



Report Card

Migrant workers in Newfoundland and Labrador

SUBJECT	GRADE	COMMENTS
Legislative protection of migrant workers	D	The Newfoundland and Labrador government relies on its Labour Standards Act, which has shortcomings with regards to migrant workers. There is no legislation that addresses migrant worker-specific issues or vulnerabilities.
Enforcement of Employment Standards and related legislation	D	Labour Standards officers investigate abuse if they receive a complaint; however there is no proactive mechanism. Since abused workers do not want to put their employment at risk, they will often not file a complaint.
Access to permanent residence	C	Workers with some skill types in the stream for lower-skilled occupations are eligible for the Provincial Nominee Program, but many do not meet the financial savings requirements imposed by the province.
Welcoming migrant workers (settlement and support services)	D	The province does not fund settlement or support services for migrant workers.
Access to information for migrant workers	D+	The Labour Relations Agency has information on labour standards available on demand in several languages; however at time of writing this information was not to be found on their website, nor is it provided proactively to migrant workers. Many migrant workers are not aware of their rights and recourses.
Awareness raising of responsibilities among employers	C	Office of Immigration and Multiculturalism staff deliver presentations to employers, and the Labour Relations Agency provides education and outreach to employer organizations and to individual employers. These services are available on demand, but not offered proactively, and there are no printed or online resources by the province for employers.
Access to healthcare services	B	Migrant workers with work permits of at least one year are eligible for provincial health coverage upon arrival. This doesn't cover Seasonal Agricultural Workers, who must be insured privately by their employers. Workers covered by private insurance are often uncertain of what is covered, and workers may also be reluctant to access healthcare for a variety of reasons associated with a lack of information on their rights.

Newfoundland and Labrador and Migrant Workers: Action is overdue

In the past six years, the number of Temporary Foreign Workers in Newfoundland and Labrador has almost tripled. The vast majority of these workers are located outside of St. John's. Lacking information on their rights and recourses, and facing barriers of language and isolation, some workers are at risk of exploitation. Many do not want to make complaints about abusive employers or recruiters because they fear losing their jobs and being forced to leave Canada. In some cases workers are reluctant to complain because they are relying on their employer to sponsor their application for permanent residence. These factors undermine the effectiveness for migrant workers of the Employment Standards legislation that applies to all workers in the province. As the number of workers being brought into the province swells, Newfoundland and Labrador needs to adapt to this reality, by stepping up protections and supports adapted to migrant workers.

While Labour Standards officers will investigate complaints and impose repayment of wages and small penalties where infractions have occurred, enforcement is not proactive, and is therefore ineffective for many migrant workers. An absence of information-sharing with the federal government means that the Labour Relations Agency doesn't know where migrant workers are located in the province. Thus they must rely on complaints and tips. The province could move towards solving these problems by looking to models adopted in Nova Scotia and Manitoba. These provinces have legislated a provincial registration regime for employers and recruiters of migrant workers, imposed more severe consequences for abuses, and provided resources for proactive enforcement.

The province also needs to produce information resources both for employers and workers about their rights and responsibilities under provincial labour laws, and systematically deliver them to all workers and employers of migrant workers in the province.

The Newfoundland and Labrador government has stated that officials are monitoring developments in other jurisdictions to analyse best practices within areas of provincial responsibility. As the number of temporary foreign workers contributing to the Newfoundland and Labrador economy continues to increase, it is more important than ever that the province move forward with implementing existing best practice models in order to ensure workers' well-being.

NUMBER OF TEMPORARY FOREIGN WORKERS IN NEWFOUNDLAND AND LABRADOR			
(ON DEC. 1)	2006	2011	2012
	914	1,822	2,550

