

Report Card

Migrant workers in New Brunswick

SUBJECT	GRADE	COMMENTS
Legislative protection of migrant workers	C-	The New Brunswick government relies on its Employment Standards Act, which has shortcomings with regards to the vulnerable situation of many migrant workers. There is no legislation specifically addressing migrant workers, although the government has pledged to conduct a formal review and develop new worker recruitment and protection rules.
Enforcement of Employment Standards and related legislation	D	Employment Standards officers investigate complaints received; however there is no proactive mechanism. Newcomer support organizations are aware of situations of abuse, but workers are reluctant to complain for fear of losing their job and access to permanent residence, so no action is taken.
Access to permanent residence	B+	The New Brunswick Provincial Nominee Program is open to migrant workers in the Pilot Project for lower skill levels with some skill types, with the support of an employer. Migrant workers may also be sponsored by a family member in New Brunswick, rather than by an employer, reducing the dependence on employers.
Welcoming migrant workers (settlement and support services)	B	New Brunswick funds settlement services including language instruction for migrant workers, helping to orient them, inform them of their rights, and prepare them for the language requirements of the Provincial Nominee Program. Still, access remains an issue for those in more isolated rural areas.
Access to information for migrant workers	C	The Population Growth Division created an “Employee Guide” for Temporary Foreign Workers in 2011. It is a comprehensive guide with useful information, but it is not systematically distributed to migrant workers, and is only available in English and French.
Awareness raising of responsibilities among employers	B-	The Population Growth Division also created an “Employer’s Guide” to make employers aware of their rights and responsibilities. Similarly, however, these guides are not distributed systematically to all employers of migrant workers. The Employment Standards Branch also offers workshops to employers on request.
Access to healthcare services	B	Migrant workers including Seasonal Agricultural Workers and Live-in Caregivers are covered by provincial health care after a three-month waiting period. During that period employers must provide private health insurance, but coverage may be less than provincial healthcare, which leads to gaps in service.

New Brunswick and Migrant Workers: Room for improvement

Migrant workers in New Brunswick, who are mostly located in rural areas, are not systematically provided with information about their rights, and face additional barriers like language and isolation. Many do not want to make complaints about abusive employers or recruiters because their chance of obtaining permanent residence depends on sponsorship from their employer. These factors, together with their precarious status, undermine the effectiveness for them of the Employment Standards legislation that applies to all workers in the province.

Although gaps remain, the government of New Brunswick deserves applause for taking important steps in two areas: welcoming and supporting migrant workers by providing them with settlement services and language instruction, and producing information for workers and employers.

Through settlement services migrant workers can learn about their rights, and are supported in accessing other services or making a complaint to the Employment Standards branch. In some cases settlement workers have acted as mediators between employers and workers who are too frightened to make a formal complaint. Some settlement organizations organize community events with migrant workers which, along with language instruction, help to break the isolation they often face. Services are offered in a number of centres, but access is still an issue for workers in some rural areas, or those who rely on their employer for transportation.

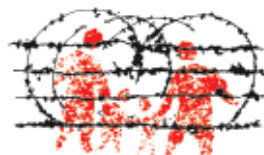
The Population Growth Division's efforts around awareness-raising have been a positive step, but the resources should be systematically distributed to all migrant workers and their employers, and should be available in the languages spoken by workers. As it is, many workers are unaware of their rights and recourses.

The reluctance of migrant workers to make formal complaints highlights their vulnerable situation and the need for legislation that protects their rights. There are reports of abuses in New Brunswick such as workers being illegally charged thousands of dollars in recruitment fees, but these go unchecked because enforcement is complaint-based. New Brunswick can take action by legislating a provincial registration regime for employers and recruiters of migrant workers, implementing proactive enforcement, and imposing meaningful consequences for abuses, as has been done in Manitoba.

An encouraging message came in the 2012 Speech from the Throne, when the government recognized the vulnerability of migrant workers and pledged to conduct a formal review of the program and to conduct consultations to develop new worker recruitment and protection rules. As the number of temporary foreign workers contributing to the New Brunswick economy continues to increase, it is more important than ever that the province be proactive to ensure their well-being.

NUMBER OF TEMPORARY FOREIGN WORKERS IN NEW BRUNSWICK

(ON DEC. 1)	2006	2011	2012
	1,109	2,661	2,880



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