

AFL Policy Statement on Temporary Foreign Workers

May 2006

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Alberta unions support newcomers

Alberta unions oppose racism in all of its forms - both overt and structural. We have and will continue to speak out against any attempts to demean, demonize or discriminate against any identifiable group.

Alberta unions also support immigration. We believe immigration is a key to building a strong and diverse society. We advocate for compassionate immigration policies - policies that address both the concerns of immigrants and the needs of the Canadian economy.

In particular, we believe in immigration policies that would allow a broader range of skilled workers into the country. We also believe there is a need for stronger settlement programs for newcomers.

Alberta unions strongly believe that workers of different ethnic backgrounds, nationalities and cultures can work together in solidarity. We will defend new immigrants as we defend ourselves.

Alberta unions and our members welcome newcomers to Canada. In fact, many of our members are new immigrants. We will proudly work alongside any newly arrived worker - and we will fight to ensure that those workers are treated with fairness and enjoy the same wages and working conditions and the same rights as other Canadian workers.

Foreign Temporary Worker Program

The Alberta labour movement's concern does not lie with immigration or individual newcomers to Canada. Instead, we are concerned about the way our federal and provincial governments have designed and how they operate one particular program - the Foreign Temporary Worker program.

We are also concerned by how some employers are using - we would argue misusing - that program.

We believe the Foreign Temporary Worker program is the product of sloppy policy making and the victim of weak rules and even weaker enforcement.

The stated purpose of the program is to provide Canadian employers with access to workers when critical labour shortages can be demonstrated. In addition, the program was originally

intended to provide access to a pool of workers who would supplement, not replace, the existing pool of Canadian workers.

Unfortunately, it has become clear to us that at least some employers are using the program as part of a deliberate effort to drive down wages and working conditions and to bypass unionized Canadian workers.

In a sense, the program is being used as a union busting tool. And, by allowing the program to be used in this way, our provincial and federal governments are allowing themselves to become partners in union busting.

The Alberta Situation

High oil prices and a surge in the construction of oilsands megaprojects have super-charged Alberta's economy. Unemployment is down significantly, and a tight labour market means employers are feeling pressure on wages and working conditions.

Many employers have responded to the tight labour market by taking the logical - and we would argue inevitable and appropriate - steps of adjusting wages and improving working conditions.

Some Alberta employers, however, are looking for other ways to expand their labour supply while keeping wages and working conditions low.

Citing an alleged critical shortage of skilled labour, these employers are hoping to take advantage of the Foreign Temporary Workers program to bring non-Canadian and non-landed workers into Alberta.

One high profile example is Canadian Natural Resources Limited (CNRL), developer of the largest oilsands project in Canada.

CNRL has adopted a two-pronged strategy in its attempt to hold down construction wages.

First, the company has entered into a collective agreement with an employer friendly union (the Christian Labour Association of Canada, or CLAC).

Second, they have contracted out a significant piece of the construction work to a construction firm that intends to staff their project almost entirely with workers brought in under the Foreign Temporary Worker program.

CNRL and union busting

We believe there is insufficient evidence of a labour shortage to justify the use of temporary foreign workers on the CNRL project.

While it may be true that shortages exist in some specific trades at specific times, we know from our own experience that in many construction trades there are still unionized Alberta tradespeople currently available to work.

Even in cases where the labour pool has run drier, Alberta unions have networks across Canada that can be used to recruit workers to Alberta if needed.

Alberta unions have offered to help employers like CNRL meet their labour force needs. However, in many cases, those offers have been rebuffed.

As a result, if companies like CNRL have a problem recruiting workers, it has more to do with their strategy of undercutting wages and benefits than with a real labour shortage. In other words, the problem is not a shortage of workers, but a shortage of workers willing to work for less.

Protecting Temporary Foreign Workers

We believe at least some employers hire temporary foreign workers not because they have been unable to find Canadian workers - but because they are easier to exploit.

Temporary workers have limited rights and protections, and what rights they do hold are difficult to enforce. The continued presence of these workers in Canada is entirely contingent on their employment - so they are at the mercy of the employer who brings them into the country. There is a dangerous power imbalance inherent in this kind of relationship.

We believe workers from other countries should not be used as pawns in employer strategies to avoid unions. Both they and Canadian workers deserve better.

We believe the labour movement has a responsibility to defend these workers. We believe they deserve the same rights as any Canadian worker. In particular, we believe they should have the right to a fair wages and a safe workplace, the right to join a union, and the right to remain in Canada and apply to become citizens - independent of the wishes of the employer that brought them here.

The Foreign Temporary Worker program makes some guarantees in these areas - but without any real mechanisms for investigation and enforcement, those guarantees remain little more than a paper tiger.

As long as employers know they face no real sanctions - either for misrepresenting their real motivation in seeking foreign workers or mistreating those workers when they arrive - then some employers will continue to exploit the system.

The Way Forward

We believe both levels of government should allow employers to use temporary foreign workers only as a last resort, and that, when they are in Canada, these workers should enjoy the same rights as Canadian workers - including the right to join a union and apply for citizenship.

But before offering jobs to temporary foreign workers, we believe our governments and businesses have an obligation to first consider Canada's existing pool of potential workers.

There are literally hundreds of thousands of unemployed and underemployed Canadians who - with the proper training - could fill the jobs that employers need to be filled.

Target groups for training initiatives should include: aboriginal Canadians, newly landed immigrants, women, and young people who, for one reason or another, have not received any post secondary education.

We call on our governments to oppose efforts to undermine unions and union working conditions.

We urge them to instead to turn their attention to the real way forward: education and training.

The solution to our tight labour market is not union-busting. And it is not temporary foreign workers. The real solution is to improve our post-secondary and apprenticeship systems to make sure that Canadians are properly trained for the jobs we will need in the future.