



SENATE
SÉNAT
CANADA

MAY 2024

ACT NOW

Solutions for temporary and migrant labour in Canada

Report of the Standing Senate Committee
on Social Affairs, Science and Technology

The Honourable Ratna Omidvar, Chair
The Honourable Jane Cordy, Deputy Chair

Act Now: Solutions for Temporary and Migrant Labour in Canada



SENATE | SÉNAT
CANADA

For more information please contact us:

by email: SOCI@sen.parl.gc.ca

by mail: The Standing Senate Committee on Social Affairs, Science and Technology
Senate, Ottawa, Ontario, Canada, K1A 0A4

This report can be downloaded at:

<https://sencanada.ca/en/committees/SOCI/Reports/44-1#?filterSession=44-1>

The Senate is on X: @SenateCA

Follow the committee using the hashtag #SOCI.

Ce rapport est également offert en français.

TABLE OF CONTENTS

A NOTE TO THE READER.....	4
THE COMMITTEE MEMBERSHIP	5
ORDER OF REFERENCE	7
PLEASE NOTE.....	8
EXECUTIVE SUMMARY	9
RECOMMENDATIONS.....	13
GLOSSARY OF ACRONYMS	18
INTRODUCTION: CANADA’S IMMIGRATION AND MIGRANT LABOUR SYSTEMS EXPLAINED	19
Temporary Migration and Permanent Immigration to Canada.....	20
CHAPTER 1: INVESTIGATING THE ISSUES THAT INCREASE THE VULNERABILITY OF MIGRANT WORKERS AND IDENTIFYING INNOVATIVE IDEAS	33
The Issue of Employer-Specific Work Permits	34
The Issue of Diffused Responsibility for Enforcement.....	48
The Issue of Ineligibility for Federal Settlement Funding.....	55
The Issue of Barriers to Accessing Health Care.....	61
The Issue of Time-Limited Contracts	64
The Issue of Limited Housing Stock	67
The Issue of Prohibitions on Labour Organization.....	71
Intersectionalities.....	72
A Word on Issues and Innovative Ideas	88
CHAPTER 2: MORE SPECIFIC CONCERNS AND ISSUES BY SECTOR/PROGRAM	89
Primary Agriculture	89
Seafood and Aquaculture	98
Hospitality and Tourism	103
Caregiving.....	106
International Students	110
CHAPTER 3: WHAT’S THE BIGGER PICTURE? IDENTIFYING SYSTEMIC ISSUES AND OBJECTIVES	115
The Role of the Federal Government	115
The Role of Provincial and Territorial Governments	121

Act Now: Solutions for Temporary and Migrant Labour in Canada

The Role of Municipal Governments 122

The Role of Employers 123

The Role of Canadian Workers 130

Innovative Idea: A Tripartite Migrant Work Commission and Commissioner 131

CONCLUSION: MOVING FORWARD 134

 The Role of Migrant Workers..... 134

RECOMMENDATIONS 135

APPENDIX A—WITNESSES..... 139

APPENDIX B—LIST OF BRIEFS..... 144

APPENDIX C—FACT-FINDING MISSION..... 145

A NOTE TO THE READER

As part of this study, the Standing Senate Committee on Social Affairs, Science and Technology (the committee) received testimony and written submissions from migrant workers who have experienced or fear experiencing mistreatment and abuse. The committee wishes to thank these workers for trusting them with these challenging stories.

While not the focus of this report, sensitive topics, including sexual, physical, financial and psychological abuse, and ongoing trauma are discussed throughout this report.

If you are in immediate danger or need urgent medical support, call 911.

If you or someone you know is thinking about suicide, call or text 9-8-8. Trauma-informed, culturally appropriate support is available 24 hours a day, 7 days a week, in English and French, to anyone in Canada.

Additional [information](#) about other mental health supports is available from the Government of Canada.

If you are a migrant worker seeking support:

For victims and survivors of human trafficking, the [Canadian Human Trafficking Hotline](#) offers 24/7 support at 1-833-900-1010, or through an online chat.

For discussing abuse of workers in the Temporary Foreign Worker Program, the Service Canada tip line is available by phone at 1-866-602-9448 or through an [online report](#).

THE COMMITTEE MEMBERSHIP



The Honourable Ratna
Omidvar
Chair



The Honourable Jane
Cordy
Deputy Chair

The Honourable Senators



Wanda Thomas Bernard



Sharon Burey



René Cormier



Donna Dasko



Marilou McPhedran



Marie-Françoise Mégie



Rosemary Moodie



Flordeliz (Gigi) Osler



Chantal Petittlerc



Judith G. Seidman

Ex-officio members of the committee:

The Honourable Senator Marc Gold, P.C., or
The Honourable Senator Patti LaBoucane-Benson
The Honourable Senator Donald Neil Plett, or
The Honourable Senator Yonah Martin

Other Senators who have participated in the study:

The Honourable Senator Stan Kutcher
The Honourable Senator Rebecca Patterson
The Honourable Senator Josée Verner, P.C.
The Honourable Senator Yonah Martin
The Honourable Senator Pat Duncan
The Honourable Senator Margo Greenwood
The Honourable Senator Iris Petten
The Honourable Senator Julie Miville-Dechêne
The Honourable Senator Yvonne Boyer

Parliamentary Information and Research Services, Library of Parliament:

Laura Blackmore, Analyst
Diana Ambrozas, Analyst (since January 2024)
Mayra Perez-Leclerc, Analyst (since January 2024)
Antoine Dedewanou, Analyst (June to December 2023)

Senate Committees Directorate:

Emily Barrette, Procedural Clerk
Natacha Umugwaneza, Administrative Assistant (since September 2023)
Marc-André Lanthier, Administrative Assistant (September 2022 to September 2023)

Senate Communications, Broadcasting and Publications Directorate:

Amely Coulombe, Communications Officer (committees)

ORDER OF REFERENCE

Extract from the *Journals of the Senate* of Thursday, February 10, 2022:

The Honourable Senator Omidvar moved, seconded by the Honourable Senator Dasko:

That the Standing Senate Committee on Social Affairs, Science and Technology, in accordance with rule 12-7(9), be authorized to examine and report on such issues as may arise from time to time relating to social affairs, science and technology generally; and

That the committee submit its final report on this study to the Senate no later than June 12, 2025.

The question being put on the motion, it was adopted.

Gérald Lafrenière

Interim Clerk of the Senate

PLEASE NOTE

On April 17, 2024, after this report was written, the Toronto Star reported that the Government of Canada will be working to overhaul the Temporary Foreign Worker Program in the coming months.¹ According to the article, a plan for reform is likely to be released in late 2024 to early 2025; however, the exact timeline and details remain unconfirmed. The committee hopes that the experiences and solutions shared in this report will help inform this plan and improve the program to the benefit of employers and migrant workers alike.

¹ Nicholas Keung, "[Canada's plan to overhaul its temporary foreign worker program revealed](#)," *Toronto Star*, 17 April 2024.

EXECUTIVE SUMMARY

In 1973, the Temporary Foreign Worker Program was created “as a **last and limited resort** to allow employers to bring foreign workers to Canada on a **temporary** basis to fill jobs for which **qualified Canadians are not available**.”² Fifty years later, the Temporary Foreign Worker Program has become a central component of the labour market in Canada, with sectors including agriculture, seafood processing and caregiving, relying on migrant workers to staff their workforce.

It is clear that the Temporary Foreign Worker Program is neither temporary nor a last and limited resort. The program is not working for migrant workers and could work better for employers.

In November 2022, the Standing Senate Committee on Social Affairs, Science and Technology (the committee) set out to study Canada’s temporary and migrant labour force. The committee has a broad mandate, including social and labour matters, immigration and citizenship, and health and welfare. As such, the committee welcomed these and other perspectives over the course of 14 meetings held in Ottawa, hearing from witnesses representing workers, employers, sector and industry experts and advocates, academics and government officials.

During this study, the Temporary Foreign Worker Program and related concerns were often the focus of witness testimony. However, the complex entanglement of Canada’s immigration and labour systems broadened the study to address more than the one single program. As it continued, members of the committee and witnesses examined the very essence of immigrant labour infrastructure in Canada.

This subject has been extensively reviewed and studied from the perspectives of workers, labour rights advocates, employers, economists and governments. The committee, therefore, sought to avoid duplicating this work. Individual and systemic cases of abuse have been well documented, with a majority of employers and government officials attributing this to a small proportion of bad actors slipping through the cracks. However, they would agree with migrant workers and advocates that the conditions of the Temporary Foreign Worker Program and other high-risk migrant work programs, establish the potential for abuse. Rather than focusing on the abuse that exists, the committee hoped to better understand why it happens and address these issues.

This report responds to the calls to action and recommendations brought to the committee throughout the study by all stakeholders key to this issue. The objective was to identify issues common to migrant workers and employers across sectors and regions, understand their impacts and investigate innovative solutions. Through considering the experiences and needs of both employers and employees, the committee hopes to distill this complex conversation into recommendations for reforms that will better meet the employers’ need to access an available,

² Emphasis by author. Employment and Social Development Canada, [Archived – Overhauling the Temporary Foreign Worker Program](#), 2014.

Act Now: Solutions for Temporary and Migrant Labour in Canada

predictable, skilled workforce, as well as improve migrant workers' living and working conditions and their ability to exercise their rights.

In addition to testimony in Ottawa, members of the committee were fortunate to hear lived experiences from migrant workers, employers, community support organizations and government representatives during a fact-finding mission to New Brunswick and Prince Edward Island (P.E.I.) in September 2023. Throughout the trip, members spoke with migrant workers and employers in sectors including agriculture, seafood processing and food production, caregiving, tourism and hospitality.

The fact-finding mission presented a unique opportunity for members of the committee to get a first-hand glimpse at some of the working and living environments of migrant workers, as well as the role that this population is playing in revitalizing parts of rural Canada. From seafood processing plants and fast-food franchises to farms and orchards, members heard that without migrant workers, these Canadian businesses would no longer be operational. Migrant workers are essential to these industries and local economies.

However, unlike the testimony heard in Ottawa, a majority of conversations in New Brunswick and P.E.I. were often focused around programs other than the Temporary Foreign Worker Program. Many employers are sponsoring migrant workers for permanent residence due to the advantages of increased flexibility around wages, skill level, training and place of work, for both employers and employees.

The first "generation" of migrant workers arrived in larger numbers in many parts of New Brunswick and P.E.I. around fifteen years ago. During the fact-finding mission, members heard and saw how workers who have obtained permanent residence eventually sponsored other relatives and are now part of multi-generational families that have revitalized rural communities, schools, churches and businesses. Acknowledging that this is only a snapshot of some workers' experiences in Canada, migrant work programs play a significant role in permanent immigration, despite being ostensibly limited to a temporary basis.

While the study lasted for over a year and covered diverse regions and industries, some themes echoed throughout:

- The Temporary Foreign Worker Program is not working well for employers or workers. The employer-specific work permit inherently makes migrant workers more vulnerable to abuse at the hands of bad actors as well as imposing structural barriers to accessing rights and protections. For well-intentioned employers, the employer-specific work permit limits their flexibility to move workers where needed, to provide higher-skilled employment and to recognize good work and long service through promotions.
- Over the past fifty years, the intersection of immigration and migrant labour needs has created a confusing web of programs, streams and pathways to temporary and permanent work and residence, each with different eligibility requirements, application processes and employer and employee rights and responsibilities.

Act Now: Solutions for Temporary and Migrant Labour in Canada

- Immigration and migrant labour policy has often been reactive rather than strategic. This is evident in the various temporary exemptions, changes and updates to the Temporary Foreign Worker Program and other programs, as well as in the proliferation of pilot programs and temporary public policies. While pilot programs are integral to policy development, program design should be coordinated across departments and take historic policies into consideration.
- Due to the involvement of multiple federal departments, in addition to various provincial, municipal and community actors, neither workers nor employers know who to turn to for information or support.
- When it comes to enforcement, employers are frustrated by duplicative inspections that are not coordinated between governments or departments. Migrant workers and their advocates have expressed that despite unannounced inspections being authorized as part of program compliance, a majority of inspections are still announced. This provides an opportunity for an unscrupulous employer to manipulate conditions. Workers and employers agreed that the enforcement regime should be strengthened to remove abusive employers and prohibit their future access to workers.
- Labour shortages in various sectors were frequently attributed to work being low-wage, physically demanding and often seasonal, with rural and remote employment further exacerbating the scarcity of Canadian workers.
- Women and gender-diverse migrant workers continue to face unique barriers in this industry. They are particularly vulnerable to instances of sexual and physical violence in the workplace, and often face inadequate access to sexual and reproductive health care. This includes avoiding or hiding pregnancies out of fear of losing their job and facing deportation. A lack of structural protections in the Temporary Foreign Worker Program both dissuades women and gender-diverse persons from reporting these experiences and encourages them to accept mistreatment and exploitation in the workplace.

Between the beginning of this study in 2022 and the drafting of this report in 2024, the Government of Canada made numerous changes to immigration and migrant labour programs. When these changes rendered earlier testimony moot, the report has been updated to reflect the more recent information, whenever possible.

The frequent changes to immigration and migrant labour programs and policies were a constant reminder of both their complex nature and the fast pace of change that can be achieved when deemed necessary. What is clear to all committee members is that change is, indeed, necessary. Canada's migrant labour infrastructure is failing workers and employers alike.

At the end of this study, the Minister of Employment, Social Development and Official Languages charged the committee with providing recommendations on reforms to migrant labour infrastructure in Canada, including with regard to the future of employer-specific work permits.³ The committee resoundingly heard that there are significant disadvantages to closed permits, for

³ SOCI, *Evidence*, 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

Act Now: Solutions for Temporary and Migrant Labour in Canada

workers and employers, and is, therefore, recommending that they be phased out. However, acknowledging that these permits play an important role in balancing the Canadian economy, ensuring compliance and responsibility, and providing a stable workforce, the committee is recommending that the Government of Canada investigate how sector-and/or-region-specific work permits may be implemented.

In considering this and other recommendations, members were reminded of the scope of the committee's mandate and remained focused on bridging the gaps between employers, workers and all other stakeholders. However, the committee acknowledges that this is ongoing work that requires dedicated expertise.

Therefore, the top recommendation is the establishment of a Migrant Work Commission—an arms-length, independent agency of the Government of Canada that would coordinate policy and respond to Canadian employers, Canadian workers, and migrant workers alike. All other recommendations target reforms to the overall system and would be guided by the work done by the Migrant Work Commission.

What is clear to all is that migrant labour infrastructure in Canada, created under the guise of a temporary last resort, is here to stay. Entire sectors are relying on this workforce to maintain their operations and ability to stay in business. It is imperative that the Government of Canada acknowledge the history of the program and its current issues and challenges and implement a plan to improve Canada's migrant labour infrastructure for workers, employers and all Canadians.

RECOMMENDATIONS

Recommendation 1

The Standing Committee on Social Affairs, Science and Technology heard that a forum for communication and leadership related to migrant work policy will better support workers and employers across Canada and, therefore, recommends that the Government of Canada establish an adequately funded tripartite Migrant Work Commission, modelled after the Canada Employment Insurance Commission that would:

- include a Commissioner for Migrant Workers, a Commissioner for Employers and representation from the Government of Canada, through Employment and Social Development Canada and Immigration, Refugees and Citizenship Canada;
- monitor and evaluate migrant work infrastructure, provide reviews and advice on policy related to migrant work programming and services, and deliver annual reports on this work to Parliament;
- engage in annual consultations with relevant provincial, territorial and municipal authorities, as well as sector councils;
- establish a research agenda to collect, analyze and disseminate data about the experiences of migrant workers in Canada and their role in the labour market; and
- empower the Commissioner for Migrant Workers to advocate for the rights of migrant workers in Canada and serve as a single point of contact and response for reports of abuse and mistreatment.

Recommendation 2

The Standing Senate Committee on Social Affairs, Science and Technology recognizes that employer-specific work permits limit employers' flexibility and increase migrant workers' vulnerability to abuse and, therefore, recommends that the Government of Canada:

- establish and implement a plan to phase out employer-specific work permits within three years;
- undertake consultations with provinces and territories, regional sector councils, employers and advocates, as well as other interested parties, to explore the viability of sector-and/or-region-specific work permits; and
- invest in regional sector councils to support their capacity to replace employers as the entity responsible for filing labour market impact assessments, allocating workforce based on need and ensuring migrant workers' rights are respected.

Recommendation 3

The Standing Senate Committee on Social Affairs, Science and Technology recognizes that neither migrant work programs nor workers are truly temporary, and therefore, recommends that the Government of Canada:

- implement the March 2024 commitment to include temporary residents in the annual Immigration Levels Plans;
- provide more transparent pre- and on-arrival information about transitioning from temporary work permits to permanent residence;
- review the language and education eligibility criteria required to apply for permanent residence;
- expand the Provincial Nominee Program to allow more temporary and migrant workers to obtain permanent residence;
- make migrant workers eligible for integration services under the existing Settlement Program and increase funding to support the additional demand, including to community organizations already doing this work;
- develop Settlement Program services specific to temporary residents' needs including targeted language and education resources to support greater integration and reduce barriers to obtaining permanent residence; and
- increase funding to the Migrant Workers Support Program and existing grassroots organizations to support dedicated services across the country to help migrant workers navigate Canadian bureaucracy before, during and after their stay, including accessing health care, social supports like Employment Insurance, and immigration needs.

Recommendation 4

The Standing Senate Committee of Social Affairs, Science and Technology was informed that the existing enforcement and compliance regimes for the Temporary Foreign Worker Program and International Mobility Program are dangerous for workers and frustrating for employers, and therefore, recommends that the Government of Canada:

- conduct unannounced inspections as the standard;
 - implement more rigorous inspections like the social audit model already accepted by many Canadian employers of migrant workers;
 - recognize the barriers that women and gender-diverse migrant workers face in reporting sexual and physical violence in the workplace; and
 - coordinate enforcement and compliance across federal departments and provincial, territorial and municipal counterparts to avoid duplication and ensure information about non-compliance is shared among all relevant parties.
-

Recommendation 5

The Standing Senate Committee on Social Affairs, Science and Technology acknowledges that access to health care for migrant workers is the shared responsibility of the province or territory and the employer, however, stresses the importance of ensuring that all migrant workers have barrier-free access to health care. The committee, therefore, urges the Government of Canada to collaborate with provincial and territorial counterparts on this issue and to:

- provide more pre- and on-arrival information about migrant workers' rights to access health care, including what the employer is required to provide, how to access interim private health insurance, if required, and how to apply for provincial or territorial coverage;
- enforce compliance with the September 2022 program changes to the Temporary Foreign Worker Program and International Mobility Program that require employers to make a reasonable effort to provide access to health care services;
- recognize the additional structural barriers that women and gender-diverse migrant workers face in accessing adequate sexual and reproductive health care; and
- consider expanding eligibility of the Interim Federal Health Program to migrant workers who are caught in administrative gaps, or otherwise unable to access health care services (with an opportunity to follow up with the entity responsible for providing said health care).

Recommendation 6

The Standing Senate Committee on Social Affairs, Science and Technology was informed about ongoing deficits in data collection and the need to improve the quality and availability of disaggregated data relating to migrant workers in Canada and, therefore, recommends that the Government of Canada:

- coordinate a data strategy across federal departments and with provinces and territories to promote more information sharing and best practices;
- support the work being done by community and settlement organizations to obtain local, qualitative data through financial and organizational means; and
- augment the collection and sharing across departments of identity-related data with factors including race, languages spoken and educational experience, to facilitate the use and comparison of disaggregated data while respecting federal privacy legislation.

GLOSSARY OF ACRONYMS

CBSA	Canada Border Services Agency
EI	Employment Insurance
ESDC	Employment and Social Development Canada
IFHP	Interim Federal Health Program
ILO	International Labour Organization
IMP	International Mobility Program
IRCC	Immigration, Refugees and Citizenship Canada
LMIA	Labour Market Impact Assessment
NOC	National Occupational Classification
OLMC	official language minority community
PNP	Provincial Nominee Program
PR	permanent residence/permanent resident
REP	Recognized Employer Pilot
SAWP	Seasonal Agricultural Worker Program
TEER	Training, Education, Experience and Responsibilities category
TFW	temporary foreign worker
TFWP	Temporary Foreign Worker Program
UN	United Nations

INTRODUCTION: CANADA'S IMMIGRATION AND MIGRANT LABOUR SYSTEMS EXPLAINED

Over the course of the study, it became increasingly obvious that the scope of “Canada’s Temporary and Migrant Labour Force” is nebulous and means different things to different people.

The objective of the Standing Senate Committee on Social Affairs, Science and Technology (the committee) was to better understand the role that vulnerable migrant workers are playing in Canada’s labour economy; however, it was impossible to begin to unravel that thread without first having a basic understanding of Canada’s immigration and labour infrastructure.

Words matter. Throughout this study, the committee was reminded of the importance of using accurate language and terminology, especially when trying to keep track of all the different programs and categories of workers. For clarity and simplicity, some key terms have been standardized in the report.

Key Terms

International student: any foreign-born person coming to study, work and/or stay in Canada through the International Student Program

Migrant worker: any foreign-born person coming to work in Canada without permanent residence or Canadian citizenship

Temporary and migrant worker: any foreign-born person coming to work in Canada without permanent residence or Canadian citizenship, with specific emphasis on the time-limited nature of their work permit

Temporary Foreign Worker (TFW): a migrant worker that is working in Canada through the Temporary Foreign Worker Program (TFWP)

Seasonal Agricultural Worker: a migrant worker participating in the Seasonal Agricultural Worker Program (SAWP) under the TFWP

Permanent resident: a foreign-born national who has obtained permanent residence (PR) status in Canada, granting access to a majority of rights and responsibilities of Canadian citizens, with the exception of suffrage and political participation

Undocumented worker: a migrant worker who does not have valid documentation or a work permit allowing them to legally work in Canada

Out-of-status worker: a specific segment of undocumented workers who did have valid permits but no longer do, for a host of reasons

Act Now: Solutions for Temporary and Migrant Labour in Canada

At various points during this study, witnesses expressed discomfort around the labels “temporary” and “migrant,” noting that neither the program itself, nor the majority of its participants, are temporary. During the fact-finding mission, one employer told members of the committee that he does not use the expression, “temporary foreign workers”; they are simply employees of the company, like any other.⁴

Temporary Migration and Permanent Immigration to Canada

Canadian immigration policy is legislated by the *Immigration and Refugee Protection Act*, which establishes immigration objectives, including supporting “the development of a strong and prosperous Canadian economy,” facilitating temporary access for visitors, students and temporary workers and promoting international justice and security “by fostering respect for human rights,” among other things.⁵

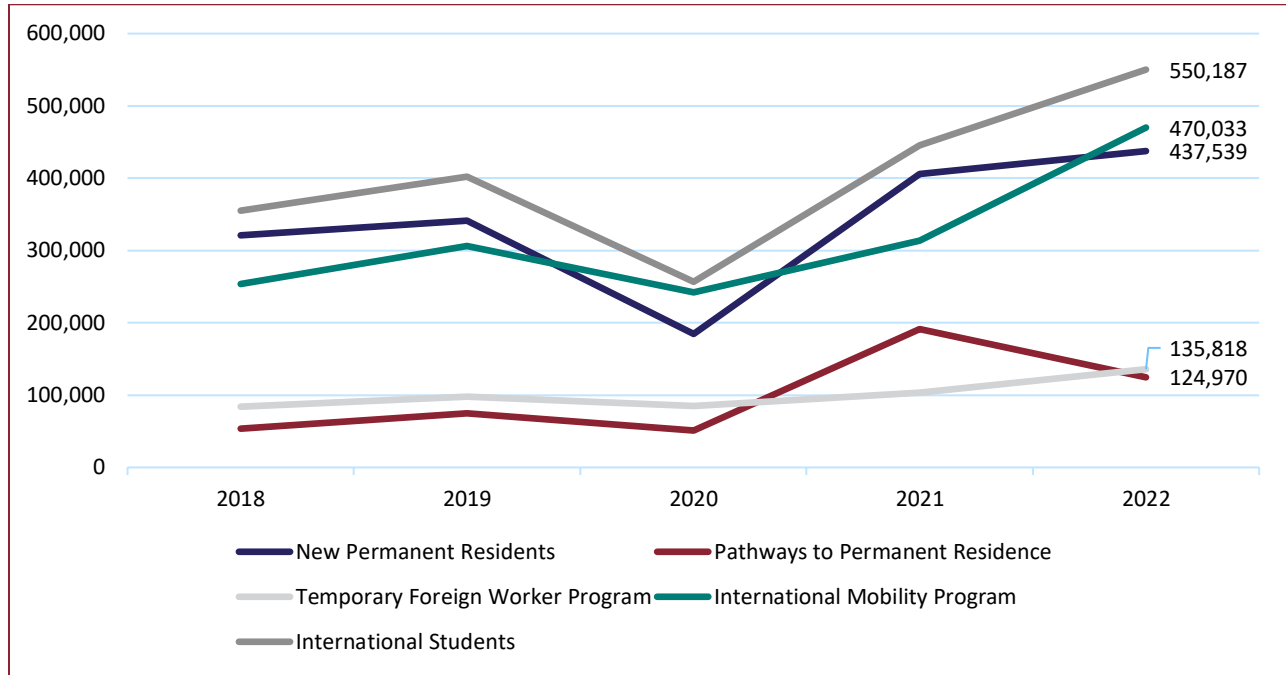
In 2022, a record-breaking 1.5 million foreign-born nationals came to work, study or live in Canada (or reapplied to continue doing so). While this population can be broadly categorized based on various conditions of work and residence, the reality is that there are myriad programs and policies. As Figure 1 depicts, this record making year was the latest in a long-term trend of increasing populations of immigrants and migrants, interrupted only in 2020 during the early phase of the COVID-19 pandemic.

⁴ Seafood Processing Employer, Prince Edward Island, Testimony heard during the committee’s fact-finding mission to New Brunswick and Prince Edward Island (Testimony heard during the committee’s fact-finding mission).

⁵ [Immigration and Refugee Protection Act](#), S.C. 2001, c. 27, s. 3.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Figure 1: Annual Immigration and Migration Statistics (2018–2022)⁶



The trend of record growth continued in 2023. Data released in December 2023 reports that the total population growth over just the first nine months of the year (+1,030,378 people) exceeded the total growth for any other full-year period since Confederation, including 2022.⁷ Over the third quarter alone, the population grew by 430,635 people (including 107,972 immigrants and 312,758 non-permanent residents).⁸ This represents the largest net quarterly increase since the Government of Canada started collecting this data in 1971, with the growth “mostly due to an increase in the number of work and study permit holders.”⁹

Migrants and immigrants to Canada represent a diversity of nationalities. Figure 2 depicts the ten countries representing the highest populations of persons obtaining permanent residence in 2023.

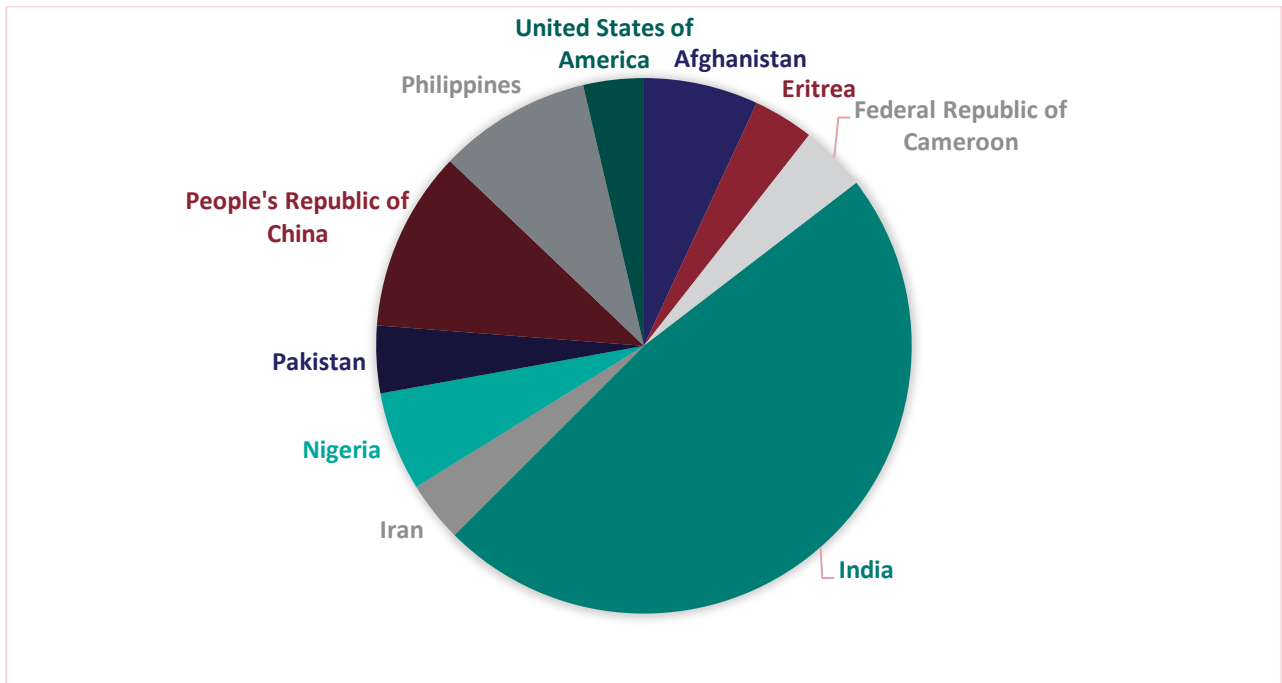
⁶ Figure prepared by the Library of Parliament with information from Immigration, Refugees and Citizenship Canada (IRCC), [2023 Annual Report to Parliament on Immigration](#), 1 November 2023; IRCC, [2022 Annual Report to Parliament on Immigration](#); IRCC, [2021 Annual Report to Parliament on Immigration](#); IRCC, [2020 Annual Report to Parliament on Immigration](#); and IRCC, [2019 Annual Report to Parliament on Immigration](#).

⁷ Statistics Canada, “[Canada's population estimates, third quarter 2023](#),” *The Daily*, 19 December 2023.

⁸ Ibid.

⁹ Ibid.

Figure 2: Permanent Residence by Citizenship—Top Ten Countries in 2023¹⁰



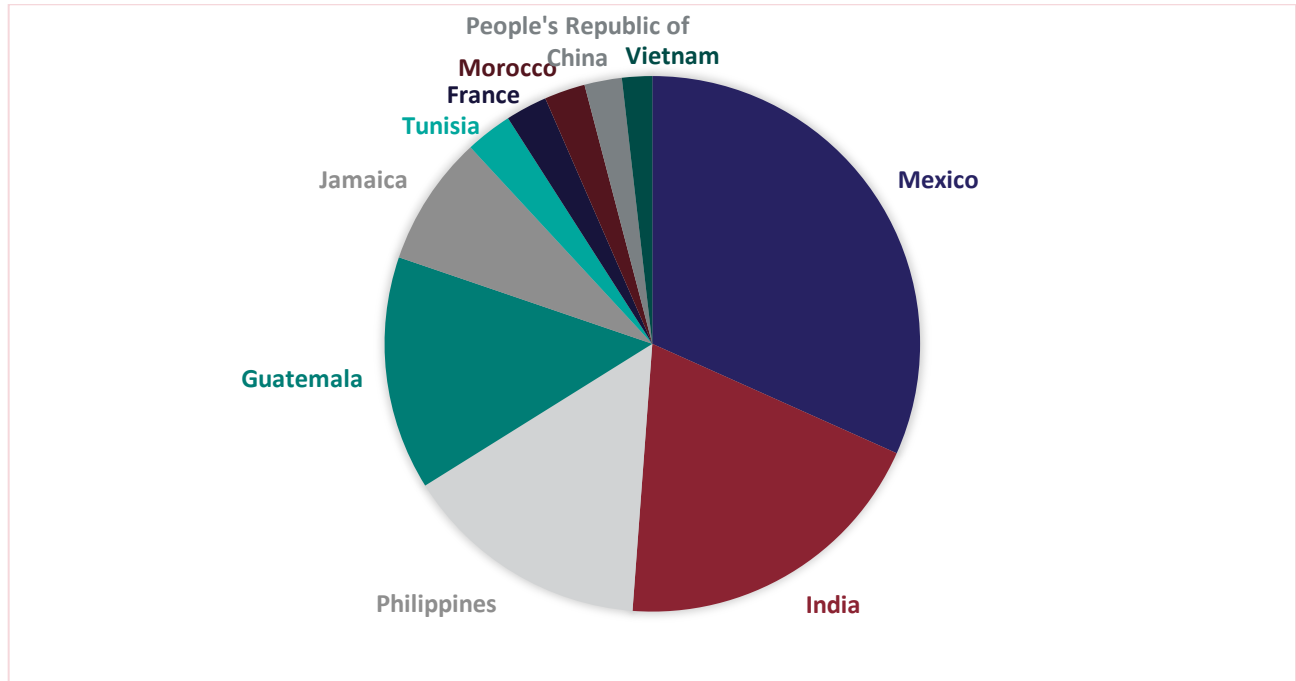
The top three countries alone (India, the People’s Republic of China and the Philippines) represented nearly half (42%) of all new permanent residents in 2023.¹¹ When compared with the top ten source countries for temporary foreign workers, there is some overlap in the countries represented, as seen in Figure 3.

¹⁰ Figure prepared by the Library of Parliament with information from Government of Canada, “[Permanent Residents – Monthly IRCC Updates - Canada – Permanent Residents by Country of Citizenship](#),” Open Government, Database, accessed 5 April 2024.

Please note that this chart depicts the proportional representation of the top ten source countries for permanent residents, not the total population. The top ten source countries accounted for 61.8% of all permanent residents in 2023.

¹¹ Ibid.

Figure 3: Top Ten Source Countries for Temporary Foreign Workers in 2023¹²



Here, the proportional representation among the top source countries is even higher. Mexico alone accounted for one quarter (25.0%) of TFWs in 2023 and the top five countries (Mexico, India, the Philippines, Guatemala and Jamaica) represented almost three quarters (69.5%) of all TFWs.¹³

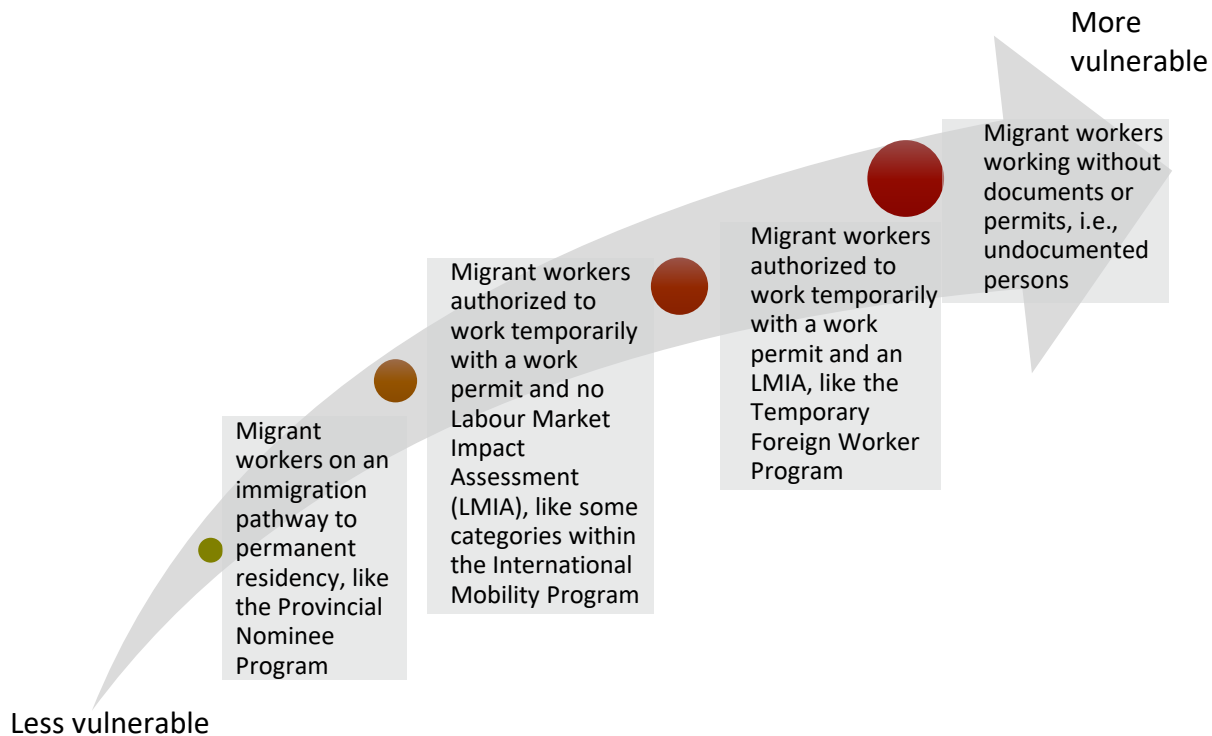
While TFWs do account for a significant proportion of migrant workers in Canada, in order to meet various immigration and labour needs over time, four categories of migrant workers have developed that experience different degrees of vulnerability to labour and human rights abuses. Figure 4 depicts these groups, from less to more vulnerable.

¹² Figure prepared by the Library of Parliament with information from Government of Canada, "[Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates - Canada – Temporary Foreign Worker Program Work Permit Holders by Country of Citizenship and Year in which Permit\(s\) became effective,](#)" Open Government, Database, accessed 5 April 2024.

Please note that this chart depicts the proportional representation of the top ten source countries for temporary foreign workers, not the total population. The top ten source countries accounted for 78.9% of all TFWs in 2023.

¹³ Ibid.

Figure 4: Categories of Migrant Workers in Canada, from Less Vulnerable to More Vulnerable¹⁴



Immigration Programs and Pathways to Permanent Residence

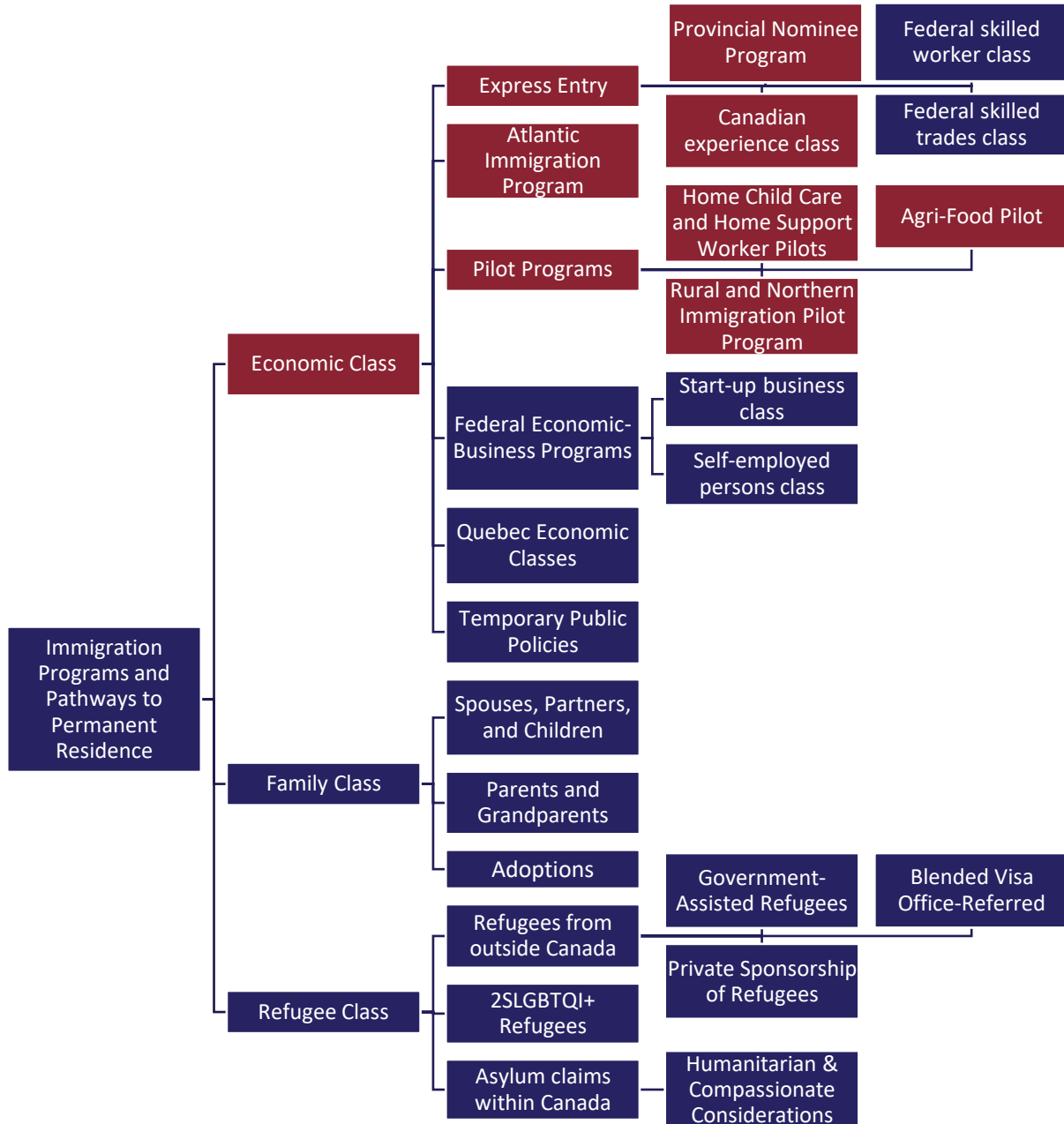
The first category of migrant workers, who are on an immigration pathway to permanent residence represent a limited population of immigrant workers straddling the risks borne by migrant workers and the protections afforded to permanent residents.

Figure 5 presents a broad overview of the immigration umbrella. Programs relevant to this study, and therefore, to workers in occupations classified as less highly skilled or lower-wage are highlighted in red. Opportunities to transition to permanent residence available to these migrant workers, like TFWs, are limited. People identifying with marginalized groups including women, gender-diverse persons, the 2SLGBTQI+ community, racialized persons and non-English or French speakers may find their options even further limited.

¹⁴ Figure prepared by the Library of Parliament with information from IRCC; Employment and Social Development Canada (ESDC); and testimony heard during the committee's study on Canada's Temporary and Migrant Labour Force.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Figure 5: An Overview of Canada’s Immigration Programs and Pathways to Permanent Residence¹⁵



There are numerous programs and policies under which foreign nationals can work in Canada while on their way to permanent residence. During its study, the committee met with some former

¹⁵ Figure prepared by the Library of Parliament with information from IRCC. Please note that the categories under the refugee class are not necessarily mutually exclusive and there is some overlap between different ways of obtaining permanent residence as a refugee. In March 2024, the Minister of Immigration, Refugees and Citizenship announced that two new pilot programs will be launched in fall 2024: the Rural Community Immigration Pilot and the Francophone Community Immigration Pilot. As these new pilots open, the Rural and Northern Immigration Pilot will become a permanent program. IRCC, [Canada announces new immigration pilots to support rural and Francophone minority communities, will create a permanent program](#), News release, 6 March 2024.

Act Now: Solutions for Temporary and Migrant Labour in Canada

temporary migrant workers who had obtained permanent residence (PR) status for themselves and their families through Family class sponsorship, Express Entry (largely the Canadian experience class and the Provincial Nominee Program), the Atlantic Immigration Program, and various (ongoing and defunct) pilots. These are elaborated in further detail in Table 1.

Table 1: Select Pathways from Temporary to Permanent Residence¹⁶

Program	Language Requirements	Education Requirements	Work Requirements	2024 Targets/Caps
Canadian experience class ¹⁷	Yes	No	1 year (1,560 hours) of TEER ¹⁸ 0–3 skilled work experience in Canada in the past 3 years	See notes
Provincial Nominee Program (PNP) ¹⁹	Sometimes	Sometimes	Sometimes	110,000
Atlantic Immigration Program ²⁰	Yes	Yes	1,560 hours of TEER 0–4 work experience over the past the 5 years	6,500
Home Child Care Provider and Home Support Worker Pilots ²¹	Yes	Yes	See notes	Both pilots have annual caps of 2,750
Agri-Food Pilot ²²	Yes	At minimum, secondary education	1,560 hours of non-seasonal, full-time work in an eligible occupation over the past 3 years	2,750

¹⁶ Table prepared by the Library of Parliament with information from IRCC.

The total target for all economic pilots (e.g., the Home Child Care and Home Support Worker pilots, the Agri-Food Pilot, the Rural and Northern Immigration Pilot) for 2024 is 10,875.

¹⁷ The entire Express Entry target, which the Canadian Experience Class falls under, has a target of 110,770 immigrants for 2024, including other federal high-skilled workers.

¹⁸ The Government of Canada uses the National Occupational Classification (NOC) system to identify and categorize occupations based on the training, education, experience and responsibilities (TEER) required. A majority of immigration requirements are now based on the broader TEER categories rather than the more specific NOC levels. There are five TEER categories, ranging from management occupations at TEER 0, to jobs requiring a university degree at TEER 1, jobs requiring a college diploma and supervisory or advanced apprenticeship experience at TEER 2, jobs requiring a college diploma and less training at TEER 3, jobs that require a secondary school diploma and minimal training at TEER 4, and jobs that require little formal education or training at TEER 5. For more information, please see IRCC, [Find your National Occupation Classification \(NOC\)](#), last modified 23 August 2023.

¹⁹ Language, education and work requirements vary by province if the candidate is not part of another Express Entry process. Applicants must be nominated by the province or territory in question. Nunavut and Quebec do not have PNPs.

²⁰ Language and education requirements vary depending on the skill level of the occupation, with the minimum requirement for TEER 0–4 jobs being a secondary school diploma and additional credential assessments needed if studies were done outside of Canada. Certain exceptions to the work requirements apply to select international graduates. Applicants who are not already living or working in Canada must also demonstrate proof of adequate settlement funds.

²¹ A Canadian 1-year post-secondary educational credential or the foreign equivalent is required, with studies outside of Canada requiring an educational credential assessment. Applicants with fewer than 12 months of relevant work experience in Canada can only apply to the Gaining Experience category, while applicants who have worked full-time in caregiving in Canada for at least 12 of the last 36 months can apply to the Direct to Permanence category. The pilots were launched in 2019 and will expire in June 2024.

²² Studies outside of Canada require an educational credential assessment. The work requirements include a full-time, non-seasonal job offer in meat product manufacturing, greenhouse, nursery, and floriculture production, and animal production, excluding aquaculture. Work experience must have been gained under the TFWP. Applicants who are not already living or working in Canada

Act Now: Solutions for Temporary and Migrant Labour in Canada

Program	Language Requirements	Education Requirements	Work Requirements	2024 Targets/Caps
Rural and Northern Immigration Pilot Program ²³	Yes	At minimum, secondary education.	1,560 hours of work experience in the past 3 years	2,750

As Table 1 demonstrates, each of these pathways to permanent residence has its own subcategories, requirements and complexities. While the other immigration pathways illustrated in Figure 5 do influence the landscape of migrant labour in Canada, they are largely responding to different immigration goals like family reunification and refugee sponsorship.

Many of the pathways to permanent residence available to lower-wage migrant workers are or were pilot projects. Under the *Immigration and Refugee Protection Act*, the Minister of Immigration, Refugees and Citizenship may issue Ministerial Instructions to establish a limited group of permanent residents under the economic class.²⁴ These pilot programs are restricted to no more than 2,750 applications processed annually and may be operational for up to five years.²⁵

The intent of these pilot programs is to “test innovative approaches and/or address specific economic needs and/or Government priorities.”²⁶ From the launch of the first pilot program in April 2013 to November 2021, Immigration, Refugees and Citizenship Canada (IRCC) reported a total of 11 pilot programs established through Ministerial Instructions, including:

- the Start-Up Visa Program (made permanent);²⁷
- the Caregiver Program (replaced by the Home Support Worker Pilot and Home Child Care Provider Pilot);²⁸
- the Immigrant Investor Venture Capital Class (expired in 2020);²⁹
- the Atlantic Immigration Pilot Pilot (now permanent as the Atlantic Immigration Program);³⁰

must also demonstrate proof of adequate settlement funds. In May 2023, the pilot was extended until May 2025 and applicants are now able to choose between meeting either the job offer or the education requirement. Some caps related to occupation type were also removed.

²³ TEER 0–3 jobs require higher language and education levels. Studies outside of Canada require an educational credential assessment. Applicable work experience may have additional requirements based on the intended occupation. Some international students are also exempt from work requirements. While the cap for the whole program is 2,750, this is split between the 11 participating communities in northern Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. Applicants who are not already living or working in Canada must also demonstrate proof of adequate settlement funds. In March 2024, the community nomination period was extended until July 2024 and the application period until August 2024.

²⁴ *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 14.1(1).

²⁵ *Ibid.*, s. 14.1(2) and 14.1(9).

²⁶ IRCC, Internal Audit & Accountability Branch, *Internal Audit of Immigration Pilot Programs*, 29 March 2022.

²⁷ IRCC, *Ministerial Instructions 7 (MI7): Start-Up Visa Program*; and IRCC, *Start-up Visa Program*.

²⁸ IRCC, Ministerial Instructions 14 (MI 14): *Caregiver Program*; and IRCC, *Ministerial Instructions 32 (MI32) and 63 (MI63): Caregiver Program*.

²⁹ IRCC, *Ministerial Instructions 16 (MI16): Immigrant Investor Venture Capital Class*.

³⁰ IRCC, *Ministerial Instructions 23 (MI23): Atlantic Immigration Pilot*; and IRCC, *Atlantic Immigration Program*.

Act Now: Solutions for Temporary and Migrant Labour in Canada

- the Rural and Northern Immigration Pilot (to be reportedly made permanent in 2024–2025);³¹ and
- the Agri-Food Pilot (extended to May 2025).³²

In addition to the pilots established under the economic class through Ministerial Instructions, there are also pilots available in some provinces under their respective PNPs. For example, the New Brunswick Critical Worker Pilot is a five-year pilot that allows select employers in high demand sectors like manufacturing and seafood processing to recruit prospective applicants based on need.³³

Pilot programs clearly play an important role in evaluating whether a permanent residence pathway is viable and reasonable. However, witnesses also shared that they impose certain limitations too. One academic noted that “the pilot programs have created new barriers, most notably by introducing quotas,”³⁴ while an immigration lawyer said that “even the best of immigration lawyers [...] is starting to get really confused as to which programs apply.”³⁵

Temporary Migration Programs and Policies

Part of the difficulty around discussing temporary foreign worker programs in Canada is the complexity of these programs. There has been a shift from migration for permanent settlement and family reunification to temporary labour migration programs, especially since the introduction of the low-skilled “pilot,” which was subsequently renamed the low-wage temporary foreign workers program.

Judy Fudge, Professor of Labour Studies, McMaster University³⁶

Migrant workers limited to living and working in Canada temporarily are more vulnerable to a spectrum of abuse and are at greater risk for poor health and welfare outcomes than permanent residents or Canadian citizens. This is not due to any one factor inherent to migrant workers as a whole, but rather to the impact of different issues, explored in greater detail in chapters 1 and 2.

The first federal temporary migrant work program began as a response to labour shortages on Ontario farms in the 1960s. In 1966, the Commonwealth Caribbean Seasonal Agricultural Worker

³¹ IRCC, [Ministerial Instructions 33 \(MI33\): Rural and Northern Immigration Pilot](#); and IRCC, [Canada announces new immigration pilots to support rural and Francophone minority communities, will create a permanent program](#), News release, 6 March 2024.

³² IRCC, [Ministerial Instructions 35 \(MI35\): Agri-Food Pilot](#).

³³ Government of New Brunswick, [New Brunswick Critical Worker Pilot](#).

³⁴ SOCI, [Evidence](#), 15 February 2023 (Geraldine Pratt, Canada Research Chair in Care Economies and Global Labour and Professor, Department of Geography, University of British Columbia, as an individual).

³⁵ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

³⁶ Judy Fudge, [Canada’s Temporary and Migrant Labour Force, November 17, 2022](#), Brief submitted to the Standing Senate Committee on Social Affairs, Science and Technology (SOCI), 17 November 2022.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Program was created, initially as a bilateral agreement between Jamaica and Canada. In 1973, the Temporary Foreign Worker Program was launched with a key objective of providing Canadian employers with access to temporary foreign labour “when qualified Canadians or permanent residents are not available.”³⁷ It initially launched with a “high-skilled” stream, followed in 2002 by the addition of a “low-skilled” stream.³⁸ However, in 2014, the absence of strict caps and limitations led Employment and Social Development Canada (ESDC) to conclude that “reforms are needed to end the growing practice of employers building their business model on access to the TFWP.”³⁹

One of these 2014 reforms was the establishment of the Labour Market Impact Assessment (LMIA), which requires employers to demonstrate efforts to advertise for and hire domestic labour. Employers must receive a positive LMIA before being permitted access to TFWs.

The other major reform at that time was the creation of the International Mobility Program (IMP), with an objective of advancing Canada’s “broad economic and cultural national interests” and creating a program for temporary labour that does not require employers to demonstrate a dearth of domestic labour through the LMIA process.⁴⁰ The TFWP remains under the shared jurisdiction of ESDC and IRCC, with the former responsible for labour-related issues (e.g., LMIA, the enforcement and compliance regime, etc.), and the latter responsible for all immigration matters. The IMP falls entirely under IRCC’s jurisdiction.

Reforms to the TFWP have continued since 2014. Today, the program is comprised of three streams. The formerly used language of “high skills” and “low skills” has been replaced with “high- and low-wage” streams, with the wage offered by the employer (when compared to the provincial/territorial median) determining what stream to apply under, “each with their own requirements.”⁴¹ While the high- and low-wage streams provide guidance on rights and responsibilities, many of the specific programs that have developed under the TFWP do not fit neatly into them. For example, both the caregiver positions and primary agriculture stream allow the employer to choose between a low-wage or high-wage application, based on the prevailing wages for the occupation in need. In fact, employers interested in advertising for jobs in primary agriculture may do so through the SAWP, the agricultural stream, or the high- and low-wage streams, depending on the occupation and country of origin of the migrant worker.

Figure 6 presents an overview of temporary visiting, residence and work opportunities in Canada, with work options and limitations noted.

³⁷ ESDC, [Evaluation of the Temporary Foreign Worker Program](#), June 2021.

³⁸ Ibid.

³⁹ ESDC, [Archived – Overhauling the Temporary Foreign Worker Program](#), 2014.

⁴⁰ Ibid.

⁴¹ ESDC, [Hire a temporary foreign worker in a high-wage or low-wage position](#).

Act Now: Solutions for Temporary and Migrant Labour in Canada

Figure 6: Temporary Migration Programs and Permits⁴²

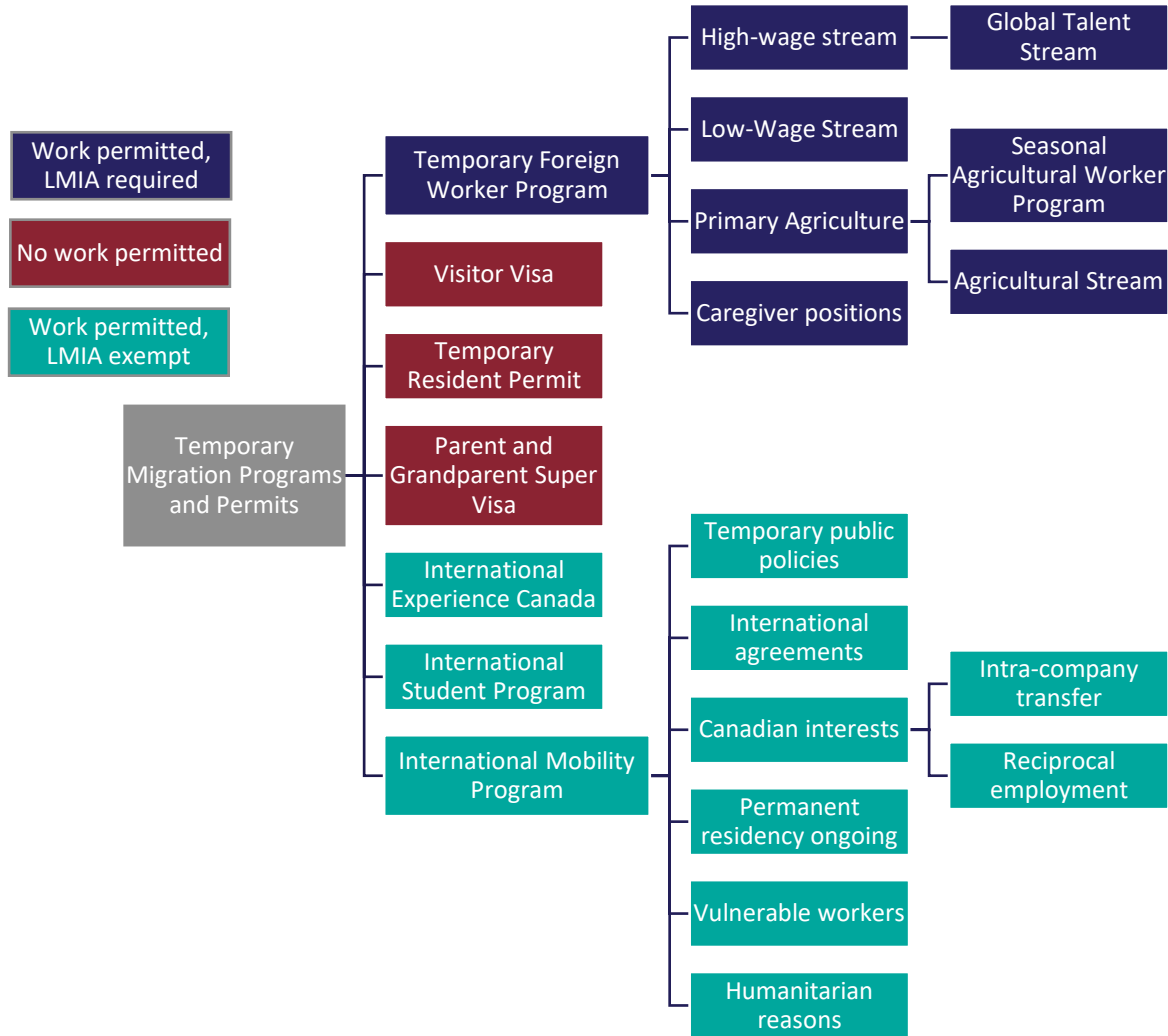


Table 2 provides more information about the requirements and limitations of select streams under the TFWP. Some standard requirements apply: the employer must demonstrate (through the LMIA) that Canadian workers are not available,⁴³ wages offered to TFWs must be equal to those offered to Canadian workers⁴⁴ and the employer is responsible for facilitating and providing access to health care, including health insurance, with costs not recoverable from the workers.

⁴² Figure prepared by the Library of Parliament with information from IRCC and ESDC. Please note that while the majority of visitors are not permitted to work while staying in Canada, a temporary public policy implemented during the COVID-19 pandemic (and since extended to February 28, 2025) allows foreign nationals visiting Canada to apply for and receive a work permit without leaving the country.

⁴³ As of 1 May 2024, this will include attempting to recruit asylum seekers with valid work permits before applying for an LMIA. ESDC, [Government of Canada to adjust temporary measures under the Temporary Foreign Worker Program Workforce Solutions Road Map](#), News release, 21 March 2024.

⁴⁴ As of January 1, 2024, all new LMIA applications require employers to update the wages of TFWs to “reflect changes to the prevailing wage” at the beginning, during and end of their period of employment using Job Bank information and as of May 1, 2024, the validity of new LMIAs will be decreased from 12 to 6 months (not the eligibility or duration, but how long the LMIA can be used

Act Now: Solutions for Temporary and Migrant Labour in Canada

Table 2: Select Temporary Foreign Worker Program Streams⁴⁵

Program/Stream	Eligibility and Workforce Limitations	LMIA and Wage Requirements	Housing, Transportation and Health Insurance Requirements
High-wage stream ⁴⁶	N/A	\$1,000 processing fee/LMIA application Employment duration and LMIA eligibility ≤ 3 years Wages > provincial or territorial median	See notes
Low-wage stream ⁴⁷	Each work location has a 20% cap on low-wage TFWs, with some exceptions	\$1,000 processing fee/LMIA application Employment duration/LMIA eligibility ≤ 2 years Wages < provincial or territorial median	Free transportation to and from the country of origin Access to adequate, suitable and affordable housing
Seasonal Agricultural Worker Program ⁴⁸	Workers from one of 12 countries with bilateral agreements for on-farm primary agriculture work Contracts of 6 weeks to 8 months, between January 1 to December 15, annually	The LMIA is fee-exempt	Arranging transportation to and from the country of origin Free transportation to and from housing and work sites Free adequate, suitable and affordable housing

to employ someone).

ESDC, [Government of Canada to adjust temporary measures under the Temporary Foreign Worker Program Workforce Solutions Road Map](#), News release, 21 March 2024.

⁴⁵ Table prepared by the Library of Parliament with information from IRCC and ESDC.

⁴⁶ The employer cannot recover LMIA fees from workers. Some families or individuals seeking home support or child care work are exempt from the LMIA processing fee. In some provinces and territories, the employer is responsible for paying for private health insurance for emergency medical care when the TFWP is not covered by public health insurance.

⁴⁷ Measures introduced over the COVID-19 pandemic allowed some employers hiring in “in-demand” sectors (construction, health care, various kinds of manufacturing, accommodation and food services) to hire up to 30% of their workforce through the TFWP low-wage stream. For construction and health care employers, these measures will remain in place until August 2024, but in March 2024, it was announced that the other sectors would once again have a 20% cap as of May 1, 2024. There are a number of exemptions to the low-wage cap, including for positions in primary agriculture, caregiving in health care institutions, and seasonal work. While transportation costs may not be recovered by the employer, they can charge the worker for housing if it is considered affordable.

⁴⁸ The 12 countries covered by the SAWP are Mexico, and the Caribbean countries of Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago. The limited commodity list specifies: apiary products, fruits, vegetables, mushrooms, flowers, nursery-grown trees, pedigreed canola seed, seed corn, grains, oil seeds, maple syrup, sod, tobacco, bovine, dairy, duck, horse, mink, poultry, sheep, and swine. Employers must be able to offer at least 240 hours of work per 6-week period. Except in British Columbia, some transportation costs to and from the country of origin can be recovered from the worker. Unlike in most other TFWP streams, employers can transfer workers, provided they have the worker’s consent, prior approval from their respective foreign representative in Canada and from ESDC. Informal transfers or sharing are not permitted.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Program/Stream	Eligibility and Workforce Limitations	LMIA and Wage Requirements	Housing, Transportation and Health Insurance Requirements
Agricultural stream ⁴⁹	On-farm primary agriculture work	The LMIA is fee-exempt	Free transportation to and from the country of origin Free transportation to and from housing and work sites Access to adequate, suitable and affordable housing

In addition to meeting all of these requirements, most foreign-born nationals require a work permit to legally work in Canada.⁵⁰ There are two main types of work permits. Open work permits (as implied) allow migrant workers to work for almost any employer in Canada.⁵¹ Employer-specific work permits are limited to a single employer at a single work site. These permits are also known as tied or closed work permits. All work permits issued under the TFWP require proof of a positive LMIA and are employer-specific. Work permits issued under some other programs, like the IMP, do not require the LMIA but do require proof of a job offer or employment contract and some may still require employer-specific work permits. There are also programs, like International Experience Canada, which are open, with no required employer, job offer, or LMIA.

With a basic foundation in the most relevant immigration and migration programs to vulnerable migrant workers, Chapter 1 will move away from the specificities of each program to focus instead on the issues that make these workers more vulnerable, as well as venturing into possible solutions.

⁴⁹ The list of commodities eligible for the agricultural stream is the same as for the SAWP. Costs for all transportation (at beginning and end of contract, and for daily work) may not be recovered from the worker. If access to housing is provided by the employer as landlord, they may not deduct more than \$30/week for non-specialized workers, or no more than 30% of a specialized worker's gross monthly earnings for rent.

⁵⁰ IRCC, [Work permit: About the process](#).

⁵¹ Exceptions include [employers who have failed to comply with the conditions](#).

CHAPTER 1: INVESTIGATING THE ISSUES THAT INCREASE THE VULNERABILITY OF MIGRANT WORKERS AND IDENTIFYING INNOVATIVE IDEAS

We have to remember that human beings are at stake — not inputs in labour — human beings who are part of our communities who are being routinely abused by employers and who live in a state of perpetual insecurity and long-term separation from their families. These are our neighbours, our friends and the people who help our economy function.

Fay Faraday, Assistant Professor of Law, York University⁵²

Migrant workers are far from being a homogeneous group, and their diversity of experiences reflects this. Rather than any one program or policy being single-handedly responsible for all abuses experienced by workers, there are many issues within the complex web of programs that can increase a worker’s vulnerability to abuse and mistreatment. While some of these issues may also be experienced by Canadian workers (especially those dealing with intersectional identity factors), others are strictly limited to migrant workers.

In response to long-term concerns about the abuse of migrant workers, the federal government has implemented various interim measures, policy changes and programs. However, the committee heard that “these efforts systematically fail” and “Band-Aid solutions cannot mitigate the state-increased risk of rights violations” inherent to this labour system and that “Righting this wrong cannot be achieved by tinkering at the edges of the problem.”⁵³

Vulnerability and abuse are not inherent to these workers or their jobs; rather, they are actively created and perpetuated by policies, programs and regulations.

Legal Assistance of Windsor; FCJ Refugee Centre; and the Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto⁵⁴

The majority of issues discussed are most relevant to workers in the TFWP, and this focus is reflected in the evidence the committee heard and received. However, the TFWP is merely a name for a set of various conditions that augment migrant workers’ vulnerability. Where possible, the

⁵² SOCI, [Evidence](#), 16 February 2023 (Fay Faraday, Assistant Professor, Osgoode Hall Law School, York University, as an individual).

⁵³ Ibid.

⁵⁴ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023.

focus of this report is on the series of issues that make the TFWP what it is, rather than the program itself. As Elizabeth Kwan noted, “you can tweak it all you like,” but as long as certain conditions like the employer-specific work permit persist, so will vulnerability.⁵⁵

The Issue of Employer-Specific Work Permits

An overwhelming majority of migrant workers, migrant worker advocates, academics and economists told the committee that employer-specific work permits are the single most egregious condition of vulnerability. While employer-specific work permits are most often associated with the TFWP, Judy Fudge notes that “approximately one-third” of IMP participants also hold them.⁵⁶

Catherine Bryan summarized that the closed work permit is a primary concern for migrant workers because it imposes barriers on their ability to “contest any difficulties that they are encountering and it makes it almost impossible for them to leave.”⁵⁷ Elizabeth Kwan added that these permits make “migrant workers vulnerable to abuse and exploitation and provide employers with a stable low-wage and compliant migrant workforce.”⁵⁸

Scientific evidence confirms that employer-tied work authorizations restrict workers’ physical liberty and are associated with higher risks of employer abuse, wage theft, psychological, physical and sexual harassment, assault, rape, debt bondage, human trafficking, and work-related illnesses, accidents and death.

Eugénie Depatie-Pelletier, Association for the Rights of Household and Farm Workers⁵⁹

While the committee did hear from many witnesses about the issues intrinsic to the employer-specific work permit, employers and industry representatives also shared why it was important to them. Paul Lansbergen shared his personal experience from the seafood industry, noting that for employers, “there are additional costs outside of attracting a Canadian or a permanent resident to work for you,” including the LMIA processing fee, transportation, housing and health insurance costs.⁶⁰ These investments in each worker increase the employer’s level of risk and therefore require a degree of certainty in the stability of the workforce. Then-President of the Canadian Federation of Agriculture shared the feelings of an employer who has invested in a TFW: “when

⁵⁵ SOCI, [Evidence](#), 17 November 2022 (Elizabeth Kwan, Senior Researcher, Canadian Labour Congress, as an individual).

⁵⁶ This would include intra-company transfers and international agreements (like the Canada-United States-Mexico Agreement and the Canada-European Union Comprehensive Economic and Trade Agreements).

Judy Fudge, [Canada’s Temporary and Migrant Labour Force, November 17, 2022](#), Brief submitted to SOCI, 17 November 2022.

⁵⁷ SOCI, [Evidence](#), 27 September 2023 (Catherine Bryan, Associate Professor, School of Social Work, Dalhousie University, as an individual).

⁵⁸ SOCI, [Evidence](#), 17 November 2022 (Elizabeth Kwan, Senior Researcher, Canadian Labour Congress, as an individual).

⁵⁹ SOCI, [Evidence](#), 15 February 2023 (Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director, Association for the Rights of Household and Farm Workers).

⁶⁰ SOCI, [Evidence](#), 7 June 2023 (Paul Lansbergen, President, Fisheries Council of Canada).

you go to the airport to pick them up, you pray that they are on that plane and they come home because you have a slot on your farm and you need that person there to work.”⁶¹

Impact: Reluctance and Fear to Exercise Labour, Mobility and Human Rights

The most fundamental barrier facing migrant farm workers in terms of accessing their rights is the precarious nature of their work and immigration status in Canada. Their work permits are tied to a single employer who can terminate them without a grievance process. Once terminated, they typically face immediate repatriation along with a loss of contractually provided housing, health care and legal authorization to work in Canada.

Anelyse Weiler, Migrant Workers Health Expert Working Group⁶²

The Government of Canada states that “the rights of all workers [...] are protected by law” and that migrant workers with an employer-specific work permit, “have the same rights and protections as Canadians and permanent residents.”⁶³ However, the committee heard that “the reality is that because workers are so precarious, when they assert their rights, they are fired, deported and often forced to remain in those exploitative working conditions.”⁶⁴

At its very core, the employer-specific work permit removes a worker’s opportunity to seek competitive employment by prohibiting them from working for any other employer, or even at any other location than that identified. This may result in a significant power imbalance between the migrant worker and their employer. The committee heard that “this power imbalance is so acute,” it exceeds a “typical [workplace] power imbalance.”⁶⁵

In the typical employment relationship enjoyed by most Canadians, the worker is motivated to keep their job, and the employer, their workforce. With the migrant workforce, the motivation for the employer remains the same, but additional pressures of immigration status, family reunification, future employment and even housing, may be at stake for the worker. One migrant worker shared with the committee the challenges of leaving family, professional aspirations and

⁶¹ In January 2024, the former President of the Canadian Federation of Agriculture, Mary Robinson, was appointed to the Senate. Given that she appeared before the committee in her capacity as President of the Canadian Federation of Agriculture in November 2022, the comments in this report are unrelated to her tenure as Senator.

SOCI, [Evidence](#), 24 November 2022 (Mary Robinson, President, Canadian Federation of Agriculture).

⁶² SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

⁶³ Some specific prohibitions include forcing TFWs to perform unsafe work, forcing work if the TFW is ill or injured and applying pressure or forcing TFWs to work unscheduled or unpaid overtime.

ESDC, [Temporary foreign workers: Your rights are protected](#).

⁶⁴ SOCI, [Evidence](#), 16 February 2023 (Fay Faraday, Assistant Professor, Osgoode Hall Law School, York University, as an individual).

⁶⁵ SOCI, [Evidence](#), 24 November 2022 (Leah F. Vosko, Professor, Department of Politics, York University, Migrant Workers Health Expert Working Group).

Act Now: Solutions for Temporary and Migrant Labour in Canada

culture behind to try and “grow a life” in Canada, only to risk being sent back home “like it’s nothing.”⁶⁶

I think that basically the system is rigged against the worker because of the massive power imbalance due to the tied work permit.

Deena Ladd, Workers’ Action Centre⁶⁷

Therefore, migrant workers with closed work permits are often disincentivized from addressing human and labour rights abuses directly with their employer, or even indirectly through channels like community organizations and government bodies. A real fear that was expressed by many migrant workers and their advocates was of reprisals—whether in the short-term (with consequences including loss of work and removal from Canada) or the long-term (potentially impacting the ability to return for annual seasonal employment or to seek sponsorship for permanent residence from the employer). It is important to note that whether or not reprisal is a real possibility in every situation, the consequences are significant enough that migrant workers are often unwilling to risk it. One community integration organization shared that in their experience, “it is difficult for a newcomer to open up and talk about challenges they face for fear of reprisal.”⁶⁸ A migrant worker stated that “if we say anything to the employer, they will send us home.”⁶⁹

In sum, these permits “mean that temporary and migrant workers are unable to flee dangerous work conditions and punitive employers” and prevent “the ability to leave an abusive situation.”⁷⁰

Impact: The Slippery Slope From Labour Exploitation to Servitude

Unequivocally, I would say that the employer tying measure is akin to modern-day servitude in Canada.

Amanda Aziz, Migrant Workers Centre⁷¹

As a fundamental consequence of limited labour mobility and fear of reprisals, migrant workers with employer-specific work permits are particularly vulnerable to exploitative labour that may

⁶⁶ Migrant worker, New Brunswick, Testimony heard during the committee’s fact-finding mission.

⁶⁷ SOCI, [Evidence](#), 17 November 2022 (Deena Ladd, Executive Director, Workers’ Action Centre).

⁶⁸ SOCI, [Evidence](#), 21 September 2023 (Angèle Losier, Executive Director, Centre d’accueil et d’accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick).

⁶⁹ Migrant Worker, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

⁷⁰ National Farmers Union, [Supporting the rights of temporary and migrant workers](#), Brief submitted to SOCI, 30 October 2023; and SOCI, [Evidence](#), 8 June 2023 (Ryan MacRae, Coordinator, Migrant Worker Program, Cooper Institute).

⁷¹ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

Act Now: Solutions for Temporary and Migrant Labour in Canada

become forced labour. The International Labour Organization (ILO)'s *Forced Labour Convention, 1930 (No. 29)* defines forced or compulsory labour as “all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁷² Canada ratified the convention in June 2011.⁷³ The ILO further elaborates that the voluntary nature of the work relies on the worker's free and informed consent to the terms and realities of their work conditions.⁷⁴

The committee was informed that as a consequence of the employer-specific work permit, the TFWP, “allows conditions akin to forced labour to flourish.”⁷⁵

In late summer 2023, Tomoya Obokata, the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences (UN Special Rapporteur) spent two weeks visiting Canada—specifically Ottawa, Moncton, Toronto, Montreal and Vancouver to “assess Canada's efforts to prevent and address contemporary forms of slavery.”⁷⁶ While the focus of the mission was not solely on migrant workers, they were identified as a group, “affected by contemporary forms of slavery within Canada.”⁷⁷ The Special Rapporteur's End of Mission statement further reported concern that certain categories of migrant workers, including those in the agricultural and low-wage streams of the TFWP, are more vulnerable to abusive labour practices due to policies that “regulate their immigration status, employment and housing in Canada.”⁷⁸ He also noted that “this workforce is disproportionately racialized.”⁷⁹ The statement included recommendations to eliminate employer-specific work permits, enhance proactive coordination and communication between the federal, provincial and territorial governments, include migrant workers in policy and program decisions that impact them and regulate all programs under the TFWP through bilateral agreements with source countries.⁸⁰

In October 2023, the committee had the opportunity to hear directly from the UN Special Rapporteur who confirmed that while he had identified conditions for vulnerability to abuse and forced labour, he was “not suggesting that is widespread in Canada at all.”⁸¹ The Special Rapporteur also acknowledged that while he had met with around 100 migrant workers across Canada, he had not visited any of their work sites or accommodations.⁸² He informed the committee that the End of Mission statement presented initial findings and that a more detailed

⁷² International Labour Organization (ILO), [Forced Labour Convention, 1930 \(No. 29\)](#).

⁷³ ILO, [Ratifications for Canada](#), accessed 15 December 2023.

⁷⁴ ILO, [What are forced labour, modern slavery and human trafficking?](#)

⁷⁵ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada's Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023.

⁷⁶ Tomoya Obokata, [End of Mission Statement](#), Special Rapporteur on contemporary forms of slavery, including its causes and consequences, September 6, 2023.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ SOCI, [Evidence](#), 5 October 2023 (Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, United Nations Human Rights Council, as an individual).

⁸² Ibid.

Act Now: Solutions for Temporary and Migrant Labour in Canada

report will follow in mid-2024, after he has had the opportunity to consider additional evidence and information.⁸³

I wish to acknowledge that the federal as well as the provincial and territorial governments have taken steps to strengthen the protection of migrant workers in recent times through legislative and other means and were able to share examples of good practice during my visit. I also believe that a large number of employers do, indeed, observe the existing laws and regulations and protect the rights of migrant workers. However, the fact that migrant workers in various sectors still continue to suffer from labour exploitation clearly suggests that more needs to be done.

Tomoya Obokata, UN Special Rapporteur⁸⁴

On the slippery slope, the UN Special Rapporteur noted that “it’s oftentimes difficult to distinguish between labour exploitation, forced labour, servitude and slavery. There is labour exploitation, and if it becomes involuntary, then it becomes forced labour. If the degree of control moves up one way or another, that becomes servitude and slavery.”⁸⁵

Impact: Out-of-status and Undocumented Workers

Migrant workers living and working in Canada on time-limited employer-specific work permits are at greater risk of “falling out-of-status” when unable to meet eligibility criteria for their existing immigration program or overstaying their authorized time in Canada.⁸⁶ The committee heard that “there are many ways that workers lose their status, often through no fault of their own”⁸⁷ and that migrants “can easily become undocumented once their temporary authorization, such as work, study or other permits, expires.”⁸⁸ Estimates for how many undocumented workers are currently in Canada range from 20,000 to 600,000 people.⁸⁹

In many cases, the workers may not be aware they no longer have status. Fraudulent immigration consultants and representatives are a common cause of migrant workers failing to meet IRCC and ESDC requirements.⁹⁰ Once out-of-status, there is currently no way for these workers to regularize

⁸³ Ibid.

⁸⁴ Tomoya Obokata, [End of Mission Statement](#), Special Rapporteur on contemporary forms of slavery, including its causes and consequences, September 6, 2023.

⁸⁵ SOCI, [Evidence](#), 5 October 2023 (Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, United Nations Human Rights Council, as an individual).

⁸⁶ IRCC, [CIMM – Undocumented Migrants – June 14, 2023](#), 10 January 2023.

⁸⁷ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

⁸⁸ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023.

⁸⁹ IRCC, [CIMM – Undocumented Migrants – June 14, 2023](#), 10 January 2023; Marie Woolf, “[Ottawa plans to create Canadian citizenship path for undocumented immigrants](#),” *The Globe and Mail*, 14 December 2023; and SOCI, [Evidence](#), 16 February 2023 (Fay Faraday, Assistant Professor, Osgoode Hall Law School, York University, as an individual).

⁹⁰ SOCI, [Evidence](#), 17 November 2022 (Deena Ladd, Executive Director, Workers’ Action Centre).

and obtain a subsequent legal work permit or permanent residence, and if found out, they risk removal from the country. Given these consequences, being undocumented is a condition of vulnerability to abuse in and of itself.

Impact: Restricted Flexibility for Employers

While a majority of employers registered their concern that eliminating the employer-specific nature of TFWP work permits would jeopardize their investments and a stable labour force, others noted a separate issue. Outside of limited flexibility within the SAWP, employers are unable to address fluctuating labour needs in seasonal industries. There is neither the flexibility to have workers from one work site temporarily relocate, nor for TFWs with higher skills to be promoted to in-demand positions. Jerry Gavin noted that, “due to the acute shortage of locals, there is a need for temporary foreign workers to take on higher-level positions such as supervisors, lead hands, forklift drivers, et cetera,” and that there needs to be “flexibility in the program to allow for this.”⁹¹

When the committee visited New Brunswick and Prince Edward Island, every employer noted that the employer-specific work permits are too “rigid,” with a sense among employers of “being held hostage to these programs.”⁹² The TFWP restricts employment to one single work site, regardless of whether the employer has multiple locations performing similar work. Employers in seafood processing explained how frustrating it was to have workers at one site unable to work due to a lack of product to process, while product was wasted at another site because there were not enough workers.⁹³ With the unpredictability of seasonal food crops and resources increasing with climate change, some employers also expressed interest in being able to share the work force among different sectors, like agriculture and seafood processing, especially in remote and rural areas.⁹⁴

Many Newfoundland producers have various processing facilities for various species across the province, and it would be very beneficial if we could have a general application process for temporary foreign workers so they can move throughout the island where they are needed and can, if they choose, receive additional work.

Jeff Loder, Association of Seafood Producers⁹⁵

⁹¹ SOCI, [Evidence](#), 8 June 2023 (Jerry Gavin, Executive Director, Prince Edward Island Seafood Processors Association).

⁹² Seafood Industry Representative, New Brunswick, Testimony heard during the committee’s fact-finding mission; and Hospitality and Tourism Employer, New Brunswick, Testimony heard during the committee’s fact-finding mission.

⁹³ Seafood Industry Employers, New Brunswick, Testimony heard during the committee’s fact-finding mission.

⁹⁴ Seafood and Agriculture Employers, New Brunswick and Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

⁹⁵ SOCI, [Evidence](#), 8 June 2023 (Jeff Loder, Executive Director, Association of Seafood Producers).

Short-Term Fix: The Open Work Permit for Vulnerable Workers

The establishment of the open work permit for vulnerable workers is an admission on the part of the Canadian Government that the closed work permit is exploitative and poses a risk to workers. However, this solution, created in 2019, is not the panacea it was meant to be.

PEI Action Team for Migrant Workers' Rights⁹⁶

In June 2019, the Government of Canada implemented a new open work permit for foreign workers who are victims of abuse (open work permit for vulnerable workers). Migrant workers with valid employer-specific work permits may apply for a 12-month open work permit under the IMP if they can demonstrate abuse. The committee heard that in 2022, IRCC issued over 1,000 open work permits for vulnerable workers.⁹⁷ However, the total number of applications was not shared with the committee. Since the permit's inception, 3,845 open work permits have been granted to vulnerable workers, with 579 to workers hired through the IMP and the remaining 3,266 to workers in the TFWP.⁹⁸ IRCC notes that the permit "is a transitional measure" intended to allow a migrant worker to find subsequent employment, whether through a different employer-specific work permit, or through another program.⁹⁹

For an immigration officer to grant the permit, "the migrant worker must describe the abuse or risk of abuse they face" and the officer "must have reasonable grounds to believe" the migrant worker.¹⁰⁰

Abuse may be physical, sexual, psychological or financial in nature. While the definition includes both abuse that has occurred and the threat of abuse, "the onus is on the applicant to provide evidence," which may include medical information, victim impact statements, copies of communications, and "photos showing injuries or working conditions."¹⁰¹ Migrant worker advocates shared that these requirements limit the permit's, "effectiveness in addressing abuse because it places the burden of proof on victims."¹⁰² IRCC's policy guidance for the permit does state that "officers are encouraged to consider that a person may endure abuse for a long time before seeking support or may never tell anyone" but only that this may affect the timeliness of the application, and not the person's ability to offer proof or relive a traumatic experience.¹⁰³

⁹⁶ PEI Action Team for Migrant Workers' Rights, [Presentation to the Standing Senate Committee on Social Affairs, Science and Technology](#), Brief submitted to SOCI, 22 November 2023.

⁹⁷ SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

⁹⁸ IRCC, [SOI 66.1 Data on working conditions, complaints and penalties](#), Brief submitted to SOCI, 23 January 2024.

⁹⁹ IRCC, [Open work permits for vulnerable workers \[R207.1 – A72\] – International Mobility Program](#).

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

¹⁰³ IRCC, [Open work permits for vulnerable workers \[R207.1 – A72\] – International Mobility Program](#).

Migrant workers and advocates shared their experiences with applying for the open work permit for vulnerable workers:

Advocate: “The application for an open work permit for vulnerable workers requires an academic level of English or French, access to a working computer with tools such as Adobe to compile documents to submit evidence, numerous hours of intensive labour and sufficient privacy to fill out all of those things. Most workers do not meet one, let alone all four, of those requirements. I remember the first application I ever took part in. It was a colleague and me, and both of us were two English-speaking, university-educated individuals with a lot of familiarity with the Temporary Foreign Worker Program. It required us to work two days non-stop on the application, only to have it rejected in a situation we clearly saw as abusive.”¹⁰⁴

Advocate: “By helping workers through the process, [our colleagues] experienced how difficult and painful it was to ask workers to prove that they were abused [and] how difficult the application was to complete. The majority of the applications were over 100 pages in length. This was necessary, to maximize the chances of receiving a positive response.”¹⁰⁵

Advocate: “A study conducted by our organization on this open work permit last year examined the cases of 30 migrant workers who had applied for such a permit. The majority of the workers were racialized. [O]ver 96% of the workers faced financial abuse in the form of unpaid wages, excessive work time, being forced to repay a portion of their wages to their employer or having paid an illegal recruitment fee. Furthermore, 70% of the workers reported experiencing psychological abuse, including threats of deportation and racism, and 30% of the workers reported having experienced physical abuse. Disturbingly, 10% of the workers reported sexual abuse by their employer.”¹⁰⁶

Migrant Worker: “I went to the IRCC, the immigration program. They said that I could apply for something related to vulnerable workers. I would have to explain everything. I sent photographs. A few days later, they said that I had to prove that happened at work. And I know that the fact that I used my phone at work could cause more bruises. I had another bruise happen just a few days later at work. Ultimately, everything was rejected. I was not given the opportunity to get an open work permit. They said the evidence was insufficient, and they gave me just a few days to provide further evidence to the file.”¹⁰⁷

¹⁰⁴ SOCI, [Evidence](#), 8 June 2023 (Ryan MacRae, Coordinator, Migrant Worker Program, Cooper Institute).

¹⁰⁵ PEI Action Team for Migrant Workers’ Rights, [Presentation to the Standing Senate Committee on Social Affairs, Science and Technology](#), Brief submitted to SOCI, 22 November 2023.

¹⁰⁶ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

¹⁰⁷ SOCI, [Evidence](#), 8 June 2023 (Adriana Vega Guillen, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

As workers and advocates noted, the application process requires documenting, reliving and proving violence, all of which may continue to traumatize and re-traumatize the person experiencing or fearing abuse.

There are other unintended harms to the open permit for vulnerable workers. Some advocates quickly “learned that using the online tool to report abuse can place workers at risk” as they face reprisals if discovered.¹⁰⁸ Workers who had successfully obtained the open permit faced challenges obtaining another job. Jennifer Rajasekar stated that “most of the workers were blacklisted or were not allowed to go to another farm or practise with the open work permit.”¹⁰⁹ Elizabeth Kwan agreed that “workers who actually make it through and get that open work permit are actually having a very tough time finding another job because the employers won’t hire them.”¹¹⁰

The open work permit for vulnerable workers has been found to perpetuate harm against migrant workers in many ways. Significant issues included gaps in the understanding of what constitutes abuse between immigration officers, a lack of consideration or incorrect consideration of evidence, high evidentiary burdens, and a lack of procedural fairness and enforcement action as a consequence of application.

*Alliance for Gender Justice in Migration*¹¹¹

Short-Term Fix: The Recognized Employer Pilot

Responding to employers’ concerns about the financial and administrative burden imposed by the yearly LMIA application process, in Budget 2022, the Government of Canada committed to establishing a “Trusted Employer Model” that would reduce “red tape for repeat employers who meet the highest standards for working and living conditions, protections, and wages in high-demand fields.”¹¹²

In August 2023, ESDC announced what is now known as the Recognized Employer Pilot (REP) to “address labour shortages and reduce the administrative burden for repeat employers participating in the [TFWP] who demonstrate a history of complying with program requirements.”¹¹³

¹⁰⁸ PEI Action Team for Migrant Workers’ Rights, [Presentation to the Standing Senate Committee on Social Affairs, Science and Technology](#), Brief submitted to SOCI, 22 November 2023.

¹⁰⁹ SOCI, [Evidence](#), 16 February 2023 (Jennifer Rajasekar, Co-Chair, Immigration and Settlement Working Group, Canadian Council for Refugees).

¹¹⁰ SOCI, [Evidence](#), 17 November 2022 (Elizabeth Kwan, Senior Researcher, Canadian Labour Congress, as an individual).

¹¹¹ Alliance for Gender Justice in Migration, [Study on Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 21 November 2023.

¹¹² “[Chapter 4: Creating Good Middle Class Jobs](#),” in Government of Canada, *A Plan to Grow Our Economy and Make Life More Affordable*, Budget 2022.

¹¹³ ESDC, [Cutting red tape for employers who protect temporary foreign workers](#), News release, 8 August 2023.

Act Now: Solutions for Temporary and Migrant Labour in Canada

The three-year pilot program allows employers with at least three positive LMIAs for the same occupation (with a demonstrated labour shortage) over five years to obtain a single LMIA valid for up to three years. Employers must “meet the highest standards for working conditions, living conditions and worker protection.”¹¹⁴ While it was unclear when initially announced, employers are required to pay the \$1,000 processing fee only once, when initially applying for the three-year LMIA. Therefore, annual administrative and financial burdens are lessened—for employers who meet the criteria. Access to the already-limited pilot was further restricted, with various agricultural industries getting priority access in September 2023 while the remainder of “in-demand” occupations were only included as of January 2024.¹¹⁵

Given the timeliness of the August 2023 announcement of the REP, it was a subject of interest when the committee visited New Brunswick and Prince Edward Island. At that time, neither employers nor migrant worker advocates were convinced of its utility. Employers shared that they felt blindsided by the announcement of the program, and by early September, were still confused by the changes. Employers also reported confusion among government officials when asked for further information about the pilot, with IRCC reporting no prior knowledge of the REP before ESDC announced it.¹¹⁶

The Minister of Employment, Workforce Development and Official Languages informed the committee in follow-up information that following the initial announcement of the REP, “technical briefings for stakeholders seeking information about applying for the Pilot were organized and are currently ongoing.”¹¹⁷

¹¹⁴ ESDC, [Hire a temporary foreign worker through the Recognized Employer Pilot: Program requirements](#).

¹¹⁵ Many of the occupations in the second tier are high-skilled and in essential sectors. Examples include engineering managers, architects, veterinarians, dieticians and nutritionists, police investigators, carpenters, transport truck drivers and logging and forestry labourers.

ESDC, [Hire a temporary foreign worker through the Recognized Employer Pilot: Wages, working conditions and occupations](#).

¹¹⁶ Employers, New Brunswick and Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

¹¹⁷ The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

Innovative Idea: Eliminating Employer-Specific Work Permits and Exploring Alternatives

If the concern is that workers who are brought under the program will leave and move elsewhere, I would ask: Why do you think they're going to leave your work? Why do you think they're going to leave your business? What is it that you're doing that is driving people away from your business? I would ask: Is the solution to these questions to tie people under penalty of losing their immigration status to your business? Is the solution denying people their mobility rights that every other Canadian and permanent resident takes for granted in this country?

Aditya Rao, Madhu Verma Migrant Justice Centre ¹¹⁸

Eliminating Employer-Specific Work Permits

Many migrant worker advocates and experts the committee heard from came prepared to argue for the elimination of employer-specific work permits.

Anna Triandafyllidou asserted that “a closed work permit is a bad thing” and it is “crucial” to move away from employer-specific permits to open permits.¹¹⁹ Geraldine Pratt stated that it “would go a long way” and, furthermore, it is “not a Band-Aid; [it] is huge.”¹²⁰ Ethel Tungohan also agreed that “it’s not a Band-Aid solution at all.”¹²¹ Eliminating one of the main conditions causing vulnerability among migrant workers could provide an opportunity to assess the impact of the other conditions and what else might be done to better protect the human rights of all workers in Canada.

A recurring theme was that bettering the working conditions for migrant workers would only have a positive impact on the domestic workforce. Ryan MacRae noted that increased labour mobility would result in increased competition in the labour market, which is likely to mean “higher wages, increased employee benefits and overall better workplaces,” all things that migrant workers would likely demand if not, “constantly under the fear of being sent home under this employer-specific system.”¹²²

However, many employers urged against eliminating closed work permits, again emphasizing the significant investments they are making and the importance of a guaranteed stable labour force. Paul Lansbergen noted that it is important to acknowledge that participating in the TFWP is

¹¹⁸ SOCI, [Evidence](#), 8 June 2023 (Aditya Rao, Board Member, Madhu Verma Migrant Justice Centre).

¹¹⁹ SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

¹²⁰ SOCI, [Evidence](#), 15 February 2023 (Geraldine Pratt, Canada Research Chair in Care Economies and Global Labour and Professor, Department of Geography, University of British Columbia, as an individual).

¹²¹ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

¹²² SOCI, [Evidence](#), 8 June 2023 (Ryan MacRae, Coordinator, Migrant Worker Program, Cooper Institute).

Act Now: Solutions for Temporary and Migrant Labour in Canada

“already very costly,” and that if workers “were allowed to come and then quickly move to another employer, it would create more problems than it would solve.”¹²³

The concept that you would invest through temporary foreign worker programs to stabilize your workforce and then not have control over your workforce is just bad policy. There is really no other way to say it. I'll leave it as simple as that.

*Jeff Loder, Association of Seafood Producers*¹²⁴

Andrew Griffith captured the tension between both perspectives, acknowledging that for workers, “of course there are issues with binding contracts,” while for employers, “their perspective is that if they have invested in an employee, they are afraid of losing the employee under these conditions,” concluding that “there’s no solution that’s going to satisfy everyone.”¹²⁵ A creative solution that may offer a compromise are sector-and/or-region-specific work permits.

At the moment, we do have occupation-specific work permits, but sector-specific work permits are definitely a creative solution that would keep them within the same sector when we know that there is a particular need.

*Lou Janssen Dangzalan, Canadian Immigration Lawyers Association*¹²⁶

Exploring Sector-and/or-Region-Specific Work Permits and Other Alternatives

Building on the model of (slightly) increased labour mobility within the SAWP, instead of offering a one-time transfer, workers would have the flexibility to pick up additional work and supplement other employers’ labour needs. The exact model of such a policy change would require significant thought.

Like the total elimination of employer-specific work permits, a move to sector-and/or-region-specific work permits could have unintended consequences. The infrastructure surrounding low-wage migrant work has largely been built up around the principle of employer-specific work permits, such that employers bear significant administrative and financial responsibilities to the worker, with involvement in access to health care, transportation and housing. Should sector-and/or-region-specific work permits be introduced, these responsibilities would have to be

¹²³ SOCI, [Evidence](#), 7 June 2023 (Paul Lansbergen, President, Fisheries Council of Canada).

¹²⁴ SOCI, [Evidence](#), 8 June 2023 (Jeff Loder, Executive Director, Association of Seafood Producers).

¹²⁵ SOCI, [Evidence](#), 16 February 2023 (Andrew Griffith, Fellow, Canadian Global Affairs Institute, as an individual).

¹²⁶ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

Act Now: Solutions for Temporary and Migrant Labour in Canada

rearranged. One option could see employers paying into a regional body, that would then take on the administrative burdens (like filing for LMIA's and providing and managing health insurance).

Some employers did express concern about the potential lack of a stable workforce and raised questions about how they could ensure money paid into the system would not be wasted. A representative for Restaurants Canada noted that there is both a financial cost to employing and training someone in food services, as well as invested time and resources.¹²⁷ Fred Bergman noted that “there are complex dynamics there” and that it “is something that you have to think long and hard about how you make the process work.”¹²⁸

I'm not sure farmers would be too happy knowing that people can just—pardon the pun—cherry-pick where they want to be. They make an investment in their farm to bring people in, including the transportation to get them there and back.

Doug Ramsey, Rural Development Institute, Brandon University¹²⁹

However, the Director of Government Relations and Farm Policy for the Canadian Federation of Agriculture noted that “it is about finding that right balance between protecting the interests of employers and worker protections at the same time.”¹³⁰ He suggested that the SAWP represents a middle ground where there is a structured process for workers to change employers without requiring a new work permit.¹³¹ Restaurants Canada proposed another alternative solution that would have occupation codes broadened to allow more flexibility within one place of employment. For example, instead of having to choose between cooks (NOC 6322.0), kitchen helpers (NOC 6711.2), chefs (6321.1), sous chefs (6321.2), chefs and specialist chefs (NOC 6321.3), there would be a more general code for “kitchen worker” that would allow promotion and training between roles.¹³²

In New Brunswick and Prince Edward Island, employers, migrant workers and advocates alike expressed enthusiasm towards the idea of sector-and/or-region-specific permits. It was also during the fact-finding mission that the importance of considering region as part of the permit was highlighted. While industries like seafood processing are centred around the larger Atlantic region, region-specific permits would have to be limited to provincial/territorial borders, given the differing labour, health and safety requirements in each jurisdiction.

¹²⁷ SOCI, [Evidence](#), 9 March 2023 (Olivier Bourbeau, Vice President, Federal & Québec Affairs, Restaurants Canada); and Government of Canada, [Welcome to the Career Handbook](#).

¹²⁸ SOCI, [Evidence](#), 3 November 2022 (Fred Bergman, Senior Policy Analyst, Atlantic Provinces Economic Council).

¹²⁹ SOCI, [Evidence](#), 3 November 2022 (Doug Ramsey, Professor and Acting Director, Rural Development Institute, Brandon University, as an individual).

¹³⁰ SOCI, [Evidence](#), 24 November 2022 (Brodie Berrigan, Director of Government Relations and Farm Policy, Canadian Federation of Agriculture).

¹³¹ Ibid.

¹³² SOCI, [Evidence](#), 9 March 2023 (Olivier Bourbeau, Vice President, Federal & Québec Affairs, Restaurants Canada); and Government of Canada, [Welcome to the Career Handbook](#).

Act Now: Solutions for Temporary and Migrant Labour in Canada

Some migrant worker advocates expressed that sector-and/or-region-specific work permits would not go far enough to righting the power imbalance caused by employer-specific work permits. Amanda Aziz was emphatic that “the solution is not sector-specific work permits,” pointing to negative experiences within the SAWP.¹³³ Eugénie Depatie-Pelletier agreed that based on the negative results produced by a similar program attempted in Israel, “in the end, if you are in a sector where employers can collude or are well organized, taking advantage of workers is very efficient.”¹³⁴ She went as far as stating that “we can discuss how to find other Band-Aid solutions,” but that she emphatically hopes the committee does not pursue this idea.¹³⁵

When asked about the issue at committee, the Minister of Employment, Social Development and Official Languages acknowledged that it’s possible that “employers won’t like it, but if there are data and evidence that [shows these permits] will keep workers safe,” then he is open to exploring it further.¹³⁶ The Deputy Minister for IRCC also indicated an openness to the idea as “there are big labour gaps across the country, but capacity to absorb is different across the country,” and sector-and/or-region-specific work permits might allow for enhanced flexibility for workers to go where necessary.¹³⁷ She added that another idea worth exploring further is multi-sectoral permits over a 12-month period, which would help address seasonal pressures and gaps, while also allowing workers to remain employed for the often required 1,560 hours to obtain PR.¹³⁸

Innovative Idea: Introducing a Regularization Program for Out-of-Status Workers

The more that you bring in hundreds of thousands of temporary foreign workers every year, the more that you will have people who just stay. Then, you have a really ugly conversation about illegals, and what to do about illegals, which your policies have created.

Armine Yalnizyan, Atkinson Foundation¹³⁹

A regularization program would grant PR status to the existing population of undocumented workers and establish an ongoing policy. In December 2021, the *Minister of Immigration, Refugees and Citizenship Mandate Letter* from the Prime Minister included a commitment to “build on existing pilot programs to further explore ways of regularizing status for undocumented workers

¹³³ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

¹³⁴ SOCI, [Evidence](#), 15 February 2023 (Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director, Association for the Rights of Household and Farm Workers).

¹³⁵ Ibid.

¹³⁶ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

¹³⁷ SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

¹³⁸ Ibid.

¹³⁹ SOCI, [Evidence](#), 4 October 2023 (Armine Yalnizyan, Atkinson Fellow on the Future of Workers, Atkinson Foundation, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

who are contributing to Canadian communities.”¹⁴⁰ This was followed in January 2023 by an update sharing that “IRCC is exploring broader regularization pathways for undocumented migrants and their families.”¹⁴¹ In September 2023, the Deputy Minister from IRCC told the committee that the department is working with various stakeholders to “identify options for regularizing the situation of people here in Canada,” alluding to the Out-of-Status Construction Workers and the Guardian Angels homecare providers public policies.¹⁴² However, she cautioned that “this is not an easy challenge to overcome.”¹⁴³ No concrete details about a regularization program for all out-of-status migrants and their families were available when this publication was being drafted.

In addition to reducing this population’s vulnerability, there are several side effects to regularization. Regarding labour, Syed Hussan agreed with IRCC that one purported impact would be to “bring the parts of the economy that are off the books onto the books and ensure that our economy is operating appropriately.”¹⁴⁴ Witnesses also expressed caution about the impact 500,000+ new permanent residents would have. Lou Janssen Dangzalan noted that it could have a “substantial impact,” especially if regularized workers are concentrated in smaller provinces.¹⁴⁵

The Issue of Diffused Responsibility for Enforcement

In 2015, the federal government created an enforcement regime that, for the first time, required employers to comply with basic labour standards and the terms of migrant workers’ contracts as a condition of hiring migrant workers.

Judy Fudge, Professor of Labour Studies, McMaster University¹⁴⁶

By law, all workers in Canada are entitled to certain health, safety and labour standards in the workplace. TFWs are no exception, with their rights—and the employer’s responsibility to provide information about them—further clarified by regulatory amendments to the TFWP in September 2022.¹⁴⁷ However, by virtue of the complicated federated infrastructure around immigration, labour, and the provision of various social services, not one witness—no matter their angle—could

¹⁴⁰ Justin Trudeau, Prime Minister of Canada, [Minister of Immigration, Refugees and Citizenship Mandate Letter](#), 16 December 2021.

¹⁴¹ IRCC, [Canada doubles immigration program for out-of-status construction workers in the Greater Toronto Area](#), News release, 20 January 2023.

¹⁴² SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

¹⁴³ Ibid.

¹⁴⁴ SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change).

¹⁴⁵ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

¹⁴⁶ Judy Fudge, [Canada’s Temporary and Migrant Labour Force, November 17, 2022](#), Brief submitted to SOCI, 17 November 2022.

¹⁴⁷ The changes specifically mandate that employers provide all TFWs with information about their rights and prohibit reprisals, among other things.

ESDC, [Government of Canada strengthens protections for temporary foreign workers as new regulations come into force](#), News release, 26 September 2022.

Act Now: Solutions for Temporary and Migrant Labour in Canada

identify a particular organization or body responsible for ensuring that all others are upholding their responsibilities, specifically when it comes to the TFWP's well-stated requirements.

The Deputy Minister of IRCC assured the committee that “the federal government has a robust compliance system to create safe working environments, inspect working conditions and ensure workers’ essential rights.”¹⁴⁸ The committee heard that this compliance system is largely reactive, often requiring a complaint or suspicion to trigger an inspection or intervention. Under the authority of the *Immigration and Refugee Protection Regulations*, ESDC has the authority to carry out inspections (implemented through Service Canada) to verify whether employers of TFWs are meeting the requirements of the program.

However, the committee heard that similar to exercising rights, the existence of something in principle or legislation does not always translate to reality. Leah F. Vosko told the committee that “there is federal legislation in that area [...] that requires many of the things we’re calling for to be done, such as routine, onsite inspections of farms” but employment standards are “very difficult to enforce,” in part due to the overlapping jurisdictions.¹⁴⁹

Figure 7 elaborates on the breadth of options a TFW is encouraged to pursue if their rights are not respected.

¹⁴⁸ SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

¹⁴⁹ SOCI, [Evidence](#), 24 November 2022 (Leah F. Vosko, Professor, Department of Politics, York University, Migrant Workers Health Expert Working Group).

Act Now: Solutions for Temporary and Migrant Labour in Canada

Figure 7: Reporting Five Different Kinds of Abuse¹⁵⁰



During their fact-finding mission, members of the committee heard from advocates, employers, and workers alike who were confused about the patchwork system for inspections and the enforcement of working rights and conditions. Labour rights advocates identified that due to the “siloing” of the compliance regime, issues like fire safety in worker accommodations were slipping through the cracks and not being inspected at all.¹⁵¹

The Minister of Employment, Workforce Development and Official Languages clarified to the committee that “the TFWP has a compliance regime in place that monitors employers’ adherence to program requirements and conditions through inspections. Inspections can be triggered due to several factors, including suspected or past non-compliance, confidential tips and random

¹⁵⁰ Figure prepared by the Library of Parliament with information from ESDC, [Temporary foreign workers: Your rights are protected](#). Please note that these directives reflect information available as of April 2024.

¹⁵¹ Migrant Worker Advocate, New Brunswick, Testimony heard during the committee’s fact-finding mission.

Act Now: Solutions for Temporary and Migrant Labour in Canada

selection. These inspections can be announced or unannounced.”¹⁵² He also added that he takes compliance very seriously: “Let me be very clear: if an employer fails to meet the requirements or conditions of the program or does not cooperate during an inspection, there will be serious consequences. [...] There’s a new sheriff in town, [and] we’re not going to tolerate bad actors.”¹⁵³

As highlighted by the Minister, under the *Immigration and Refugee Protection Regulations*, ESDC has the authority to conduct unannounced onsite or virtual inspections without requiring a warrant (except in the case of private dwellings).¹⁵⁴ However, members of the committee heard that when employers are made aware of inspections before they occur, they may have an opportunity to manipulate the results. Amanda Aziz noted that she often hears reports of “employers being warned,” and then showing inspectors to “a very nice bunkhouse where workers have lots of access to nice services, but ignoring the five other houses that are in major substandard condition.”¹⁵⁵ Jennifer Rajesakar agreed that “one of the things to enforce again and again is the surprise visits.”¹⁵⁶

With regards to my workplace, I did witness an inspection. I saw that they sent some employees home without the right to work when that inspection took place. I was one of the people that was sent home when an inspection took place in my workplace. I didn't have the right to go to work that day. There were no improvements and there continued to be cases of abuse at the workplace.

*Adriana Vega Guillen, Migrant Worker*¹⁵⁷

Impact: A Weak Compliance Regime Leading to Consequence-free Abuse

According to several witnesses, a direct result of the lack of clear responsibility for enforcing migrant workers’ rights is that the intervention infrastructure has been allowing the few employers who are abusing migrant workers’ rights to do so largely unchecked.

Derek Johnstone pointed out that even if workers were confident enough to report employers without risking reprisal, “the federal government and the provincial governments just don’t have

¹⁵² The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

¹⁵³ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

¹⁵⁴ [Immigration and Refugee Protection Regulations](#), SOR/2002-227, Part 11, Division 4.

¹⁵⁵ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

¹⁵⁶ SOCI, [Evidence](#), 16 February 2023 (Jennifer Rajesakar, Co-Chair, Immigration and Settlement Working Group, Canadian Council for Refugees).

¹⁵⁷ SOCI, [Evidence](#), 8 June 2023 (Adriana Vega Guillen, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

the capacity to properly enforce the magnitude” and breadth of the TFWP so “the abuses are rampant [and] will continue to be rampant.”¹⁵⁸

The weak enforcement and compliance regime has well-documented, negative consequences for migrant workers, but the committee also heard from many employers who were frustrated that a small percentage of TFWP employers consistently taint their overall reputation. During the fact-finding mission, one seafood processing employer emphasized that “if there are bad employers, the federal government needs to deal with them. Levy the fines, kick them out if you need to.”¹⁵⁹ Another wanted “Service Canada to get out there and do their job.”¹⁶⁰ Noel Baldwin noted that this may present an “opportunity to work with some of the people who want these programs to work well,” by mandating, “real enforcement.”¹⁶¹

The UN Special Rapporteur did note that challenges around labour rights enforcement are not an issue “limited to Canada” and that in most of the countries he has visited, “labour inspection always seems to be one of the issues” overlooked.¹⁶²

Enforcement needs to reduce the number of bad actors. That is the point of enforcement. Over 2,000 government inspections of employers of migrant workers have been conducted in the past year, and they show that the main violation is wage theft. But just a handful of the 763 non-compliant employers listed on the registry since 2016 have been banned from employing more migrant workers. More of these employers need to be stopped.

*Armine Yalnizyan, Atkinson Foundation*¹⁶³

Impact: Duplicative Inspections

The committee heard from several employers that the many departments, agencies and organizations involved in the compliance and enforcement regime can result in numerous inspections in a short period of time, with little harmonization or coordination among inspection agencies. In New Brunswick, members of the committee heard that while some types of inspections fall under the authority of municipalities and regional service commissions, others are the responsibility of the provincial Ministry of Justice and Public Safety, or the federal government

¹⁵⁸ SOCI, [Evidence](#), 24 November 2022 (Derek Johnstone, Special Assistant to the National President, United Food and Commercial Workers of Canada).

¹⁵⁹ Seafood Processing Employer, New Brunswick, Testimony heard during the committee’s fact-finding mission.

¹⁶⁰ Ibid.

¹⁶¹ SOCI, [Evidence](#), 4 October 2023 (Noel Baldwin, Director, Government and Public Affairs, Future Skills Centre).

¹⁶² SOCI, [Evidence](#), 5 October 2023 (Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, United Nations Human Rights Council, as an individual).

¹⁶³ SOCI, [Evidence](#), 4 October 2023 (Armine Yalnizyan, Atkinson Fellow on the Future of Workers, Atkinson Foundation, as an individual).

through Service Canada.¹⁶⁴ Migrant worker advocates told the committee that this puts workers at risk when issues like adherence to fire safety codes falls through the cracks.¹⁶⁵ Employers also shared their frustration with the need to repeatedly use work time to produce similar documentary evidence for different inspections within a short timespan.¹⁶⁶

The committee did not hear from any employer opposing the principle of the enforcement and compliance regime, but moreso its implementation. For example, the Canadian Federation of Agriculture stated that they are a “strong supporter of a rigorous inspection and compliance regime that weeds bad actors and bad practices out of our system,” but that some members feel “uncertainty and confusion,” created by different interpretations and timelines for different types of inspections.¹⁶⁷

Short-Term Fix: Migrant Worker Tip Line

While at committee, Minister Boissonnault addressed migrant workers directly, telling them that there is a tip line with support available in 200 languages.¹⁶⁸ He added: “I want to know if there is a bad actor in the system; I am taking note of this, as minister. We will take action that measures up to your needs to ensure that you are healthy and safe in Canada.”¹⁶⁹

In response to ongoing concerns about TFWs facing abuse, ESDC instituted a 24/7 tip line, operated by Service Canada. When calling the tip line, a person can leave a message, speak with a live agent, or complete an online form.¹⁷⁰ The Minister of Employment, Workforce Development and Official Languages touted the tip line as an opportunity to encourage people to “confidentially call out their bad actors,” so that “the employees don’t have to do it themselves.”¹⁷¹ In particular, he encouraged staff of foreign missions in Canada and community organizations supporting migrant workers to “do that kind of call-out on their behalf.”¹⁷² The committee heard that the tip line receives around 5,000 calls annually, which are then triaged, with significant violations referred to law enforcement, and less severe issues referred to inspection teams.¹⁷³ The Minister of Employment, Workforce Development and Official Languages further elaborated that “there is a very rigorous tracking and follow-up” on tips received.¹⁷⁴ The Deputy Minister of IRCC shared

¹⁶⁴ Migrant Worker Advocate, New Brunswick, Testimony heard during the committee’s fact-finding mission.

¹⁶⁵ Migrant Worker Advocates, New Brunswick and Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

¹⁶⁶ Seafood Employers, New Brunswick and Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

¹⁶⁷ SOCI, [Evidence](#), 24 November 2022 (Mary Robinson, President, Canadian Federation of Agriculture).

¹⁶⁸ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

¹⁶⁹ Ibid.

¹⁷⁰ ESDC, [How to report abuse of temporary foreign workers](#).

¹⁷¹ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

Act Now: Solutions for Temporary and Migrant Labour in Canada

specifically that as a result of tip line complaints, approximately 570 inspections were carried out.¹⁷⁵

However, an unfortunate unintended consequence of the tip line is that the safety of some migrant workers has been jeopardized. Advocates informed the committee that they no longer use the tip line, as “employers are informed of the reason behind the ensuing inspection, which can put workers in potentially dangerous situations, especially in smaller workplaces.”¹⁷⁶

Once abuse is reported by a worker, there is usually a visit to the workplace by an inspector, who advises the employer when they will be there, and the reason for their visit. In this way, workers are placed in an even more vulnerable situation, by the very system that was meant to help them.

*PEI Action Team for Migrant Workers’ Rights*¹⁷⁷

Innovative Idea: The Social Audit Model

During the committee’s fact-finding mission, members learned that while governmental inspections (at all levels) were considered perfunctory to frustratingly duplicative, many employers are voluntarily engaging in comprehensive social audits. These audits are conducted by private third-party companies¹⁷⁸ as required by international clients, to ensure the safety, quality and rights compliance of their supply chain. Audits are unannounced and comprehensive—lasting multiple days, with anonymous worker interviews and work site inspections. Yet, employers are willing to participate since it is a market requirement.

A similar model could be employed in which, as an access requirement to the TFWP, employers voluntarily report information and data, and agree to submit to unannounced, stringent inspections. Many witnesses noted that moving towards an unannounced inspection model was especially important. One advocate noted that “we often hear of employers being warned that an inspection is going to take place,” which is followed by a manipulation of what the inspector will see and hear.¹⁷⁹ Another noted that it would be important to protect the enforcement and compliance regime from employer oversight and interference: “there should be monitoring of the employers and there should be a mechanism to perform check-ins with the workers without the employers knowing.”¹⁸⁰

¹⁷⁵ SOCI, [Evidence](#), 28 September 2023 (Paul Thompson, Deputy Minister, Employment and Social Development Canada).

¹⁷⁶ SOCI, [Evidence](#), 8 June 2023 (Ryan MacRae, Coordinator, Migrant Worker Program, Cooper Institute).

¹⁷⁷ PEI Action Team for Migrant Workers’ Rights, [Presentation to the Standing Senate Committee on Social Affairs, Science and Technology](#), Brief submitted to SOCI, 22 November 2023.

¹⁷⁸ Specific audits mentioned as models were Sedex Members Ethical Trade Audit, BRCGS and Safe Quality Food.

¹⁷⁹ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

¹⁸⁰ SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

As this model would impose a heavier information demand on employers, it would be important to share collected data across government levels to avoid duplicative inspections. Employers would benefit through continued access to a population of migrant workers and a reduction in inspections. The unannounced inspection model would also present an opportunity to improve employers' reputation as bad actors may be more systematically eliminated or choose not to participate. Workers would benefit from inspections that would be more likely to reflect their working reality, and less likely to put them at risk.

The Issue of Ineligibility for Federal Settlement Funding

IRCC is responsible for funding services that “help newcomers settle and adapt to life in Canada,” including support with information and referrals, language training, career and skills development assistance, and general integration into Canadian society.¹⁸¹ The Settlement Program supports immigrants and refugees in “overcoming barriers specific to the newcomer experience,” to enhance their ability to participate in social, cultural, civic and economic life.¹⁸² Migrant workers do not qualify for this federal settlement funding.

An immigrant with temporary status does not have access to settlement agencies that provide support. That's the issue: there is no support. Of course, there are community organizations that try not to differentiate, but we also know that settlement agencies are obliged to do so because their funding depends on it.

Anna Triandafyllidou, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University¹⁸³

¹⁸¹ IRCC, [Learn about funding processes for settlement services](#).

¹⁸² Ibid.

¹⁸³ SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

Impact: Lack of Access to Information and Education

In terms of service provision and access to services at a community-based level, it's really challenging for communities to respond. We have basically created a situation where more temporary migrants are coming into communities without the supports they need to be able to access services and protect their rights.

Jenna L. Hennebry, International Migration Research Centre, Wilfrid Laurier University¹⁸⁴

Settlement services play an important role in providing essential information and support to immigrants and refugees when they first arrive in Canada. Some community organizations are attempting to fill this gap for migrant workers, but without substantial and stable funding, implementation is limited. This leads to missed opportunities to support migrant workers with more information and education that would support their ability to assert their rights and navigate health and safety concerns.

An official from ESDC acknowledged that despite the recent implementation of various program updates intended to better protect TFWs, “those have not been fully communicated and we need to do a better job of getting out into the communities and making people aware of that.”¹⁸⁵ That work of communicating and supporting migrant workers is currently being done in a piecemeal fashion by community organizations with short-term funding. Lou Janssen Dangzalan emphasized that “looking into organizations that do this and funding them, backing them, supporting them and encouraging them is far more effective than a lot of the typical mainstream campaigns that we can think of” and that “trust relations, whether in the immediate family or social circle or through an organization, are very important to overcome language barriers.”¹⁸⁶

Sara Asalya noted that “it would be terrific if we could duplicate the pre-arrival [programming] that currently exists in some capacity.”¹⁸⁷ Pre-arrival programs aim to educate prospective immigrants before they arrive in Canada, and could be extended or mirrored to serve the migrant worker population. While potentially intending to stay for different periods of time, one can imagine that pre-arrival concerns and questions would be relatively common for foreign nationals coming to Canada for the first time.

¹⁸⁴ SOCI, [Evidence](#), 3 November 2022 (Jenna L. Hennebry, Co-founder, International Migration Research Centre; Professor, Balsillie School of International Affairs, Wilfrid Laurier University, as an individual).

¹⁸⁵ SOCI, [Evidence](#), 28 September 2023 (Michael MacPhee, Assistant Deputy Minister, Temporary Foreign Worker Program Branch, Service Canada, Employment and Social Development Canada).

¹⁸⁶ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association); and SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

¹⁸⁷ SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women’s Services Toronto).

Impact: Unstable Funding

When community organizations do receive funding, it's often time-limited with an uncertain future. In part, this is because the current funding model is project-based. The result is that "it's difficult to plan long-term to do this work."¹⁸⁸ Donald Walmsley noted that in contrast to the ongoing stable funding offered through IRCC's Settlement Program, the services currently offered to migrant workers are "funded in blocks," with the most recent block due to end in March 2024.¹⁸⁹ Funding is frequently contingent on continuously demonstrating success and outcomes, which is difficult when projects are relying on funding to launch.¹⁹⁰

After just over two and a half months in operation, we had to close our doors because the funding that we had received from the federal government ended. We lost our funding, not because we were the applicant but because the applicant that had received the funding to then redistribute it had lost their funding. So, overnight, dozens of organizations like ours lost.

Aditya Rao, Madhu Verma Migrant Justice Centre¹⁹¹

Impact: Further Barriers to Permanent Residence and Integration

Without targeted language and skills development support, migrant workers are at a distinct disadvantage in continuing their career and pursuing PR and integration in Canada, when compared with immigrants who have access to targeted funding. Multiple community organizations expressed a desire to do more work supporting migrant workers if provided with the requisite funding. The committee heard during its fact-finding mission that access to language training is a major factor to successful rural integration and pursuit of permanent residence. Jim Stanford noted that doing immigration right means "coming in with the supports for settlement, training, language and employment services" so that migrant workers have the opportunity to "build good lives here."¹⁹²

¹⁸⁸ SOCI, [Evidence](#), 8 June 2023 (Ryan MacRae, Coordinator, Migrant Worker Program, Cooper Institute).

¹⁸⁹ Donald Walmsley, [Follow-Up by Donald Walmsley, Executive Director, Neepawa and Area Immigrant Settlement Services](#), Brief submitted to SOCI, 11 October 2023.

¹⁹⁰ Migrant Worker Advocate, New Brunswick, Testimony heard during the committee's fact-finding mission.

¹⁹¹ SOCI, [Evidence](#), 8 June 2023 (Aditya Rao, Board Member, Madhu Verma Migrant Justice Centre).

¹⁹² SOCI, [Evidence](#), 4 October 2023 (Jim Stanford, Economist and Director, Centre for Future Work).

Unfortunately, in that arm, IRCC's approach is a little outdated. You come for a definite period of time to do a specific job and then you leave, but we know this is not what is happening.

Anna Triandafyllidou, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University¹⁹³

Short-Term Fix: Migrant Worker Support Program

The Migrant Worker Support Program was born out of a pilot project in British Columbia. From February 2019 to March 2020, three not-for-profit organizations received \$2.6 million, with one of them acting as a funding intermediary to fund a further 23 other not-for-profit organizations.¹⁹⁴ In response to the COVID-19 pandemic, ESDC contributed an additional \$19.3 million in funding for organizations in British Columbia and those in Alberta, Quebec and the Atlantic provinces.¹⁹⁵ In part, this funding supported 76,000 TFWs arriving at international airports in Vancouver, Calgary, Toronto, and Montreal with on-arrival orientation services.¹⁹⁶ It is largely through the Migrant Worker Support Program that community organizations have been able to provide support to migrant workers without compromising their ability to support other newcomers through the Settlement Program.

Budget 2021 provided \$49.5 million over three years to establish the Migrant Worker Support Program, with 10 non-profit organizations redistributing funding to nearly 100 sub-recipient organizations across Canada.¹⁹⁷ These organizations are supporting on-arrival orientation services in Vancouver, Calgary and Toronto, in addition to community-based and emergency supports. So far, the Program has logged 127,504 service interactions, including 65% more community-based interactions than expected.¹⁹⁸ Services are predominantly delivered in Spanish, Punjabi, and Tagalog.¹⁹⁹

In New Brunswick, members of the committee met with some of the organizations who had received funding. Their experience was that they received \$40,000 of funding from the Atlantic

¹⁹³ SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

¹⁹⁴ ESDC, [Assessment of the Migrant Worker Support Network Pilot](#).

¹⁹⁵ The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

¹⁹⁶ Ibid.

¹⁹⁷ IRCC, [Minister Mendicino highlights immigration investments in Budget 2021 in support of Canada's economic recovery](#), News release, 12 May 2021.

¹⁹⁸ The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

¹⁹⁹ Ibid.

Region Association of Immigrant Serving Agencies to share between two organizations, funding two part-time jobs for one year.²⁰⁰

In 2022, stakeholders including migrant worker support organizations, employers, and foreign government officials provided initial feedback on the Migrant Worker Support Program. This early feedback indicated that the funding and redistribution model was successful in increasing the number of migrant workers that can be served and supported in emergency situations, but that recipient organizations are struggling with the uncertainty of funding.²⁰¹ One conclusion that is fairly evident is that while community organizations are glad to be able to use this funding to support migrant workers, its uncertain future limits its utility, and does not allow these organizations to pursue long-term planning.²⁰²

The future of the program beyond 2024 was not known when the Minister appeared before the committee, but an ESDC official signalled that they anticipate providing the minister with “recommendations in terms of how we see that program moving forward,” in “short order.”²⁰³ In follow-up information to the committee, the Minister indicated that a survey will be launched in late 2023–2024 to evaluate the success of the Program in helping migrant workers understand and exercise their rights.²⁰⁴ ESDC intends to prioritize collecting disaggregated data to better understand the implementation and impact of the Program so far.²⁰⁵ Budget 2024 included a proposed \$20 million in funding for the Migrant Worker Support Program “for community-based organizations to support vulnerable foreign workers” for both 2024–2025 and 2025–2026.²⁰⁶

Innovative Idea: Expanding Eligibility for Integration Funding to Migrant Workers

Migrant workers, labour rights advocates, community service organizations and also, employers, agreed with the need to extend eligibility for settlement funding to the migrant worker population. It may be time for IRCC to evaluate whether “they are meeting the needs of the population and if there is a need to look at expanding” eligibility for settlement funding.²⁰⁷

²⁰⁰ Migrant Advocate Organizations, New Brunswick, Testimony heard during the committee’s fact-finding mission.

²⁰¹ The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

²⁰² Ibid.

²⁰³ SOCI, [Evidence](#), 28 September 2023 (Michael MacPhee, Assistant Deputy Minister, Temporary Foreign Worker Program Branch, Service Canada, Employment and Social Development Canada).

²⁰⁴ The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

²⁰⁵ Ibid.

²⁰⁶ Department of Finance Canada, [Fairness for Every Generation](#), Budget 2024, p. 214.

²⁰⁷ SOCI, [Evidence](#), 27 September 2023 (Donald Walmsley, Executive Director, Neepawa and Area Immigrant Settlement Services).

Select reactions to the potential impact of extending integration funding to migrant workers:

Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick: "As a settlement organization, if we were able to receive additional federal funding and expand the clientele we can serve, particularly temporary workers, it would enable us to set up programs and have people who are trained to accompany temporary workers. Certainly, additional funding from the federal government would enable us to serve temporary foreign workers."²⁰⁸

Migrant Workers Health Expert Working Group: "For permanent residents, access to English-language settlement services is a real boon in terms of community integration and access to, in practical terms, health and safety. For people who come on temporary visas, this is something that would make a real difference: formal access to free language support services that is systematic."²⁰⁹

Given that the premise of temporary migrant labour suggests that migrant workers are not necessarily settling permanently in Canada, it may be pertinent to explore rebranding of the Settlement Program towards an Integration Program. While another option could see the establishment of a distinct Integration Program, this would likely add administrative burdens to organizations providing services to both populations. During the fact-finding mission, grassroots community organizations noted that they have stepped in to support migrant workers where settlement organizations have had to deny services.²¹⁰ New funding eligibility and models could consider prioritizing the existing expertise of these community organizations.

The non-profit sector, the settlement sector, is at overcapacity with lack of funding or funding at status quo. We're seeing a lot of people accessing the services, especially during the pandemic, and we're trying our best. What I would advocate for is a more sustainable funding model that really helps more collaboration and all actors involved in the settlement experience of newcomers to come together to provide better support services.

*Sara Asalya, Newcomer Women's Services Toronto*²¹¹

²⁰⁸ SOCI, [Evidence](#), 21 September 2023 (Angèle Losier, Executive Director, Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick).

²⁰⁹ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

²¹⁰ Migrant Worker Advocate, New Brunswick, Testimony heard during the committee's fact-finding mission.

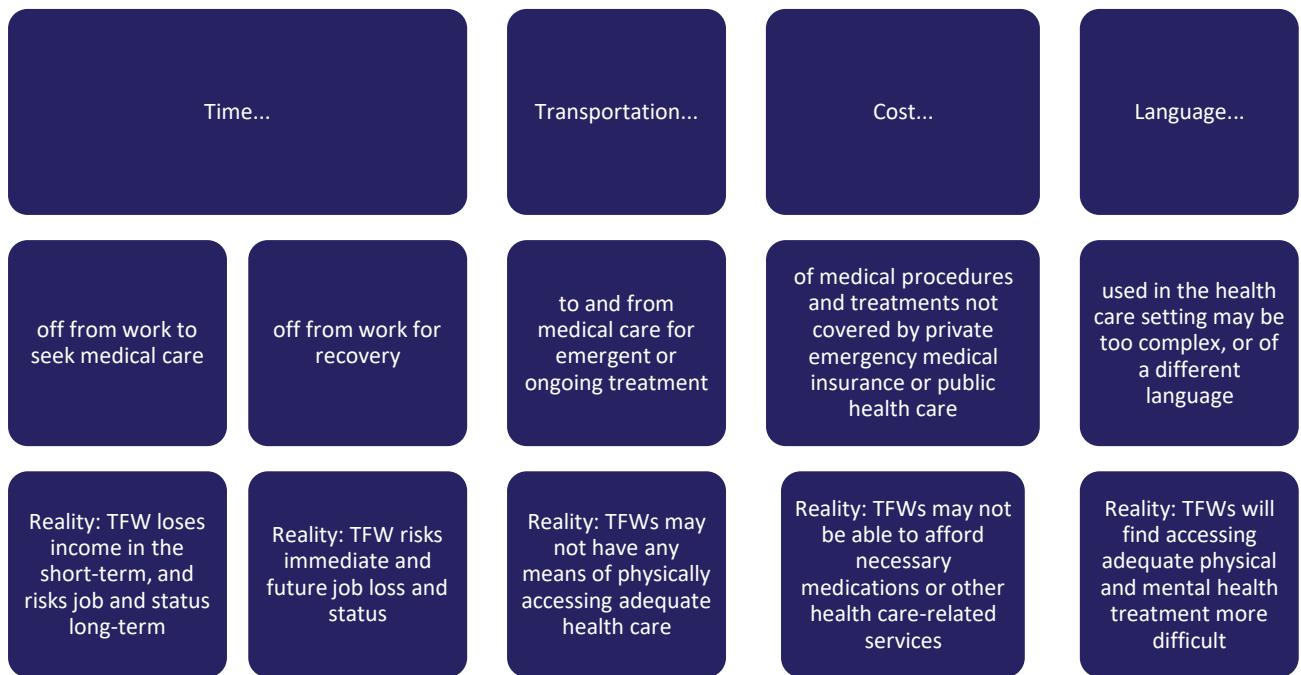
²¹¹ SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women's Services Toronto).

The Issue of Barriers to Accessing Health Care

Migrant workers are eligible for provincial or territorial health insurance, subject to regional requirements.²¹² Employers of TFWs are responsible for covering private health insurance for emergency medical care (at no cost to the worker) until they are covered by public health care.²¹³ Like all employers in Canada, employers of migrant workers must ensure ill or injured employees have adequate access to medical care, and that the environment and work are safe.

Despite these requirements, the committee heard that many migrant workers are not comfortably accessing proper medical care, in part, due to some of the barriers depicted in Figure 8.

Figure 8: Overview of Certain Barriers to Accessing Adequate Health Care²¹⁴



The committee heard that in addition to these systemic barriers, some migrant workers are wholly prohibited from accessing health services. During the fact-finding mission, members heard numerous reports of workers who were not allowed to access health care and medication, or who feared reprisal if injuries or illness were discovered.²¹⁵ One advocate told members that he was aware of workers who had been fired from their jobs because they required health care.²¹⁶ A

²¹² For example, in British Columbia, coverage begins once a person is considered a resident, plus the remainder of that month and two additional months; however, the application can be made immediately upon arrival.

Government of British Columbia, [Coverage Wait Period](#), last updated 5 April 2023.

²¹³ ESDC, [Temporary foreign workers: Your rights are protected](#).

²¹⁴ Figure prepared by the Library of Parliament based on testimony heard during the committee's study on Canada's Temporary and Migrant Labour Force and the committee's fact-finding mission.

²¹⁵ Migrant Workers and Migrant Worker Advocates, New Brunswick and Prince Edward Island, Testimony heard during the committee's fact-finding mission.

²¹⁶ Migrant Worker Advocate, Prince Edward Island, Testimony heard during the committee's fact-finding mission.

Act Now: Solutions for Temporary and Migrant Labour in Canada

worker shared that their employer not only restricts information about health care, but also prevents access to it.²¹⁷

While they are employed in Canada, their work permits are tied to a single employer who can terminate them without a grievance process. Once terminated, they typically face immediate repatriation along with a loss of contractually provided housing, health care and legal authorization to work in Canada. Research shows that workers face pressure to fulfill stereotypes of “being an ideal worker” because they know employers could repatriate them at any moment, decline to rehire them the next season or give them a negative end-of-season evaluation.

Anelyse Weiler, Migrant Workers Health Expert Working Group²¹⁸

Impact: Conditions Untreated and Health Risked

With so many different barriers to TFWs’ opportunity to access adequate health care—adequate being comparable to that offered to a permanent resident or Canadian citizen—it is no surprise that migrant workers and their advocates report adverse health outcomes.

Select health-related concerns:

Pesticide Exposure: “Workers exposed to unsafe levels of pesticides may suffer the acute effects of poisoning such as eye irritation and rashes. However, others will suffer chronic long-term effects after they return home and will normally have no practical recourse. Workers get cancer, Parkinsons, and other chronic diseases closely associated with multiple pesticides after they return home from the temporary foreign worker program. Since these workers do not know what pesticides they used or what their actual exposures were—there is often little we can do to assist them.”²¹⁹

Processing Abuse: “Failure to provide adequate support, including health and mental health services to help people cope, will further prolong their process of healing. Currently, access to most available services is conditioned to immigration status, form of violence experienced or other restrictive criteria.”²²⁰

Reproductive Health Care: “Migrant workers, along with a range of other people living and working in Canada with temporary residency, face unique challenges when trying

²¹⁷ Migrant Worker, New Brunswick, Testimony heard during the committee’s fact-finding mission.

²¹⁸ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

²¹⁹ Laura Bowman, [Ecojustice re. Study of temporary foreign workers – pesticides](#), Brief submitted to SOCI, 26 October 2023.

²²⁰ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023.

to access reproductive health care—including access to contraception, abortion, and perinatal care; as well as workplace protections and accommodations associated with pregnancy and parenthood.”²²¹

Loud Noise: In some of the plants toured during the fact-finding mission, the noise level was loud enough to prohibit conversation at certain points. While some of the work sites had used decibel monitors at various points, none were able to confirm exact levels and safety protocols.

Short-Term Fix: Employer-Provided Insurance and Information

In September 2022, the *Immigration and Refugee Protection Regulations* were amended to “protect temporary foreign workers,” among other things.²²² In part, these changes began requiring employers under both the TFWP and IMP “to make reasonable efforts to provide access to health care services” when a worker is injured or ill at the workplace.²²³ The amendments also clarified that all TFWP employers are responsible for paying for emergency medical coverage when TFWs are not covered by public health care.

By the end of the committee’s study, over a year had passed since the implementation of these changes, providing an opportunity to begin assessing their impact. Members heard that while the

²²¹ Lindsay Larios, [Briefing Note on Migrant Worker Access to Reproductive Care in Canada](#), Brief submitted to SOCI, 30 November 2023, which makes reference to: Salina Abji and Lindsay Larios, “Migrant Justice as Reproductive Justice: Birthright Citizenship and the Politics of Immigration Detention for Pregnant Women in Canada,” *Citizenship Studies*, Vol. 25, No. 1, December 2020; Lígia Moreira Almeida et al., “Maternal healthcare in migrants: a systematic review,” *Maternal and Child Health Journal*, Vol. 17, No. 8, October 2013; Tanya Basok, Danièle Bélanger and Eloy Rivas, “Reproducing Deportability: Migrant Agricultural Workers in South-western Ontario,” *Journal of Ethnic and Migration Studies*, Vol. 40, No. 9, 5 November 2013; Frédérique Chabot, “Access to Abortion for Undocumented Persons during the COVID-19 Pandemic,” *The Statelessness & Citizenship Review*, Vol. 3, No. 1, 2021; Amy Cohen and Susana Caxaj, “Bodies and Borders: Migrant Women Farmworkers and the Struggle for Sexual and Reproductive Justice in British Columbia, Canada,” *Alternate Routes: A Journal of Critical Social Research*, Vol. 29, 2018; Jill Hanley et al., “Pregnant and undocumented: taking work into account as a social determinant of health,” *International Journal of Migration, Health and Social Care*, Vol. 16, No. 2, 8 April 2020; Lindsay Larios et al., “Access to Perinatal Care in Manitoba without Provincial Public Health Insurance,” *Migrant Reproductive Justice - Manitoba Project*; Lindsay Larios, “Precarious reproductive citizenship: Gaps in employment protections for pregnant precarious status migrants in Canada,” *Citizenship Studies*, Vol. 27, No. 1, May 2022; and Lindsay Larios, “The Problematization of Migrant Maternity: Implications of the “Passport Baby” Narrative in the Canadian Context,” *Social Politics: International Studies in Gender, State & Society*, Vol. 30, No. 2, Summer 2023; Lisa Merry, Siri Vangen and Rhonda Small, “Caesarean births among migrant women in high-income countries,” *Best Practice & Research Clinical Obstetrics & Gynaecology*, Vol. 32, 2016; Miya Narushima, Janet McLaughlin and Jackie Barrett-Greene, “Needs, Risks, and Context in Sexual Health Among Temporary Foreign Migrant Farmworkers in Canada: A Pilot Study with Mexican and Caribbean Workers,” *Journal of Immigrant and Minority Health*, Vol. 18, No. 2, April 2016; J. Adam Perry, “Living at Work and Intra-worker Sociality Among Migrant Farm Workers in Canada,” *Journal of International Migration and Integration*, Vol. 19, 14 June 2018; Chantal Robillard et al., “Caught in the Same Webs’ – Service Providers’ Insights on Gender-Based and Structural Violence Among Female Temporary Foreign Workers in Canada,” *Journal of International Migration and Integration*, Vol. 19, 4 March 2018; Cecile Rousseau, “Perinatal health care for undocumented women in Montreal: When sub-standard care is almost the rule,” *Journal of Nursing Education and Practice*, Vol. 4, No. 3, 2014; and Karline Wilson-Mitchell and Joanna Anneke Rummens, “Perinatal outcomes of uninsured immigrant, refugee and migrant mothers and newborns living in Toronto, Canada,” *International Journal of Environmental Research and Public Health*, Vol. 10, No. 6, 21 May 2013.

²²² ESDC, “[New amendments to the Immigration and Refugee Protection Regulations \(temporary foreign workers\)](#),” Background.

²²³ Ibid.

Act Now: Solutions for Temporary and Migrant Labour in Canada

regulatory changes “do show the government is aware of the abuse of migrant workers and wants to take some action[,] they did not have an impact on protecting workers.”²²⁴

Innovative Idea: The Interim Federal Health Program Model

Created in 1957, the Interim Federal Health Program (IFHP) provides funding to cover some health care needs of refugees. Pre-arrival, the IFHP covers medical exams, treatment and vaccinations required for immigration under the *Immigration and Refugee Protection Act* and, if required, medical care support during travel.²²⁵ Once in Canada, the IFHP “provides limited, temporary coverage of health-care [sic] benefits” to resettled refugees, refugee claimants and in-Canada protected persons.²²⁶ Ministerial Instructions, issued under the Act, can also expand eligibility to other groups, with different populations eligible for various terms of coverage.²²⁷

During the fact-finding mission, one possible solution proposed to standardize migrant workers’ access to information and coverage for health care was to extend eligibility for the IFHP to include them, or create a similar program addressing their needs.

The Issue of Time-Limited Contracts

As part of the nature of migrant work, contracts are temporary and time-limited. Various programs allow for different lengths of work permits and LMIA eligibility, impacting workers’ ability to access opportunities like PR and support services such as Employment Insurance (EI) benefits.

Impact: Barriers to Pathways to Permanent Residence

Recognizing that not all migrant workers desire PR status, for those that do, there are significant challenges. Two of the major barriers to successfully applying for permanent residence are directly related to the temporary, time-limited nature of their contracts and work permits.

As discussed in relation to the limitations on settlement/integration funding for migrant workers, a significant consequence of the temporary nature of their contracts is lack of access to language, skills and education support services provided to immigrants and refugees. Many migrant workers are also unable to meet the requisite work experience criteria. The Canadian Experience Class, Atlantic Immigration Program and Rural and Northern Immigration Pilot all require the equivalent of one year’s work (1,560 hours) in Canada at various skill levels over a period of the past three to five years.²²⁸ The Deputy Minister of IRCC shared that one potential solution the department is exploring is experience accumulated over a sectoral work permit, rather than an employer-specific

²²⁴ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

²²⁵ IRCC, [Interim Federal Health Program: What is covered](#).

²²⁶ Ibid.

²²⁷ IRCC, [Interim Federal Health Program: Who is eligible](#).

²²⁸ The Canadian Experience Class requires 1,560 hours of skilled work experience (TEER 0–3) in Canada over the past three years. The Atlantic Immigration Program requires 1,560 hours of work experience (TEER 0–4) in Canada over the past five years. The Rural and Northern Immigration Pilot requires 1,560 hours of work experience over the past three years, with certain occupational requirements based on the intended job in Canada.

Act Now: Solutions for Temporary and Migrant Labour in Canada

work permit, and that IRCC could “facilitate that and work with sectors to try to complement those seasonal labour shortages.”²²⁹

Witnesses noted that, in large part, these barriers are due to the very concept of “pathways” to permanent residence, implying multiple steps and requirements. Ethel Tungohan noted that many of the challenges migrant workers face are related to their employer-specific work permits and onerous permanent residence requirements, which in turn “stem from Canada’s system of two-step immigration.”²³⁰

Pathways are a problem rather than a solution. When I say that we need a permanent immigration system that allows for immigration with status, that means stop with the pathways and develop that permanent immigration system at the front end.

Fay Faraday, Assistant Professor of Law, York University²³¹

Mikal Skuterud added that an unintended consequence of introducing more pathways to PR for migrant workers is that prospective applicants may be more vulnerable to exploitation with an “incredible willingness to pay for that PR status” and thus may do “more harm than good.”²³²

Impact: Difficulties in Accessing Employment Insurance

Migrant workers are just as eligible for EI regular benefits as domestic workers—subject to various requirements, including:²³³

- experiencing job loss through no fault of the worker;
- being without work and pay for at least seven consecutive days over the past 52 weeks;
- having worked the required number of insurance employment hours in the last 52 weeks (depending on the sector and region); and
- being actively able to and searching for work.

ESDC echoes that TFWs are entitled to EI if they lose their job through no fault of their own, or are being abused.²³⁴ Yet, the committee heard that some populations of migrant workers may face barriers accessing EI as “the design of the system is out of sync with workers’ experience.”²³⁵ One

²²⁹ SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

²³⁰ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

²³¹ SOCI, [Evidence](#), 16 February 2023 (Fay Faraday, Assistant Professor, Osgoode Hall Law School, York University, as an individual).

²³² SOCI, [Evidence](#), 4 October 2023 (Mikal Skuterud, Professor, Department of Economics, University of Waterloo, as an individual).

²³³ Government of Canada, [EI regular benefits – Do you qualify](#).

²³⁴ ESDC, [Temporary foreign workers: Your rights are protected](#).

²³⁵ SOCI, [Evidence](#), 24 November 2022 (Leah F. Vosko, Professor, Department of Politics, York University, Migrant Workers Health Expert Working Group).

of the most significant issues is that workers must be in Canada and ready to work to claim EI, so seasonal workers who return home when their contract finishes are rendered ineligible.

While in New Brunswick and Prince Edward Island, members of the committee heard first-hand about the impact of seasonal work on EI access. One advocate shared that the EI system is not currently set up to accommodate seasonal migrant workers and to adequately factor in the precarity of work hours and other intersecting issues like labour actions.²³⁶ A worker shared that they could not access EI because their work permit expired and their employer was still processing their new one, leaving them without pay.²³⁷

Innovative Idea: Exploring a Spectrum of Greater Access to Permanent Residence

My overarching recommendation is to strongly limit the temporary work permit system, and instead replace it with permanent migration for people with full status.

Jim Stanford, Centre for Future Work²³⁸

The committee heard testimony from some witnesses who suggested going one step beyond eliminating employer-specific work permits and offering permanent residence to all workers upon arrival in Canada. Anelyse Weiler included this in her initial assessment of what goes beyond Band-Aid solutions: “what we need to see is access to permanent residency on arrival.”²³⁹ Eugénie Depatie-Pelletier agreed that “since meaningful access to justice requires permanent legal status, workers must be provided [with such] upon arrival.”²⁴⁰

Some witnesses recommended compromises, noting that “there are sectors or situations where it’s truly temporary employment, whether it’s agricultural workers [...] or intra-company transfers, contracts, or people working in the service field for three to four months,” and encouraging flexibility.²⁴¹ Catherine Bryan disagreed, stating that obtaining PR status “really does remedy some of the more exploitative tendencies” of the TFWP, and adding that “permanency should likely be extended to seasonal agricultural workers as well.”²⁴²

A potential compromise would retain the two-step pathways to permanent residence for incoming migrant workers, but would immediately extend PR status to all migrant workers currently in the

²³⁶ Migrant Worker Advocate, New Brunswick, Testimony heard during the committee’s fact-finding mission.

²³⁷ Migrant Worker, New Brunswick, Testimony heard during the committee’s fact-finding mission.

²³⁸ SOCI, [Evidence](#), 4 October 2023 (Jim Stanford, Economist and Director, Centre for Future Work).

²³⁹ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

²⁴⁰ SOCI, [Evidence](#), 15 February 2023 (Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director, Association for the Rights of Household and Farm Workers).

²⁴¹ SOCI, [Evidence](#), 16 February 2023 (Andrew Griffith, Fellow, Canadian Global Affairs Institute, as an individual).

²⁴² SOCI, [Evidence](#), 27 September 2023 (Catherine Bryan, Associate Professor, School of Social Work, Dalhousie University, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

country. Jim Stanford acknowledged that while the immigration flow needs to be better managed in the future, for the workers here now “the best thing to do—from a human rights perspective—is to give them a full welcome, full rights and full protections.”²⁴³ Armine Yalnizyan agreed with Stanford that while she would “personally love to get rid” of the TFWP, “you cannot just shut it down.”²⁴⁴

Transitioning to an immigration system wherein all are offered permanent residence upon arrival would require massive organizational changes and would imply knock-on effects through various levels of government and services. It would render both the employer-specific work permit and LMIA moot as well as requiring massive restructuring of migrant work programs.

Employers also registered their concern. The Executive Director of the Lobster Processors Association cautioned that “we should be careful about stock statements that giving everyone access to permanent residency would fix the problem.”²⁴⁵ The President of the Fisheries Council of Canada added that permanent residence is not necessarily desired by all and that some “workers who have more seasonal work want to go back home to their families in the off-season.”²⁴⁶ The Canadian Federation of Agriculture and Fruit & Vegetable Growers Association of Canada agreed that many workers in agriculture “enjoy the ability to come to Canada during the production season to complete their work, and then return home and invest that money in their homes, or their own businesses in their home countries.”²⁴⁷

The Issue of Limited Housing Stock

Canada is currently experiencing a housing supply shortage, with new housing not keeping pace with the increasing population.²⁴⁸ A general housing supply shortage has resulted in an affordable housing shortage, with the unaffordability rate²⁴⁹ higher in 2023 than it has been since the early 1990s. It is important to note that while limited housing stock is a condition increasing the vulnerability of migrant workers, they and immigrant populations more broadly are not the cause of the housing shortage. Migrants and immigrants are not responsible for government policy. The

²⁴³ SOCI, [Evidence](#), 4 October 2023 (Jim Stanford, Economist and Director, Centre for Future Work).

²⁴⁴ SOCI, [Evidence](#), 4 October 2023 (Armine Yalnizyan, Atkinson Fellow on the Future of Workers, Atkinson Foundation, as an individual).

²⁴⁵ SOCI, [Evidence](#), 8 June 2023 (Nat Richard, Executive Director, Lobster Processors Association).

²⁴⁶ SOCI, [Evidence](#), 7 June 2023 (Paul Lansbergen, President, Fisheries Council of Canada).

²⁴⁷ Canadian Federation of Agriculture and The Fruit and Vegetable Growers of Canada, [RE: Study of Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 3 March 2023.

²⁴⁸ See CMHC, [Housing shortages in Canada: Updating how much housing we need by 2030](#), September 2023; CMHC, [Housing Supply Report, Canadian Metropolitan Areas](#), October 2023; Josef Filipowicz, “[Canada’s gap between homebuilding and population growth has never been wider](#),” The Fraser Institute, 12 October 2023; and Florian Mayneris and Radu Andrei Pârvolescu, [A toolkit for understanding housing supply](#), Statistics Canada, 25 October 2023.

²⁴⁹ Measured as a ratio that represents housing-related costs (mortgage payments and utility fees) to average household disposable income, with higher ratios representing greater unaffordability. In 2023, an average of 55% of household income was going towards housing costs, up from 36% in 2020, and with similar numbers not seen since 1990, when it was 54%. Bank of Canada, [Real estate market: Definitions, graphs and data](#), accessed 18 December 2023.

Deputy Minister for IRCC agreed that “housing is a complex issue,” recognizing that while immigration “is not the cause of the current crisis; it is one of the contributing factors.”²⁵⁰

Impact: Employers Having Challenges Fulfilling Program Obligations

As housing supply has become increasingly limited, certain housing obligations for employers of migrant workers have become more difficult to meet.

Employers of TFWs in the low-wage and agricultural streams are responsible for ensuring workers have access to adequate,²⁵¹ suitable²⁵² and affordable²⁵³ housing, with limited wage deductions permitted.²⁵⁴ Employers of SAWP workers are responsible for providing adequate and suitable housing at no cost to the worker (except in British Columbia where limited deductions are permitted).²⁵⁵

When housing stock is unavailable, unaffordable, or inadequate, some employers of non-SAWP TFWs have resorted to building their own housing and becoming landlords, on top of employers. Jerry Gavin of the Prince Edward Island Seafood Processors Association noted that many seafood processing employers “although hesitant to do so, have become landlords and are providing accommodations for their temporary foreign workers.”²⁵⁶ Many have stated “they don’t want to be landlords,” as it takes their time and attention away from their primary occupation, but they “have no choice.”²⁵⁷ During the fact-finding mission, members had the opportunity to visit one such example of a seafood processing employer who had built onsite accommodations for the workforce when the local housing supply was exhausted. The employer noted that prior to building the accommodations, workers had been housed further away in different locations throughout the community.²⁵⁸ In addition to the inconvenience, the lobster and crab season coincide with tourist season, which had further limited the housing supply.²⁵⁹

Housing stresses are adding to the cost burdens incurred by employers, making them reluctant to risk eliminating employer-specific work permits. The Ontario Fruit & Vegetable Growers Association

²⁵⁰ SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

²⁵¹ Adequate housing has various requirements including adhering to municipal and provincial/territorial standards and having running hot and cold potable water and private, functional hygiene facilities.

ESDC, [Temporary foreign workers: Your rights are protected](#).

²⁵² Suitable housing is based on the National Occupancy Standard of a maximum of 2 persons/bedroom. While couples may share a bedroom, single adults are entitled to separate bedrooms. However, if these conditions cannot be met, the Standard is not intended to limit access to housing.

Canada Mortgage and Housing Corporation, [National Occupancy Standard](#).

²⁵³ Affordable housing, unless otherwise defined, is less than 30% of a household’s gross income. In the agricultural stream of the TFWP, deductions for non-specialized workers are limited to \$30/week.

ESDC, [Temporary foreign workers: Your rights are protected](#).

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ SOCI, [Evidence](#), 8 June 2023 (Jerry Gavin, Executive Director, Prince Edward Island Seafood Processors Association).

²⁵⁷ Ibid.

²⁵⁸ Seafood Processing Employer, New Brunswick, Testimony heard during the committee’s fact-finding mission.

²⁵⁹ Ibid.

shared that to build regulated worker housing can cost \$25,000 to \$40,000 per suitable space.²⁶⁰ Nat Richard added that in New Brunswick, many seafood processing employers have made significant investments, with one member recently opening a “brand new \$5-million housing complex,” because they “had no choice” but to meet the obligations of the TFWP.²⁶¹

Of note, some migrant workers who arrived in Canada around 10–15 years ago may have benefitted from rural exodus to purchase homes locally. In Prince Edward Island, members of the committee heard that a majority of permanent residents (formerly TFWs) who worked at a seafood processing plant owns their homes locally.²⁶² In New Brunswick, members of the committee heard a similar story from a seafood processing employer who shared how appreciative the local community was that the newcomers were choosing to settle locally as they provided renewed economic and social participation, including during the off-season.²⁶³

Impact: Overcrowded, Inadequate Housing

One of the most well-documented issues of mistreatment and worker abuse within the SAWP—poor quality accommodations—is not a new phenomenon created by the current housing shortage, but rather a symptom of the power imbalance between employer and worker, and the requirement that employers provide housing. The housing shortage has exacerbated existing issues with overcrowding and unsuitable accommodations for all migrant workers. Anelyse Weiler noted that among agricultural employer-provided housing, “many accommodations are unsanitary, overcrowded, dilapidated and poorly ventilated.”²⁶⁴

Select housing concerns

—“Studies have uncovered a range of heightened health risks from on-farm housing, including insufficient handwashing and toilet facilities, inadequate food refrigeration and storage, proximity to pathogenic microorganisms and a lack of access to safe drinking water.”²⁶⁵

—Overcrowded housing is a major complaint among seafood workers, whose housing conditions are less regulated than SAWP workers. Rents average \$300/month, for what is effectively a rooming house.²⁶⁶

²⁶⁰ Ontario Fruit & Vegetable Growers’ Association, [RE: Study of Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 21 November 2023.

²⁶¹ SOCI, [Evidence](#), 8 June 2023 (Nat Richard, Executive Director, Lobster Processors Association).

²⁶² Seafood Processing Employer, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

²⁶³ Seafood Processing Employer, New Brunswick, Testimony heard during the committee’s fact-finding mission.

²⁶⁴ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

²⁶⁵ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

²⁶⁶ Migrant Worker Advocate, New Brunswick, Testimony heard during the committee’s fact-finding mission.

—Members of the committee heard about one case in which an employer had purchased a building and converted it into worker accommodations, with workers given “rooms” that were windowless and had no real doors.²⁶⁷

—In another case, workers were each paying \$400/month to live in a cramped 2-person room while reporting mice infestations, sewage flooding and no windows and doors. When workers complained, the employer raised the rent in reprisal. There were more than 30 residents, generating a large monthly income for the employer.²⁶⁸

Impact: Additional Tension with Local Communities

When resources are scarce, it is inevitable that tensions flare and competition increases. Such is the case with limited housing supply and increasing incoming migrant and immigrant populations. While in rural New Brunswick, members of the committee heard that housing was and remains a problem, especially when it comes to access to affordable housing. Given that the TFWP either requires that housing be provided at no cost, or at limited cost, domestic workers have expressed feeling that this is unfair.²⁶⁹ A government official in Prince Edward Island confirmed that “the housing resentment is there” and that it will be a “potential problem that will get worse as time goes on,” if no solutions are put in place.²⁷⁰

Innovative Idea: Involving Migrant Workers in Resolving the Housing Supply Shortage

There is no lack of discussion on the housing shortage—however, one avenue that has not been explored to a great extent involves migrant workers as part of a potential solution to the housing supply shortage.

In September 2023, the Canada Mortgage and Housing Corporation lowered its 2022 projection of housing units that would be available in Canada in 2030, stating that “an important reason for this decline is the current shortfall in housing construction,” due in part to “labour in short supply.”²⁷¹

While in Prince Edward Island, members of the committee heard about a program, launched in March 2023, jointly operated between the provincial government and the Construction Association of Prince Edward Island. The program provides 240 hours of paid work in exchange for construction skills training while building tiny homes.²⁷² The province covers the cost of the materials and training expenses and is able to add the homes to the social housing registry, once completed.²⁷³

²⁶⁷ Migrant Worker, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

²⁶⁸ Migrant Worker, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

²⁶⁹ Seafood Processing Employer, New Brunswick, Testimony heard during the committee’s fact-finding mission.

²⁷⁰ Municipal Official, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

²⁷¹ *Housing shortages in Canada: Updating how much housing we need by 2030*, September 2023; CMHC, [Housing Supply Report, Canadian Metropolitan Areas](#), October 2023

²⁷² Prince Edward Island, Department of Housing, Land and Communities, [Province partners with Holland College and Construction Association to build tiny homes](#), News release, 17 February 2023.

²⁷³ *Ibid.*; and Nancy Russell, [“Houses built by P.E.I. carpenters-in-training will end up as social housing,”](#) *CBC News*, 10 March 2023.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Currently, this program is targeted towards specific populations, including newcomers and refugees. Expanding the model to migrant workers would provide access to an additional population of labour seeking skills training and recognition.

Under this model, everyone benefits. The province increases its stock of affordable housing and qualified construction workers; the construction industry supports the development of new trained members and colleagues; workers receive training, employment and skills recognition, and the local population has access to more affordable housing. It also represents both a short—and long-term solution, building houses now, and skills capacity for the future.

The Issue of Prohibitions on Labour Organization

While not a condition common to all migrant workers, there are large populations of migrant workers in agriculture and caregiving who do not have equal rights to labour representation and collective bargaining, due to provincial prohibitions for certain sectors (for both domestic and migrant workers). Fay Faraday noted that “the right to unionize, the right to bargain collectively and the right to strike are constitutionally protected, but farm workers and migrant care workers are excluded by law from exercising them.”²⁷⁴ Jenna L. Hennebry confirmed that “risks are not even across categories” and that is especially true for workers in “sectors of the economy who have fewer protections of collective bargaining rights.”²⁷⁵ However, even for workers in sectors or provinces where unionization is not prohibited, barriers like long working hours, rural and remote locations, language, limited knowledge of rights and fear of reprisal may prohibit a worker from unionizing or seeking labour representation.

Impact: Lessened Awareness About Rights and Ability to Assert Them

While acknowledging that this condition of vulnerability is legislated at the provincial level, witnesses did share with the committee challenges associated with not having access to representation. Elizabeth Kwan noted that “workers do need representation” to feel more comfortable demanding equal treatment and rights.²⁷⁶ Along with excluding certain sectors from unionization rights, some workers are also deprived of basic labour rights. Syed Hussan noted that in Ontario “a migrant farm worker is excluded from minimum wage, overtime work, hours of work, breaks and days off, which means you can work three straight months without a single day off, without a break, 12 hours a day, without being able to go to the bathroom, forced to sit on your knees under the raging sun, and that’s legal.”²⁷⁷ Lack of unionization exacerbates these conditions as no one would intervene on the workers’ behalf.

However, witnesses did acknowledge that even with unionization, under the power imbalance of employer-specific work permits, many migrant workers may still feel uncomfortable asserting their

²⁷⁴ SOCI, [Evidence](#), 16 February 2023 (Fay Faraday, Assistant Professor, Osgoode Hall Law School, York University, as an individual).

²⁷⁵ SOCI, [Evidence](#), 3 November 2022 (Jenna L. Hennebry, Co-founder, International Migration Research Centre; Professor, Balsillie School of International Affairs, Wilfrid Laurier University, as an individual).

²⁷⁶ SOCI, [Evidence](#), 17 November 2022 (Elizabeth Kwan, Senior Researcher, Canadian Labour Congress, as an individual).

²⁷⁷ SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change).

Act Now: Solutions for Temporary and Migrant Labour in Canada

rights. Amanda Aziz stated that if legislative changes were made to permit unionization where currently prohibited, “on the other side of that is ensuring that workers are even able to access whatever rights they have.”²⁷⁸

Migrant workers with real representation do not become headline news. Migrant workers with real representation do not become the victims of human trafficking. Migrant workers with real representation do not go home with disfigured bodies and the emotional baggage of being tormented by a horrible employer.

Derek Johnstone, United Food and Commercial Workers of Canada²⁷⁹

Intersectionalities

In addition to the systemic issues experienced by migrant workers that may make them more vulnerable to abuse, there are certain identity factors, some permanent and others, temporary, that may have an impact on workers’ vulnerability to abuse and inability to exercise rights. The committee was informed that perpetrators of abuse (both employers and sometimes other workers) “use particular intersectionalities, including race, culture, language, poverty, immigration status and gender, to further exploit people through forced labour.”²⁸⁰ Anelyse Weiler stated that there is “a wide array of challenges in terms of intersectional issues around health and safety for workers.”²⁸¹

It was brought to our attention the intersection of race, gender and legal status combined together really put women migrant workers in a much more vulnerable position, especially in the workplace.

Sara Asalya, Newcomer Women’s Services Toronto²⁸²

The Issue of Immigration Status

As already mentioned, workers who are out-of-status or undocumented are some of the most vulnerable in Canada. These workers are more likely to remain in employer-worker relationships that are exploitative, with the employer holding the threat of permanent removal from Canada

²⁷⁸ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

²⁷⁹ SOCI, [Evidence](#), 24 November 2022 (Derek Johnstone, Special Assistant to the National President, United Food and Commercial Workers of Canada).

²⁸⁰ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023.

²⁸¹ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

²⁸² SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women’s Services Toronto).

Act Now: Solutions for Temporary and Migrant Labour in Canada

over the worker. The committee was informed that, “Non-status workers in Canada are one of the populations most prone to exploitation. They work and live in precarious circumstances and are disproportionately subjected to discrimination, abuse, mistreatment, and marginalization.”²⁸³

Without status, these workers are also denied access to the majority of social services and supports available in the country, including health care, education, employment insurance and child care, and are often reluctant to interact with any “official” services for fear of their status being discovered.

Undocumented workers are especially vulnerable to exploitation by employers because they are at a heightened risk of deportation or detention and in many cases feel they depend on their employer to maintain their immigration status or to work towards a more permanent status.

*Alliance for Gender Justice in Migration*²⁸⁴

The Issue of Wages

There is already a way that you can come to the country with permanent resident status. About half a million people have that path, and there are another million and a half who don't. What's the difference between one versus the other? It is not their country of origin; they are coming from the same countries. It's wages. Low-wage workers are coming into exploitable situations far more than those who are not. It's as simple as that.

*Syed Hussan, Migrant Workers Alliance for Change*²⁸⁵

The committee heard that TFWs in the low-wage category are often disadvantaged when it comes to accessing opportunities like permanent residence. While multiple witnesses did note that they appreciated the shift in terminology from “low-skilled” to “low-wage” that has occurred since the TFWP reforms in 2014, they still emphasized that lasting perceptions around “low-skilled” labour must be done away with. Lou Janssen Dangzalan noted that he is “not a fan” of the low-skilled label when many of these workers are essential to the economy.²⁸⁶ Amanda Aziz noted that when it comes to “those who are in a so-called low-wage stream we consider to be so-called low-skilled,”

²⁸³ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada's Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023.

²⁸⁴ Alliance for Gender Justice in Migration, [Study on Canada's Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 21 November 2023.

²⁸⁵ SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change).

²⁸⁶ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

Act Now: Solutions for Temporary and Migrant Labour in Canada

“the words low-skilled really undervalue the work of workers who are essentially ensuring our food supply chain continues uninterrupted in Canada.”²⁸⁷

The undermining of their value is reflected in barriers to permanent residence. Syed Hussan noted that barriers to pathways to PR for low-wage workers are detrimental to Canadian society as a whole: “we need workers throughout all levels of the economy,” but wages are the “dividing line” determining who is eligible for PR and who is not.²⁸⁸

Some of the main barriers to PR have been identified above, including difficulties meeting work experience, linguistic and educational requirements, all of which are made more challenging by systemic conditions. The UN Special Rapporteur told the committee that it is “discriminatory” that pathways to permanent residence “are extremely limited for most workers in agriculture and other low-wage sectors,” and recommended that more pathways be made available.²⁸⁹

Right now, the immigration system has become very class-based, quite frankly. If you're working in a white-collar job, then you have all kinds of opportunities to become Canadian, but if you work with your hands, get dirty, pick tomatoes or work in a mushroom factory, you don't have that opportunity.

Kareem El-Assal, CanadaVisa.com²⁹⁰

The Issue of Gender

As with most other aspects of life and society, women and men experience migrant work differently. Women and gender-diverse persons may be especially vulnerable to specific physical and mental health and safety concerns. The committee was informed that this population is “subjected to additional layers of abuse as a result of structural oppressions perpetuated by the TFWP and other policies,” leaving them “forced to comply” with mistreatment and unsafe conditions.²⁹¹

Many women migrant workers have reported sexual and physical assault. However, they are often “scared to report it because they get fired from the workplace and then they get deported” as there is “no safe space, protection or a fancy pathway for them to be able to disclose their experiences” to their employer.²⁹²

²⁸⁷ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

²⁸⁸ SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change).

²⁸⁹ SOCI, [Evidence](#), 5 October 2023 (Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, United Nations Human Rights Council, as an individual).

²⁹⁰ SOCI, [Evidence](#), 3 November 2022 (Kareem El-Assal, Director of Policy, CanadaVisa.com, as an individual).

²⁹¹ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada's Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023.

²⁹² SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women's Services Toronto).

Act Now: Solutions for Temporary and Migrant Labour in Canada

Janet McLaughlin noted that there are certain reproductive health concerns and abuse “specific to women” and gender-diverse individuals.²⁹³ Women face barriers obtaining and accessing adequate obstetric and gynaecological health care. Migrant workers may attempt to avoid pregnancy altogether due to its implications on their ability to work; however, they may be stymied by limited access to contraceptives and abortion. If pregnant, migrant workers are “more likely to receive care later in their pregnancies,” which can have long-term consequences for mother and child.²⁹⁴ Care may be delayed due to barriers like lack of transportation or time off, but pregnant women also fear losing their work and residence permits if unable to work, so “many workers seek to hide their pregnancies as long as possible and are incentivized to work right up until their due date without appropriate health accommodations.”²⁹⁵ This may lead them to be exposed to unsafe working conditions like pesticides or physically taxing work.

Being more vulnerable to sexual abuse, migrant women are also more likely to need support to address trauma from those events. Sara Asalya shared that there has been a “record number” of women accessing community support services, “especially with women disclosing their experiences with gender-based violence.”²⁹⁶

Migrant workers, along with a range of other people living and working in Canada with temporary residence, face unique challenges when trying to access reproductive health care—including access to contraception, abortion and perinatal care; as well as workplace protections and accommodations associated with pregnancy and parenthood.

Lindsay Larios, Assistant Professor of Social Work, University of Manitoba²⁹⁷

Sara Asalya supported the Government of Canada’s recent efforts to improve the experiences and safety of women migrant workers by implementing a more gendered and intersectional lens to immigration and labour policy. She shared that research has reported “these women continue to experience exploitation, discrimination and vulnerability in the workplace,” indicating that the analysis and impact remains limited to “the policy level, but it’s not implemented on the ground.”²⁹⁸

²⁹³ SOCI, [Evidence](#), 24 November 2022 (Janet McLaughlin, Associate Professor, Department of Health Studies, Wilfrid Laurier University, Migrant Workers Health Expert Working Group).

²⁹⁴ Alliance for Gender Justice in Migration, [Study on Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 21 November 2023.

²⁹⁵ Lindsay Larios, [Briefing Note on Migrant Worker Access to Reproductive Care in Canada](#), Brief submitted to SOCI, 30 November 2023.

²⁹⁶ SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women’s Services Toronto).

²⁹⁷ Lindsay Larios, [Briefing Note on Migrant Worker Access to Reproductive Care in Canada](#), Brief submitted to SOCI, 30 November 2023.

²⁹⁸ SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women’s Services Toronto).

The Issues of Country of Origin and Ethnicity

We're talking about sustaining a regime that has been in place since the 17th century. Quite frankly, we have had indentured workers for a long time. This is just now that we are maintaining a system of unfree workers who happen to be from very racialized countries of origin. Initially, yes, it started with the Jamaicans. They were Black. It has been developed in a system that maintains a labour force. So I believe it maintains a form of state racism.

Eugénie Depatie-Pelletier, Association for the Rights of Household and Farm Workers²⁹⁹

Both country of origin and ethnicity were reported as factors by which workforces were segregated and hierarchized. In part, witnesses argued that this may be due to the systemic national and racial hierarchies that have been embedded in Canada's immigration system since it began.³⁰⁰ The committee heard about instances where employers and workers applied these hierarchies and stereotypes to other workers.

Advocates reported that “employers have made assumptions based on [workers’] ethnicity and have ‘picked favourites’ based on nationalities.”³⁰¹ Eugénie Depatie-Pelletier emphasized that “the current regime is highly discriminatory” based on country of origin.³⁰² Anelyse Weiler noted that for workers from Jamaica or Caribbean countries, “instances of anti-Black racism” are affecting workers’ mental and physical health.³⁰³

During the fact-finding mission, members of the committee heard first-hand how racism and nationality are affecting migrant workers in Canada.

²⁹⁹ SOCI, [Evidence](#), 15 February 2023 (Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director, Association for the Rights of Household and Farm Workers).

³⁰⁰ Ibid.; and SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change); and SOCI, [Evidence](#), 15 February 2023 (Geraldine Pratt, Canada Research Chair in Care Economies and Global Labour and Professor, Department of Geography, University of British Columbia, As an Individual); and SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, As an Individual).

For more information, please refer to Nalinie Mooten, [Racism, Discrimination and Migrant Workers in Canada: Evidence from the Literature](#), IRCC Policy Research, Research and Evaluation Branch, July 2021.

³⁰¹ PEI Action Team for Migrant Workers’ Rights, [Presentation to the Standing Senate Committee on Social Affairs, Science and Technology](#), Brief submitted to SOCI, 22 November 2023.

³⁰² SOCI, [Evidence](#), 15 February 2023 (Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director, Association for the Rights of Household and Farm Workers).

³⁰³ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

Select Accounts of Racism and Discrimination in New Brunswick and Prince Edward Island

“When I first arrived in Canada, I experienced discrimination and racism from Canadians. They worried I was taking their job.”—Migrant Worker in New Brunswick

“I paid \$13,000 to come here only to experience racism and discrimination.”—Migrant Worker in New Brunswick

“I was told when I came to Canada that there wouldn’t be racism. This was not the case. I lived it.”—Migrant Worker in New Brunswick

“Even though there are many of us migrant workers in the community, we remain temporary, apart from the community.”—Migrant Worker in New Brunswick

“We want to share our culture, food and traditions with the local community. We don’t want to be known as ‘the Mexicans.’ We want to be seen as part of Canadian society.”—Migrant Worker in New Brunswick

“The housing is segregated by nationality, with all the Mexicans together, Guatemalans, etc.”—Employer in New Brunswick

“When migrant workers from different nationalities were housed together, we found there could be tensions. The same happened occasionally on the production line. We try to let the workers guide us to what will make them all most comfortable.”—Employer in Prince Edward Island

While the committee did hear about the impact racism and xenophobia have been having on community integration, employers and workers in the Maritimes reported that over the past 10–15 years, as the population of migrant workers has increased, locals have become more welcoming. A government official in New Brunswick acknowledged that “it’s been hard to educate our citizens” as “it’s been a big change on their part.”³⁰⁴ An employer in Prince Edward Island shared that in their context, racism had not been much of an issue as the domestic population realized the indispensability of their labour, having exhausted other options.³⁰⁵

Given the existence of the SAWP, country of origin among agricultural workers has an influence on the rights afforded to different workers. Workers from one of the 12 countries under the SAWP are afforded more standardized conditions and protections. Eugénie Depatie-Pelletier noted that

³⁰⁴ Municipal Official, New Brunswick, Testimony heard during the committee’s fact-finding mission.

³⁰⁵ Seafood Processing Employer, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

“there are all sorts of different rights and specific entitlement or not, depending on the countries of origin.”³⁰⁶

Country of origin may also impact one’s likelihood of obtaining PR status and finding a supportive community in Canada. While in the New Brunswick and Prince Edward Island, members of the committee met with many migrant workers from the Philippines, who shared how they had benefitted from community networks that have formed in Canada.

Filipino Migrant Workers

In 2023, there were 21,715 TFWP work permits issued to persons from the Philippines, representing a 71% increase over 2022, and 26,955 Filipinos obtained permanent residence.³⁰⁷ Two advantages the Filipino population has in accessing PR and long-term establishment in Canada are relative ease and comfort in English, and an established national culture of migrant work, which encourages and facilitates regulated domestic participation. In 2022, Filipino immigrants represented the highest labour force participation rate among all Canadians at 78.6%, compared with the national average of 65.4%.³⁰⁸

In 2022, the Philippine government established the executive Department of Migrant Workers to “protect the rights and promote the welfare of overseas Filipino workers.”³⁰⁹ The establishment of the Department is the latest in a long line of steps to continue regulating and protecting overseas Filipino workers, including a ban on direct hiring of overseas Filipino workers by foreign employers.³¹⁰ Exceptions to this ban include members of the diplomatic corps, international organizations, and “workers hired by a relative/family member who is a permanent resident of the host country, except domestic workers.”³¹¹

Some of the employers the committee heard from during the fact-finding mission reported their frustration with the additional administrative burden imposed by these requirements, saying that they “really don’t need those recruitment agencies.”³¹² In response, other employers suggested exploring a bilateral agreement with the

³⁰⁶ SOCI, [Evidence](#), 15 February 2023 (Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director, Association for the Rights of Household and Farm Workers).

³⁰⁷ Government of Canada, [“Permanent Residents – Monthly IRCC Updates – Canada – Permanent Residents by Country of Citizenship and Immigration Category,”](#) Open Government, Database, accessed 5 April 2024; and Government of Canada, [“Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates – Canada – Temporary Foreign Worker Program Work Permit Holders by Country of Citizenship and Year in which Permit\(s\) became effective,”](#) Open Government, Database, accessed 5 April 2024.

³⁰⁸ Statistics Canada, [“Filipino Canadian proud with a strong sense of belonging,”](#) *StatsCAN Plus*, 19 June 2023.

³⁰⁹ Philippine Consulate General, Vancouver Canada, [Migrant Workers Office \(MWO\)](#).

³¹⁰ Direct hiring is classified as any employment process conducted without the assistance of a licensed recruitment agency.

³¹¹ Republic of the Philippines, Department of Migrant Workers, [21 Questions and Answers about Direct Hiring](#).

³¹² Employer, New Brunswick, Testimony heard during the committee’s fact-finding mission.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Philippines—similar to those used in the SAWP.³¹³ Members were also informed of a common practice of hiring Filipino workers through Hong Kong, Dubai and Taiwan, where there are fewer restrictions.

During the fact-finding mission, members heard about and met with Filipinos who had obtained permanent residence, then had sponsored their families and settled in rural communities near their employer.

In March 2023, IRCC announced a new immigration processing centre within Canada’s Embassy in Manila, stating that its added capacity would facilitate “ongoing efforts to accommodate the high volume of visa applications from around the world.”³¹⁴ This followed reports in February 2023 of delegations from Manitoba and New Brunswick going to the Philippines to recruit nurses and other health care professionals.³¹⁵ These increased recruitment efforts from abroad are occurring against a backdrop of a nursing shortage in the Philippines. Reporting the shortage of 350,000 nurses, the officer-in-charge of the Filipino Department of Health asked, “Why is it that the higher-income countries are actively recruiting? The countries getting our nurses should also be for some form of exchange so there would be something for our country.”³¹⁶ In September 2022, the lead academic of the Canadian Health Workforce Network, Ivy Bourgeault, added that “historically, there are the knock-on effects,” of this out-migration, ranging from family separation to gaps in the health care workforce.³¹⁷

Given the already broad scope of this study, the committee was unable to further investigate the impact of migrant work on source countries, but acknowledges it is another important dimension of this complex issue.

³¹³ Employers, New Brunswick and Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

³¹⁴ IRCC, [Canada opens operations centre in the Philippines to boost global immigration processing capacity](#), News release, 3 March 2023.

³¹⁵ Marita Moaje, [“Canada to hire more Filipino healthcare workers,”](#) *Philippine News Agency*, 23 February 2023.

³¹⁶ Karen Pauls, [“‘Stop the bleeding,’ Philippines health official says about international recruiting of nurses,”](#) *CBC News*, 3 March 2023.

³¹⁷ Stephanie Dubois, [“As Canada recruits Filipino nurses, those left behind struggle to care for patients,”](#) *CBC News*, 16 September 2023.

The Issues of Language and Education Levels

There is a hierarchy when it comes to the way Canada assesses qualifications from abroad. A degree from the Philippines won't count as being equivalent to a degree in Canada. Absolutely, it 100% unequivocally has to do with systemic racism.

Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism, York University³¹⁸

Language and education are intertwined with country of origin and opportunity for permanent residence, as well as preconditions for abuse. Amanda Aziz noted that the immigration system as a whole is currently “very classist and discriminatory towards workers who are from countries where they had the opportunity to learn English or French, and where people may have more access to post-secondary education.”³¹⁹

One of the trends that we've seen in the past couple of decades is sourcing from countries all over the world, whether they are French-speaking countries or Spanish-speaking countries, and this creates a much more complex problem in terms of providing health and safety instructions for workers and access to health care because they don't necessarily have the kind of linguistic supports, particularly in small, rural communities.

Anelyse Weiler, Migrant Workers Health Expert Working Group³²⁰

In addition to acting as barriers to obtaining permanent residence, lack of English or French language skills also poses a real risk to safety and increased vulnerability. Lou Janssen Dangzalan noted that migrant workers “may not be as savvy as someone who has complete command of English or French,” making them more “prone to abuse.”³²¹ Janet McLaughlin added that they “might have difficulty understanding health and safety instructions” and “might have heightened challenges accessing health care.”³²² Non-English and non-French speakers will face barriers to accessing various services from federal and provincial government services like taxes, employment insurance, and driving permits to private services like banking.

³¹⁸ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

³¹⁹ SOCI, [Evidence](#), 16 February 2023 (Amanda Aziz, Staff Lawyer, Migrant Workers Centre).

³²⁰ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

³²¹ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

³²² SOCI, [Evidence](#), 24 November 2022 (Janet McLaughlin, Associate Professor, Department of Health Studies, Wilfrid Laurier University, Migrant Workers Health Expert Working Group).

These barriers also serve to make community integration more difficult, which is further exacerbated by the inability of community organizations to offer language training to migrant workers. In New Brunswick, a French-language community organization noted that “community members know that the newcomers are primarily Spanish-speaking and it is very difficult to overcome the language barrier,” expressing their frustration that they could not offer any language training to migrant workers.³²³

Consideration: Official Language Minority Communities (OLMCs)

During the committee’s fact-finding mission, members had the opportunity to visit francophone OLMCs in New Brunswick. Like many communities in Atlantic Canada, this region had been experiencing a declining domestic population in recent decades. There has now been a revitalization, with a first generation of children of former TFWs now excelling in French-language schools. However, many of the newcomers to this region are not from French-speaking source countries. In one community, a French Catholic church now offers additional services in English for English-speaking newcomers. This may offer opportunities to explore additional bilateral agreements or support for migrant workers from French-speaking countries. When asked about this possibility, the Minister of Employment, Workforce Development and Official Languages stated that first, the department needs to “get to work on determining who in [the] existing pools comes from francophone countries,” and then “may need to consider other sources of francophone workers.”³²⁴ In the meantime, community organizations are working to integrate and “francitize” newcomers, regardless of what their first language is.

Centre d’accueil et d’accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick (CAFi)

One such organization that the committee heard from during the fact-finding mission and subsequently at committee in Ottawa is CAFi; a non-profit organization, founded in 2005, to support the integration of francophone immigrants in New Brunswick. Some of the programs offered to “facilitate the complete social, cultural and economic integration of immigrants” include reception and settlement services, needs assessments, psychosocial services, employment integration programs, cultural programs and francization programs for all ages.

CAFi receives 55% of its annual \$2.5 million in funding from IRCC and the remainder from the New Brunswick Department of Post-Secondary Education, Training and Labour. The CAFi branch in the rural municipality of Cap-Acadie largely serves TFWs

³²³ SOCI, [Evidence](#), 21 September 2023 (Angèle Losier, Executive Director, Centre d’accueil et d’accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick).

³²⁴ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

Act Now: Solutions for Temporary and Migrant Labour in Canada

from Mexico, Jamaica and the Philippines, with five employees supporting 186 TFWs in 2023.

We want to fill the labour shortage, because there's a need for the entrepreneur, but we must also realize that the temporary worker also has needs. For them, it's a question of a better quality of life, health and safety, and providing for themselves and their families. How can we find a happy medium where both can get along?

Angèle Losier, Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick³²⁵

The Issue of Rural, Remote and Northern Communities

By virtue of some of the sectors in which migrant workers predominate, much of the work is geographically limited to southern rural areas. However, there are also many remote and northern areas of the country seeing increasing populations of migrant workers in essential jobs. Despite their diverse locations, migrant workers in these remote communities may face many of the same vulnerabilities, largely due to being located at a greater distance from many of the services, supports and basic necessities that facilitate a migrant worker's life in Canada.

Paul Lansbergen noted that “there are more support organizations in the larger centres,” which makes it easier for migrant workers to “acclimatize,” and there are “fewer community organizations and municipal supports for migrant workers to integrate more smoothly into some of those smaller communities.”³²⁶ Teresa Acheson added that “northern communities also need education, information and successful support[s] for welcoming of migrant workers new to Canada, including awareness of systemic racism that may still be in place.”³²⁷ Reinforcing another condition of vulnerability, Angèle Losier added that migrant workers in the rural region of Shediac and Cap-Acadie “have virtually no access to health care owing to the distances involved.”³²⁸

³²⁵ SOCI, [Evidence](#), 21 September 2023 (Angèle Losier, Executive Director, Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick).

³²⁶ SOCI, [Evidence](#), 7 June 2023 (Paul Lansbergen, President, Fisheries Council of Canada).

³²⁷ SOCI, [Evidence](#), 21 September 2023 (Teresa Acheson, President, Yukon Federation of Labour).

³²⁸ SOCI, [Evidence](#), 21 September 2023 (Angèle Losier, Executive Director, Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick).

Many migrant workers are employed in rural areas in agriculture or food processing sectors, often living onsite. As such, they experience both geographic and social isolation.

Lindsay Larios, Assistant Professor of Social Work, University of Manitoba³²⁹

Despite the many risks that come with rural and remote locality, there are also opportunities for the migrant worker and many benefits for the communities.

New Brunswick and Prince Edward Island

While the scale of the two provinces that members had the opportunity to visit is quite different, both in terms of overall population and migrant worker population, there were many commonalities. As heard in Ottawa, employers in Atlantic Canada³³⁰ confirmed that the region is facing challenging demographics, due to an aging population, declining birth rate, and out-migration.

The committee was informed that the Atlantic region needs to retain 18,000–22,000 immigrants per year to meet projected labour market needs in 2030.³³¹ With immigration, seniors will account for 22%-28% of the Atlantic region's total population. Without immigration, they will account for 31% of the population.³³²

I think of the Atlantic Immigration Program and Provincial Nominee Program. There are real challenges in terms of our ability to access these programs. There are real challenges because of the nature of our industry and because of the criteria to participate in those. But I do believe that is a good news story in the sense that it is really driving immigration in a lot of our rural and coastal communities. I'm proud to say that's being done to a significant degree by the seafood sector.

Nat Richard, Lobster Processors Association³³³

Members of the committee heard that international workers are not only filling a critical labour gap in the most essential of occupations but that they are also contributing to the ongoing survivability

³²⁹ Lindsay Larios, [Briefing Note on Migrant Worker Access to Reproductive Care in Canada](#), Brief submitted to SOCI, 30 November 2023.

³³⁰ While the committee specifically visited and heard testimony related to New Brunswick and Prince Edward Island, other witnesses spoke of both Atlantic and Maritime Canada. Maritime Canada includes New Brunswick, Nova Scotia and Prince Edward Island, while Atlantic Canada adds Newfoundland and Labrador.

³³¹ SOCI, [Evidence](#), 3 November 2022 (Fred Bergman, Senior Policy Analyst, Atlantic Provinces Economic Council).

³³² Ibid.

³³³ SOCI, [Evidence](#), 8 June 2023 (Nat Richard, Executive Director, Lobster Processors Association).

Act Now: Solutions for Temporary and Migrant Labour in Canada

of small rural communities. Migrant workers were credited with revitalizing schools and churches from closing, and rebalancing the local population and workforce, both in age and gender.

Every single employer in New Brunswick and Prince Edward Island, from construction to seafood processing to dairy farming, told members of the committee that they could not continue operating without their international workforce.

Employers Reaffirm the Importance of the Migrant/Newcomer Labour Force in Rural Communities:

“If I don’t have our international workers, I have to choose every day which one of my four locations I would open.”—Accommodation, Food and Tourism Employer in New Brunswick

“Without an international labour program, we’re dead in the water.”—Agricultural Employer in New Brunswick

“Thank goodness we have our temporary foreign workforce to complement our numbers. The population is not here to sustain our plants. We do not have the local population to be able to do it.”—Seafood Processing Employer in New Brunswick

“If I couldn’t get migrant labour, I’d be closed tomorrow. I couldn’t even try.”—Agricultural Employer in Prince Edward Island

“Without international workers, the lock is on the door. Without these workers coming here, nothing happens.”—Seafood Processing Employer in Prince Edward Island

Over the course of the study, the committee had the opportunity to visit and hear about realities in a few different regions of Canada. In particular, the committee received data and information specific to these communities. These are merely samples and are not intended to be representative of migrant workers and employers across Canada.

New Brunswick

In 2023, there were a total of 59,175 workers with TFWP permits working in New Brunswick, with the top three occupations (representing 34% of TFWs) all related to agriculture.³³⁴

On 1 March 2023, a report was issued by Migrant Workers in the Canadian Maritimes³³⁵ entitled *Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick*. The

³³⁴ Government of Canada, “[Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates – Canada – Temporary Foreign Worker Program work permit holders by province/territory of intended destination, intended occupation \(4-digit NOC 2011\) and year in which permit\(s\) became effective](#),” Open Government, Database, accessed 5 April 2024.

³³⁵ A research and knowledge exchange network linking Dalhousie University, St. Thomas University, the Cooper Institute and the Madhu Verma Migrant Justice Centre.

Act Now: Solutions for Temporary and Migrant Labour in Canada

report used qualitative research based on interviews with 15 temporary foreign workers, of which 14 worked in seafood processing and 1 as a mushroom picker.³³⁶ Key findings stated that the 15 TFWs interviewed reported various abuses and mistreatment including exploitative recruitment practices, overcrowded and expensive housing, precarious and dangerous labour conditions, and limited access to health care, among other issues.³³⁷

During the fact-finding mission, seafood employers in New Brunswick shared their frustration that a limited number of bad actors and experiences continuously stain their entire sector; and that the methodology used during the study focused on limited qualitative data.³³⁸ In 2021, when the research was conducted, there were 370 TFWP work permits allocated for seafood processing occupations.³³⁹ The 14 seafood workers surveyed for this report represent 3.8% of the total year's population of migrant seafood workers.³⁴⁰

However, when members of the committee met with some of the researchers behind the report in New Brunswick, they emphasized the dearth of data generally and, more specifically, the barriers to obtaining statistically significant data.³⁴¹ These barriers include a reliance on grassroots organizations with unstable funding, challenges accessing rural and remote workers, and safety and privacy concerns.³⁴² Therefore, the researcher clarified that the intent of the study was not to be representative as it focused on qualitative, experiential data.³⁴³

Prince Edward Island

In 2023, there were 3,985 workers with 48% (1,930) employed in agricultural occupations and 23% (905) in fish and seafood processing.³⁴⁴ In June 2021, Migrant Workers in the Canadian Maritimes released a report entitled *Safe at Work, Unsafe at Home: COVID-19 and Temporary Foreign Workers in Prince Edward Island*, drawing on research and qualitative interviews with 15 TFWs who arrived in P.E.I. after the COVID-19 pandemic began. Key findings of this report included that in 2020, the P.E.I. Department of Health and Wellness found that in half of 64 inspections of

³³⁶ Raluca Bejan et al., [Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick](#), Migrant Workers in the Canadian Maritimes, March 2023, pp. 14.

³³⁷ Raluca Bejan et al., [Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick](#), Migrant Workers in the Canadian Maritimes, March 2023, pp. 4–5.

³³⁸ Seafood processing employers, New Brunswick, Testimony heard during the committee's fact-finding mission.

³³⁹ Government of Canada, ["Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates – Canada – Temporary Foreign Worker Program work permit holders by province/territory of intended destination, intended occupation \(4-digit NOC 2011\) and year in which permit\(s\) became effective,"](#) Open Government, Database, accessed 5 April 2024.

³⁴⁰ Ibid.

³⁴¹ Migrant Worker Advocate, New Brunswick, Testimony heard during the committee's fact-finding mission.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Government of Canada, ["Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates – Canada – Temporary Foreign Worker Program work permit holders by province/territory of intended destination, intended occupation \(4-digit NOC 2011\) and year in which permit\(s\) became effective,"](#) Open Government, Database, accessed 5 April 2024.

Act Now: Solutions for Temporary and Migrant Labour in Canada

dwellings housing TFWs, there were “several code violations at multiple houses,” and that housing³⁴⁵ was “overcrowded,” “expensive” and “inadequate.”³⁴⁶

For this report, research was conducted in 2020 with 15 TFWs, which included eight that worked on farms (representing 1% of agriculture-related TFWP permits) and seven that worked in seafood processing (representing 2% of seafood processing-related TFWP permits).³⁴⁷ As with the New Brunswick report, this population represents a small proportion of all TFWs in the province. In Prince Edward Island, members had the opportunity to meet with one of the other organizations supporting the report.³⁴⁸ While emphasizing that it was important not to discount the experiences reported by migrant workers, or qualitative data more generally, they also acknowledged the value of quantitative data and more representative populations.³⁴⁹ They endorsed collecting more comprehensive data, but noted that as a community organization, their research capacity was limited and directly supporting migrant workers had to take precedence.³⁵⁰

Northern Ontario³⁵¹

The Northern Policy Institute is based in northern Ontario, with offices in Thunder Bay and Kirkland Lake, “roughly 1,000 kilometres apart” or “about the same distance from Quebec City to Halifax,” with no direct passenger rail service or regularly scheduled air connection. These transportation and access issues are intrinsic to the labour market, including the population of temporary workers in the region, trending away from primary agricultural workers, towards international students. In 2019, there were 3,000 work permit holders in northern Ontario, compared with 8,000 study permit holders.

In past years, when student workers were limited to 20 hours of work weekly, the impact was that they were only netting “a little over \$14,000” annually, compared with an average income of \$36,000 for all workers in northern Ontario. Since the lifting of the cap, anecdotal evidence is that staff shortages have eased and the quality of life for students has improved. Recent changes to the International Student Program intended to reduce the population of international students by more than half may have a significant impact on northern Ontarian communities.³⁵²

³⁴⁵ The report notes that housing concerns differed for Temporary Foreign Workers in the agriculture versus seafood industries, with the former depending on their employer to secure their accommodation and the latter renting in the community.

³⁴⁶ Raluca Bejan et al., *Safe at Work, Unsafe at Home: COVID-19 and Temporary Foreign Workers in Prince Edward Island*, Migrant Workers in the Canadian Maritimes, 1 June 2021.

³⁴⁷ Ibid. and Government of Canada, “[Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates – Canada – Temporary Foreign Worker Program work permit holders by province/territory of intended destination, intended occupation \(4-digit NOC 2011\) and year in which permit\(s\) became effective](#),” Open Government, Database, accessed 5 April 2024.

³⁴⁸ Migrant Worker Advocate, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Unless otherwise stated, information in this section is from SOCI, *Evidence*, 21 September 2023 (Charles Cirtwill, President and Chief Executive Officer, Northern Policy Institute).

³⁵² On April 29, 2024, the Minister of Immigration, Refugees and Citizenship announced that as of fall 2024, international students will not be permitted to work beyond 24 hours of off-campus work each week.

IRCC, [Canada to introduce new rules around off-campus work hours for international students](#), News release, 29 April 2024.

Why is it that northern Ontario has to depend so significantly on international students to fill job vacancies in our communities? Canada designed the system to create shortages. What is that inscription on the Statue of Liberty? “Give me your tired, your poor, Your huddled masses. . . .” Our version of the inscription on the Statue of Liberty is: “Give us your people who are highly educated, think like us, talk like us, read the same books as we do, they maybe even have a little money set aside. Anyone who is described as in the middle class or working hard to join it, no thanks. If you’re outside Canada, you can do that someplace else please.

Charles Cirtwill, Northern Policy Institute³⁵³

Yukon³⁵⁴

In 2023, there were 50 TFWP work permits for Yukon, with 40 in various food service occupations and 10 “air pilots, flight engineers and flying instructors.”³⁵⁵ The committee heard that beginning in the 1990s, the majority of immigration to Yukon was from the Philippines and other Asian countries. More recently, cultural diversity has seen more immigrants and migrants from India and African countries. The majority of non-Canadians that make it to Yukon are planning to apply for permanent residence, often through the Yukon Nominee Program. Like many other limited programs, demand exceeded supply in 2023, with 600 applications for 420 spots. However, demand for these spots is not nearly as competitive as in southern Canada, creating an incentive for international students to study, live, work, and apply for permanent residence in the territory.

As in other rural/remote areas of Canada, the committee heard that there are certain barriers at play. “The services in the Yukon are Whitehorse-centric. There is the assumption that if you need services or are accessing public services or other information, Whitehorse is the hub. The infrastructure decreases as you get out to the smaller communities.”

Neepawa, Manitoba³⁵⁶

Neepawa is a small town in Manitoba, about an hour’s drive from Brandon. Since 2010, approximately 200 temporary workers have been hired in Neepawa annually, with most employed by the local meat processing plant, HyLife. The majority of this population is interested in pursuing permanent residence and settling in Canada with their families. Donald Walmsley shared that “the

³⁵³ SOCI, [Evidence](#), 21 September 2023 (Charles Cirtwill, President and Chief Executive Officer, Northern Policy Institute).

³⁵⁴ Unless otherwise stated, information in this section is from SOCI, [Evidence](#), 21 September 2023 (Teresa Acheson, President, Yukon Federation of Labour).

³⁵⁵ Government of Canada, “[Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates - Canada - Temporary Foreign Worker Program work permit holders by province/territory of intended destination, intended occupation \(4-digit NOC 2011\) and year in which permit\(s\) became effective](#),” Database, accessed 5 April 2024.

³⁵⁶ Unless otherwise stated, information in this section is from SOCI, [Evidence](#), 27 September 2023 (Donald Walmsley, Executive Director, Neepawa and Area Immigrant Settlement Services).

impact of this steady influx of temporary workers to this community and the surrounding area has been life changing.”

In 2010, the population of Neepawa was approximately 3,400, largely unchanged for the previous 70 years. In 2021, the population was 5,685 with more recent estimates over 6,000. This population growth has strained local health and education services, while also providing opportunities to rethink local cultural and social services. Like other small rural communities in Canada, the newcomer population also revitalized the local church and school. Doug Ramsey noted that the newcomer population “has changed a community from where they thought schools and hospitals would close to one where everything is expanding” and that it has “been fantastic to watch.”³⁵⁷

The Neepawa and Area Immigrant Settlement Services has taken this as an opportunity to ask if the newcomer population is “truly integrating into the communities or do we find cultural silos as a result of the way we’re looking at supporting them?” Integration ranges from the very simple — “we don’t necessarily do a very good job of letting people know before they come exactly what it’s like to arrive in Manitoba, say, in February, when it’s a balmy minus 25 degrees below zero and there’s snow everywhere”—to the more complex—child tax benefits, parenting in Canada, child development, etc.

While there are more resources required to support the newcomer population, the local community and larger Manitoban community have been receptive. Before, communities “were becoming fairly rustic, bucolic and had many retirement homes.” Newcomers create an “infusion of young people coming in who are keen to come and be here.” “It’s very hard to find a business within the community now that doesn’t have a least one newcomer.”

A Word on Issues and Innovative Ideas

Some migrant workers have experienced poor and abusive conditions while working in Canada. However, it is not the existence of the TFWP or any other program that inherently causes abuse. Instead, it is the convergence of a spectrum of issues, from employer-specific work permits and an unclear responsibility for enforcement, to considerations of gender and race. Each migrant worker’s experience may be unique, depending on which issues have an impact on them. In some cases, these issues have received enough attention to merit a short-term fix. However, these are only “Band-Aid solutions,” and as multiple witnesses expressed, Band-Aid solutions are not good enough.

This is where innovation is required. The innovative ideas presented in this report are merely those that the committee heard about during this study, and should by no means be considered an exhaustive list. The intent is to stimulate further innovation and explore new ways of solving these long-term problems. Short-term fixes are not working, maybe these solutions will.

³⁵⁷ SOCI, *Evidence*, 3 November 2022 (Doug Ramsey, Professor and Acting Director, Rural Development Institute, Brandon University, as an individual).

CHAPTER 2: MORE SPECIFIC CONCERNS AND ISSUES BY SECTOR/PROGRAM

While there are many overarching conditions of concern that affect much of the population of migrant workers in Canada, there were also specific sectoral concerns raised over the course of the study.

Primary Agriculture

Recall that primary agriculture encompasses various programs including the SAWP and the low-wage agricultural stream. In 2021, there were 61,735 TFWs in the agricultural sector, representing around 25% of all agricultural workers in Canada. Women accounted for approximately 5% of the migrant agricultural workforce.³⁵⁸

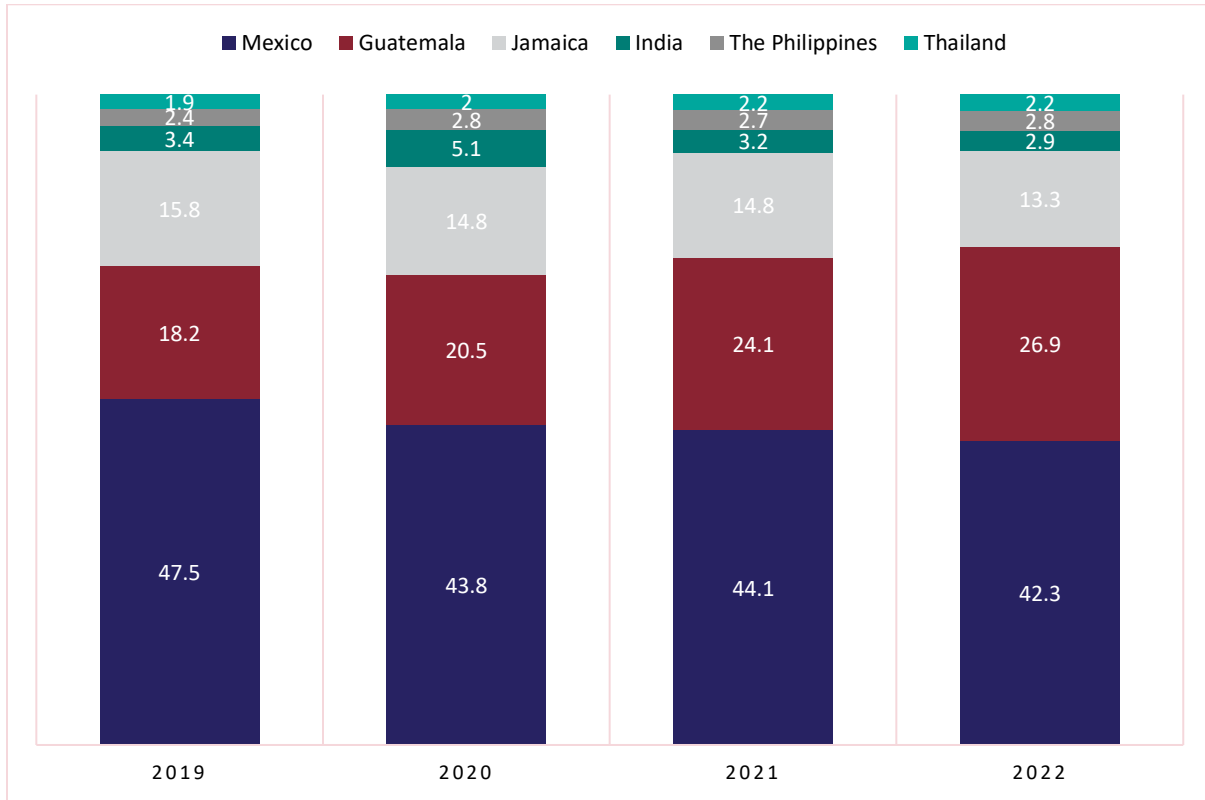
³⁵⁸ Legal Assistance of Windsor, FCJ Refugee Centre and Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto, [Brief on Canada's Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 2 November 2023; and IRCC, [Departmental Results Report – Gender-based Analysis Plus](#), 11 August 2021.



In Prince Edward Island, members of the committee learned how various crops, including tomatoes, are grown organically in a Dutch-style greenhouse. The owner explained that the opportunity to implement new technologies was fairly limited due to the small size of his operation, it being organic and there being a diversity of small crops. Therefore, all work done on the plants was done by hand, primarily by skilled migrant workers, a majority of whom returned year-to-year.

Figure 9 presents the top six source countries of foreign workers in the agriculture sector between 2019 and 2022. Three of the six countries with the highest representation of foreign workers in agriculture were the same in 2022 as in 2019 (Mexico, Guatemala and Jamaica).

Figure 9: Top Six Source Countries of Foreign Workers in Agriculture, By Percentage³⁵⁹



Access to Human and Labour Rights

Witnesses again emphasized that vulnerabilities are systemic. The National Farmers Union shared that these failings are not simply a problem of “a few bad apples” but rather “the result of federal programs that are designed to maintain a cheap food system at the expense of the people who grow our food.”³⁶⁰ Commonly reported vulnerabilities are with regard to health, housing, and labour and human rights, for many of the conditions described above.

³⁵⁹ Figure prepared by the Library of Parliament with information from Statistics Canada, “[Table 32-10-0221-01: Countries of citizenship for temporary foreign workers in the agricultural sector](#),” Database, accessed 15 December 2023.

³⁶⁰ National Farmers Union, [Supporting the rights of temporary and migrant workers](#), Brief submitted to SOCI, 30 October 2023.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Canada's treatment of migrant agricultural workers has attracted international concern regarding labour and human rights. In particular, farm workers in Ontario cannot unionize and bargain collectively on the same terms as workers in other provinces. Many workers report that their employers restrict their freedom of movement and ability to, for example, welcome visitors during their off-work hours.

Anelyse Weiler, Migrant Workers Health Expert Working Group³⁶¹

Labour Shortages in Primary Agriculture

Similarly to other economic sectors the committee heard from, agricultural employers described significant labour gaps. Then-President of the Canadian Federation of Agriculture enumerated multiple causes for the labour shortage, including:³⁶²

- a workforce in transition (away from family-owned small- and medium-enterprises to non-family labour, with family members making up the “majority of workers lost” over the past ten years);
- an aging workforce;
- the seasonal nature of the industry, requiring intensive work for limited time periods;
- the rural location of many of these jobs;
- the physicality of these jobs; and
- limitations in wages “because farmers are predominantly price takers in the global market.”

Whether as a farmer or a farm worker, all union members have been directly impacted by a dysfunctional system that has the agricultural sector relying on a temporary and migrant workforce to meet over a third of its labour needs.

National Farmers Union³⁶³

Many employers agreed that the migrant labour force has been essential to the continued success of their operations.

³⁶¹ SOCI, [Evidence](#), 24 November 2022 (Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria, Migrant Workers Health Expert Working Group).

³⁶² SOCI, [Evidence](#), 24 November 2022 (Mary Robinson, President, Canadian Federation of Agriculture).

³⁶³ National Farmers Union, [Supporting the rights of temporary and migrant workers](#), Brief submitted to SOCI, 30 October 2023.

Comments on Labour Shortages and the Essentiality of Migrant Workers

Amalgamated Dairies Limited “has historically had a job vacancy rate close to zero and, in the case when ADL needed additional labour for its operations, the PEI community was able to fill the gap.” In 2022, the job vacancy rate was 4%. “If ADL’s vacancy rate creeps up to 6–8%, then there is significant risk of processing disruption and breakdown in supply chains.” “Leveraging the TFWP program is a necessary part of a successful agriculture sector in Canada and can be beneficial to food security on a global level.”³⁶⁴

The Ontario Fruit & Vegetable Growers Association noted that “failure to complete a task such as harvesting within the window prescribed by nature can cause crop failure and can compromise the health of plants and livestock, causing them irreversible harm or even death.”³⁶⁵

The owner of a dairy farm shared that “our team is a key ingredient to our success. Without the [migrant] workers’ support after Hurricane Fiona, we wouldn’t be here today.”³⁶⁶

In an effort to address labour shortages they have identified, the Canadian Agricultural Human Resource Council, the Canadian Federation of Agriculture and Food and Beverage Canada partnered with the Future Skills Centre to develop an industry-led *National Workforce Strategic Framework for Agriculture and Food & Beverage Manufacturing*. The interim report, released in December 2022, noted that migrant workers “play a critical role” in these sectors, with “immigration and foreign workers,” identified as one of five “key pillars.”³⁶⁷ The report put forward various recommendations to facilitate the design of a program that suits worker and employer needs, including through the development of dedicated seasonal and year-round programs.³⁶⁸ Jennifer Wright told the committee that the National Workforce Strategic Framework aims to “bring stakeholders together to collaborate and develop an actionable road map to address the increasing labour shortage.”³⁶⁹

³⁶⁴ Amalgamated Dairies Limited, [Subject: Study of Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 5 October 2023.

³⁶⁵ Ontario Fruit & Vegetable Growers’ Association, [RE: Study of Canada’s Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 21 November 2023.

³⁶⁶ Dairy Farm, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

³⁶⁷ Canadian Agricultural Human Resource Council, The Canadian Federation of Agriculture, and Food and Beverage Canada, [National Workforce Strategic Plan for Agriculture and Food and Beverage Manufacturing](#), Interim Report, 6 December 2022.

³⁶⁸ Ibid.

³⁶⁹ SOCI, [Evidence](#), 24 November 2022 (Jennifer Wright, Acting Executive Director and Director, Operations, Programs and Partnerships, Canadian Agricultural Human Resource Council).

An Industry in Transformation

In the past, many farms were family-owned and operated. As the total number of farms has shrunk, the labour force required on those larger farms remaining represents more than what could be filled by family members. In addition to the obvious impact this has had on the pursuit of migrant labour, there are also implications on the human resources infrastructure of farms. New technologies and innovations are also playing a role in changing the demands on the workforce.

At the agricultural operations members of the committee visited in New Brunswick and Prince Edward Island, this was a common theme. Members heard that these businesses used to be family-owned and staffed, with very little corporate infrastructure.³⁷⁰ As they have scaled up to a sustainable, profitable size, they have also had to increase their workforce beyond family members. Employers with international workers must account for additional paperwork and administration of services including transportation and accommodations.³⁷¹ This has motivated some employers to establish human resources departments and create new roles for temporary foreign worker liaisons.³⁷² Industry associations are also interested in finding ways to support a shared approach to administration and human resources.

Looking back a century ago, there were 10,000 farms on PEI which provided the labour force for many industries across PEI and Canada. These same farms in 2022 are smaller in number, but more substantial when it comes to output and feeding Canadians. These farms are no longer self-sufficient with respect to labour from farming families nor are they supplying labour to our growing agricultural economy.

Amalgamated Dairies Limited³⁷³

In addition to transitioning corporate infrastructure, the technological infrastructure of many of these businesses has seen substantial growth and innovation. Employers shared that the benefits of new technologies are multifold.

At one agricultural operation that members of the committee visited, new technology has been used to increase production and allow for year-round employment—for all workers. It has also eliminated the most physically demanding and dangerous jobs that workers used to perform. It has

³⁷⁰ Agricultural Employers, New Brunswick and Prince Edward Island, Testimony heard during the committee's fact-finding mission.

³⁷¹ Ibid.

³⁷² Seafood Processing Employer and Agricultural Employer, New Brunswick and Prince Edward Island, Testimony heard during the committee's fact-finding mission.

³⁷³ Amalgamated Dairies Limited, [Subject: Study of Canada's Temporary and Migrant Labour Force](#), Brief submitted to SOCI, 5 October 2023.

Act Now: Solutions for Temporary and Migrant Labour in Canada

not reduced the need for workers, rather increasing it from four workers/day to seven,³⁷⁴ while making the work itself far easier.³⁷⁵

We believe in creating a culture of ownership within our company. Our team is a key ingredient to our success.

Dairy Farm Owner, Prince Edward Island³⁷⁶

While visiting a dairy farm, members of the committee heard that within that industry, many of the dirtiest and most menial jobs—like sweeping feed and cleaning manure—are now being accomplished through machinery. International workers are being re-tasked to more technical tasks and some are receiving training that is facilitating their access to permanent residence.³⁷⁷ The owner told the committee that he is hoping to develop (and employ) career professionals, rather than temporary workers.³⁷⁸

However, not all employers have been able to automate their tasks to the same extent. At a smaller organic greenhouse operation, the employer shared with members of the committee that up to 99% of the work is still done manually, as the size and diversity of crops make the benefits of technologization minimal.³⁷⁹

³⁷⁴ Before automation, there were four workers on one eight-hour shift doing the work by hand. The new machinery eliminates the majority of manual work but requires round-the-clock supervision.

³⁷⁵ Agricultural Employer, New Brunswick, Testimony heard during the committee's fact-finding mission.

³⁷⁶ Agricultural Employer, Prince Edward Island, Testimony heard during the committee's fact-finding mission.

³⁷⁷ Ibid.

³⁷⁸ Ibid.

³⁷⁹ [Different] Agricultural Employer, Prince Edward Island, Testimony heard during the committee's fact-finding mission.



Members of the committee had the opportunity to visit a dairy farm in Prince Edward Island. Here, they learned about the different tasks migrant labourers help support, as well as the technological innovations the farm has implemented to reduce menial labour and increase output. Not only do migrant labourers perform essential work to keep the farm operational, the employer also told members that they played a key role in rebuilding and resuming operations after damage sustained during Hurricane Fiona.

Seasonal Agricultural Worker Program

As the oldest migrant work program in Canada, the SAWP has a storied history, as well as stream-specific policies and regulations that differentiate it from the majority of other TFWP programs. Participation in the SAWP is limited to migrant workers from one of 12 countries³⁸⁰ in specific agriculture-related on-farm work. Employers are exempted from the \$1,000 LMIA processing fee, but are responsible for covering costs of round-trip transportation from the source country, as well as daily transportation to and from work sites. The employer is also responsible for providing affordable, suitable housing to the worker.

³⁸⁰ Mexico, Anguilla, Antigua, Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago.

Act Now: Solutions for Temporary and Migrant Labour in Canada

During the study, the committee often heard that employers and workers appreciated the unique features and protections of the SAWP. The UN Special Rapporteur on Contemporary Slavery found that “the SAWP is good in that the protection is much higher compared to the low-wage stream and so on.”³⁸¹ Workers in the SAWP also have access to more labour mobility than other TFWs, despite their employer-specific work permits. The committee was informed that “subject to agreements between the source country, employer and employee,” in 2021, 5,812 positions were transferred to another employer under the SAWP.³⁸²

However, despite increased labour mobility and protections, one witness felt that the delegated oversight to foreign consulates and embassies is problematic. Donald Walmsley shared that he feels the SAWP “has the least amount of structure to it,” with “no oversight.”³⁸³

Agri-Food Pilot

The Agri-Food Immigration Pilot is a step in the right direction, but more work is needed.

Mushrooms Canada³⁸⁴

One of the many time-limited pilot programs, the Agri-Food Pilot aims to address the labour needs of the sector by providing a pathway to permanent residence for “experienced, non-seasonal workers in specific industries.”³⁸⁵ Prospective applicants require 1,560 (one year’s worth) of Canadian work experience of cumulative, non-seasonal, full-time work over the past three years in one of the specific listed occupations, gained through the TFWP. As a pilot, 2,750 applicants can be processed annually. However, one witness reported that “it is heavily underutilized” and that “maybe a quarter” of the positions were filled in 2022.³⁸⁶ Given that IRCC does not report pilot program-specific data and only indicates when all spots have been taken, it is difficult to verify anything to the contrary.

A main critique shared with members by employers and migrant worker advocates alike was that the requirements of the program impose significant barriers to prospective applicants. An advocate noted that education and literacy requirements are “major obstacles especially when you look to

³⁸¹ SOCI, [Evidence](#), 5 October 2023 (Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, United Nations Human Rights Council, as an individual).

³⁸² The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

³⁸³ SOCI, [Evidence](#), 27 September 2023 (Donald Walmsley, Executive Director, Neepawa and Area Immigrant Settlement Services).

³⁸⁴ Mushrooms Canada, [Let Our Workers Stay](#), Brief submitted to SOCI, 15 November 2022.

³⁸⁵ IRCC, [Agri-Food Pilot: About the pilot](#).

³⁸⁶ SOCI, [Evidence](#), 24 November 2022 (Derek Johnstone, Special Assistant to the National President, United Food and Commercial Workers of Canada).

Act Now: Solutions for Temporary and Migrant Labour in Canada

primary agriculture where most of the individuals who work there come from rural parts of Latin America.”³⁸⁷ An employer representative agreed that the sector “continues to see limited uptake of these opportunities due to barriers that exist via the education and language criteria.”³⁸⁸ A human resources expert noted that sometimes the highly specific skills of migrant workers “are developed in a way that [isn’t] within what we know as a more structured, formal education process such as high school.”³⁸⁹

When witnesses addressed issues around the Agri-Food Pilot before the committee, it was prior to announcements of its extension and minor program changes. Over the course of 2023, a few changes were made to the pilot, beginning in May with a two-year extension to May 2025,³⁹⁰ and since August, applicants residing in Canada have the option to meet either the job offer requirement or the education credential. Work experience eligibility was expanded from experience gained under the TFWP to also include the IMP open work permit for vulnerable workers.³⁹¹ This responds, in part, to some of the earlier critiques heard by the committee, but it remains to be seen what impact these updates will have.

Seafood and Aquaculture

As global demand for Canadian seafood grows, and domestic labour availability continues to decrease, it is likely the proportion of migrant workers involved in the seafood sector will further increase.³⁹² Migrant workers are primarily involved in seafood processing rather than harvesting. Figure 10 represents the population of TFWP work permits for seafood processing in all provinces and territories in 2023, with only provinces that reported work permits for these occupations depicted.

³⁸⁷ Ibid.

³⁸⁸ SOCI, [Evidence](#), 24 November 2022 (Mary Robinson, President, Canadian Federation of Agriculture).

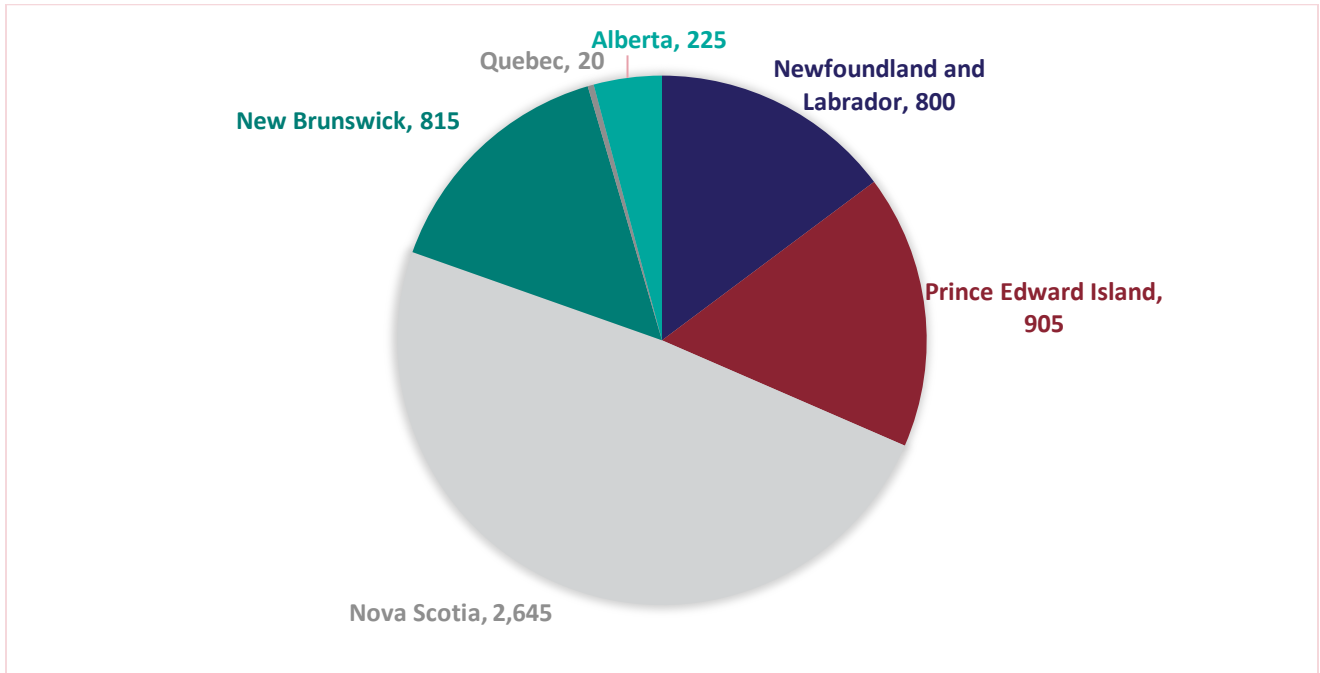
³⁸⁹ SOCI, [Evidence](#), 24 November 2022 (Jennifer Wright, Acting Executive Director and Director, Operations, Programs and Partnerships, Canadian Agricultural Human Resource Council).

³⁹⁰ IRCC, [Canada announces extension to the Agri-Food Pilot, facilitating access to permanent residence for workers and their families](#), News release, 8 May 2023.

³⁹¹ Ibid.

³⁹² Government of Canada, [“Fishing and Fish Processing,”](#) Job Bank.

Figure 10: Temporary Foreign Worker Program Work Permits in Occupations Related to Seafood Processing, 2023³⁹³



Labour Shortages in Seafood Processing

Seafood processing employers and their counterparts in the agriculture sector suggested similar factors explaining labour shortages they have identified in their respective business activities. Jeff Loder stated that “long-term natural population declines are expected to continue to exert downward pressure on the population and the workforce available in Newfoundland and Labrador,” going as far as to extend the seafood processing industry’s “deepest gratitude for the contribution temporary foreign workers make to creating value in the Newfoundland fishery.”³⁹⁴

³⁹³ Figure prepared by the Library of Parliament with information from Government of Canada, “[Temporary Residents: Temporary Foreign Worker Program \(TFWP\) and International Mobility Program \(IMP\) Work Permit Holders – Monthly IRCC Updates - Canada - Temporary Foreign Worker Program work permit holders by province/territory of intended destination, intended occupation \(4-digit NOC 2011\) and year in which permit\(s\) became effective](#),” Open Government Database, accessed 1 February 2024.

³⁹⁴ SOCI, [Evidence](#), 8 June 2023 (Jeff Loder, Executive Director, Association of Seafood Producers).

Act Now: Solutions for Temporary and Migrant Labour in Canada

The processing plants are a cool, wet environment, so not everybody wants to work in an environment like that. Not everybody would necessarily be attracted to that. To compensate, we try to offer the best wage as possible as well as benefits and things like that.

*Paul Lansbergen, Fisheries Council of Canada*³⁹⁵

One factor accounting for the labour situation may be the perception that seafood processing, like the rest of the seafood industry, is male-dominated. Paul Lansbergen noted that despite companies' recruitment efforts aimed at a more gendered—and racially diverse workforce, “the reputation is still that it is male dominated,” presenting “one of the biggest barriers to overcome in attracting more women to the workforce.”³⁹⁶

Despite labour challenges, the seafood processing employers the committee met with in New Brunswick and Prince Edward Island demonstrated various efforts to reducing shortages and incentivizing longer-term careers. One of the biggest offers is employer-sponsored permanent residence through programs like the Provincial Nominee Program and Atlantic Immigration Program. There are obvious incentives for the worker, but employers also expressed that there are advantages for them, including enhanced flexibility for the worker to be trained and staffed in more skilled occupations, as well as aiming to build a more permanent workforce.³⁹⁷ Many plants in the region are each sponsoring ten to twenty permanent residence applications annually. One employer that members of the committee met with in Prince Edward Island had sponsored over 200 permanent residents between 2018 and 2023, retaining just over 150 of them at the company.³⁹⁸ Twelve of these workers have since become Canadian citizens.³⁹⁹ However, there are many challenging barriers to accessing these programs, even when both worker and employer are highly motivated.

³⁹⁵ SOCI, [Evidence](#), 7 June 2023 (Paul Lansbergen, President, Fisheries Council of Canada).

³⁹⁶ Ibid.

³⁹⁷ Various Employers, New Brunswick and Prince Edward Island, Testimony heard during the committee's fact-finding mission.

³⁹⁸ Seafood Processing Employer, Prince Edward Island, Testimony heard during the committee's fact-finding mission.

³⁹⁹ Ibid.



While visiting a seafood processing plant in New Brunswick, the employer emphasized the level of skill required for this precise, fast work. Members of the committee saw how skilled workers quickly and efficiently removed the lobster meat from the shell, assisted by machinery.

Seasonal Seafood Workers Program

Right now, we're just a small slice that uses the large Temporary Foreign Worker Program pie.

Seafood Processing Employer, New Brunswick⁴⁰⁰

All the seafood processing employers that members of the committee heard from during this study expressed confusion over the exclusion of their industry from the SAWP and strongly endorsed the idea of a Seasonal Seafood Workers Program that mirrors some parts of the SAWP, but with further tailoring to the seafood context. Jeff Loder stated that as many Newfoundland and Labrador-based producers have multiple processing facilities for different species across the provinces, it would be

⁴⁰⁰ Seafood Processing Employer, New Brunswick, Testimony heard during the committee's fact-finding mission.

Act Now: Solutions for Temporary and Migrant Labour in Canada

“very beneficial” if there were a more open work permit that would allow TFWs to move within the region and industry, where work is available and workers are needed.⁴⁰¹

Multiple witnesses stressed the importance of unique regional considerations and the linkages between the provinces, products, and workforce. Jerry Gavin of Prince Edward Island noted that 30% to 40% of the total lobster harvest is processed in New Brunswick and Nova Scotia, thereby making employers “inextricably linked” to one another, “so solutions and enhancements must be at a regional level.”⁴⁰² This sentiment was repeated on the floor of a seafood processing plant in Prince Edward Island, where members heard that there is a high degree of cooperation among the various Atlantic seafood processing operations—potentially paving the way for more flexibility in regional permits.⁴⁰³ The same employer also noted that there may be opportunity for crossover between migrant workers in the agricultural and seafood processing sectors as the seasonality of both industries may be complementary. Overall, employers noted that some of the key elements they would like to see in a Seasonal Seafood Workers Program would be enhanced labour flexibility, eliminating the \$1,000 LMIA processing fee (mirroring the SAWP), and more clarity around regulations and enforcement. Seafood processing employers did not mention the necessity of bilateral agreements, such as those that govern the SAWP, or the additional transportation and housing costs borne by SAWP employers.

Budget 2022 included a commitment of \$48.2 million over three years to “implement a new foreign labour program for agriculture and fish processing, tailored to the unique needs of these employers and workers.”⁴⁰⁴ In October 2023, the Minister of Employment, Social Development and Official Languages shared with the committee that ESDC is “currently examining policy options related to creating a new foreign labour program for agriculture and fish processing, tailored to the unique needs of these employers and workers.”⁴⁰⁵

In February 2024, the *Supplementary Estimates (C), 2023–2024* were tabled, establishing approximately \$13.2 million in joint funding between IRCC and ESDC for a “new agriculture and fishing processing stream within the Temporary Foreign Worker Program.”⁴⁰⁶ In March 2024, the related appropriation act received royal assent and ESDC confirmed that “Canada is ready to work with source countries through the modernization of new [SAWP] bilateral agreements to offer temporary foreign workers and employers new opportunities, through the incorporation of year-

⁴⁰¹ SOCI, [Evidence](#), 8 June 2023 (Jeff Loder, Executive Director, Association of Seafood Producers).

⁴⁰² SOCI, [Evidence](#), 8 June 2023 (Jerry Gavin, Executive Director, Prince Edward Island Seafood Processors Association).

⁴⁰³ Seafood Processing Employer, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

⁴⁰⁴ “[Chapter 4: Creating Good Middle Class Jobs](#),” in Government of Canada, *A Plan to Grow Our Economy and Make Life More Affordable*, Budget 2022.

⁴⁰⁵ The Honourable Randy Boissonnault, [Follow-Up Questions from September 28th SOCI Committee Appearance](#), Brief submitted to SOCI, 19 October 2023.

⁴⁰⁶ Treasury Board of Canada Secretariat, [Horizontal Items for Supplementary Estimates \(C\), 2023-2024](#).

Act Now: Solutions for Temporary and Migrant Labour in Canada

round primary agriculture and seasonal fish, seafood, and primary food processing into the program.”⁴⁰⁷ Further details were not yet available when this report was produced.

If you look at the way processing works in Newfoundland and Labrador, most of the major producers have anywhere from 3 to 10 processing plants. For various reasons — related to weather or different amounts of production at different times of the year — you need to ramp up production at one plant versus another. It’s all under the same umbrella of production. But it has been set up to require an application going in for one plant, even though you could have three plants with the same company. We’re not talking about moving from one province to another. I totally recognize that’s far more complex. There are a lot more considerations there. But why can’t you have a worker in Old Perlican, Newfoundland, move to St. Lawrence or a different place like that, which is just several hours away?

*Jeff Loder, Association of Seafood Producers*⁴⁰⁸

Hospitality and Tourism

While the tourism and hospitality sectors are largely service-based, rather than production-based like seafood and agriculture, they are both still affected by seasonal trends.

Although there may be more large corporations involved in hospitality and tourism, industry associations like the Tourism Industry Association of Canada, Restaurants Canada and Hotel Association of Canada have been attempting to provide support to small- and medium-sized enterprises “by providing them with checklists of things they need to be doing and access to the tools and information that they need to make sure they are providing everything they are supposed to be providing to their employees.”⁴⁰⁹

⁴⁰⁷ ESDC, [Government of Canada to adjust temporary measures under the Temporary Foreign Worker Program Workforce Solutions Road Map](#), News release, 21 March 2024.

⁴⁰⁸ SOCI, [Evidence](#), 8 June 2023 (Jeff Loder, Executive Director, Association of Seafood Producers).

⁴⁰⁹ SOCI, [Evidence](#), 9 March 2023 (Beth Potter, President and Chief Executive Officer, Tourism Industry Association of Canada).



Members of the committee visited a McDonald's in New Brunswick, where they heard about the essential role migrant workers are playing in staffing the hospitality and food service industry. As an international company, McDonald's International has experience with migrant labour from and working in many different jurisdictions.

Labour Shortages in Hospitality and Tourism

The hospitality and tourism sectors have also claimed to be experiencing a labour shortage. Beth Potter reported an estimated 250,000 vacant positions in the tourism sector by summer 2023.⁴¹⁰ Olivier Bourbeau stated that “the labour shortage is definitely the biggest threat” to restaurants staying open, blaming it, in part, on open permits and people seeking better wages elsewhere “rather than wanting to develop” further in the industry.⁴¹¹ He stated that in the restaurant industry, it is not possible to offer the same pay as other industries, but that there are opportunities for federal leadership to encourage domestic labour supply, including by allowing more flexibility to claim EI and work at the same time, providing funding for skills training and upgrading, and encouraging older workers to return to the workforce part-time without

⁴¹⁰ Ibid.

⁴¹¹ SOCI, [Evidence](#), 9 March 2023 (Olivier Bourbeau, Vice President, Federal & Québec Affairs, Restaurants Canada).

Act Now: Solutions for Temporary and Migrant Labour in Canada

jeopardizing their pensions.⁴¹² Another way labour shortages could be mitigated would be through the establishment of “a dedicated tourism and hospitality immigration stream with a pathway to permanent residency.”⁴¹³

We are so pleased and proud to have people come work with us, and the diversity in our industry is the biggest strength that we have. It is just fantastic. We treat everyone the same way, even if it is a temporary foreign worker who is here only for a couple of years. We want that person to bloom. We want that person to be a part of our team.

*Olivier Bourbeau, Restaurants Canada*⁴¹⁴

Impact of the COVID-19 Pandemic

The COVID-19 pandemic had a profound impact on the hospitality and tourism industries. Anna Triandafyllidou noted that not only did the pandemic cause “upheaval” in the tourism sector, but it was followed by an “almost surprisingly” quick return, exacerbating labour shortages in the sector.⁴¹⁵ Beth Potter agreed that “while the dearth in supply of workers predates the pandemic, COVID vastly compounded the problem.”⁴¹⁶

As you know, our sector was effectively shut down for two years. This caused considerable damage to the industry, the depths of which are only now coming to light as travel demand resumes. Though many think our sector has recovered, COVID left our sector with deep scars. We lost a lot of our workforce, took on crippling levels of debt and investment has stopped. We opened later than our competitors, and we declined in international standing.

*Beth Potter, Tourism Industry Association of Canada*⁴¹⁷

⁴¹² Ibid.

⁴¹³ SOCI, [Evidence](#), 9 March 2023 (Beth Potter, President and Chief Executive Officer, Tourism Industry Association of Canada).

⁴¹⁴ SOCI, [Evidence](#), 9 March 2023 (Olivier Bourbeau, Vice President, Federal & Québec Affairs, Restaurants Canada).

⁴¹⁵ SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

⁴¹⁶ SOCI, [Evidence](#), 9 March 2023 (Beth Potter, President and Chief Executive Officer, Tourism Industry Association of Canada).

⁴¹⁷ Ibid.

Caregiving

While there have been many changes to programs in the TFWP over its 50-year history, perhaps the sector that has experienced the most upheaval is caregiving. Modern caregiving was predated by domestic work, with early immigration programs including the West Indian Domestic Scheme, recruiting Caribbean women to immigrate to Canada to work as domestic labourers.⁴¹⁸

In 1981, the Foreign Domestic Movement Program was established in an effort to fill temporary employment positions for home care needs and provide a pathway to permanent residence after two years of work in Canada. In 1992, this program was reintroduced as the Live-in Caregiver Program, allowing employers to hire foreign nationals with a requirement that they live at their place of work. This arrangement presented a condition of increased risk for abuse, and was eliminated as part of the TFWP reforms in 2014. The Live-in Caregiver Program was replaced with two five-year pilot programs, Caring for Children and People, and Caring for People with High Medical Needs. At their expiry in 2019, they were replaced by two newer five-year pilots, the Home Child Care Provider Pilot, and the Home Support Worker Pilot, set to expire in June 2024.

The Home Child Care Provider and Home Support Worker Pilots, like other pilot programs, are capped at 2,750 spots annually. The programs aim to “let qualified caregivers and their family members come to Canada with a goal of becoming permanent residents.”⁴¹⁹ The amount of directly related work experience the applicant has determines whether they will enter the Gaining Experience category or the Direct to Permanence category.⁴²⁰

Regarding overlapping intersectionalities, the committee heard that 97% of TFWs employed in the caregiving economy are women.⁴²¹

⁴¹⁸ Immigration program for Caribbean women between 1955 and 1967 (when the points system was introduced) that saw approximately 3,000 women from the region immigrate to Canada.

Parks Canada, [West Indian Domestic Scheme \(1955-1967\) National Historic Event](#).

⁴¹⁹ IRCC, [Home Child Care Provider Pilot and Home Support Worker Pilot](#).

⁴²⁰ Applicants with fewer than 12 months of relevant work experience in Canada are restricted to the Gaining Experience category, with applicants who have worked full-time in caregiving in Canada for at least 12 of the last 36 months can apply to the Direct to Permanence category.

⁴²¹ SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women’s Services Toronto).

A Chaotic History of Limited Programs

What we have had in the last 10 years with respect to the Caregiver Program is a cacophony of pilot programs that even the best of immigration or refugee lawyers will have a hard time understanding how their client would fit into that particular program.

Lou Janssen Dangzalan, Canadian Immigration Lawyers Association⁴²²

When immigration policy experts express confusion and frustration over a complicated program, one must only imagine the confusion and frustration faced by prospective employers and applicants attempting to navigate the system. This results in “constantly shifting rules [that] are hard to follow for families and caregivers.”⁴²³

Employers have also been negatively affected by some of the requirements imposed by the program, like the \$1,000 processing fee, with “approval rates [being] anyone’s guess,” families are taking a “huge risk” when they submit an application.⁴²⁴ They might also be left waiting for a long time. Lou Janssen Dangzalan stated that the “current pilot program has effectively killed the Caregiver Program as processing times come to years,” forcing prospective Canadian employers to move on to another source of care.⁴²⁵ He further elaborated that processing times on Caregiving Program applications were up to four years, with a backlog in November 2022 of 2.4 million applications.⁴²⁶

In my ideal world, care work would be valued as the essential skilled work that it is and those workers who come through these temporary care-related work visa programs would come through regular immigration channels.

Geraldine Pratt, Canada Research Chair in Care Economies and Global Labour, University of British Columbia⁴²⁷

⁴²² SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

⁴²³ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

⁴²⁴ SOCI, [Evidence](#), 3 November 2022 (Kareem El-Assal, Director of Policy, CanadaVisa.com, as an individual).

⁴²⁵ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

⁴²⁶ Ibid.

⁴²⁷ SOCI, [Evidence](#), 15 February 2023 (Geraldine Pratt, Canada Research Chair in Care Economies and Global Labour and Professor, Department of Geography, University of British Columbia, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

One of the side effects of limiting caregiving work to pilot projects are the annual caps of 2,750 successful applicants. Kareem El-Assal told the committee that “due to the significant need” for care workers, these caps have been quickly met soon after opening on January 1st each year.⁴²⁸ Syed Hussan elaborated that “on January 1, 2023, it opened and closed within three hours because there are so many more people who want to apply who are already in the country.”⁴²⁹

Despite the overabundance of interest, there have also been many prospective applicants who faced barriers to applying given the more stringent requirements of permanent residence streams, with reports that “caregivers have uniformly described the Home Child Care and Home Support Worker Pilots as being difficult and expensive.”⁴³⁰ Barriers include the language test (despite caregivers having demonstrated experience working in Canadian homes) and educational requirements that were not in place with the Live-in Caregiver Program.⁴³¹ Fay Faraday noted that language requirements under the pilot programs are currently higher than for obtaining Canadian citizenship, and reminded the committee that “it is important to ensure that the requirements under that are fair” and these are “artificial barriers to participation and integration.”⁴³²

Living and Working in the Same Location

While it is no longer a requirement of the Caregiver Program to live at one’s place of work, many still do, increasing their vulnerability to abuse. Deena Ladd described the power imbalance of employer-specific work permits, layered with housing being tied to employment: “As you can imagine, when a worker is actually trying to challenge their employer, they are losing their home. For the worker, the question is survival. Sometimes they just do not have the capacity to take on those employers.”⁴³³ One of the most common issues of abuse is having to work additional hours without additional pay, due to not being able to leave at the end of the “work day.”⁴³⁴ One migrant worker reported that they would feel safer if there were more security measures in place to protect workers living with their employer.⁴³⁵

⁴²⁸ SOCI, [Evidence](#), 3 November 2022 (Kareem El-Assal, Director of Policy, CanadaVisa.com, as an individual).

⁴²⁹ SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change).

⁴³⁰ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

⁴³¹ Ibid.

⁴³² SOCI, [Evidence](#), 16 February 2023 (Fay Faraday, Assistant Professor, Osgoode Hall Law School, York University, as an individual).

⁴³³ SOCI, [Evidence](#), 17 November 2022 (Deena Ladd, Executive Director, Workers’ Action Centre).

⁴³⁴ Migrant Worker Advocate, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

⁴³⁵ Migrant Worker, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

Caregivers live with their employers, which meant that, during COVID, they had to shelter in place with their employers. They found their working hours increased. They also found employers imposing restrictions on what they could eat and whom they could visit. Some caregivers who took care of seniors mentioned to us the challenges of being the sole care providers without any rest or respite, because lockdown provisions meant that family members could not visit and thus could not take over momentarily for care workers. Care workers had to provide around-the-clock care. Most did not get paid for the hours they worked.

Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism, York University⁴³⁶

In addition to the power imbalance, fear of losing one's housing has also been cited as a problem. Witnesses told the committee that while the immediate result would be homelessness, workers would also lose access to health care, income support, and "have to then find a new employer" to complete the required 24-month work experience, or risk becoming undocumented.⁴³⁷ The COVID-19 pandemic increased workers' vulnerability if laid off. While "some caregivers who were laid off continued to live with their employers, others had to seek housing elsewhere," including in shelters.⁴³⁸

Care Workers and COVID-19

The Migrant Workers Alliance for Change shared data it had recently collected during a survey about the experiences of care workers over the COVID-19 pandemic:⁴³⁹

—Nearly half (48%) of care workers reported working 10–12 hours or more per day, up to 6–7 days each week.

—About 40% of workers reported not receiving pay for these additional hours of work, which averaged out to a loss of wages of about \$12,000 per worker per year.

⁴³⁶ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

⁴³⁷ SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change).

⁴³⁸ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

⁴³⁹ Limited information about the methodology behind the survey was shared with the committee during testimony. It was conducted among the care worker membership of the Migrant Workers Alliance for Change.

SOCI, [Evidence](#), 15 February 2023 (Syed Hussan, Executive Director, Migrant Workers Alliance for Change).

Act Now: Solutions for Temporary and Migrant Labour in Canada

—One third of respondents were forbidden by employers from leaving their accommodations, taking public transit, sending remittances home, visiting medical practitioners, or meeting with family and friends in Canada.

—More than one third lost their jobs or were fired during the pandemic, as employers lost income, were working from home, or died.

—A majority (about 60%) of respondents were concerned about not meeting the 24-month requirement to apply for permanent residence.

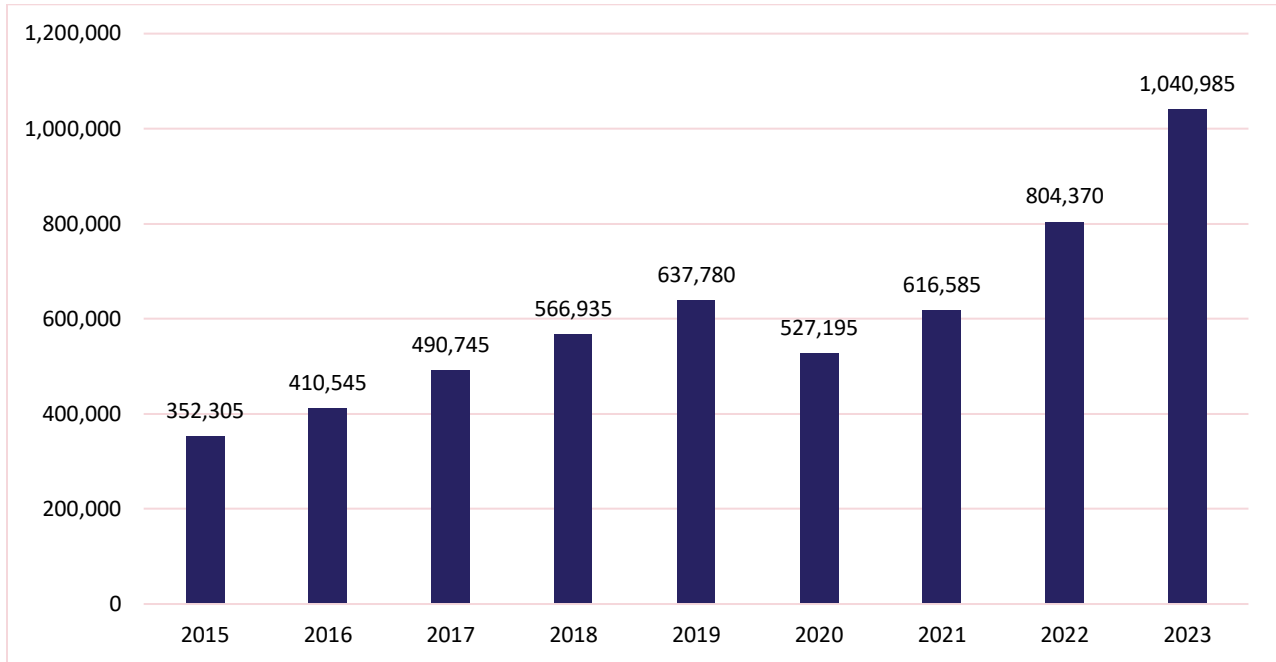
—Over 30% of respondents were unable to achieve the English language results or accreditation for one year of post-secondary education.

International Students

The International Student Program makes up a significant portion of temporary migrants, with IRCC granting 1,040,985 study permits in 2023.⁴⁴⁰ Figure 11 shows the number of unique study permit holders at the end of each year from 2015 to 2023. The increase in the number of study permit holders has been largely driven by students pursuing post-secondary education.

⁴⁴⁰ Government of Canada, "[Temporary Residents: Study Permit Holders – Monthly IRCC Updates – Canada – Study permit holders on December 31st by province/territory and study level](#)," Open Government, Database, accessed 1 February 2024.

Figure 11: Total of Unique Study Permit Holders on 31 December, 2015–2023⁴⁴¹



Under the International Student Program, full-time post-secondary foreign nationals with study permits can work both on and off campus, without requiring a work permit. Students working off campus are subject to a 20-hour-per-week cap; however, from 15 November 2022 to 30 April 2024, this cap was lifted to “increase the availability of workers to sustain Canada’s post-pandemic growth.”⁴⁴²

While there are many facets to international students’ experience in Canada, this study focused on their experiences as migrant workers. Given that they fall under the International Student Program, not the TFWP, and are not subject to work permits, international students are also not subject to all of the issues of vulnerability experienced by many other migrant workers. However, there are also some vulnerabilities unique to being an international student worker.

Specific Vulnerabilities for International Students

Like other populations of migrant workers, international students may be unfamiliar with Canada’s health care system and how to access it. One student recounted that when one of his friends had a health issue, “they were just sitting at home wondering where to go because they were not familiar

⁴⁴¹ Figure prepared by the Library of Parliament with information from Government of Canada, “[Temporary Residents: Study Permit Holders – Monthly IRCC Updates – Canada – Study permit holders on December 31st by province/territory and study level](#),” Open Government, Database, accessed 1 February 2024.

⁴⁴² IRCC, [International students to help address Canada’s labour shortage](#), News release, 7 October 2022.

Act Now: Solutions for Temporary and Migrant Labour in Canada

with what the process is.”⁴⁴³ Student representative, Arin Goswami, added that “this is the reality. People have insurance but they don’t know what to do with it.”⁴⁴⁴

One of the side effects to not being part of the TFWP is that international students are not required to be provided with private emergency medical insurance to cover them until they are eligible for public health insurance. Jennifer Rajasekar observed that “even though they have the right to legally work in Canada while studying,” it is concerning that “they still have to pay for access to health care with their own means.”⁴⁴⁵

International student advocates identified unclear and misleading expectations as a major source of anxiety and frustration for international students. Larissa Bezo stated that it is one of the “pieces that needs to be tackled in terms of ensuring that [...] robust frameworks” are in place and students are receiving accurate information to manage expectations.⁴⁴⁶ Many of these expectations surround obtaining permanent residence.

International students may also have unmet expectations towards the opportunity to work in a high-skills job relevant to their studies. Elizabeth Kwan noted that they are instead susceptible to be caught in a cycle of low-wage positions, losing skills while “stuck in a low-wage job” that is financially necessary but “doesn’t build” on any career or credentials, taking away “from what that person can actually offer to their fullest potential.”⁴⁴⁷

Recent Changes to the Program

The 20-hour work limit on international students directly facilitates our exploitation. Rather than helping us focus on our studies as the government claims, the 20-hour limit makes it harder for students to assert our rights in the workplace. In our experience, the suspension of this limit made students more confident in challenging abuse and unsafe conditions in the workplace, as they were less fearful of retaliation by employers.

*Anmol Sanotra, Naujawan Support Network*⁴⁴⁸

⁴⁴³ SOCI, [Evidence](#), 27 September 2023 (Anmol Sanotra, Member, Naujawan Support Network).

⁴⁴⁴ SOCI, [Evidence](#), 27 September 2023 (Arin Goswami, Member, Naujawan Support Network).

⁴⁴⁵ SOCI, [Evidence](#), 16 February 2023 (Jennifer Rajasekar, Co-Chair, Immigration and Settlement Working Group, Canadian Council for Refugees).

⁴⁴⁶ SOCI, [Evidence](#), 27 September 2023 (Larissa Bezo, President and Chief Executive Officer, Canadian Bureau for International Education).

⁴⁴⁷ SOCI, [Evidence](#), 17 November 2022 (Elizabeth Kwan, Senior Researcher, Canadian Labour Congress, as an individual).

⁴⁴⁸ SOCI, [Evidence](#), 27 September 2023 (Anmol Sanotra, Member, Naujawan Support Network).

Act Now: Solutions for Temporary and Migrant Labour in Canada

The international student representatives the committee heard from during the study, as well as a number of migrant worker advocates, shared that the temporary suspension of the 20-hour work limit was to their advantage. Anna Triandafyllidou stated that while many had characterized the extension as “a bad thing,” she believed it to be good because when international students are working more hours than legally allowed, they are “completely at the mercy of the employer.”⁴⁴⁹ Anmol Sanotra concluded that the limit “was suspended once during the pandemic and has been suspended again until the end of this year without any reported negative impact on students’ education.”⁴⁵⁰

While a majority of witnesses—especially representatives of international students—applauded the temporary elimination of the 20-hour work limit, Andrew Griffith urged caution: “we really all should remember 2013-14 when the previous government had to reverse course as its easing of restrictions led to abuse by employers.”⁴⁵¹

The Deputy Minister of IRCC acknowledged the “mixed reaction” to the temporary lifting of the cap, but that the department was “hearing anecdotally a lot of students were working 20 hours and then would work other jobs under the table,” at which they were very vulnerable.⁴⁵² While not directly responsible for international student programming, the Minister of Employment, Social Development and Official Languages responded enthusiastically about extending the temporary policy, saying that “when we have 780,200 vacancies in the country, let’s use the labour force that is there, that wants to work.” He elaborated that “40 [hours] is the right number” as while students are fully “capable of balancing their studies and hours,” a complete cap elimination is not currently being considered.⁴⁵³

We need to focus more on how Canada’s international education sector and ecosystem can better honour its end of the bargain to support international students to realize their academic, professional and personal aspirations.

*Larissa Bezo, Canadian Bureau for International Education*⁴⁵⁴

Following the conclusion of the committee’s study, in January 2024, the Minister of Immigration, Refugees and Citizenship announced significant changes to the International Student Program,

⁴⁴⁹ SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

⁴⁵⁰ SOCI, [Evidence](#), 27 September 2023 (Anmol Sanotra, Member, Naujawan Support Network).

⁴⁵¹ SOCI, [Evidence](#), 16 February 2023 (Andrew Griffith, Fellow, Canadian Global Affairs Institute, as an individual).

⁴⁵² SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

⁴⁵³ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

⁴⁵⁴ SOCI, [Evidence](#), 27 September 2023 (Larissa Bezo, President and Chief Executive Officer, Canadian Bureau for International Education).

Act Now: Solutions for Temporary and Migrant Labour in Canada

including the establishment of intake caps to “stabilize new growth for a period of two years.”⁴⁵⁵ The department has established provincial and territorial caps that are weighted by population. With these caps in place, approximately 360,000 study permits would be approved for 2024, representing a 35% decrease from the 2023 intake population.⁴⁵⁶ The caps will be implemented by requiring prospective international students to submit a provincial attestation letter with their application, with the new process expected to be implemented by March 2024.⁴⁵⁷

Another change introduced in January limits eligibility for the post-graduation work permit⁴⁵⁸ for students graduating from public-private partnership college programs to address concerns raised around the “quality of education provided by these institutions, as well as the lack of sufficient student supports.”⁴⁵⁹ Students newly enrolling in these programs will no longer be eligible for the post-graduation work permit. IRCC anticipates that without this opportunity “there will be a reduction” in enrollment and uptake of these programs.⁴⁶⁰

Given that the majority of growth in the international student population is occurring among post-secondary undergraduate students, these measures are targeted specifically at this population and do not apply to elementary, secondary and graduate students.⁴⁶¹

Explicitly established to “tackle issues that have made some students vulnerable and have challenged the integrity of the International Student Program,” it remains to be seen what impact these new policies will have on the experiences and vulnerability of international students.⁴⁶²

⁴⁵⁵ IRCC, [Canada to stabilize growth and decrease number of new international student permits issued to approximately 360,000 for 2024](#), News release, 22 January 2024.

⁴⁵⁶ IRCC, [Making Canada’s International Student Program sustainable](#), Backgrounder.

⁴⁵⁷ IRCC, [Additional information about International Student Program reforms](#), Notice, 5 February 2024.

⁴⁵⁸ The post-graduation work permit is intended to allow recent graduates who are not Canadian citizens or permanent residents to stay and work in Canada if they meet specific program requirements. For more information, please see IRCC, [Work in Canada after you graduate: Who can apply](#).

⁴⁵⁹ IRCC, [Additional information about International Student Program reforms](#), Notice, 5 February 2024.

⁴⁶⁰ Ibid.

⁴⁶¹ Ibid.

⁴⁶² IRCC, [Making Canada’s International Student Program sustainable](#), Backgrounder.

CHAPTER 3: WHAT'S THE BIGGER PICTURE? IDENTIFYING SYSTEMIC ISSUES AND OBJECTIVES

Having identified many of the issues that perpetuate vulnerabilities, both for migrant workers generally, and more specifically, TFWs in various streams, it is possible to start examining the systemic infrastructure that established and perpetuates these conditions. Three main categories of stakeholders have roles in the immigration labour infrastructure in Canada: governments (federal, provincial/territorial and, occasionally, municipal); employers; and the labour force—including both domestic and migrant workers.

I want to note that as time has passed, governments have increasingly begun to view their role essentially as facilitating industry access to migrant labour, but somewhere along the way, the human rights of migrant workers have been cast aside. This has become a conversation about finding a balance between the employer's need to access migrant labour and the human rights of those workers. It has become a conversation about a shortage of labour when what they really mean is a shortage of exploitable, disposable labour.

Aditya Rao, Madhu Verma Migrant Justice Centre⁴⁶³

The Role of the Federal Government

I think we can all acknowledge that there are jurisdictional realities in this country that make planning related to the labour market very challenging. I think one of those challenges is the collaboration that we need to see between the federal government and the provinces and territories in working collaboratively on some of these solutions.

Larissa Bezo, Canadian Bureau for International Education⁴⁶⁴

Described in Chapter 1, the condition of diffused responsibility for enforcement and compliance—which sees these tasks broken down and parcelled out to different levels of government and departments—has produced a weak and duplicative enforcement and compliance regime. While federalism, delegated responsibilities and jurisdictional wrangling represent a common facet of

⁴⁶³ SOCI, [Evidence](#), 8 June 2023 (Aditya Rao, Board Member, Madhu Verma Migrant Justice Centre).

⁴⁶⁴ SOCI, [Evidence](#), 27 September 2023 (Larissa Bezo, President and Chief Executive Officer, Canadian Bureau for International Education).

Act Now: Solutions for Temporary and Migrant Labour in Canada

public policy in Canada, the federal government has the opportunity to show leadership in taking responsibility and protecting migrant workers.

The utmost priority of the federal departments involved in the temporary foreign worker space is to ensure that the same rights we apply to Canadian citizens are applied to foreign workers who find themselves with different employers and companies across the country.

Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada⁴⁶⁵

During the committee's fact-finding mission, employers and employees expressed a desire for stronger leadership and unified direction on this file. Derek Johnstone stated that the United Food and Commercial Workers of Canada respects that labour is largely under provincial jurisdiction, but emphasized that the TFWP "is a federal program" and that "we just have not seen a federal government yet step up in terms of really tackling this issue and using the tools that they have."⁴⁶⁶ One possible solution raised was a tripartite independent office of parliament, with representation from the provincial, territorial and federal governments, employers, and workers.

The federal government has introduced a series of stopgap measures to better respond to labour market needs. However, this has added confusion and complexity to an already complex system.

Naomi Alboim, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University⁴⁶⁷

Immigration, Refugees and Citizenship Canada

IRCC bears the majority of responsibility for federal immigration planning and programming. However, the committee often heard that it has been challenging to identify a single cohesive immigration and migrant labour strategy that is not simply a patchwork of reactive policies and

⁴⁶⁵ SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

⁴⁶⁶ SOCI, [Evidence](#), 24 November 2022 (Derek Johnstone, Special Assistant to the National President, United Food and Commercial Workers of Canada).

⁴⁶⁷ SOCI, [Evidence](#), 3 November 2022 (Naomi Alboim, Senior Policy Fellow, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

programs. Ethel Tungohan agreed that “a lot of immigration policy-making seems to be dependent on the minister in power and on the party in power.”⁴⁶⁸

Departmental Planning and Objectives

Canada does not have an overall plan for the admission of temporary entrants or for their transition to permanent residence, despite the fact that more and more people are already living in Canada with temporary status when they become permanent.

Naomi Alboim, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University⁴⁶⁹

Each year, IRCC releases its Immigration Levels Plans for the upcoming three years. In November 2023, the department confirmed that it would aim to welcome 485,000 new permanent residents in 2024, 500,000 in 2025 and 500,000 again in 2026.⁴⁷⁰ Immigration Levels Plans have not historically contained targets for programs like the TFWP and IMP as they are considered temporary in nature. In March 2024, the Minister of Immigration, Refugees and Citizenship Canada announced that the fall 2024 Immigration Levels Plan will include temporary resident targets for the first time.⁴⁷¹ The proposed target would see a decrease in the temporary resident population to 5% of the overall population over the next three years. However the target will not be finalized until provincial and territorial counterparts are consulted.⁴⁷²

Until 2007, temporary migrants to Canada numbered fewer than permanent migrants, but since then, there have consistently been more temporary workers admitted than permanent residents.⁴⁷³

This has certainly been the case in recent years, as depicted in Figure 12.

⁴⁶⁸ SOCI, [Evidence](#), 15 February 2023 (Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and Associate Professor, Department of Politics, York University, as an individual).

⁴⁶⁹ SOCI, [Evidence](#), 3 November 2022 (Naomi Alboim, Senior Policy Fellow, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

⁴⁷⁰ IRCC, [Notice – Supplementary Information for the 2024-2026 Immigration Levels Plan](#), 1 November 2023.

⁴⁷¹ IRCC, [Announcement related to Temporary Residents](#), Speaking notes for the Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship, 21 March 2024.

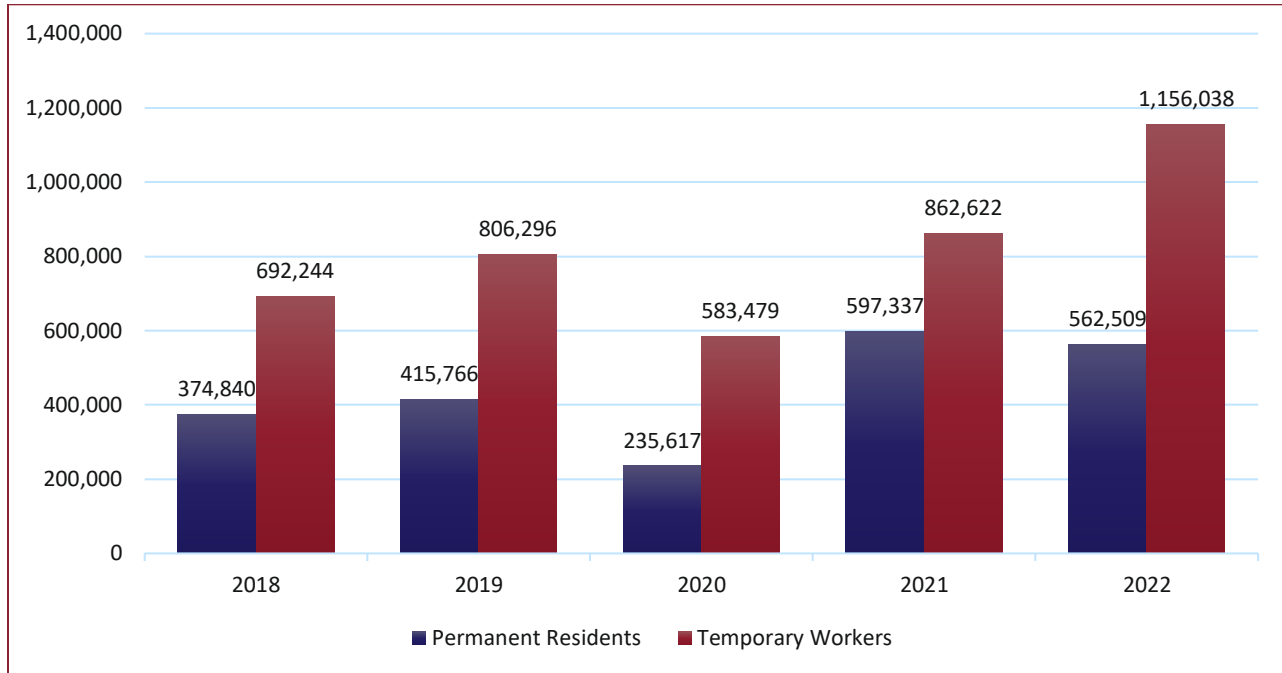
⁴⁷² In 2023, IRCC reports that temporary residents accounted for 6.2% of the population.

Ibid.

⁴⁷³ W. Zachary Marshall, [“Seasonal Agricultural Workers in Canada: Understanding the Socio-Political Issues,”](#) MA Research Paper, August 2015.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Figure 12: Annual Immigration and Migration Statistics (2018–2022)⁴⁷⁴



Mikal Skuterud identified that the “number one problem we have with immigration policy in this country [is that] when we design programs, we don’t clearly state what the objective is.”⁴⁷⁵ He further elaborated that every policy objective needs a corresponding “policy lever” and that with immigration, the government is often “trying to achieve 10 different objectives with one policy lever.”⁴⁷⁶

Many witnesses identified the short-term reactive framework of immigration programs and policies as an issue causing confusion in accessing and navigating the system (from employers, workers and advocates alike) and as a missed opportunity to be more strategic and targeted. Kareem El-Assal encouraged the use of an evidence-based approach “informed by economic analysis and labour force data.”⁴⁷⁷

Numerous witnesses agreed that the Immigration Levels Plan or the annual report to Parliament should include “projected levels for migrant workers [TFWP and IMP] and international students to provide a complete and comprehensive picture of Canada’s immigration plan.”⁴⁷⁸ Including migrant

⁴⁷⁴ Figure prepared by the Library of Parliament with information from IRCC, [2023 Annual Report to Parliament on Immigration](#), 1 November 2023; IRCC, [2022 Annual Report to Parliament on Immigration](#); IRCC, [2021 Annual Report to Parliament on Immigration](#); IRCC, [2020 Annual Report to Parliament on Immigration](#); and IRCC, [2019 Annual Report to Parliament on Immigration](#).

⁴⁷⁵ SOCI, [Evidence](#), 4 October 2023 (Mikal Skuterud, Professor, Department of Economics, University of Waterloo, as an individual).

⁴⁷⁶ Ibid.

⁴⁷⁷ SOCI, [Evidence](#), 3 November 2022 (Kareem El-Assal, Director of Policy, CanadaVisa.com, as an individual).

⁴⁷⁸ SOCI, [Evidence](#), 16 February 2023 (Andrew Griffith, Fellow, Canadian Global Affairs Institute, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

workers in the levels plans may also help better manage existing processing backlogs: “the reality is that even with targets, we have a backlog.”⁴⁷⁹

The job of a policy-maker is not to plug the holes; the job of a policy-maker is to create the kind of economy we want. If you want a high-skilled, high-wage economy, then target high-skilled workers. If you want a low-skilled, low-wage economy, then target low-skilled workers.

Mikal Skuterud, Professor of Economics, University of Waterloo⁴⁸⁰

Data Collection

The committee continues to hear about data gaps, especially for disaggregated data across government programs and services. Existing difficulties in collecting and sharing data among federal departments is further complicated by provincial involvement. To this, the Deputy Minister of IRCC commented that “data sharing is essential to collaboration within the federal government,” and that between IRCC and ESDC, there is a monthly “picture of the number of workers who are in Canada over a given period and in which sector, and whether they are meeting labour shortage challenges,” concluding that “there is a decent amount of data.”⁴⁸¹

Witnesses identified various areas in which data collection could be improved. One point of interest is that while both the IMP and TFWP are migrant work programs, far less data is available for workers under the IMP due to the absence of the LMIA requirement, making it harder to “know exactly where people are going.”⁴⁸²

⁴⁷⁹ SOCI, [Evidence](#), 3 November 2022 (Fred Bergman, Senior Policy Analyst, Atlantic Provinces Economic Council).

⁴⁸⁰ SOCI, [Evidence](#), 4 October 2023 (Mikal Skuterud, Professor, Department of Economics, University of Waterloo, as an individual).

⁴⁸¹ SOCI, [Evidence](#), 28 September 2023 (Christiane Fox, Deputy Minister, Immigration, Refugees and Citizenship Canada).

⁴⁸² SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

Specific Comments on Avenues for Improved Data Collection and Dissemination

—“They only collect data when it comes to nationalities and citizenship, not data on race. For now, it is a blind spot. I hope that IRCC will undertake to do this.”⁴⁸³

—“At this moment, one of the things we need is clear, systematic research to understand how the [caregiving] pilots have or have not worked to achieve the intended goals.”⁴⁸⁴

—“There is a lack of quantifiable data concerning how many people [there are], what they want, where they are and what their experiences or trajectories are.”⁴⁸⁵

—“It is difficult to recognize qualifications, we still need to have information on [TFWs’] skills.”⁴⁸⁶

—“It is important not to forget obtaining more information and data evaluating the success of projects funded by the department to support migrant workers.”⁴⁸⁷

Employment and Social Development Canada

Given its involvement in LMIAs and the TFWP, ESDC currently plays a limited supporting role in the management of immigration and labour strategy. Should immigration and labour priorities be separated, the role of ESDC could be different in the future.

Since ESDC’s main role in the TFWP is managing LMIAs and the enforcement/compliance regime, comments about the department were focused on these topics. The National Farmers Union expressed concern that “the agricultural industry has co-opted and swayed ESDC to prioritize corporate agriculture’s needs over the public interest in upholding the human rights of these workers.”⁴⁸⁸ While concerns about the power imbalance between employers and workers came up frequently, lobbying and collusion were less often raised.

⁴⁸³ SOCI, [Evidence](#), 16 November 2022 (Lou Janssen Dangzalan, Steering Committee Member, Canadian Immigration Lawyers Association).

⁴⁸⁴ SOCI, [Evidence](#), 15 February 2023 (Geraldine Pratt, Canada Research Chair in Care Economies and Global Labour and Professor, Department of Geography, University of British Columbia, as an individual).

⁴⁸⁵ SOCI, [Evidence](#), 27 September 2023 (Catherine Bryan, Associate Professor, School of Social Work, Dalhousie University, as an individual).

⁴⁸⁶ SOCI, [Evidence](#), 4 October 2023 (Noel Baldwin, Director, Government and Public Affairs, Future Skills Centre).

⁴⁸⁷ Migrant Worker Advocate, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.

⁴⁸⁸ National Farmers Union, [Supporting the rights of temporary and migrant workers](#), Brief submitted to SOCI, 30 October 2023.

The Role of Provincial and Territorial Governments

While the federal government may be able to step forward as a leader in establishing the national immigration strategy and framework, including objectives and policies surrounding migrant work, much of the implementation is the responsibility of the provincial and territorial governments who have full jurisdiction over health care and education, and significant powers in labour and housing, with a growing role in immigration too. On top of the diffused responsibility, the fractured delegation of power in these major social services can result in a lack of standardization across the country, and different experiences for migrant workers in various regions.

I think that when we have support from the provinces, the work is better; when we do not have that support, then things do not go as well.

The Honourable Randy Boissonnault, Minister of Employment, Workforce Development and Official Languages⁴⁸⁹

Jurisdiction

Sara Asalya noted that “there is no coordination or collaboration among health, legal, settlement and employment. Everyone has their own policies and they are governed by different jurisdictions,” with the migrant workers lost in the middle.⁴⁹⁰ While it would not be appropriate for the federal government to intervene in matters of provincial and territorial jurisdiction, it could institute national best practices and an independent body responsible for enforcing workers’ rights and access to provincial services.

The Matter of Quebec

While not integral to the focus of this report, it bears mentioning that the immigration system in Quebec is unique in Canada. As a consequence of its francophone majority and status as a distinct society, in 1968, Quebec established a provincial immigration ministry and is the only province with full control over immigration eligibility and admissions under the Economic Class. Access to immigration pilots, including the Home Child Care Provider and Home Support Worker pilots, is not available in Quebec.

Prospective applicants are required to first obtain a Quebec Selection Certificate before applying through IRCC. While pathways to permanent residence are not explicitly limited to high-skills workers, Quebec’s points system renders it difficult for low-wage migrant workers to successfully

⁴⁸⁹ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

⁴⁹⁰ SOCI, [Evidence](#), 9 March 2023 (Sara Asalya, Executive Director, Newcomer Women’s Services Toronto).

Act Now: Solutions for Temporary and Migrant Labour in Canada

apply.⁴⁹¹ Eugénie Depatie-Pelletier noted that the landscape for pathways to permanent residence is “worse in Quebec than elsewhere in Canada because from the outset, Quebec excludes all workers in low-paying jobs from accessing permanent status, a priori, while there are exceptions in other provinces.”⁴⁹²

Similarly, migrant workers looking to work in Quebec must obtain a Quebec Acceptance Certificate, in addition to the federal LMIA.⁴⁹³ All applications must be submitted in French.⁴⁹⁴

The governments of Canada and Quebec have reached agreements to operationalize temporary policy measures for Quebec employers in the TFWP. Over the past two years (until December 2023), employers in Quebec had received additional flexibility in LMIA and Acceptance Certificate requirements and caps on low-wage positions.⁴⁹⁵

The Role of Municipal Governments

In 2019, the Prime Minister’s mandate letter to the Minister of Immigration, Refugees and Citizenship called for the introduction of a “Municipal Nominee Program, that will allow local communities, chambers of commerce and local labour councils to directly sponsor permanent immigrants,” with at least 5,000 new spots for the program.⁴⁹⁶ The most recent mandate letter, dating to 2021, asked that the Minister “move forward” on the Municipal Nominee Program,⁴⁹⁷ with the most recent action appearing to be a 2020 consultation. At that time, IRCC was looking for feedback on defining the objective of the program, the scope and criteria for participation and the role of various stakeholders (e.g., levels of government and settlement and support services).⁴⁹⁸

Until the Municipal Nominee Program is launched, municipalities continue to play a role in the delivery and coordination of services including settlement and integration services, and housing. Discussions about the implications of offering permanent residence to all migrant workers, regularizing undocumented workers, or eliminating employer-specific work permits should not omit municipal stakeholders.

⁴⁹¹ Gouvernement du Québec, ministère de l'Immigration, de la Francisation et de l'Intégration, [Regular Skilled Worker Program](#); and Gouvernement du Québec, ministère de l'Immigration, de la Francisation et de l'Intégration, [Québec Experience Program \(PEQ\)](#).

⁴⁹² SOCI, [Evidence](#), 15 February 2023 (Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director, Association for the Rights of Household and Farm Workers).

⁴⁹³ Gouvernement du Québec, ministère de l'Immigration, de la Francisation et de l'Intégration, [Temporary Foreign Worker Program program Overview](#).

⁴⁹⁴ ESDC, [Hiring temporary foreign workers in the province of Quebec](#).

⁴⁹⁵ Ibid.

⁴⁹⁶ Prime Minister of Canada, Justin Trudeau, [ARCHIVED – Minister of Immigration, Refugees and Citizenship Mandate Letter](#), 13 December 2019.

⁴⁹⁷ Prime Minister of Canada, Justin Trudeau, [Minister of Immigration, Refugees and Citizenship Mandate Letter](#), 16 December 2021.

⁴⁹⁸ IRCC, [IRCC Consultation on Immigration Levels and Municipal Nominee Program \(MNP\)](#).

The Role of Employers

Employers play a key role in Canada’s migrant labour infrastructure, both in driving demand for immigration programs and policies, and in facilitating and supporting migrant workers through the temporary and permanent residence process. While employers often agreed with government and workers/worker representatives during this study, there were several points of divergence, including on the severity of the labour shortage and the role employers are and should be playing in this migrant labour infrastructure.

Investigating the Premise of Widespread Labour Shortages

I want to directly and forcefully challenge the assumption that Canada has faced, and continues to face, a so-called labour shortage. Many different reasons have been advanced or hypothesized for this alleged labour shortage: demographic change and the aging society; the idea that somehow consumer spending or aggregate demand in Canada is overheated and excess relative to our productive capacities; or even a lack of work ethic and commitment on the part of individual workers, because they became lazy and accustomed to public income support. I think this hypothesis is wrong, and therefore, the implications for immigration policy are misstated.

Jim Stanford, Centre for Future Work⁴⁹⁹

Several economists informed the committee that reports of widespread labour shortages in almost all sectors in Canada may be exaggerated. Jim Stanford observed that according to basic economic principles, the premise of a wage shortage is flawed. Wage trends in Canada show a decline in real wages since the “reopening of the economy after the pandemic,” but when a commodity is “genuinely in short supply, it should become more expensive and not less expensive.”⁵⁰⁰

Overall employment trends also call labour shortage claims into question. Over the course of 2023, the unemployment rate was trending upwards “as growth in the population continued to outpace employment growth,” reaching 5.8% in November 2023.⁵⁰¹ In the third quarter of 2023, there were 1.7 unemployed persons for every job vacancy, however, the unemployment-to-job vacancy ratio remains below pre-pandemic levels (which averaged above 2.0).⁵⁰² Year-over-year, job vacancies

⁴⁹⁹ SOCI, [Evidence](#), 4 October 2023 (Jim Stanford, Economist and Director, Centre for Future Work).

⁵⁰⁰ Ibid.

⁵⁰¹ Statistics Canada, “[Labour Force Survey, November 2023](#),” *The Daily*, 1 December 2023.

⁵⁰² Statistics Canada, “[Job vacancies, third quarter 2023](#),” *The Daily*, 18 December 2023.

Act Now: Solutions for Temporary and Migrant Labour in Canada

fell across all occupational groups and education levels, with positions requiring a high school diploma or less recording the largest year-over-year declines.⁵⁰³

Of note, immigrant workers (with PR status) who have arrived in Canada in the past five years faced greater challenges than those arriving 5–10 years earlier in “finding work related to their foreign work experience or credentials.”⁵⁰⁴

One of the greatest differences of opinion between employers and labour experts and rights advocates was over the issue of wages. Employers and industry representatives told the committee that they could not raise wages further or risk having to shutter their businesses, while experts countered that this reluctance to raising wages may be explained, in part, by the availability of a captive migrant workforce, which if not available, may force employers to provide competitive wages. As Anna Triandafyllidou noted, “in the labour market, unfortunately, economic pressure is often what matters to employers.”⁵⁰⁵ Catherine Bryan observed that “rather than reflecting on the issue of wages to explain the labour shortages that prompt the recruitment of migrant workers in the first place,” employers prefer identifying the “grueling nature of the work and the unwillingness of Canadians to do it.”⁵⁰⁶

In the third quarter of 2023, year-over-year average hourly wages of employees increased by 5.0%, due in part to an increase in job vacancies in lower-wage occupations.⁵⁰⁷

Generally, what we found in the lower-wage industries is that raising wages is not always the best option. It can be a bit more expensive in those particular industries. Sometimes they can't afford it, i.e., if you raise wage costs, then that cuts into your profits, so maybe you have to increase prices but then you might have reduced sales. Some can afford to do it; some cannot.

Fred Bergman, Atlantic Provinces Economic Council⁵⁰⁸

⁵⁰³ Ibid.

⁵⁰⁴ Statistics Canada, “[Labour Force Survey, November 2023](#),” *The Daily*, 1 December 2023.

⁵⁰⁵ SOCI, [Evidence](#), 9 March 2023 (Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

⁵⁰⁶ SOCI, [Evidence](#), 27 September 2023 (Catherine Bryan, Associate Professor, School of Social Work, Dalhousie University, as an individual).

⁵⁰⁷ Statistics Canada, “[Job vacancies, third quarter 2023](#),” *The Daily*, 18 December 2023.

⁵⁰⁸ SOCI, [Evidence](#), 3 November 2022 (Fred Bergman, Senior Policy Analyst, Atlantic Provinces Economic Council).

What's Fuelling Economic Growth in Canada?

Economic policy should rest on data-driven, accurate and relevant measures of the labour market and growth. The role of immigration in economic growth, well-being and productivity may also need to be further assessed.

Mikal Skuterud added that “while there’s no question that heightened immigration rates can boost the overall size of the Canadian economy, what matters for economic well-being in the population is the size of the average slice of the economic pie when it’s divided between all Canadians, including our newcomers.”⁵⁰⁹

Armine Yalnizyan elaborated that when adjusted for inflation, GDP per capita was lower in 2023 than in 2018. This may be due to the “clear shift in Canadian immigration policy away from prioritizing human capital to plugging holes in labour markets with lower-skilled workers.”⁵¹⁰

Armine Yalnizyan’s answer to what is fuelling growth? Nothing. “There’s no question that this shift is good for the profit margins of businesses that rely upon these workers; it’s not good for growth in GDP per capita or economic inequality. [...] For decades, Canada has simultaneously enjoyed high immigration rates and strong public support for high immigration, but if we don’t manage the system responsibly, we threaten that public support.”⁵¹¹

Andrew Griffith added that “from a productivity point of view, increased numbers and flexibility of lower-skilled workers outside of essential sectors does little to enhance Canadian productivity and per capita GDP growth. In contrast, higher-skilled workers make that contribution. While the case can be made for essential workers using the helpful Public Safety definitions,⁵¹² the increased easing of caps and lengths of work permits effectively provide a disincentive for companies to invest in productivity and improvements in working conditions.”⁵¹³

⁵⁰⁹ SOCI, [Evidence](#), 4 October 2023 (Mikal Skuterud, Professor, Department of Economics, University of Waterloo, as an individual).

⁵¹⁰ SOCI, [Evidence](#), 4 October 2023 (Armine Yalnizyan, Atkinson Fellow on the Future of Workers, Atkinson Foundation, as an individual).

⁵¹¹ Ibid.

⁵¹² During the COVID-19 pandemic, Public Safety Canada was responsible for identifying work, services and functions that would be exempt from certain public health measures as they were essential to “maintaining the reliable operation of critical infrastructure services and functions to ensure the health, safety, and economic well-being of the population.” More information is available from Public Safety Canada, [Archived - Guidance on Essential Services and Functions in Canada During the COVID-19 Pandemic](#).

⁵¹³ SOCI, [Evidence](#), 16 February 2023 (Andrew Griffith, Fellow, Canadian Global Affairs Institute, as an individual).

Employer-Driven Demand

Migrant worker advocates and experts alike expressed concerns about the degree of influence employers' needs have had on the Government of Canada's immigration policies. Of note, in April 2022, the Government of Canada introduced a TFWP Workforce Solutions Road Map, "intended to help employers fill job vacancies in the wake of labour shortages."⁵¹⁴ At the time, the Road Map restated a commitment to develop a TFW Program Ministerial Consultative Forum, with a first meeting to be held in June 2022 and two meetings annually for three years.⁵¹⁵ It is unclear whether this meeting or subsequent meetings have occurred.

In March 2024, the Minister of Employment, Workforce Development and Official Languages announced that some time-limited measures under the Road Map would end earlier than planned.⁵¹⁶ Effective May 1, 2024, these changes included a decrease in the duration of LMIA validity from 12 to six months and a reduction from 30% to 20% for employers who had benefitted from a workforce cap extension, except for construction and health care sectors, which retain the 30% cap.⁵¹⁷

In response to the Road Map, Naomi Alboim stated that the policy changes broadening access to the low-wage stream of the TFWP act "as a disincentive to raise wages, improve working conditions and invest in technology and training to boost productivity."⁵¹⁸

Jenna L. Hennebry observed that "we're seeing employer demand driving the [TFWP]," and that there are increasingly "more opportunities" for this to be the case.⁵¹⁹ According to Elizabeth Kwan, the TFWP was designed as an "employer-demand-driven program, as well as an employer-controlled program, and operates as such."⁵²⁰

⁵¹⁴ ESDC, [Government of Canada extends Workforce Solutions Road Map and introduces new wage requirements under the Temporary Foreign Worker Program](#), News release, 26 October 2023.

⁵¹⁵ ESDC, [Background: Temporary Foreign Worker Program Workforce Solutions Road Map](#).

⁵¹⁶ ESDC, [Government of Canada to adjust temporary measures under the Temporary Foreign Worker Program Workforce Solutions Road Map](#), News release, 21 March 2024.

⁵¹⁷ Ibid.

⁵¹⁸ SOCI, [Evidence](#), 3 November 2022 (Naomi Alboim, Senior Policy Fellow, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, as an individual).

⁵¹⁹ SOCI, [Evidence](#), 3 November 2022 (Jenna L. Hennebry, Co-founder, International Migration Research Centre; Professor, Balsillie School of International Affairs, Wilfrid Laurier University, as an individual).

⁵²⁰ SOCI, [Evidence](#), 17 November 2022 (Elizabeth Kwan, Senior Researcher, Canadian Labour Congress, as an individual).

The whole concept of labour shortage, in my judgment, is an upside-down idea and reflects a very employer-centric view of the world. They prefer a situation where they can advertise a position, and get many willing and qualified applicants applying the next day—some of them offering to work for less than the advertised wage. That’s one reason why employers have called for measures, including liberalized temporary immigration, in order to recreate a situation that is more to their liking.

Jim Stanford, Centre for Future Work⁵²¹

Catherine Bryan added that “in sectors where labour is already chronically undervalued, the centring of employers in the immigration process of migrants with precarious legal status reinforces problematic power imbalances as well as the probability of exploitative work arrangements.”⁵²² Ultimately, for many employers, cutting labour costs would be a convenient way to confront inflation and continue generating profits, which “means relying on new sources of labour where folks might be more inclined to accept lower wages than what local workers are willing to be subjected to.”⁵²³

⁵²¹ SOCI, [Evidence](#), 4 October 2023 (Jim Stanford, Economist and Director, Centre for Future Work).

⁵²² SOCI, [Evidence](#), 27 September 2023 (Catherine Bryan, Associate Professor, School of Social Work, Dalhousie University, as an individual).

⁵²³ Ibid.

Opportunities for Innovation



At a seafood processing plant in Prince Edward Island, members of the committee heard that the installation of new machinery on the line has reduced need for workers to interact with sharp blades. The detailed work depicted in the background of this photo captures one of the few remaining sharp object-related tasks performed manually, with workers using knives to separate claws—requiring a high degree of skill and familiarity with the work.

Jim Stanford asserted that should employers face greater labour pressures, “[t]hey will have to think about how they can use labour more efficiently,” generating productivity growth, also improving working conditions and wages to “recruit and retain people into an environment where you actually have the choice, as a worker, about where to work.”⁵²⁴ Innovation and new technologies may offer alternatives to an easily exploited migrant labour force, as well as improving working conditions and occupations available to migrant workers.

⁵²⁴ SOCI, [Evidence](#), 4 October 2023 (Jim Stanford, Economist and Director, Centre for Future Work).

In some plants, it is still very labour intensive. Again, some of that would be repetitive work and perhaps not as pleasant for some. Where there are particular job vacancies and where it is repetitive work, and certainly with modern technology, we can put in automated processes to eliminate that repetitive work and then perhaps retrain workers to some better positions that would give them better work conditions while at the same time improving product quality and yield.

Paul Lansbergen, Fisheries Council of Canada⁵²⁵

Jim Stanford did caution that Canada has some catching up to do, stating that rather than displacing large numbers of workers, the problem in Canada is that “we haven’t been investing enough in technology, machinery and robots.”⁵²⁶ Despite this, members of the committee did observe several innovations during their fact-finding mission, which were reported to reduce the physicality and health and safety risks of various positions while also offering the same amount of work and opportunities for skills training. For example, the installation of new processing machinery in a cannery eliminated a task that required physical labour and risk transporting heavy goods, but also provided additional opportunity for employment as it could run 24/7 and required supervision throughout. The installation of this and other new machinery prompted the employer to encourage related skills and maintenance training. Employers were also proud to demonstrate new technologies that made their businesses more climate-proof and increased opportunities for profit—benefits beyond just the workers’ experiences.

However, employers assured the committee that regardless of the most advanced innovations, some industries will always require a human workforce. Jerry Gavin stated that “although innovation, automation and artificial intelligence will help relieve some of our workforce pressures, the seafood processing sector will always need a workforce comprised of temporary foreign workers, permanent residents and [a] diminishing number of locals.”⁵²⁷ This was echoed by an employer in the agricultural industry who indicated that there was very little use for innovation or new technology in his operation—it requires skilled human labour.⁵²⁸

⁵²⁵ SOCI, [Evidence](#), 7 June 2023 (Paul Lansbergen, President, Fisheries Council of Canada).

⁵²⁶ SOCI, [Evidence](#), 4 October 2023 (Jim Stanford, Economist and Director, Centre for Future Work).

⁵²⁷ SOCI, [Evidence](#), 8 June 2023 (Jerry Gavin, Executive Director, Prince Edward Island Seafood Processors Association).

⁵²⁸ Employer, Prince Edward Island, Testimony heard during the committee’s fact-finding mission.



While visiting a family-owned orchard, members of the committee learned how the implementation of new technologies, including the line pictured here, has reduced the physical impact of labour on migrant workers. The installation of new machinery has also incentivized in-house skills training and development due to the orchard's rural location.

The Role of Canadian Workers

Although Canadian workers were largely missing in the committee's study, they would also be affected by changes to migrant labour policies.

Jim Stanford shared with the committee that in August 2023, unemployment was reported as being 5.5% of the labour force, or approximately 1.2 million Canadians.⁵²⁹ This was up 170,000 from July 2022.⁵³⁰ If accounting for the underemployed (in terms of hours or capacity), and those on the fringes of the labour market (who work when fit), there would be another 2 million people to

⁵²⁹ Jim Stanford, *Immigration Policy and the 'Labour Shortage' Doctrine*, Brief submitted to SOCI, 25 September 2023.

⁵³⁰ Ibid.

account for.⁵³¹ Underutilization of the labour force, therefore, would be estimated at 3 million workers, or 13%.⁵³²

Improved Conditions Benefit All

Improved wages and working conditions in jobs currently occupied by migrant workers have the possible benefit of improving Canada's domestic labour supply and conditions for domestic workers. Catherine Bryan recalled that "local labour isn't willing to do it because these jobs are dirty, dangerous and underpaid," but that "making wages more viable for people" would likely remedy this issue.⁵³³ Mikal Skuterud agreed that "part of the reason Canadians won't do these jobs is because they offer substandard wages and working conditions."⁵³⁴

Integration

Canadian workers will also have a continuing role to play in integration of the migrant workforce, when working alongside them in the workplace, and in the broader community. Members of the committee heard about moments of tension between domestic and migrant workers when migrant workers were first introduced into the workforce. In rural areas where the presence of migrant workers is now expected in some industries, they appear to be well integrated. Organizations like the Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick work to promote local integration through cultural and community events and activities.

Innovative Idea: A Tripartite Migrant Work Commission and Commissioner

There is a multitude of stakeholders on the issue of migrant work but no "one-stop shop" that migrant workers could identify when needing to assert their rights that employers could rely upon when requiring support navigating the system, or that various levels and departments of government could use as a forum for communication.

This situation may be solved with the creation of a tripartite body responsible for issues related to migrant workers. The UN Special Rapporteur noted that one of the benefits to the International Labour Organization is its tripartite structure, which he considers, "quite fundamental in facilitating constructive dialogue."

⁵³¹ Ibid.

⁵³² Ibid.

⁵³³ SOCI, [Evidence](#), 27 September 2023 (Catherine Bryan, Associate Professor, School of Social Work, Dalhousie University, as an individual).

⁵³⁴ SOCI, [Evidence](#), 4 October 2023 (Mikal Skuterud, Professor, Department of Economics, University of Waterloo, as an individual).

Act Now: Solutions for Temporary and Migrant Labour in Canada

I would like to see more Canadian actors, civil society, government and others, working together to monitor what happens within Canada.

Tomoya Obokata, UN Special Rapporteur⁵³⁵

One migrant worker support organization that members of the committee heard from during the fact-finding mission enthusiastically endorsed the idea of a tripartite Migrant Work Commission, as any other model would lack legitimacy and not meet the intent of enhancing communication between the stakeholders. Mary Robinson added that “future funding for migrant worker support should explicitly target and encourage tripartite collaborations that bring employers, worker support groups and the government together in the shared delivery of these supports.”⁵³⁶ Derek Johnstone agreed that, especially with a region-and-sector-specific approach, a tripartite model with labour, employers and the government “opens the door to a way of re-envisioning how workers can be better protected.”⁵³⁷

There is already an existing tripartite body related to labour in Canada: the EI Commission, which could serve as a model for a prospective Migrant Work Commission.⁵³⁸ Figure 13 visualizes a possible structure for this body, ensuring adequate representation for all stakeholders.

⁵³⁵ SOCI, [Evidence](#), 5 October 2023 (Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, United Nations Human Rights Council, as an individual).

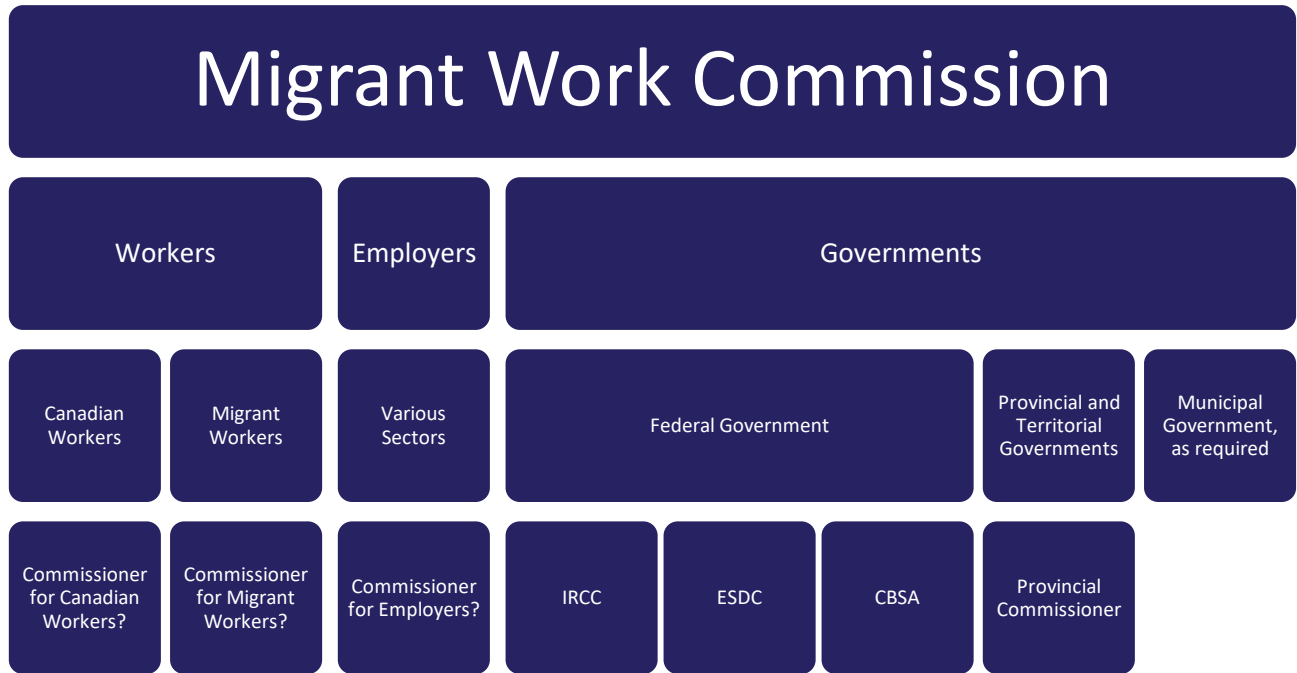
⁵³⁶ SOCI, [Evidence](#), 24 November 2022 (Mary Robinson, President, Canadian Federation of Agriculture).

⁵³⁷ SOCI, [Evidence](#), 24 November 2022 (Derek Johnstone, Special Assistant to the National President, United Food and Commercial Workers of Canada).

⁵³⁸ The committee recognizes that the Quebec Commission des partenaires du marché du travail represents another example of a model that brings workers, employers, government and other stakeholders together to consult on workforce/skills development and broader labour market policy. However it did not hear any testimony about the Commission.

Government of Quebec, [La commission des partenaires du marché du travail](#).

Figure 13: Proposed Structure for a Tripartite Migrant Work Commission⁵³⁹



In addition to the establishment of a Migrant Work Commission, a Migrant Work Commissioner could play a dual role, blending the advocacy responsibilities of the EI Commissioner for Workers with the enforcement capabilities of a role like the Commissioner for Official Languages. This position could fill the existing gap in delegated responsibility.

⁵³⁹ Figure prepared by the Library of Parliament based on testimony heard during the committee’s study on Canada’s Temporary and Migrant Labour Force.

CONCLUSION: MOVING FORWARD

The scope and breadth of this study have mirrored Canada’s immigration and labour systems, which have been inextricably linked since the establishment of formal immigration infrastructure for migrant workers. The committee heard from advocates, experts and economists that as long as “migrant” work exists, so will the risk for exploitation. However, in today’s economy, migrant work is not going away anytime soon. Therefore, it is the federal government’s responsibility to structure the system such that employers are supported in having access to a stable workforce and that workers’ rights and safety are protected.

The Role of Migrant Workers

While migrant workers are the focus of this report, their words have been limited here—largely due to the necessity to protect their privacy and safety. One worker, Adriana Vega Guillen,⁵⁴⁰ was able to share her story on the record, lending her voice to many in Canada.

Members of the Senate, I want to be the voice today of people who are experiencing the same situation, the voice of those who require your help to continue working in dignified conditions without fear for their physical integrity. All of us who have a work permit that are experiencing abuse from the employer have been denied not only the opportunity to keep working in dignified conditions but also the opportunity to have a dream of a life that considers welfare, both physical and emotional. My dream was to work in a country, free, where being a woman wouldn’t be limiting.

Today, I am in a situation without an exit. I fear for my safety. The only support that I’m seeking is to work in a place with safety, in a place that complies with what has been established to protect people, that does not infringe upon what has been established or stipulated by contract or law. I want to stop being just another asset of a company, but rather be Adriana Vega, an immigrant worker who is seeking a dignified life in Canada.

It is the committee’s sincere hope that by continuing this discussion and demanding more than short-term fixes, migrant workers like Adriana will have access to the simple dream of work without abuse and a dignified life; and employers will be better equipped to help realize this aspiration.

⁵⁴⁰ SOCI, [Evidence](#), 8 June 2023 (Adriana Vega Guillen, as an individual).

When the Honourable Randy Boissonnault, Minister of Employment, Social Development and Official Languages appeared before the committee, he stated that he “need[s] the recommendations of this esteemed committee to do [his] job.”⁵⁴¹ Having done its part, the committee looks forward to seeing the Government of Canada’s next steps.

RECOMMENDATIONS

Recommendation 1

The Standing Committee on Social Affairs, Science and Technology heard that a forum for communication and leadership related to migrant work policy will better support workers and employers across Canada and, therefore, recommends that the Government of Canada establish an adequately funded tripartite Migrant Work Commission, modelled after the Canada Employment Insurance Commission that would:

- include a Commissioner for Migrant Workers, a Commissioner for Employers and representation from the Government of Canada, through Employment and Social Development Canada and Immigration, Refugees and Citizenship Canada;
- monitor and evaluate migrant work infrastructure, provide reviews and advice on policy related to migrant work programming and services, and deliver annual reports on this work to Parliament;
- engage in annual consultations with relevant provincial, territorial and municipal authorities, as well as sector councils;
- establish a research agenda to collect, analyze and disseminate data about the experiences of migrant workers in Canada and their role in the labour market; and
- empower the Commissioner for Migrant Workers to advocate for the rights of migrant workers in Canada and serve as a single point of contact and response for reports of abuse and mistreatment.

⁵⁴¹ SOCI, [Evidence](#), 28 September 2023 (Hon. Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages).

Recommendation 2

The Standing Senate Committee on Social Affairs, Science and Technology recognizes that employer-specific work permits limit employers' flexibility and increase migrant workers' vulnerability to abuse and, therefore, recommends that the Government of Canada:

- establish and implement a plan to phase out employer-specific work permits within three years;
 - undertake consultations with provinces and territories, regional sector councils, employers and advocates, as well as other interested parties, to explore the viability of sector-and/or-region-specific work permits; and
 - invest in regional sector councils to support their capacity to replace employers as the entity responsible for filing labour market impact assessments, allocating workforce based on need and ensuring migrant workers' rights are respected.
-

Recommendation 3

The Standing Senate Committee on Social Affairs, Science and Technology recognizes that neither migrant work programs nor workers are truly temporary, and therefore, recommends that the Government of Canada:

- implement the March 2024 commitment to include temporary residents in the annual Immigration Levels Plans;
- provide more transparent pre- and on-arrival information about transitioning from temporary work permits to permanent residence;
- review the language and education eligibility criteria required to apply for permanent residence;
- expand the Provincial Nominee Program to allow more temporary and migrant workers to obtain permanent residence;
- make migrant workers eligible for integration services under the existing Settlement Program and increase funding to support the additional demand, including to community organizations already doing this work;
- develop Settlement Program services specific to temporary residents' needs including targeted language and education resources to support greater integration and reduce barriers to obtaining permanent residence; and

Act Now: Solutions for Temporary and Migrant Labour in Canada

- increase funding to the Migrant Workers Support Program and existing grassroots organizations to support dedicated services across the country to help migrant workers navigate Canadian bureaucracy before, during and after their stay, including accessing health care, social supports like Employment Insurance, and immigration needs.
-

Recommendation 4

The Standing Senate Committee of Social Affairs, Science and Technology was informed that the existing enforcement and compliance regimes for the Temporary Foreign Worker Program and International Mobility Program are dangerous for workers and frustrating for employers, and therefore, recommends that the Government of Canada:

- conduct unannounced inspections as the standard;
 - implement more rigorous inspections like the social audit model already accepted by many Canadian employers of migrant workers;
 - recognize the barriers that women and gender-diverse migrant workers face in reporting sexual and physical violence in the workplace; and
 - coordinate enforcement and compliance across federal departments and provincial, territorial and municipal counterparts to avoid duplication and ensure information about non-compliance is shared among all relevant parties.
-

Recommendation 5

The Standing Senate Committee on Social Affairs, Science and Technology acknowledges that access to health care for migrant workers is the shared responsibility of the province or territory and the employer, however, stresses the importance of ensuring that all migrant workers have barrier-free access to health care. The committee, therefore, urges the Government of Canada to collaborate with provincial and territorial counterparts on this issue and to:

- provide more pre- and on-arrival information about migrant workers' rights to access health care, including what the employer is required to provide, how to access interim private health insurance, if required, and how to apply for provincial or territorial coverage;
- enforce compliance with the September 2022 program changes to the Temporary Foreign Worker Program and International Mobility Program that require employers to make a reasonable effort to provide access to health care services;

Act Now: Solutions for Temporary and Migrant Labour in Canada

- recognize the additional structural barriers that women and gender-diverse migrant workers face in accessing adequate sexual and reproductive health care; and
- consider expanding eligibility of the Interim Federal Health Program to migrant workers who are caught in administrative gaps, or otherwise unable to access health care services (with an opportunity to follow up with the entity responsible for providing said health care).

Recommendation 6

The Standing Senate Committee on Social Affairs, Science and Technology was informed about ongoing deficits in data collection and the need to improve the quality and availability of disaggregated data relating to migrant workers in Canada and, therefore, recommends that the Government of Canada:

- coordinate a data strategy across federal departments and with provinces and territories to promote more information sharing and best practices;
- support the work being done by community and settlement organizations to obtain local, qualitative data through financial and organizational means; and
- augment the collection and sharing across departments of identity-related data with factors including race, languages spoken and educational experience, to facilitate the use and comparison of disaggregated data while respecting federal privacy legislation.

APPENDIX A—WITNESSES

Thursday, November 3, 2022

Atlantic Provinces Economic Council

- Fred Bergman, Senior Policy Analyst

As an Individual

- Naomi Alboim, Senior Policy Fellow, Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University
- Kareem El-Assal, Director of Policy, CanadaVisa.com
- Jenna L. Hennebry, Co-founder, International Migration Research Centre; Professor, Balsillie School of International Affairs, Wilfrid Laurier University
- Doug Ramsey, Professor and Acting Director, Rural Development Institute, Brandon University

Wednesday, November 16, 2022

Canadian Immigration Lawyers Association

- Lou Janssen Dangzalan, Steering Committee Member

Thursday, November 17, 2022

Workers' Action Centre

- Deena Ladd, Executive Director

As an Individual

- Elizabeth Kwan, Senior Researcher, Canadian Labour Congress

Thursday, November 24, 2022

Canadian Agricultural Human Resource Council

- Jennifer Wright, Acting Executive Director and Director, Operations, Programs and Partnerships

Canadian Federation of Agriculture

- Brodie Berrigan, Director of Government Relations and Farm Policy
- Mary Robinson, President

Migrant Workers Health Expert Working Group

- C. Susana Caxaj, Assistant Professor, Arthur Labatt Family School of Nursing
- Stephanie Mayell, PhD Candidate, Department of Anthropology, University of Toronto
- Janet McLaughlin, Associate Professor, Department of Health Studies, Wilfrid Laurier University
- Leah F. Vosko, Professor, Department of Politics, York University

Act Now: Solutions for Temporary and Migrant Labour in Canada

- Anelyse Weiler, Assistant Professor, Department of Sociology, University of Victoria
United Food and Commercial Workers of Canada
- Derek Johnstone, Special Assistant to the National President

Wednesday, February 15, 2023

Association for the Rights of Household and Farm Workers

- Eugénie Depatie-Pelletier M.Sc., LL.D., Executive Director

Migrant Workers Alliance for Change

- Syed Hussan, Executive Director

As an Individual

- Geraldine Pratt, Canada Research Chair in Care Economies and Global Labour and Professor,
Department of Geography, University of British Columbia
- Ethel Tungohan, Canada Research Chair in Canadian Migration Policy, Impacts and Activism and
Associate Professor, Department of Politics, York University

Thursday, February 16, 2023

Canadian Council for Refugees

- Jennifer Rajasekar, Co-Chair, Immigration and Settlement Working Group

Migrant Workers Centre

- Amanda Aziz, Staff Lawyer

As an Individual

- Fay Faraday, Assistant Professor, Osgoode Hall Law School, York University
- Andrew Griffith, Fellow, Canadian Global Affairs Institute

Thursday, March 9, 2023

Newcomer Women's Services Toronto

- Sara Asalya, Executive Director

Restaurants Canada

- Olivier Bourbeau, Vice President, Federal & Québec Affairs

Tourism Industry Association of Canada

- Beth Potter, President and Chief Executive Officer

Act Now: Solutions for Temporary and Migrant Labour in Canada

As an Individual

- Anna Triandafyllidou, Professor and Canada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University

Wednesday, June 7, 2023

Fisheries Council of Canada

- Paul Lansbergen, President

Thursday, June 8, 2023

Association of Seafood Producers

- Jeff Loder, Executive Director

Cooper Institute

- Ryan MacRae, Coordinator, Migrant Worker Program

Lobster Processors Association

- Nat Richard, Executive Director

Madhu Verma Migrant Justice Centre

- Aditya Rao, Board Member

Prince Edward Island Seafood Processors Association

- Jerry Gavin, Executive Director

As an Individual

- Adriana Vega Guillen

Thursday, September 21, 2023

Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick

- Angèle Losier, Executive Director

Northern Policy Institute

- Charles Cirtwill, President and Chief Executive Officer

Yukon Federation of Labour

- Teresa Acheson, President
- Donna-Marie Houghton, Equity Representative

Act Now: Solutions for Temporary and Migrant Labour in Canada

Wednesday, September 27, 2023

Canadian Bureau for International Education

- Larissa Bezo, President and Chief Executive Officer

Naujawan Support Network

- Arin Goswami, Member
- Anmol Sanotra, Member

Neepawa and Area Immigrant Settlement Services

- Donald Walmsley, Executive Director

As an Individual

- Catherine Bryan, Associate Professor, School of Social Work, Dalhousie University

Thursday, September 28, 2023

Employment and Social Development Canada

- The Honourable Randy Boissonnault, P.C., M.P., Minister of Employment, Workforce Development and Official Languages
- Paul Thompson, Deputy Minister
- Lori MacDonald, Senior Associate Deputy Minister and Chief Operating Officer for Service Canada
- Michael MacPhee, Assistant Deputy Minister, Temporary Foreign Worker Program Branch, Service Canada

Immigration, Refugees and Citizenship Canada

- Christiane Fox, Deputy Minister
- Louise Baird, Senior Assistant Deputy Minister, Strategic and Program Policy
- Jean-Marc Gionet, Acting Assistant Deputy Minister, Operations

Wednesday, October 4, 2023

Centre for Future Work

- Jim Stanford, Economist and Director

Future Skills Centre

- Noel Baldwin, Director, Government and Public Affairs

As an Individual

- Mikal Skuterud, Professor, Department of Economics, University of Waterloo
- Mohammad Qadeer, Professor Emeritus, Department of Geography and Planning, Queen's University

Act Now: Solutions for Temporary and Migrant Labour in Canada

- Armine Yalnizyan, Atkinson Fellow on the Future of Workers, Atkinson Foundation

Thursday, October 5, 2023

As an Individual

- Tomoya Obokata, Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, United Nations Human Rights Council

APPENDIX B—LIST OF BRIEFS

The committee received the following briefs and follow-up information during this study:

- [Brief](#) from the Alliance for Gender Justice in Migration
- [Brief](#) from Amalgamated Dairies Limited
- [Brief](#) from Armine Yalnizyan, Atkinson Fellow on the Future of Workers
- [Brief](#) from the Association for the Rights of Household and Farm Workers
- [Brief](#) from the Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau-Brunswick
- [Brief](#) from Doug Ramsey, Professor and Acting Director of the Rural Development Institute
- [Brief](#) from the Fisheries Council of Canada
- [Brief](#) from Jan VanderHout, on behalf of the Fruit and Vegetable Growers of Canada
- [Brief](#) from Jim Stanford, on behalf of the Centre for Future Work
- [Brief](#) from Judy Fudge, Professor of Labour Studies at McMaster University
- [Brief](#) from Laura Bowman, on behalf of Ecojustice Canada
- [Brief](#) from Legal Assistance of Windsor, the FCJ Refugee Centre and the Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto
- [Brief](#) from Dr. Lindsay Larios
- [Brief](#) from Mary Robinson, on behalf of the Canadian Federation of Agriculture
- [Brief](#) from Mushrooms Canada
- [Brief](#) from the National Farmers Union
- [Brief](#) from the Ontario Fruit and Vegetable Growers' Association
- [Brief](#) from the PEI Action Team for Migrant Workers' Rights
- [Brief](#) from Teresa Acheson, on behalf of the Yukon Federation of Labour

- [Follow-up](#) information from the Association for the Rights of Household and Farm Workers
- [Follow-up](#) information from Donald Walmsley, on behalf of Neepawa and Area Immigrant Settlement Services
- [Follow-up](#) information from Employment and Social Development Canada
- [Follow-up](#) information from Immigration, Refugees and Citizenship Canada
- [Follow-up](#) information from Verger Belliveau

APPENDIX C—FACT-FINDING MISSION

Sunday, September 10, 2023

Moncton, New Brunswick

- Filipino-CommUNITY of New Brunswick
- Hola New Brunswick
- Madhu Verma Migrant Justice Centre
- Migrant Workers Alliance for Change
- Migrant Workers in the Canadian Maritimes

Monday, September 11, 2023

Cap-Pelé, New Brunswick

- Cape Bald Packers Ltd
- Champlain Seafood
- Lobster Processors Association

Robichaud, New Brunswick

- Edmond Gagnon Ltd.
- Lobster Processors Association

Shediac, New Brunswick

- Centre d'accueil et d'accompagnement francophone des immigrants du Sud-Est du Nouveau Brunswick
- District scolaire francophone Sud du Nouveau-Brunswick
- New Brunswick Legislative Assembly
- Town of Cap-Acadie
- Town of Shediac

- Barry Group Inc.
- Captain Dan's Inc.
- Champlain Seafood
- Daley Seafoods
- Island Fisherman Cooperative Association Ltd.
- Lobster Processors Association
- NOCA Canadian Seafood Buyers Inc.
- Shediac Lobster Shop Ltd.
- Westmorland Fisheries Ltd.

Act Now: Solutions for Temporary and Migrant Labour in Canada

Dieppe, New Brunswick

- McDonald's National Business Forum
- McDonald's Restaurants of Canada
- McDonald's Dieppe Franchise

Moncton, New Brunswick

- Filipino-CommUNITY of New Brunswick
- Hola New Brunswick
- Madhu Verma Centre for Migrant Justice

Tuesday, September 12, 2023

Memramcook, New Brunswick

- Verger Belliveau

Miscouche, Prince Edward Island

- Prince Edward Island Federation of Agriculture
- Tiny Acres Holsteins

Kensington, Prince Edward Island

- Prince Edward Island Federation of Agriculture
- Schurman Family Farms

Wednesday, September 13, 2023

Tignish, Prince Edward Island

- PEI Seafood Processors Association
- Royal Star Foods

Mill River, Prince Edward Island

- PEI Community Navigators

Summerside, Prince Edward Island

- Confederation Capital
- Construction Association of Prince Edward Island
- Downtown Summerside
- Royal Bank of Canada
- Summerside Chamber of Commerce
- Town of Summerside

- Cooper Institute
- PEI Community Navigators

Thursday, September 14, 2023

Charlottetown, Prince Edward Island

- City of Charlottetown
- Prince Edward Island Federation of Labour

- Cooper Institute
- PEI Action Team for Migrant Workers' Rights



Printed by Senate Printing Service /
Imprimé par le service des impressions du Sénat

sencanada.ca

