

Backgrounder: Temporary Foreign Workers shortchanged by payroll violations

Temporary Foreign Workers (TFWs) are more likely than Canadians to not receive their full pay from their employer.

Information the Alberta Federation of Labour obtained from the Government of Alberta shows that employers had contravened the Employment Standards Code in 47 per cent of cases in which TFWs had filed a complaint. By comparison, there were violations in only 33 per cent of cases for non-TFW workers.

Payroll Inspection Findings – 2012/2013

Contraventions detected following a complaint: non-TFW worker	33 per cent
Contraventions detected following a complaint: TFW worker	47 per cent

The discovery of these payroll violations was the result of complaints, not targeted inspections.

When the province had proactive inspections of TFW workplaces, the province found problems in more than 50 per cent of the sites they inspected. The figure peaked in January 2010, at 74 per cent of cases. These payroll violations included illegal deductions, denial of overtime rates, and absence of vacation pay.

In 2012, there were 68,319 TFWs present in Alberta.¹

Targeted Inspections Abandoned

The province began “Proactive Targeted Employer Initiatives” in 2009. The regulation stated, “Employers of TFWs are selected for proactive inspections to ensure all employees have been paid in accordance with the Code.”² The goal was 360 inspections – a tiny fraction of Alberta’s workplaces – and included workplaces that employed children.

By 2011, the government dropped the targeted employer provision and returned to a system driven largely by workers’ complaints.³

This information shows the provincial government needs to reinstitute and strengthen inspections of workplaces employing TFWs and other vulnerable workers.

The AFL is opposed to the Temporary Foreign Worker Program and calls for its elimination and replacement with a more inclusive system of permanent residency.

OR/TC:kp*cope458

File: G:\Communications\NEWS\AFL\2013\Backgrounder_Temporary Foreign Workers shortchanged by payroll violations_2013Jul11.doc

¹ Government of Canada – Citizenship and Immigration Canada, “Canada – Temporary foreign workers present on December 1st by province or territory or urban area, 2008-2012,” <http://www.cic.gc.ca/english/resources/statistics/facts2012-preliminary/04.asp>

² Government of Alberta, “Employment Standards Compliance Policy,” 2009, http://www.humanservices.alberta.ca/documents/WRR-ES_compliance_policy.pdf

³ Government of Alberta, “Compliance Policy and Enforcement Procedures,” 2010, <http://humanservices.alberta.ca/documents/ES-Compliance-Policy-Enforcement-Procedures.pdf>