

Migrant Workers in Canada



Migrant workers refer to Temporary Foreign Workers on tied or closed work permits. There are three key streams with very different access to rights and services.

	Seasonal Agricultural Workers Program	Temporary Foreign Workers – Low Waged	Caregivers Program
Type of Work	Mostly men from Mexico and the Caribbean countries who come to Canada to grow our food. They work in farms, fields, and food factories.	Racialized women and men working in retail, food, agriculture, hospitality, fisheries and similar industries doing backbreaking work.	Mostly women from the Philippines, Indonesia and Latin America who take care of children, elderly and people with disabilities.
Worker recruitment.	In this bilateral government program, worker recruitment is coordinated between the Ministry of Labour in sending countries and FARMS Canada. Workers may be forced to pay local officials to get into the program.	Employers must pay \$1,000 processing fees for Labour Market Impact Assessments. These fees are often downloaded to workers. Many workers pay recruiters thousands of dollars to get jobs in Canada. Recruiters are not federally regulated.	
Permit type	Can only work for the employer listed on their permits. It's nearly impossible to change jobs, or speak out when facing abuse. They are not allowed to take on additional work to supplement their income, or upgrade their skills and get an education by enrolling in university.		
Length of permits	Can work in Canada for a maximum of 8 months per year. Some workers have been coming every year for more than 40 years.	Can work and live in Canada for a maximum of 4 years. They are then barred from working in Canada for the next four years.	
Labour rights	Are generally excluded from many basic employment standards, such as overtime pay. In practice may receive less than minimum wage. Can be black listed from the program for speaking up and asserting their rights.	Often are denied the rights set out in their contracts and in the law, including being denied minimum wage, overtime pay or vacation pay. Face reprisals, including termination and threats of deportation, for speaking out.	
Housing	Must stay in employer provided housing	May be forced to stay in employer provided housing depending on the type of program.	May be forced to stay in employer provided housing depending on their year of arrival.
Permanent Residency	Cannot get Permanent Resident status in Canada under Federal programs. Very small numbers of TFWs in the low-waged stream can get permanent residency through provincial programs (except in Ontario and Quebec).		There are caps on how many caregivers can receive permanent residence. This means they must work for a minimum two years for their employers but no longer know when they enter the program if that will allow them to access permanent residence.

Three steps to ensure rights and build a better economy

Over the last five decades, migrant workers in all programs have expressed a litany of concerns about being employed under Canada's temporary foreign workers schemes. In this section, we are providing you with an overview of the three key demands that the Coalition for Migrant Worker Rights – Canada is putting forward to address some of these concerns. These are easy, pragmatic solutions to expand human and labour rights of immigrant workers in Canada.

I. Equality - Robust permanent immigration system

Migrant workers in Canada deserve permanent immigration status. Future immigrant workers coming to Canada in the Seasonal Agricultural Workers Program, the Temporary Foreign Workers Program and the Caregivers Program should arrive with permanent immigration status.

Migrant workers are important: Migrant workers work in farms and factories, taking care of children, the sick and the elderly. Agriculture, caregiving, food production, construction are important industries that require specialized skills that migrant workers have. Our society cannot function without the critical contributions that migrant workers make.

Migrant workers are not temporary: Some migrant workers have been coming back to Canada to work for eight months of the year for over forty years. Others have been here permanently for up to four years if not more. These friends and family members of ours have laid roots, built lives and contributed to Canada. They deserve permanent residency status to continue to live here with dignity.

Permanent residency makes economic sense: Migrant workers help grow businesses. It hurts employers to have to retrain new workers every few years. Providing migrant worker with permanent residency would ensure a stable workforce and build a better economy for us all.

Permanent residency ensures services: Many labour rights, and basic services in Canada like healthcare and post secondary education are tied to permanent immigration status. Even if migrant workers wish to return home eventually, permanent resident status is the only way to ensure access to these services now. On top of that, migrant workers pay for all these services already – they deserve access to them.

Permanent residency is the norm: Most immigrants – refugees, spouses, high-waged immigrants - arrive in Canada with permanent residence immigration status which gives them peace of mind, the ability to re-unite with their families and the tools they need to lay deeper roots and build our society further as soon as they arrive. Migrant workers should not be excluded.

Permanent residency means family reunification: Migrant workers deserve to have their families join them. Measures need to be put in place to allow migrant workers to have their families visit them or for them to be able to visit their families. That's just fair.

II. Mobility - Work permits should not be tied

Migrant workers can only work for the employer listed on their work permit – this is called a tied or closed work permit and is unfair. Migrant workers should have open work permits

Tied work permits allow abuse: It is very difficult, sometimes impossible; to change jobs because of tied work permits. Employers know this and it gives bad bosses the ability to exploit workers.

It is a matter of choice: Each of us deserves the choice to walk away from a bad boss, or a job that makes us sick. This is not a privilege; it is a basic right that migrant workers are denied.

Tied permits divide us: Tied work permits divide the workforce, and create a group of workers that are more vulnerable than the rest. This impacts all workers.

III. Voice - Undo the Harm

We need to end Harper-era restrictions that deny migrant workers their voice, human rights, and decent health.

End the four-year limit on work permits: Rather than value their contributions, current policy forces migrant workers to leave after four years. This uproots long-term workers who have built lives and relationships here and helped build local businesses.

End the Caps: Work sites with over 10 full time workers are subject to progressive “caps” on the percentage of migrant workers in their total workforce each year. It’ll be 10% in July 2016. Migrant workers are being forced out of jobs they have held for years.

Allow workers to change jobs: No new permits are being issued in food, and retail sector in regions with unemployment greater than 6%. This has effectively locked workers already here into those jobs, greatly increasing the chances of exploitation.

Remove LMIA fees: A \$1,000 fee has been placed on Labour Market Impact Assessment (LMIA) applications that employers are downloading to workers. Migrant workers shouldn’t have to pay to work.

Restore Caregivers’ guaranteed right to permanent residence status, reverse November 2014 changes: Now only a small quota of Caregivers can apply for permanent residency, and must meet a very restrictive criterion even after working here for two years.

Restore portable EI benefits: Allow Seasonal Agricultural Workers and other migrant workers access to pensions, parental benefits, EI and supports after injuries even after they leave Canada.

Regulate recruiters: Migrant workers have to pay tens of thousands of dollars to unregulated recruiters to get a job in Canada. To do so, they take on tremendous debt and so they arrive in the country unable to assert their basic rights. The Federal government can encourage provinces to regulate recruiters, and create inter-provincial agreements so that recruiters don’t switch provinces to avoid accountability.