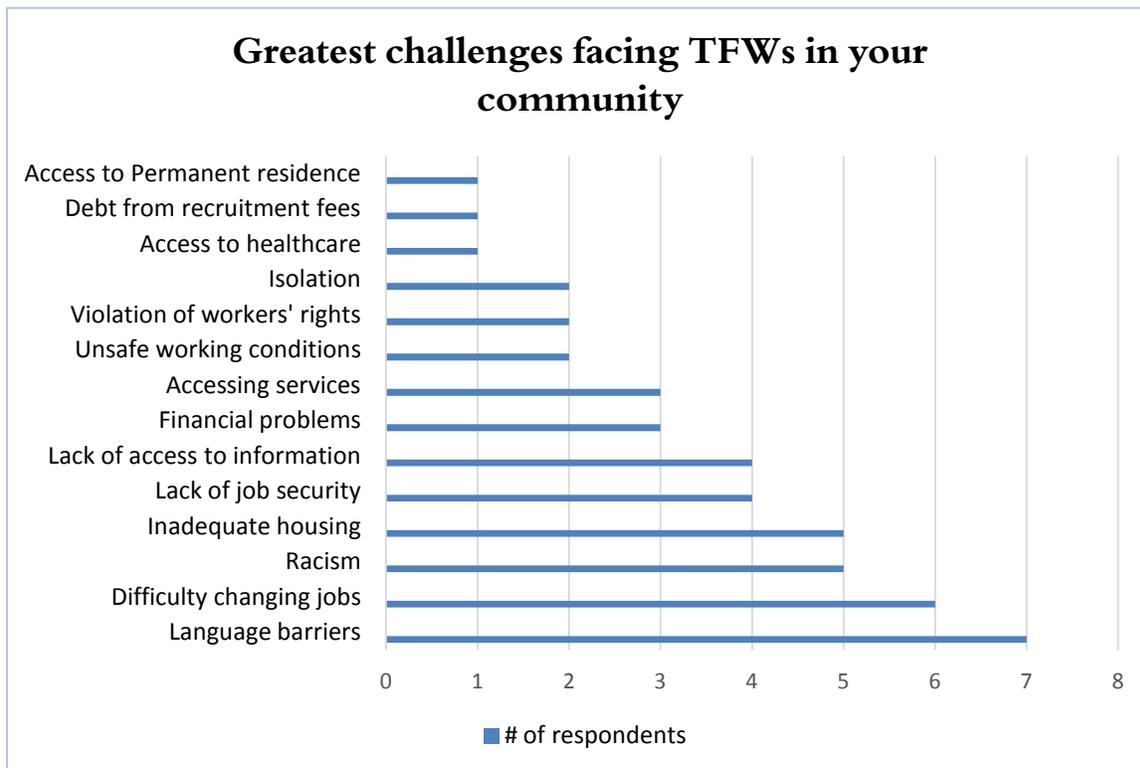
*Sustainability looks promising as we've been contracted by the government of Saskatchewan to run this portion of their provincial immigration/settlement plan. We are one of 11 offices in the provincially-mandated network. But as the contract is up for renewal every year, there is never total security.*

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<sup>1</sup> This is due to a narrow interpretation of Section 91 of the Immigration and Refugee Protection Act (IRPA) that is said to prohibit settlement workers from assisting their clients with basic immigration matters such as filling out forms for immigration processes if they are not licensed immigration consultants or member of a Bar Association.

## NGO Perspectives

When asked about the biggest challenges facing TFWs in their community, the highest response rates from service providers were for language barriers (88%) and difficulty changing jobs (75%). The relatively low rate of response for challenges such as access to healthcare (13%) and access to services (38%) indicates that, in comparison to other provinces, Saskatchewan's gateway model has had some success with service delivery.



Nonetheless, language barriers remain an important perceived barrier. The low response for access to permanent residence (13%) and violation of workers' rights (25%) indicate that the province's nominee program, and the legislative efforts to protect migrant workers with the *Foreign Worker Recruitment and Immigration Services Act* and the Program Integrity Unit are bearing fruit.

Still, there remain concerns regarding rights' violations. One respondent stated:

*Violation of workers' rights has been a growing issue in the past year or two (as hiring foreigners has become more common in our region). TFWs are proving to be extremely vulnerable and will continue to work despite unfair treatment. They refuse to stand up for their rights and/or report the situation for fear of either: a) losing their job and being forced into poverty because they cannot acquire another job without first finding one of the few jobs that they would be eligible for and facing a lengthy (months-long) work permit application process, b) thwarting their immigration goals which often rely on a certain number of hours being worked before they can apply for PR.*

Many of the perceived barriers are systemic, and may speak to policy gaps at the federal and local level. TFWs' difficulties in changing jobs (cited as a key challenge by 75% of respondents) is a direct result of the federal TFWP regulations that tie workers to the employer who applied for them to come to Canada. Issues of

inadequate housing (63%) may have to do with local housing codes and practices. Racism is clearly a perceived key challenge, and some respondents reported that community outreach on immigration is still nascent.

### **Unmet Needs and Policy Gaps**

While the province has been proactive on legislation to protect migrant workers, according to some respondents there are still gaps. One said:

*Despite Saskatchewan's Program Integrity Unit, which is meant to deal with violation of workers' rights towards TFWs, and more robust laws surrounding TFW employment, many TFWs are still having their rights violated. There needs to be a more comprehensive approach that takes into account specific vulnerabilities. Third party reporting laws would be a good step in the right direction.*

While TFWs have access to provincially funded language training and testing, language barriers were still cited as a key challenge by 7 out of 8 respondents. One organization said that language classes should be “more robust”, since the evening classes that TFWs can access outside their working hours only amount to 4 hours per week. Other barriers cited included long waiting lists, work schedules that do not allow evening class attendance, and reluctance to ask employers to accommodate the night class hours in the work schedule.

As mentioned above, adequate housing is also seen as a key challenge and unmet need.

### **Access to permanent residence**

TFWs in certain low-skilled occupations can access permanent residence via the Saskatchewan Immigrant Nominee Program (SINP). These occupations are limited to long-haul truck drivers and some hospitality/food service workers. While the cap for provincial nominees is over 5000, the annual application quota for these professions is only 800. Despite these limitations, only 1 of the 7 respondents identified lack of access to permanent residence as one of the greatest challenges facing TFWs in their community.

One Gateway respondent presented a very positive view of TFW access to permanent residence (PR), stating “because of the SINP, many low-skilled workers can actually make the transition to PR quite easily. Some do slip through the cracks, but this is very few overall.”

## Recommendations for the province

In each province, challenges and gaps created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the challenges identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the provincial and federal levels.

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

1. Continue to provide access to services for all migrant workers, regardless of skill level or program
  - a) Provide stable, multi-year funding to continue service provision to migrant workers via the gateway model to ensure longer-term programming.
  - b) Provide more flexible and robust language training that migrant workers will be able to access more easily despite work schedules.
  - c) Consider advocating with the federal government to expand eligibility for federally funded settlement services to migrant workers in all streams
  - d) Continue to provide information and legal support for Employment Standards issues and complaints, and work with settlement agencies, community organizations and organized labour to promote the *FWRISA* and relevant complaint processes to employers and TFWs.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories
  - a) As above, provide more flexible and robust language training that migrant workers will be able to access more easily despite work schedules, to facilitate their achievement of the SINP language requirements.
  - b) Open the SINP to all workers participating in the TFWP and SAWP.
  - c) Advocate with the federal government to create more pathways to permanent residence for migrant workers, and to ultimately expand Canada's economic immigration program to reflect the needs of the Canadian labour market by including workers of *all* skill levels.
  - d) Advocate with the federal government to ensure that IRPA s. 91 is not interpreted to prevent NGOs from assisting people in navigating the immigration system.
3. Explore local and provincial initiatives to resolve the problem of unavailable or unaffordable housing.