

Report Card

Migrant workers in Nova Scotia

SUBJECT	GRADE	COMMENTS
Legislative protection of migrant workers	B+	Nova Scotia has developed a very promising amendment to the Labour Standards Code. Passed in 2011, the Worker Recruitment and Protection Act (WRPA) makes it illegal to charge recruitment fees to workers or to confiscate their personal documents, and requires employers to honour the terms and conditions promised at the time of recruitment. A licensing regime for recruiters and a registration regime for employers are to be implemented in Spring 2013.
Enforcement of Employment Standards and related legislation	B	Concerns about inadequate, complaints-based enforcement remain. This may improve with the new legislation, depending on how effectively it is enforced. The plans include a monitoring system that will be facilitated by employer registration and recruiter licensing.
Access to permanent residence	B	Migrant workers in the Pilot Project for low-skilled occupations can access the NS Provincial Nominee Program if they have the support of an employer. The grade 12 education requirement can limit some, and the province focuses more on bringing high-skilled workers through this program.
Welcoming migrant workers (settlement and support services)	B-	Nova Scotia funds some settlement services for migrant workers, including language instruction. More extensive services are limited to those applying for permanent residence. Access to services is problematic for those outside the Halifax area, or for those who need interpretation.
Access to information for migrant workers	C-	Many low-skilled migrant workers are isolated in rural areas, don't have access to settlement services or internet, and don't speak English or French well enough to access what little information on their rights is available online.
Awareness raising of responsibilities among employers	B	Since passing WRPA, the province has taken action to inform employers about their new obligations. They are developing awareness and compliance strategies to further ensure that employers and others are aware of the new protections. Resources on employer responsibilities are available online.
Access to healthcare services	B-	Migrant workers with work permits of over one year are eligible for provincial health coverage after a 6-month waiting period. Other workers are often uncertain of what they are entitled to, since the private insurance provided by the employers need not be equal to provincial coverage. Workers may also be reluctant to access any healthcare for a variety of reasons associated with lack of information on their rights.
Noteworthy	★	Nova Scotia has set a precedent in the Atlantic region by developing legislation based on Manitoba's model.

Nova Scotia and Migrant Workers: High Hopes

All eyes are on Nova Scotia to see how and to what extent their new *Worker Recruitment and Protection Act* will be enforced. The legislation, which rolls out this year, may significantly improve migrant worker protection in Nova Scotia through the registration and monitoring of all employers and recruiters of migrant workers in the province.

Until now the province’s enforcement of migrant rights has been reactive rather than proactive, and thus ineffective in many cases of abuse. Many migrant workers in Nova Scotia don’t have access to information on their rights in their own language, or access to support services.

The *Worker Recruitment and Protection Act* will hopefully change this. Nova Scotia is the first in the Atlantic region to adopt legislation that recognizes the vulnerabilities faced by migrant workers. The provincial government must now dedicate resources to proactive enforcement: it is ineffective to place the onus on migrant workers to make a formal complaint against their employers, as in the current situation. It is important to note that this legislation will not address the sometimes exorbitant recruitment fees that many migrant workers pay in their countries of origin.

Nova Scotia has also taken the welcome initiative to fund settlement services for Temporary Foreign Workers. However, following recent funding cuts, a single organization is mandated to carry out this work for the whole province. This leaves gaps in access for migrant workers in more remote areas. More support for services and outreach is required, especially for agricultural workers and Live-in Caregivers, who are isolated because they must live on their employer’s property.

Nova Scotia must begin systematically providing all migrant workers in the province with information in their languages on rights and recourses. If possible, it is suggested that this information be provided before arrival in Nova Scotia. One solution would be to work with community partners to design and deliver information sessions for employers and workers on Employment Standards and Occupational Health and Safety legislation. The increased access to information on the whereabouts of migrant workers that will come with employer registration will facilitate this.

It is hoped that Nova Scotia’s implementation of WRPA will provide a model for the other Atlantic provinces to follow.

NUMBER OF TEMPORARY FOREIGN WORKERS IN NOVA SCOTIA			
(ON DEC. 1)	2006	2011	2012
	1,709	4,254	4,364

