

Report Card

Migrant workers in Quebec

SUBJECT	GRADE	COMMENTS
Legislative protection of migrant workers	C	Quebec relies on its Labour Standards and Occupational Health and Safety Standards legislation that cover almost all workers in Quebec. Some agricultural workers are not covered by certain provisions of the Labour Standards legislation. There is no specific legislation regarding migrant workers.
Enforcement of Employment Standards and related legislation	C	Labour Standards and Occupational Health and Safety do complaint based enforcement as well as some proactive monitoring of workplaces employing low-skilled migrant workers, by sending all employers Notices to Comply with legislation, and then conducting random visits of some workplaces to monitor compliance.
Access to permanent residence	D	Workers in the low-skilled streams do not have access to the Québec Experience Class, the immigration program available to temporary foreign workers with higher skill levels.
Welcoming migrant workers (settlement and support services)	C-	Most migrant workers in the low-skilled streams don't have any access to support or settlement services funded by the provincial government. Live-in caregivers in Montreal have access to information, referral services and language instruction, but funding for these services has recently been reduced.
Access to information for migrant workers	C	The government has made a DVD and some pamphlets for Spanish-speaking agricultural workers about their rights under provincial legislation. Live-in Caregivers generally receive information kits designed specifically for them. Many migrant workers however lack access to information on their rights.
Awareness raising of responsibilities among employers	B-	Labour Standards, Occupational Health and Safety and the Human Rights Commission conduct training and awareness-raising events for employers to inform them about their responsibilities. Employers of live-in caregivers received this information during random visits as part of a two year pilot, but this has ended.
Access to healthcare services	B	Migrant workers with a work permit of at least six months are eligible for provincial health insurance coverage, after a 3-month waiting period. SAWP workers have access right away.
Noteworthy	★	The Quebec government announced in April 2013 that it will not appeal a decision by the Quebec Superior Court to allow seasonal agricultural workers in the province to unionize.

Quebec and Migrant Workers: More Protections Needed

The number of Temporary Foreign Workers in Quebec has more than doubled in the last six years. The majority of these workers are in the high-skilled stream and located in Montreal. However, many thousands are in Quebec as part of one of the three “low-skilled” streams. Quebec has undertaken some measures to improve the protections for live-in caregivers in particular, but more must be done.

The mechanisms for rights protection currently in place do not take into account the difficulties migrant workers face in exercising their rights and accessing justice. The province offers some support to Live-in Caregivers through a Montreal-based organization, and sometimes holds information sessions for migrant workers and their employers. Still, most migrant workers are not reached and don’t have access to support through government-funded services. More needs to be done to ensure workers in all the low-skilled programs are aware of their rights and the steps they can take in case of abuse.

Quebec requires Temporary Foreign Workers to apply for and receive a Certificat d’acceptation du Québec. This means that the province has information on employers who are bringing in migrant workers and their location. The province should take advantage of this information and implement much-needed proactive enforcement of Employment Standards and Occupational Health and Safety Standards, so that the onus of filing a complaint is not on migrant workers whose status and employment is dependent on their employer. In line with this, we welcome the news that the Commission des Normes du Travail’s monitoring plans include initiating “spot-checks” of agricultural migrant workers as well as those working in other sectors such as meat processing, and we encourage the government to devote the resources necessary to make these enforcement visits systematic.

Quebec has not taken action to mitigate the impact of unscrupulous recruiters on migrant workers in the province. There is a need for legislation and enforcement to regulate recruitment and prevent exploitative recruitment practices within the province, as has been done in Manitoba.

Migrant workers contribute meaningfully to the Quebec economy. They should not simply be used for their labour – Quebec should expand access to permanent residence by opening its Quebec Experience Program to migrant workers in NOC C & D skill levels.

NUMBER OF TEMPORARY FOREIGN WORKERS IN QUEBEC

(ON DEC. 1)	2006	2011	2012
	21,545	39,582	44,115

