

Alberta Federation of Labour Statement on Moratorium on Food Service Labour Market Opinions

The snap decision by Employment Social Development Canada minister Jason Kenney to put a moratorium on Labour Market Opinions (LMOs) for Temporary Foreign Workers (TFWs) in the food service industry left many Temporary Foreign Workers panicking about their future.

Many are worried they will be forced to return home immediately.

Mr. Kenney's moratorium plunged many vulnerable workers into an even more uncertain situation. He pulled work permits for thousands of people without a plan and without notice.

We are concerned Mr. Kenney has created chaos in the lives of people who are already vulnerable to unscrupulous employers and labour brokers. We are also concerned about the impact this decision will have on underground, undocumented workers and an emerging "grey-market" for labour in Canada.

The Temporary Foreign Worker program should be scrapped in its current form and rebuilt from the bottom up. But this must be done in a way that respects the rights of all workers.

The way forward is to use this current moment of uncertainty to rebuild the Canadian labour market so that it reflects our shared Canadian values. This program morally diminishes us as a country by creating a disenfranchised underclass of guest workers. The TFW program distorts and degrades who we are as Canadians. In the process, it displaces Canadians from jobs and drives down wages for all of us.

The TFW program imports an underclass of workers who are directly tied to their employer. Unlike immigrants, permanent residents, or Canadian citizens, a Temporary Foreign Worker in a fast food outlet, restaurant, retail shop, gas station, hotel, truck stop, or casino can't tell the boss to take a hike if the employer breaks employment standards rules, docks pay for flimsy reasons, or refuses to fix unsafe workplace hazards.

A worker under the TFW program cannot quit if they don't get that raise they were promised, but a Canadian worker can.

Temporary Foreign Workers don't have the same rights as Canadian workers because they are here at the pleasure of their employer. Their right to work here is tied to the employer's Labour Market Opinion and to the work permit that the government issued. Temporary Foreign Workers don't have the basic human right Canadians and permanent residents have – mobility.

And more importantly, the federal government immigration programs do not allow TFWs in the low-skilled (and some of the skilled) jobs to apply for immigration – at all.

Every worker in Canada should have the right to sing that old song: “take this job and shove it.” If they do, only good employers who play by the rules can keep staff and stay in business.

The TFW program means a revolving door for lower-skilled occupations. There is no incentive to raise wages when there is a constant source of new workers willing to take the same wage the employer has paid since 2009. There is no incentive to offer a benefits package to attract or retain Canadians to work in the service industry. And there is no incentive to actually compete for labour by offering training or other extras – which, in a properly functioning market, employers would have to do.

For Temporary Foreign Workers, the labour market is the very opposite of free. TFWs are caught up in a modern form of indentured servitude.

The situation is lose-lose-lose. TFWs are treated as pawns in a game where the rules are set by Canadian big business and their friends in the Prime Minister’s Office. Canadians lose out on jobs and training. And communities lose out on revenues, property taxes, and a whole new generation of immigrants who could use their entry into the Canadian labour market via the service industry or other lower-skilled work to build a new life for themselves and their families.

Where does this leave the TFW Program, and TFWs themselves?

The use of the TFW Program in lower-skilled occupations (food service, hospitality, accommodations, retail, and greenhouse) must be replaced with comprehensive immigration reform. People who are good enough to work here are good enough to stay here.

People working in the food service industry, where there is currently a moratorium on new Labour Market Opinions, should be the first to be offered a path to citizenship.

Given the uncertainty Mr. Kenney has thrown into their lives, it is only right that the Government of Canada offer these workers the choice to stay. Mr. Kenney should do so today.

If employers are treating TFWs well and paying them the going rate, as they claim they are, offering TFWs the choice to stay and continue to contribute to the Canadian economy should not be a problem.

Many employers would welcome such an initiative, as constantly having to update and re-apply for a Labour Market Opinion is time-consuming and inefficient.

The food service industry should be the place we start, but our efforts should not end there.

The entire TFW program, in its current form, must be phased out and replaced with immigration reform, training for Canadians, more apprenticeships positions, and cooperation with the Building Trades unions to build a skilled Canadian workforce, especially in the fast-growing energy-related construction sector.

After all that work is done, there is likely still room for the odd temporary permit. But these permits must be closely monitored and only issued where appropriate.

We do not doubt there are some highly-skilled occupations or professionals that require a temporary visa for short periods of time. Specific types of world-renowned professionals, post-doctoral fellows, actors, or musicians on tour come to mind. These professions and reasons were the entirety of the Temporary Foreign Worker program prior to 2004-05. We must get back to the original intent of this program.

It is time to get back to building our Canada the way our great country was always built – by immigration. Employment Minister Jason Kenney has, perhaps unwittingly, given his government opportunity to do the right thing. Prime Minister Harper should seize the opportunity. It is time to stop Stephen Harper's TFW Program and green light immigration and training for Canadians.

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