



Conseil canadien pour les réfugiés
Canadian Council for Refugees

Migrant workers: precarious and unsupported

A Canada-wide Study on Access to
Services for Migrant Workers

March 2016



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Table of Contents

Introduction	1
National Report: Canada	4
Provincial Summary: British Columbia.....	13
Provincial Summary: Alberta.....	22
Provincial Summary: Saskatchewan	29
Provincial Summary: Manitoba	35
Provincial Summary: Ontario.....	41
Provincial Summary: Quebec.....	49
Provincial Summary: Atlantic Provinces	56
Territorial Summary: Yukon and Northwest Territories.....	64
Appendix: Survey.....	67

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Introduction

Like other newcomers to Canada, migrant workers often lack access to information and face language barriers. They may be isolated, particularly if they are agricultural or food processing workers. Migrant workers in the low-skilled streams are particularly vulnerable due to their temporary status, their dependence on a single employer for their work permit, and gaps in the enforcement of contracts and of the rules and regulations of the Temporary Foreign Worker Program (TFWP) and Seasonal Agricultural Worker Program (SAWP). Instances of exploitation and abuse have been well-documented.

Many in the settlement sector have commented that migrant workers would benefit greatly from access to the full range of settlement services, including information, referral, individual counselling, and language training. Access to services could help make them less vulnerable to abuse. Access to support in the form of information on rights, legal counselling, referrals for temporary housing, and advocacy is also necessary for workers to successfully access justice and seek recourse for abuse, especially since in some cases individuals who complain about working conditions are dismissed by their employer, thereby becoming unemployed and often homeless.

Project background

The National Settlement Council (NSC) is a forum for dialogue, collaboration, consultation, planning and information sharing between the settlement sector and Immigration, Refugees and Citizenship Canada (formerly Citizenship and Immigration Canada) on settlement policy and programming designed to enhance newcomer settlement outcomes. Within the NSC, non-governmental representatives of the settlement sector meet together to exchange information, coordinate, and develop recommendations to present to the government representatives on the NSC. The settlement sector is represented by the provincial and regional settlement umbrellas, the Yukon representative, the CCR, CISSA-ACSEI (Canadian Immigrant Settlement Sector Alliance) and the Sponsorship Agreement Holders Association, among others. Due to the rapidly changing immigration policy landscape, and the recent overhaul of the TFWP, the topic of migrant workers has been under discussion at NSC meetings. In the 2014 *Settlement Sector Briefing Note* prepared by the Council's settlement sector representatives, the sector recommended expanding eligibility for the National Settlement Program to vulnerable newcomer populations including Temporary Foreign Workers.

In order to have more information on which to base any recommendations concerning migrant worker access to the services of the National Settlement Program, the settlement sector representatives that sit on the NSC formed a task group at its May 2014 meeting. The task group is made up of the Affiliation of Multicultural Societies and Service Agencies of BC (AMSSA), the Alberta Association of Immigrant Serving Agencies (AAISA), the Ontario Council of Agencies Serving Immigrants (OCASI), and the Canadian Council for Refugees (CCR), which provides leadership.

The task group undertook a research project with the following objectives:

- Ascertain the roles of settlement agencies and other NGOs in delivering settlement and other community services to migrant workers.
- Gather data on how migrant workers are or aren't being served across Canada, including best practices and gaps.
- Highlight the perspectives and expertise of those on the front lines of settlement work across Canada.
- Gather information on the settlement sector's perspectives regarding service provision for migrant workers, filling in gaps with information from other organizations who provide services to TFWs.
- Develop recommendations based on the gaps identified in survey responses.

Note: this project sought the input and feedback of front-line workers in settlement and other community organizations who work with newcomers including migrant workers. This group of respondents was chosen because of the access of the umbrella organizations carrying out the research, and because of the service-provision focus of the study. The authors recognize the importance of raising the voices of migrant workers, and acknowledge the work being done by migrant workers themselves, and by community organizations and academic researchers to support this.

Methodology

A survey was developed by the task group to gather information on NGO perspectives on services for TFWs. The questions in the survey ascertained the geographic location of the organization including whether it is rural or urban, identified the type of organization, and asked questions focused on the following topics:

- TFW access to the services offered by the organization
- Perceived challenges for TFWs and perceived service gaps
- Funding to offer services for TFWs
- Perceptions regarding the role of NGOs vis à vis migrant workers

The task group decided it was important to survey not only settlement agencies, but also other NGOs that work with newcomers. This is because in many regions settlement agencies are not funded to provide any services to migrant workers, so in order to get a balanced picture of service provision across the country it is important to gather input from the non-settlement organizations who are offering the services, often on a volunteer basis. Such organizations include grassroots migrant worker support groups, legal clinics, labour/workers' rights organizations, and others.

The survey was distributed to settlement service providing organizations that are members of the CCR or one of the provincial settlement umbrellas. Some organizations surveyed also forwarded the survey on to other organizations they felt were relevant, such as educational institutions offering language training for newcomers. The non-settlement NGOs were reached through the CCR's networks related to its campaign on migrant worker rights. We received 167 unique, relevant responses from groups and organizations across the country, and many respondents gave detailed responses.

The project outcomes include this background, and a report with an executive summary for each of the provinces (the Atlantic Provinces are grouped into a region), a combined report for the Territories, and a national report. In these reports we complemented the information from the 167 survey responses with the previous research of CCR and others on migrant workers in Canada.

While the survey distributed to service providers referred only to “TFWs”, and this is the term used by many respondents, other respondents included Seasonal Agricultural Workers in their responses, so the focus of the study was expanded to workers in any of the temporary labour migration programs that are used to fill low-skill/low wage positions.

The task group acknowledges that this study is not exhaustive. There are groups and organizations that play an important role in providing support to migrant workers from which we did not receive a response to the survey. We did not seek input from the Occupational Health Clinics which in some provinces provide services to migrant workers. There are also no doubt groups working with migrant workers that we are unaware of. While we do not claim that the numbers are scientifically complete and we acknowledge that there may be gaps in the data collected, we believe that thanks to the high response rate, the results are indicative of trends in realities on the ground.

A note on terminology

For the purposes of this study, “migrant workers” refers to workers participating in the Temporary Foreign Worker Program (TFWP), which includes the Caregiver Program, or in the Seasonal Agricultural Worker Program (SAWP). TFWs (Temporary Foreign Workers) is used to talk about workers in the TFWP (including caregivers, where they are not referred to specifically). The survey used “TFWs” to encapsulate all workers in the low- and semi-skilled streams, so respondents used this term in their responses. In writing the reports it was felt that “migrant workers” is more accurate and inclusive.

Workers with higher skill/wage levels participating in the International Mobility Program (formerly part of the Temporary Foreign Worker Program) are not included in this study.

National Report: Canada

Executive Summary

The federal government funds newcomer settlement services across the country, but migrant workers in the two federal temporary labour migration programs for low-skilled/low wage workers (Temporary Foreign Worker Program and Seasonal Agricultural Worker Program) are ineligible to access these services. Some provinces and territories fund some services for migrant workers, while others do not. Front-line workers in non-governmental organizations across the country told us they wanted to be able to provide services to migrant workers.

Migrant workers have no access to permanent residence via federal and Quebec immigration programs. Some provinces and territories have opened their nominee programs to Temporary Foreign Workers. Seasonal workers are not eligible for Provincial Nominee Programs, so SAWP participants are excluded.

Due to their precarious status and the rules of the TFWP and SAWP, migrant workers are vulnerable to abuse, and cases of mistreatment are well-documented. The federal government made changes to the TFWP in 2014; however, none were focused on protecting workers from abuse. Some provinces have enacted legislation to improve protections for migrant workers, which have been enforced to varying degrees.

Principal recommendations for Canada:

1. Expand eligibility criteria for services under Canada's National Settlement Program to include all migrant workers participating in the Temporary Foreign Worker Program and the Seasonal Agricultural Worker Program.
2. Open migrant workers' work permits so that they are not tied to a single employer.
3. Give migrant workers participating in the TFWP and the SAWP access to permanent residence to address the problems resulting from the precariousness of their immigration status.
4. Remove barriers to migrant worker access to provincial and territorial nominee programs: reduce federal language requirements for PNPs, increase caps per province, and allow seasonal workers to access these programs.

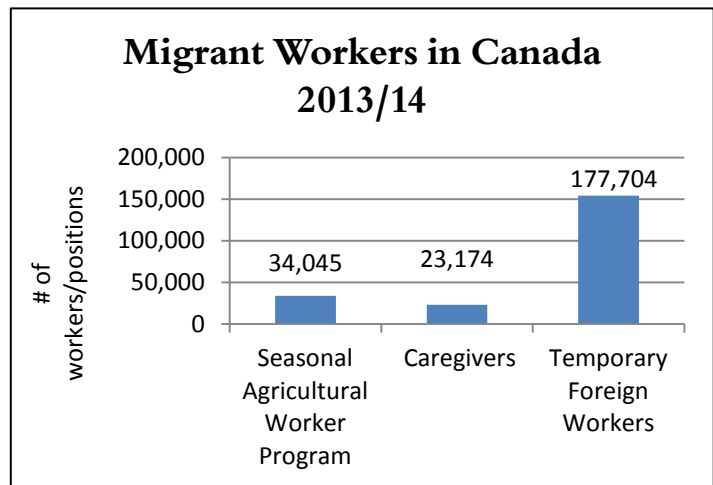
Principal recommendations for the provinces and territories:

1. Ensure all migrant workers have access to federally or provincially funded settlement services that are flexible to their schedules and needs.
2. Ensure that provincial and territorial nominee programs are open to migrant workers of all skill levels and programs.
3. Fill any legislative gaps to ensure that the rights of migrant workers are protected, and that migrant workers whose rights are violated may seek recourse.

Background

Canada has come to rely more on temporary labour migration than ever before. Since 2008, more migrant workers are in Canada on a temporary basis to fill jobs for a limited time before being sent home, than are admitted each year as permanent residents through traditional immigration channels. The upward trend has continued: according to Immigration, Refugees and Citizenship Canada (IRCC) statistics, at the end of 2014 Canada hosted 567,077 workers from abroad under the low-skilled Temporary Foreign Worker Program (TFWP) and the high-skilled International Mobility Program. In the same year, 260,404 people became permanent residents of Canada.

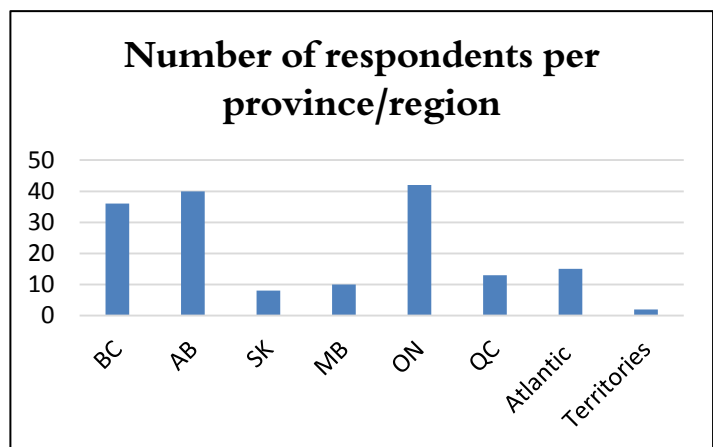
Of these temporary workers, 390,273 were high-skilled/high-wage workers in the International Mobility Program created in 2014. The remaining 177,704 were low-skilled/low-wage participants in the TFWP, including the Caregiver Program. Additionally, in 2013, 34,045 Seasonal Agricultural Worker Program (SAWP) positions were filled in Canada (numbers for 2014 are not publicly available). These workers, filling low-skilled/low wage positions, are the focus of this study. The vast majority of these workers are racialized and come from countries in the global South.



Survey Responses

We received 167 unique responses to a survey on the NGO role in providing services to migrant workers. The response rate correlates roughly with the numbers of migrant workers and of service providing organizations in the region, with the exception of Quebec, where the response rate was lower than expected.¹

Fifty-two respondents (31%) said that they serve a rural area, while 115 (69%) serve in or from an urban area.

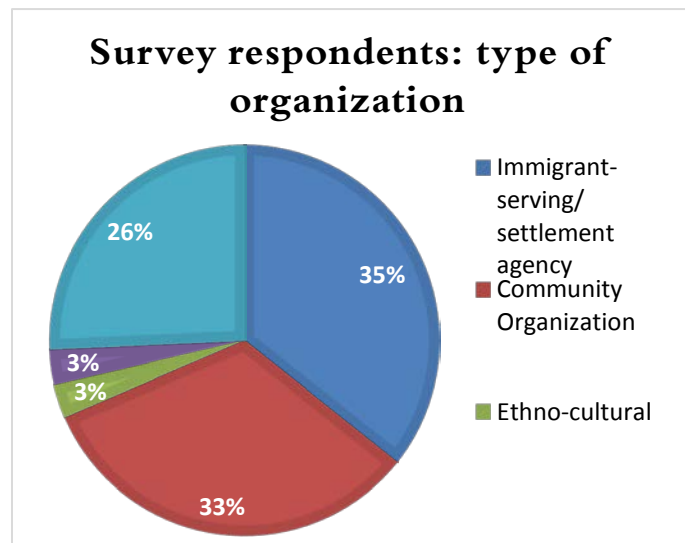


¹ This may be attributed to various factors, including that the majority of migrant workers in Quebec are in remote rural locations (often isolated from service-providing organizations who the survey was sent to), and that migrant workers are not eligible for any provincially funded services and are therefore not always on the radar of these organizations.

The largest group of respondents identified as immigrant-serving/settlement agencies (35%), with 33% of respondents describing themselves as community organizations.

Union or labour organizations and ethno-cultural organizations each comprised 3% of respondents. The other 26% chose the “other” category, and included a diverse range of types of organizations including:

- Educational institutions
- Legal clinics
- School districts
- Literacy services
- Social service agencies
- A worker’s rights organization
- A disabilities support organization
- Public library
- Employment services agency
- Faith-based group
- Health co-operative
- Rural development agency



Federal Legislation

After a series of high-profile media stories and subsequent outcry about the program and its role in the Canadian labour market, the federal government announced in June 2014 an “overhaul” of the TFWP. The overhaul included significant changes intended to “put Canadians first”, ensuring they are prioritized for jobs over the migrant workers participating in the program. The changes did little to address the situation of Temporary Foreign Workers (TFWs) themselves, and left migrant rights advocates disappointed that more was not done to ensure the integrity of the program with regards to rights protection and prevention of abuse. Although the changes included an announced increase in inspections of employers, the focus was on penalizing “abuse of the program,” without addressing the fate of TFWs whose employers were found to be at fault.

At the time, the SAWP and Caregiver (formerly Live-in Caregiver) Programs were left unchanged, although later in 2014 changes were made to the latter that eliminated the requirement to live with the employer, and put caps on annual caregiver applications for permanent residence, effectively revoking the previously guaranteed access to permanent residence for caregivers who completed a certain number of hours of work within three years.

On April 1st 2015, thousands of TFWs were forced to return home: this was the first wave of individuals affected by a rule implemented in 2011 requiring low-skilled TFWs to leave after four years in Canada. There is widespread concern over the hardship this is causing affected workers. Many have families who depend on their remittances, and some are still repaying debts from recruitment fees illegally imposed on them. As some workers may choose to remain in Canada and seek precarious work to keep providing for their families back home, this is an issue that will affect the organizations that are approached by migrant workers in their communities, but who are not funded to assist these vulnerable workers.

Access to services for Migrant Workers

Government-funded services

Although the Temporary Foreign Worker Program, Caregiver Program, and Seasonal Agricultural Worker Program are all federal programs, only Caregivers have access to the settlement services funded through the National Settlement Program. However, Caregivers are not entitled to receive federally-funded language instruction until their application for permanent residence has been approved in principle. Some provincial governments fund services for which migrant workers may be eligible. However many do not, leaving migrant workers completely without support, except for non-governmental and often volunteer-based, grassroots efforts. Even in some provinces where migrant workers can access some settlement services, many are unable to access them for a variety of reasons.

Here is a summary of the access to services landscape for migrant workers across the country:

Saskatchewan employs a settlement model known as the Gateway model, under which TFWs are eligible for all settlement services offered by “Gateway Organizations”, including language instruction offered by educational institutions that are Gateway affiliates. The noteworthy limitation is that currently these organizations do not support newcomers with their immigration processes.²

In **Alberta**, migrant workers have access to provincially funded services via settlement agencies in the eight communities that receive the highest numbers of migrant workers. These services include legal support and assistance with Employment Insurance, Workers Compensation, and employment rights in addition to standard settlement services. However, migrant workers do not have access to provincially-funded language training. Alberta is unique in offering a TFW helpline and a TFW Advisory office to support migrant workers dealing with violations of employment standards or of their human rights.

The provincial governments of **Nova Scotia** and **PEI** each provide funding for one settlement worker to provide services to migrant workers via the main settlement agency in the province. In Nova Scotia these services are limited to information and support on TFW rights and responsibilities. Neither province funds language instruction, and access in rural areas and for isolated workers is an issue.

In **New Brunswick**, migrant workers are eligible for provincially funded settlement services, but this plays out unequally between rural and urban areas. At rural service provider organizations, provincial funding supports a significant portion of service delivery and migrant workers are able to access all services provided by the organization. However, in larger urban areas most services at the main settlement agencies are funded by IRCC, limiting access for migrant workers.

In the **Yukon**, the territorial government provides additional funding so that TFWs can access the services provided by the single settlement organization in the capital, including language instruction. In the **Northwest Territories** there are no settlement organizations, but TFWs can access the territorially-funded employment

² This is due to a narrow interpretation of Section 91 of the Immigration and Refugee Protection Act (IRPA) that prohibits settlement workers from assisting their clients with basic immigration matters such as filling out forms for immigration processes if they are not licensed immigration consultants or members of a Bar Association.

services. TFWs cannot access territorially funded language instruction unless they have an application for permanent residence in process.

Prior to 2014, **British Columbia** managed the funding of settlement services in that province, and the only migrant workers eligible for services were those who had submitted an application to the Provincial Nominee Program. Since the repatriation of settlement service funding and management to the federal level in 2014, the province has provided “top-up” funding for settlement services for which migrant workers are eligible. This funding is only assured until March 2016.

TFWs in **Ontario** can access provincially funded settlement services; however, provincial settlement funding is limited and these services are not present in all communities, nor sufficient to meet needs.

In **Manitoba** the province does not fund settlement and support services that migrant workers can access. The few organizations that offer services are able to do so only because of efforts to find funding elsewhere, such as from the municipality. **Newfoundland** does not offer provincial settlement support for migrant workers, with the exception of providing language instruction to those who have submitted an application for permanent residence. In **Quebec** migrant workers (with the exception of caregivers) cannot access provincially-funded settlement services.

Other services

Because of the large gaps in services for migrant workers, labour union-affiliated and ethno-cultural, faith-based and other grassroots groups often step in and offer support and some basic services to try to fill the gaps, usually on a volunteer basis or with a shoestring budget. Labour affiliated service providers, such as the five UFCW-funded Agricultural Worker Centres across the country, tend to have stable organizational funding, but other groups must be innovative in seeking funding, and any funding they receive is usually not stable. Many of these volunteer-based organizations and groups reported being stretched to capacity, or dealing with volunteer burn-out. They described not having the resources to support as many workers as are in need of their services, and not having access to the workplaces with some of the most vulnerable workers.

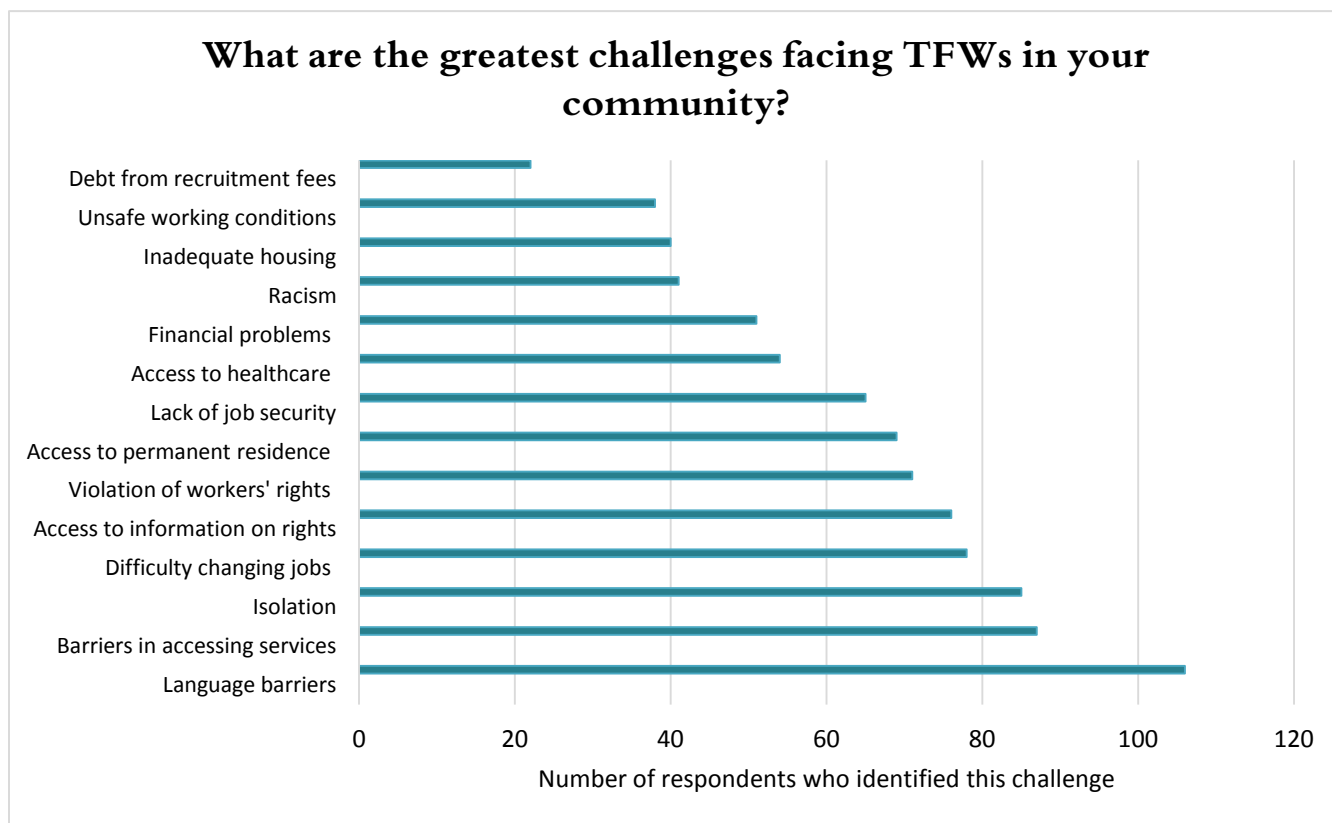
Several settlement and community organizations also reported that despite not receiving funding to serve migrant workers, they provide basic information and referral when approached.

NGO Perspectives

Survey respondents were asked: What are the greatest challenges facing TFWs in your community? The categories identified in the survey as challenges faced by migrant workers (see graph) resonated with respondents, and almost all had input for this question.

Significantly, the two challenges faced by migrant workers that were most-cited by front-line workers were language barriers (64%), and access to services (52%) – both directly related to service provision gaps. Also related to barriers in accessing services were lack of access to information on rights (46%), and barriers in access to healthcare (cited by 32%). Isolation was a challenge cited by 51% of respondents, and may be seen as related to language barriers and lack of access to services, as well as being determined by the nature of some of the work being done by migrant workers (live-in caregiving, agricultural work).

Some of the other frequently cited challenges have their roots in the rules of the TFWP and SAWP, such as lack of access to permanent residence (41%) and difficulty changing jobs (47%).



Respondents were concerned about violation of workers’ rights (43%) and lack of job security (39%), issues related to lack of oversight of employer conduct. Other challenges cited were financial problems (31%), racism (25%), inadequate housing (24%), unsafe working conditions (23%), and debt from recruitment fees (13%).

In general, front-line workers in provinces where services for migrant workers are provided (e.g. Alberta, Saskatchewan) seem to be more consistently aware of the challenges faced by these workers, as indicated by their capacity to offer nuanced insight to shortcomings of their province’s service and protection initiatives.

Unmet Needs and Policy Gaps

When asked about the unmet needs of migrant workers in their region, as indicated in the graph above, most service providers focused on the lack of services, or the inadequacy of services offered to this population. However, abuse and violation of rights was also a common theme for service providers across the country.

Many respondents in provinces where settlement services are available to migrant workers felt that because of their precarious situation these services are not adequate, and more services and support should be offered, tailored to their particular circumstances. One Alberta respondent from a settlement organization that provides services to migrant workers stated “The stress that has been placed on the TFW population is overwhelming and needs to be addressed”. Another said:

NGOs are extremely important to make information and services accessible to TFWs. As we all know, TFWs are particularly at risk of abuse simply due to a lack of knowledge so they can easily be taken advantage of by their employers, lawyers and immigration consultants. Having access to services with no monetary... exchange is necessary for TFWs to receive unbiased information and assistance.

In provinces where migrant workers do not systematically have access to services (Newfoundland and Labrador, Quebec, Manitoba), where services are limited (Ontario, New Brunswick, Nova Scotia, PEI) or where they have only recently gained access to funded services (as in BC), the vast majority of respondents felt strongly that this was a population they would like to have the resources to serve. Among these provinces, only 19 respondents did not indicate clearly that they were interested in serving this population. Some were in the process of trying to access funding from various sources in order to address the gap, and others did not turn migrant workers away when approached, providing basic information and referral, even if these workers are not technically eligible for their services.

A respondent from a rural Manitoba settlement agency illustrated the concern for and desire to serve migrant workers expressed by many:

F[oreign] W[orkers] and MPNP [Manitoba Provincial Nominees] need access to all the same settlement services offered to PR's and their need is generally greater because of the fact that they are so reliant on their employers and therefore vulnerable to abuse. They need a neutral party to advocate on their behalf and ensure that they understand their rights as TFW's and the responsibility that their employer has toward them. We are leaving the settlement of TFW's in the hands of employers or communities who have neither the necessary knowledge nor wherewithal. These people are living, working and contributing to our economy...they are on the map but off of our radar!!

When asked what type of services their organizations would ideally offer to migrant workers, those not already providing services to this group either stated that migrant workers should have access to the full range of existing (federally funded) services, or listed a range of settlement and support services they would like to provide. These included:

- Orientation, information and referrals
- Language training
- Employment referrals
- Community connections
- Information and support on immigration procedures
- Assistance with paperwork and navigating the system
- Individual case counselling and advocacy
- Legal information and support
- Information on labour rights and recourse
- Information and support to enhance access to justice
- Counselling and support groups
- Outreach
- Assistance accessing healthcare
- Childcare
- Temporary housing while changing employers
- Transportation services
- Notary services
- Language testing

A few respondents who had extensive experience working with migrant workers underlined the importance of service provision that is adapted to the specific realities of migrant workers. Many migrant workers are only able to access services on evenings or weekends, so to be effective, service providers must be responsive to this.

It was also suggested that federal and provincial governments should work to ensure that migrant workers receive information prior to arrival in Canada. Various respondents in different provinces had encountered migrant workers with inaccurate information that had been decisive in their choice to participate in a labour migration program. False information tended to centre on workers believing they would have access to permanent residence when this was not the case, or not understanding the language requirements to access to permanent residence in cases where they were eligible for a Provincial Nominee Program. In some cases, such false information is provided by recruiters in the source country.

Systemic issues with TFWP and SAWP

Survey responses from service providers focused on gaps in access to services, but as indicated above, many respondents highlighted issues that, while they may be alleviated by increased access to services, go beyond service gaps and constitute more systemic policy gaps. Some survey respondents made these connections and pointed to policy issues, especially concerning the lack of access to permanent residence for migrant workers. In this section the authors draw on this input and include findings from our own research.

The vulnerability of migrant workers, and therefore their propensity to experience abuse is built into Canada's temporary migration model. SAWP workers are dependent on their employers for housing, food and employment, and they are isolated on farms in rural areas, with minimal government oversight. Because of their isolation, precarious status and lack of support, workers are afraid to complain of abuse or to miss work if they become sick or injured. These circumstances create a huge power imbalance between the employer and the worker, creating opportunity for abuse. Caregivers and other TFWs face many of the same challenges, and even less government oversight. They have work permits that are tied to one employer, and their temporary status is at the root of the precariousness and vulnerability they experience in Canada.

The federal government approach to the Temporary Foreign Worker and Seasonal Agricultural Worker Programs has been hands-off, and reports of abuse are plentiful and well-documented, with some amounting to cases of human trafficking. The 2014 changes announced to the TFWP promised an increase in inspections of employers, with more severe punishments for infractions. However, evidence of these increased inspections has yet to be seen, and reports of abuse continue. Meanwhile, many of the jobs that low-skilled migrant workers are brought to Canada to fill are not temporary. As long as these labour migration programs exist at the federal level, the federal government must take responsibility for their integrity.

Recommendations at the national level

The following recommendations are based on the challenges and issues identified by survey respondents, and are further developed by authors who draw on their knowledge regarding dynamics of the TFWP and SAWP at the provincial and federal levels.

To increase the integrity of the TFWP and SAWP, the **federal government** should:

1. Expand eligibility criteria for services under Canada's National Settlement Program to include all migrant workers participating in the Temporary Foreign Worker Program and the Seasonal Agricultural Worker Program.
2. Open migrant workers' work permits so that they are not tied to a single employer.
3. Give migrant workers participating in the TFWP and the SAWP access to permanent residence to address the problems resulting from the precariousness of their immigration status.
4. Remove barriers to migrant worker access to provincial nominee programs: reduce federal language requirements for PNPs, increase caps per province, and allow seasonal workers to access these programs.

In the longer-term, the federal government should revise the immigration system to acknowledge the contribution of workers of all skill levels by allowing workers of all skill levels entry to Canada as permanent immigrants under our economic immigration program.

To improve protections for migrant workers participating in the TFWP and the SAWP, **provincial and territorial governments** should:

1. Ensure all migrant workers have access to federally or provincially funded settlement services that are flexible to their schedules and needs.
2. Ensure that provincial and territorial nominee programs are open to migrant workers of all skill levels and programs.
3. Fill any legislative gaps to ensure that the rights of migrant workers are protected, and that migrant workers whose rights are violated may seek recourse.

Provincial Summary: British Columbia

Executive Summary

British Columbia receives the third largest number of migrant workers in the country, after Ontario and Alberta. No legislation has been passed to address these workers' vulnerability and enhance protections. In 2014 the province began providing funding for settlement organizations to serve newcomers not eligible for IRCC-funded services. Only a fraction of workers have accessed these services (about 10%), possibly due to their isolation, and inaccessible service provision schedules, but the services are quite heavily used by those who do have access. Migrant workers remain unable to access language instruction. Some community organizations and initiatives support migrant workers without provincial funding, including a union-run support centre for agricultural workers.

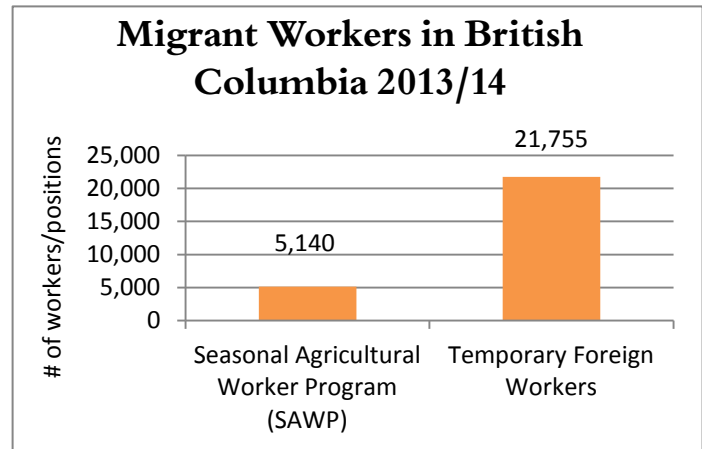
Some migrant workers have access to permanent residence via the BC Provincial Nominee Program. Achieving the language requirements for the program is a barrier because of lack of access to language instruction.

Principal recommendations for British Columbia:

1. Continue to provide “top-up” funding to settlement agencies to provide settlement services to all migrant workers, regardless of skill level or program, adding language instruction to the range of services for which migrant workers are eligible.
2. Improve protections for migrant workers through legislative changes and enforcement.
3. Improve permanent residence outcomes for migrant workers.
4. Explore options for facilitating access for SAWP workers to healthcare.

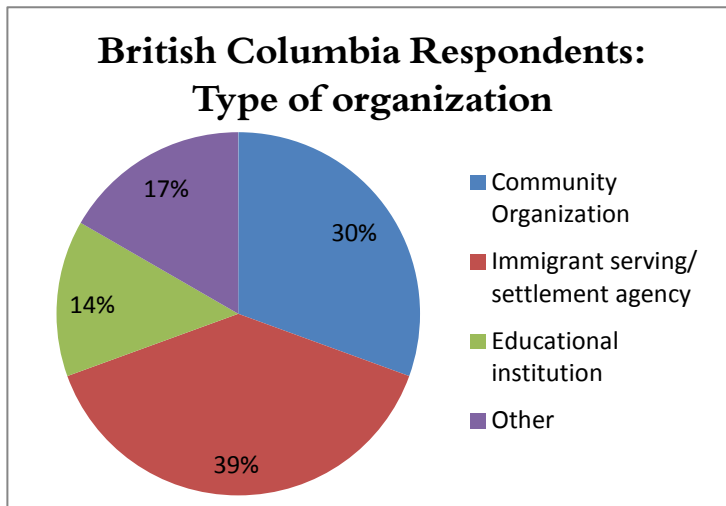
Background

In 2014, nearly a quarter of all Temporary Foreign Workers (TFWs) in Canada came to British Columbia. Since 2008, BC has accepted more TFWs than permanent residents every year. According to the most recent statistics available, 21,755 Temporary Foreign Workers held valid worker permits in British Columbia at the end of 2014, and 5,140 Seasonal Agricultural Workers Program (SAWP) positions were filled in 2013 (numbers for 2014 are not yet publicly available).



Survey Respondents

Thirty-six BC organizations responded to the survey of NGOs on access to services for migrant workers. Of



these, 39% were from immigrant-serving/settlement agencies, 25% were from community organizations, 14% were from educational institutions (including literacy organizations and school districts), and the remaining 17% of respondents included libraries, legal clinics, neighbourhood houses and health organizations. Just over half of respondents (53%) reported serving rural areas, while the remaining 47% served urban areas.

There was a wide range in the extent to which respondents' organizations interacted with and served migrant workers:

- Two organizations said they did not serve any migrant workers.
- Five reported that migrant workers comprise less than 5% of the people they served.
- Eight organizations said that migrant workers make up 5-20% of their clientele.
- Two organizations reported that 20-40% of their clientele are migrant workers.
- Four respondents serve 40-60% migrant workers.
- Two respondents said migrant workers comprise 60-80% of their clientele.
- Eight organizations have a migrant worker focus, with this population comprising 80-100% of their clientele.
- Four respondents said they did not know the proportion of migrant workers they served
- One respondent left the question blank.

Provincial Legislation

The BC Employment Standards Act includes provisions prohibiting recruiters from charging fees to workers, and requiring employment agencies to be licensed. However, the BC government has not introduced any legislation specifically designed to protect migrant workers' rights.

Access to services for Migrant Workers

Provincial Settlement Funding

From 1998 until the repatriation of settlement services from provincial to federal jurisdiction in 2012-14, the Province of BC was responsible for the administration of immigrant settlement services. During this time, low-skilled migrant workers were ineligible for settlement services unless they had applied for the Provincial Nominee Program, in which case they could access basic information and referral services.

In April 2014 following the transfer of settlement funding management to the federal government, the Province of British Columbia provided one-time “top-up” funding to 58 organizations for settlement services for certain newcomers ineligible for services funded by Immigration, Refugees and Citizenship Canada (IRCC). These clients include Temporary Foreign Workers, Provincial Nominees, Naturalized Citizens, Refugee Claimants and Caregivers.

Initially, this funding was scheduled to support the following services for migrant workers from April 1, 2014 to March 31, 2015:

1. Delivery of settlement-oriented information and referral services.
2. Ongoing participation of provincial nominees who are awaiting IRCC approval and live-in caregivers (but not other migrant workers) in IRCC-funded LINC classes in regional communities outside of Metro Vancouver.

These services allowed IRCC-funded settlement agencies to enhance their programs for the delivery of the following services for migrant workers:

1. Information, referral and planning that meet and support the settlement, employment and integration needs of the target clients;
2. Supporting clients' access to government, community and employment networks and services/programs;
3. Educating and supporting clients with respect to their rights and responsibilities as residents, workers and citizens of BC;
4. Providing some group support for clients, if applicable (aiming to provide cultural/language support to overcome isolation or enhance community integration);
5. Training and coordination of volunteers/mentors to provide further support if needed;
6. Collecting information on the specific needs of the target client groups and best practices to address those needs.

Between April 1, 2014 and March 31, 2015, 58 settlement service providers received approximately \$4M in funding to deliver services to a total of 18,070 IRCC ineligible clients, including 3,022 TFWs. It is worth noting that this number represents only approximately 10% of the total number of migrant workers in the province (estimation based on 2013–14 numbers). Migrant Workers who are not Provincial Nominees cannot access language training.

Of the 34 survey respondents who offer some services to migrant workers, 21 reported receiving provincial funding to do so (62%).

While funding was initially set to expire on March 31, 2015, the Province of BC has twice extended funding while a long-term solution to support IRCC ineligible clients is reportedly being developed. In November 2015 the Province announced that it would extend funding three more months to March 31, 2016, and said that to ensure continuity of services for temporary residents, it intends to enter into new contracts with service providers who will be extending contribution agreements with Immigration, Refugees and Citizenship Canada from April 2016.

Non-settlement Service Providers

In addition to provincially funded settlement services, a number of other community-based organizations work to support the needs of migrant workers, including legal clinics, literacy organizations, and grassroots advocacy groups and support services. There is also a labour-funded support centre that serves agricultural workers participating in the SAWP and TFWP.

Of the 36 BC survey respondents, 42% offer services to migrant workers despite receiving no provincial funding. Among non-provincially-funded organizations, the services most frequently accessed by migrant workers were information on community services, permanent residency applications, and jobs/employment assistance.

Funding

58% of respondents indicated that they were funded by the Province of British Columbia to deliver services for which migrant workers are eligible, 25% (with some overlap with those receiving provincial funding) received funding from other sources including municipal government, foundations, labour unions, and private donations, and 22% received no funding for services for migrant workers, although all of these are providing at least some services for this population.

Some organizations receiving the “top-up” funding mentioned above have experienced very high uptake levels, indicating that migrant workers now comprise 40–100% of their clientele (nine of the provincially funded respondents reported this, including five settlement agencies). Given that this funding has been extended only until March 2016 and no long-term solution has been identified, there is concern in the settlement sector that many migrant workers will be left without access to settlement services.

This concern was expressed by several settlement agencies. One rural respondent stated:

Without funding from the BC government there are no extra monies to have staff work with those not eligible with the CIC contract such as TFWs, Canadian citizens and caregivers... BC is the only contract we have to work with this clientele.

Two rural settlement agency respondents stated respectively:

Currently our funds are very limited in relation to our TFW needs. We are constantly in need of more funding and workers to help with the steady inflow of TFW in a busy growing industry town.

After June we will have no funding for TFWs in our small community. We live two hours away from the closest city... and even accessing services there is difficult for many because of location, weather, funds, etc. It would be great if CIC could allow TFWs to fall into that [federal] funding because we could offer a lot more services and help for them that way.

The latter agency also made the point that many migrant workers are destined to become permanent residents, and as such they should have access to settlement services:

TFWs could be here on a work permit for years before receiving permanent residency and immigrant serving agencies are necessary and vital to assist in the settlement and integration of this group. They need it early upon arrival, not years later.

Some service providers indicated that the continued uncertainty over long-term funding commitments by the provincial government has hampered their ability to create sustainable programming and develop curricula relevant to the needs of migrant workers.

Respondents who do not receive provincial funding did not give much feedback on their financial situation. Most are organizations with mandates that are not newcomer specific (legal clinics, educational institutions, a library and a health organization), and are funded for these mandates. The community organization devoted to serving migrant agricultural workers is at present entirely volunteer-run, with no budget aside from volunteer contributions.

NGO Perspectives

The top three challenges faced by migrant workers that were identified by survey respondents were language barriers (cited by 67% of respondents), isolation and violations of the workers' rights (each cited by 61% of respondents). Barriers in accessing services was cited by 58% of respondents.

It is worth noting that the challenges cited reflect the perception of the respondents, and may not reflect the realities of the entire migrant worker population in BC. For example, unsafe working conditions and barriers in access to healthcare are challenges often cited by front-line workers who serve migrant agricultural workers. However only one survey respondent is an organization that serves this population to a significant extent, so challenges faced by this population may be under-represented.

One respondent from an urban community organization that does not serve migrant workers was nonetheless aware of the challenges faced by workers in the surrounding area, stating:

TFWs working for farmers and orchardists on rural properties surrounding the area are physically isolated and may be subject to inadequate working and living conditions. There have been reports of lack of access or delayed access to proper health care because employers must a) transport them and b) pay for medical services.

Services Offering the Most Benefit for migrant workers	%
Language barriers	67%
Isolation (social or physical)	61%
Violation of workers' rights (e.g. employer abuse, wage theft)	61%
Barriers in accessing services	58%
Lack of access to information on rights	50%
Difficulty changing jobs	47%
Lack of access to permanent residence	36%
Lack of job security	33%
Access to healthcare	31%
Financial problems	28%
Racism in the workplace and/or community	25%
Unsafe/inadequate housing	25%
Unsafe working conditions	14%
Debt resulting from recruitment fees	8%

On the subject of agricultural workers, a respondent from a community health organization said:

Migrant farm workers in particular come under very vulnerable conditions. Their staying here is very dependent on their worker performance and on their health, which is ironic as that usually becomes a stressor for them. They have no or very little protection under current labour laws, great difficulty accessing services due to language and isolated work/living areas and they live under feudal conditions where the owner controls their movement and it is very difficult to change employers or come back to Canada if there is a problem with an employer.

Some respondents felt that it is the role of government to ensure that migrant workers receive services. An urban health organization respondent stated:

It is the government's responsibility to ensure people that are working here under an alternate immigration contract than most people, are treated properly. NGOs should raise their voice and make this a bigger issue either to ensure local people can get their needs met (employment, education) and/or to ensure TFWs get better, fairer treatment as they are contributing to our society and economy.

Unmet Needs and Policy Gaps

When asked about the unmet needs of TFWs in their region, most respondents focused on the need for greater access to settlement services, with an emphasis on language instruction. Particularly in BC's rural regions, the lack of funding for transportation was a concern. Lack of government oversight of workers' living and working conditions was also cited. Another commonly identified unmet need was support navigating paperwork and bureaucracy for IRCC and the BC Provincial Nominee Program (PNP).

Several respondents commented on the need for language instruction. One rural settlement agency respondent felt that the lack of access to language learning leads to friction in the community, but that controlling employers are a problem, as they may hinder workers' access to language instruction:

TFW are being brought in... and being placed in low-skilled jobs where they are unable to speak basic language and in turn cause much friction within immigration relations [in the community]. It would be very helpful to have a required EAL prerequisite for TFWs to attend when entering towns. We are absolutely willing to teach all our TFW and have the teachers and facilities; however employers are very wary of having their TFW speak with anyone from settlement services.

A respondent from an urban legal advocacy organization pointed to the need for legal support:

[There is a] need for more services provided in TFWs' first language, outside urban centres. Funding for legal assistance in relation to immigration matters, to avoid the large debts that are incurred to immigration consultants.

An urban school district respondent described how gaps in service provision can have a social impact, leading to social isolation and the lack of a sense of belonging.

One agency pointed to migrant workers' fear in the face of abuse, and the need to mitigate this problem by funding support services:

Clients in situations where their workers' rights are being violated are afraid to file complaints. They are afraid to lose their jobs and be forced to return home... We'd like to see government support for TFWs whose workers' rights are being violated. They are in a very vulnerable position because the employers know they won't risk filing a complaint.

A respondent from an urban community organization that does not work directly with migrant workers echoed the need for support for migrant workers, identifying many of the gaps in support in their region, and the lack of oversight:

There has been no community organization dedicated to the needs of TFWs, nor with funding allocated to do so. Oversight of employers, TFW living and social conditions, access to medical services is needed to ensure TFWs are not taken advantage of. TFWs may be unaware of workers' rights and often solely dependent on the employer, who can send them back if they complain. Language barriers are another potential issue... It is crucial that TFWs receive support. If NGOs are given that responsibility on behalf of the federal government, which is responsible for the TFW program, then appropriate funding to do so needs to be allocated to the NGOs as well.

A rural grassroots community organization, the Migrant Workers Dignity Association (MWDA)³, pointed out the need to address policy gaps at the root, and to provide pre-arrival information to potential migrant workers:

³ The survey this study is based on offered anonymity to respondents; however this respondent asked to be cited.

We need to work in some way with the families in the sending country. Also implement educational activities in the sending countries to avoid abuses during the hiring process and avoid those program being used by political purposes.

Some respondents made the point that when thinking about service provision for migrant workers, they should not be grouped with other populations that are ineligible for IRCC-funded settlement services, as they require their own specialized supports. In this vein, the MWDA urged service providers to adapt to the schedules and specific needs of migrant workers:

The NGOs must consider the cultural aspect and incorporate people in their staff who have been TFW. The NGOs also must go out of the office, visit the workers' houses, workplaces... they must be ready to work weekends and according with the workers' needs.

Access to permanent residence

Lack of access to permanent residence was cited by 36% of survey respondents as one of the biggest challenges being faced by migrant workers in their region.

The BC Provincial Nominee Program (PNP) is the Province's only direct immigration tool for bringing newcomers to the province. The Province uses the PNP to nominate "high-demand skilled workers" and "investment-ready entrepreneurs" for permanent residency.

TFWs in the low-skilled categories (NOC C and D occupations) are eligible for two of the six streams in the BC PNP. These two streams are the Entry level and semi-skilled category, for workers in tourism and hospitality, long-haul trucking and food processing industries, and the Northeast Pilot Project, for those applying to work and live in the Northeast development region of BC. SAWP workers are not eligible.

For 2015, the cap for nominations was 5,500. Approximately 25% of nominees were earmarked for the Express Entry British Columbia stream, leaving 4,150 nominations for the six streams of the Skills Immigration stream and the Entrepreneur program of the PNP.

Recommendations for the province

In each province, challenges and gaps created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the challenges identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the BC government should:

1. Continue to provide “top-up” funding to settlement agencies to offer the full range of their services to all migrant workers, regardless of skill level or program:
 - a) Provide stable, multi-year funding for provision of a range of settlement services to migrant workers, including language instruction.
 - b) Advocate with the federal government to expand eligibility for federally funded settlement services to all migrant workers.
 - c) Ensure provision of pre-arrival information to migrant workers coming to BC (in collaboration with the federal government in the case of SAWP workers), to ensure they are informed about access to permanent residence and its requirements, as well as workers' rights and available services.
2. Improve protections for migrant workers:
 - a) Introduce and actively enforce legislation such as Manitoba's WRAPA and Saskatchewan's FWRISA.
 - b) Implement a TFW helpline and a TFW Advisory office as has been done in Alberta.
3. Improve permanent residence outcomes for migrant workers:
 - a) Open the BC PNP to all TFWs and SAWP workers.
 - b) As above, provide language training that migrant workers will be able to access despite work schedules, in order to facilitate their achievement of the BC PNP language requirements.
 - c) Advocate with the federal government to grant pathways to permanent residence to all migrant workers, and to ultimately expand Canada's economic immigration program to reflect the needs of the Canadian labour market by including workers of all skill levels.
4. Explore options to facilitate access to healthcare for SAWP workers:
 - a) Provide information to workers on provincial health coverage.
 - b) Provide information to workers on the supplementary health services available through the private insurance plan they are required to have (provided by their employer).
 - c) Require employers of SAWP workers to ensure their employees have their provincial health card and are able to avail themselves of healthcare services.

Provincial Summary: Alberta

Executive Summary

Alberta relies on the Temporary Foreign Worker Program more than any other Canadian province. Since 2008 the province has funded the provision of settlement services for migrant workers, not including language instruction. These services have experienced high levels of uptake from migrant workers; however, NGO survey respondents believe that migrant workers require more support, tailored to their specific needs, and more stable funding, to allow for longer-term planning. Because of the vulnerability of migrant workers, more services such as individual advocacy and legal support are required, and lack of language instruction is considered a significant gap, especially since this limits migrant workers' access to the Alberta Immigrant Nominee Program.

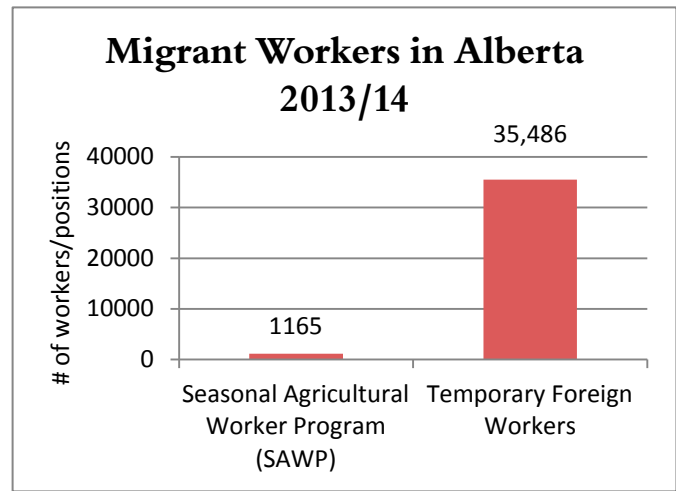
Alberta runs a hotline and an advisory office specifically to support migrant workers, and has made some legislative changes intended to protect migrant workers. However, feedback indicated that not enough resources are allocated to these support efforts, and to the enforcement of the legislative provisions. Alberta has recently passed legislation making Workers Compensation Board coverage mandatory on all Alberta farms and ranches, which is expected to have a positive impact on agricultural workers, including migrant workers.

Principal recommendations for Alberta are:

1. Continue to fund non-governmental organizations to make settlement services more flexible and widely available to all migrant workers, and to provide language instruction, regardless of skill level or program.
2. Increase funding for enforcement of the Fair Trading Act's provisions regarding employment agencies, and of Employment Standards legislation.
3. Improve permanent residence outcomes for migrant workers in the low-skilled categories.
4. Provide interim health care through Alberta Health Services for migrant workers temporarily without status due to the expiration of a work permit.

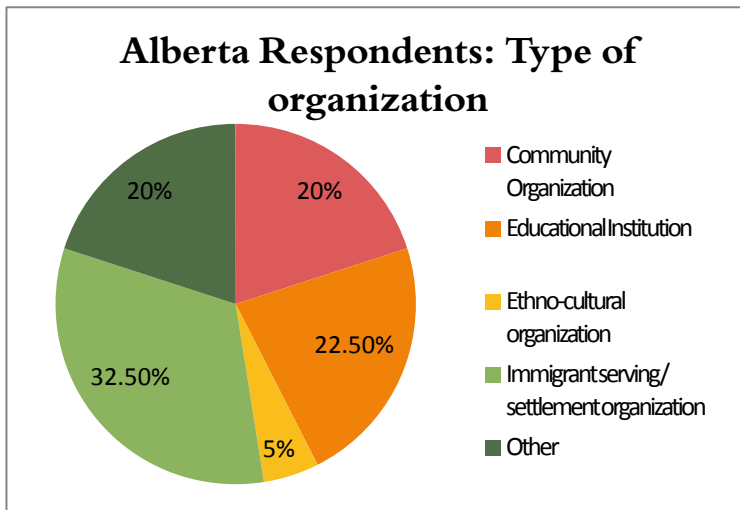
Background

With a resource-based economy and significant growth, Alberta employers have come to rely on the Temporary Foreign Worker Program (TFWP) more than any other province. According to the most recent statistics from Immigration, Refugees and Citizenship Canada (IRCC), 35,486 low-skilled Temporary Foreign Workers (TFWs) were destined to Alberta in 2014, about 5,000 fewer than the year before. Alberta’s use of the Seasonal Agricultural Worker Program (SAWP) is considerably lower, with 1,165 Seasonal Agricultural Worker positions filled in the province in 2013 (numbers for 2014 are not publicly available). The rapid influx of TFWs is reflected in perceptions of survey respondents, as the majority of Alberta respondents felt that TFW numbers would increase in 2016.



Survey respondents

Forty survey responses were received from non-governmental organizations in Alberta. Of these, 13 were immigrant-serving/settlement agencies (33%), 8 described themselves as community organizations (20%), and 2 were ethno-cultural organizations (5%). Almost half of the organizations (17) chose the “other” category.



Eleven of these – 22% of the total – were from the education sector and include post-secondary institutions, adult education centres, and a school board. There were also legal clinics, a workers’ rights group, a refugee clinic, and an agricultural development organization. About 75% reported serving urban areas, while about 25% serve rural areas.

Thirteen of the respondents said their organization was funded by the provincial government to serve Temporary Foreign Workers (32.5%). Two respondents were not aware of TFWs in their area, and six others were from organizations that do not provide

services to TFWs. Nevertheless, five of these respondents gave input regarding challenges faced by TFWs, showing a degree of awareness of the issue.

Provincial Legislation

2009 regulatory changes to the *Alberta Fair Trading Act* include provisions that require agencies that recruit or find employment for migrant workers to obtain licenses with the province, prohibit charging recruitment fees to workers, and provide for penalties for non-compliance.

In December 2015 the provincial government passed Bill 6, which will have a significant impact on agricultural workers in the province, including migrant workers. This piece of legislation made Workers Compensation Board coverage mandatory on all Alberta farms and ranches as of 1 January 2016. As well, Alberta farms will no longer be excluded from Occupational Health and Safety legislation. Under Bill 6, they will have to comply with all employment standards, including hours of work, holidays and minimum wage. Farm workers are also now able to unionize and bargain collectively.

Access to services for Migrant Workers

In the absence of federal funding for settlement and other services for migrant workers, the province of Alberta began in 2008 to fund a variety of settlement and support services. In Alberta, migrant workers have access to provincially funded services in eight communities that receive high numbers of migrant workers: Calgary, Banff, Brooks, Red Deer, Edmonton, Grand Prairie, Lethbridge and Fort McMurray. These services include information and referrals, employment services, legal support, and assistance with Employment Insurance, Workers Compensation and employment rights, which they access through immigrant-serving and settlement agencies. Migrant workers do not have access to funded language instruction. Outside of the realm of provincial funding there are also ethno-cultural, community, legal, educational, and faith-based organizations that are volunteer-based or funded by other sources including the United Way, donations from labour unions, a municipal government, and foundations.

Alberta is unique in offering a government-run TFW helpline and a TFW advisory office to support Temporary Foreign Workers dealing with violations of employment standards or human rights violations. Such services help to mitigate the protection gaps of the federal program. However, several respondents commented that many workers are still too afraid to come forward with formal complaints, and remain vulnerable.

Twenty-five per cent of organizations polled said that between 40 and 80% of their clientele are TFWs, indicating that when services are provided, these workers are in need and will avail themselves of these services.

Funding

Unstable funding was a big issue for those organizations that receive provincial funds to provide services to migrant workers. In response to the question “If you are currently offering services to TFWs, are you concerned about your organization’s ability to sustain these services?” out of the 28 who responded, 50% said yes. Seven settlement agency respondents cited short-term funding with no possibility for long-term planning, and often late notice as to whether or not funding would continue. Two organizations (including one legal clinic) cited overstretched capacity where staff were unable to meet migrant workers’ demands for services.

One settlement service provider from a rural area stated: “We need full-time funding in order to support our TFWs. If we had full-time funding and if there were LARGE changes made to support TFWs that are being abused and victimised, we’d have [a] much more successful and integrated group of people,” adding that they would love to expand services, but due to limited funding they are stretched thin.

The lack of secure funding to expand, improve or even sustain services creates uncertainty for organizations providing vital support to migrant workers. A Calgary respondent reflected that:

The funding for TFWs needs to be enhanced. Every year the staff is always at the edge whether or not there is funding. Only when there is stable funding can the support workers continue to do their jobs each year.

For volunteer-run organizations trying to fill the gaps in support services, resources are minimal, and human resources are spread thin. An urban community organization respondent offers support and information to migrant workers, and is often approached in crisis situations. They state that burnout of volunteers is “a huge issue” for them.

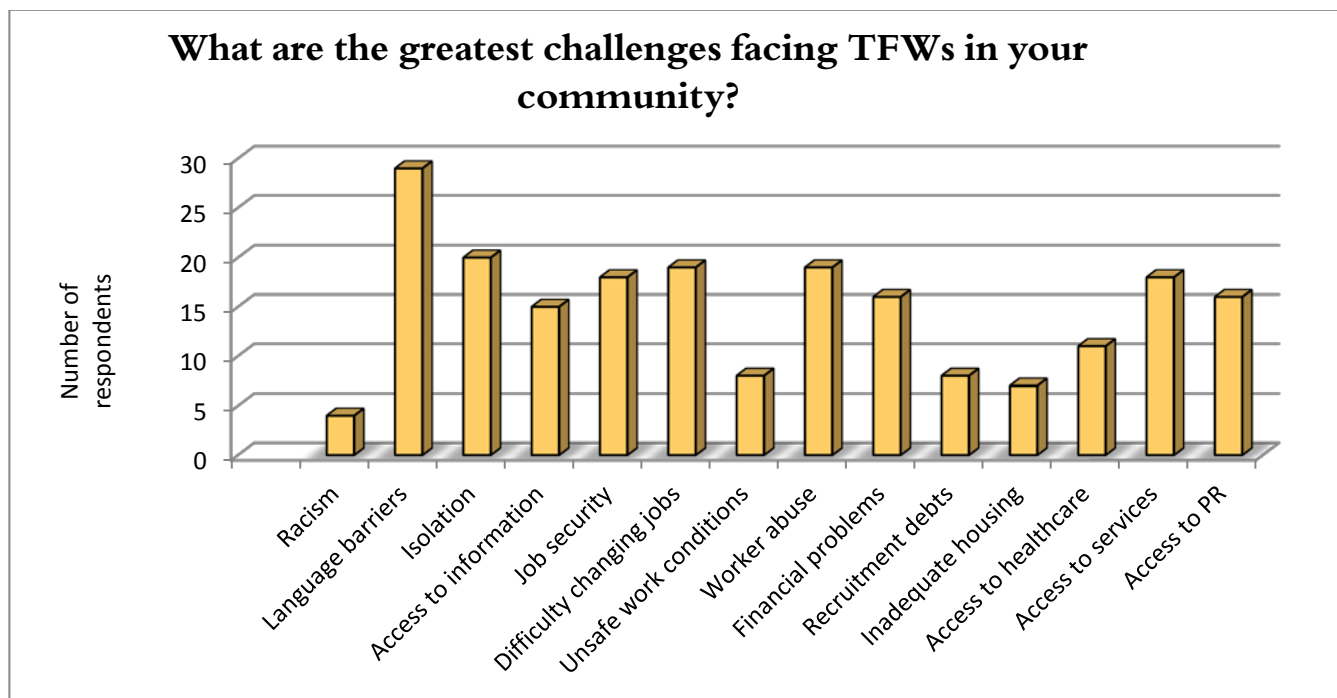
One promising practice cited by a respondent is *New Neighbours*, a municipally funded project in Edmonton that allows organizations to serve newcomers irrespective of their immigration status.

NGO Perspectives

When asked about the greatest challenges for TFWs in their community, respondents most often cited language barriers (73%). Isolation, difficulty changing jobs, and violation of workers’ rights each had a 48-50% response rate. Lack of job security, barriers in accessing services and lack of access to permanent residence were all cited by 45-48% of respondents.

Some respondents felt that employers regularly took advantage of migrant workers’ vulnerability. One respondent from an urban settlement agency stated: “It is very difficult to see how TFWs are dependant [on] their employers, and how most employers take advantage of this situation.”

It is worth noting that even respondents from organizations that do not offer services to TFWs had input on the challenges facing TFWs in their area, and on services that should be provided. This indicates a high level of awareness of gaps and unmet needs for supporting TFWs.



Unmet Needs and Policy Gaps

Despite provincial funding for settlement service provision, many respondents felt that not enough was being done. One urban settlement worker (whose organization is funded to serve migrant workers) stated that there was a lack of resources to provide full settlement support services to migrant workers, as well as a lack of advocacy and community legal resources for the “ongoing crisis” of vulnerable migrant workers. Ideal service-provision that respondents cited included more one-on-one support counselling, increased information sessions on migrant worker rights, more community connections programs to decrease social isolation, language programming, legal advice, employment mentoring and skills training, and advocacy. One respondent in a small city felt that her organization was providing the right services, but needed more staff to provide them because of demand. Another felt that it “is more an issue of accessing programs that already exist”, citing migrant worker ineligibility for services as the core problem.

Despite the provincial support for services, front-line workers nonetheless report significant challenges. A settlement worker in rural Alberta stated:

I'm very much in favour of the program, bringing in TFWs, but the government MUST commit to supporting the TFWs and they just don't. They are being victimized every single day and they have to shut up and take it because they are ruled by fear! Fear that the employer will “have them deported”, fear of losing the job and the chance to be a permanent resident.

One source stated that while the Employment Agency provisions of the *Fair Trading Act* help to fill a policy gap, there is a gap in the application of the policy due to underfunding and understaffing of Service Alberta, the department responsible for enforcing the legislation. Weak enforcement is therefore a problem that has diminished the significance of the policy.

Language training

Organizations frequently receive requests to provide language and skills training, but are unable to meet this demand due to policy limitations and funding restrictions. Provincial funding does not cover language instruction, so it is only available to migrant workers when provided on a volunteer basis, when paid for by the migrant workers, or when funded through alternative channels. In a few cases the employer provides language classes to migrant workers. The inability to easily access services such as language training impedes the longer-term settlement and integration prospects of TFWs: not having access to language learning makes it very difficult for many TFWs to attain the required English language proficiency (Canadian Language Benchmark Level 4) they must have to successfully apply for permanent residence through the Alberta Immigrant Nominee Program.

Several settlement and education organizations reported that they would like to provide language and skills training, and post-secondary education but they are constrained because migrant workers are ineligible.

Housing

One rural community organization warned that the shortage of available rental accommodations coupled with an unwillingness among landlords to rent to tenants they deem “risky” can create a class of working homeless people. They believe that a liaison is needed between TFWs and landlords to build relationships and develop a reliable pool of rental accommodations for renters.

Healthcare

Alberta survey respondents highlighted significant concerns regarding access to crucial services such as healthcare. The regulations of the TFWP and the SAWP substantially limit access to healthcare by making it contingent on the worker's possession of a valid work permit. This results in serious challenges for migrant workers if they are unfairly dismissed due to illness or injury. When their work permit expires they can no longer access care, although they continue to require it.

An urban settlement sector respondent said “There are TFWs that are injured, pregnant, suffering from illness that cannot access health service because it is tied to their work permit.” An urban refugee clinic stated:

In many instances, the TFW has suffered an illness and is no longer able to work (e.g. diagnosis of terminal cancer), the patient is unable to access health services and is unable to return home because of illness and inability to be cared for in his home country. The termination of employment and health coverage is a huge gap in the provision of services to TFWs.

Access to permanent residence

The Alberta Immigrant Nominee Program (AINP) is a joint venture of the provincial and federal governments, intended to allow the province to permanently settle TFWs that suit the province's immediate economic needs. There is a cap of 5,500 annual nominees that has not increased in over five years.

With the support of an employer, TFWs in certain low-skill occupations within a variety of industries (food and beverage processing, hospitality, manufacturing, long-haul truck driving, and foodservice) can access the AINP if they meet certain criteria. The grade 12 education and provincial as well as federal language requirements limit access.

In 2014, the provincial government issued 5,500 nomination certificates for applicants among the more than 70,000 temporary work permit holders in Alberta (2013 figures show around 40,000 in the low-skilled TFWP and around 30,000 under the high-skilled International Mobility Program were present). In April 2015, as changes to the TFWP took effect, TFWs were subject to extended processing times at the same time that their work permits expired leaving many without official status. Respondents from Alberta organizations identified a lack of information and clarity on the AINP as a significant policy issue. An urban settlement agency respondent commented:

...AINP has thousands of low skilled TFWs' provincial residency nominee applications under process. AINP's quota is 5,500. But the number of applicants overwhelms this quota. Hence [the] processing time has leaped to an average of 18-24 months. Several thousand TFWs have been affected by the change in AINP processing times. Their work permit has expired/about to be expired creating a temporary undocumented status. Lack of status is barring TFWs from accessing statutory services such as health programs... these sudden immigration changes are affecting TFWs' mental, physical and family health substantially.

Given that the federal program does not allow migrant workers in the low-skilled categories access to permanent residence, provincial nominee programs like the AINP are their only avenue. Without access to language training and with the low cap on applications, permanent residence through this route becomes even

more remote to TFWs. Furthermore, due to the backlog of applications, the province stopped accepting new AINP applications from August 2015 until 27 January 2016.

Recommendations for the province

In each province, challenges and gaps created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the issues identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Alberta government should:

1. Continue to fund non-governmental organizations to make settlement services more flexible and widely available to all migrant workers, and to provide language instruction, regardless of skill level or program:
 - a) Provide stable, multi-year funding for settlement service and language instruction provision to migrant workers, and continue to provide information and legal support for Employment Standards issues and complaints.
 - b) Advocate with the federal government to expand eligibility for federally funded settlement services and language instruction to all migrant workers.
2. Increase funding for enforcement of the *Fair Trading Act's* provisions regarding employment agencies, and of Employment Standards legislation.
3. Improve permanent residence outcomes for migrant workers in the low-skilled categories
 - a) Open the AINP to SAWP workers.
 - b) As above, fund (or work with IRCC to ensure funding for) language learning for migrant workers to reduce isolation and facilitate access to the AINP.
 - c) Provincial government should advocate with the federal government to create more pathways to permanent residence for low-skilled migrant workers, and to ultimately expand Canada's economic immigration program to reflect the needs of the Canadian labour market by including workers of *all* skill levels.
4. Provide interim health care through Alberta Health Services for migrant workers temporarily without status due to the expiration of a work permit.

Provincial Summary: Saskatchewan

Executive Summary

Use of the Temporary Foreign Worker Program (TFWP) in Saskatchewan has more than doubled since 2011, with the majority of workers employed in service industries. The province funds settlement services, including language instruction, that are available to all migrant workers, and has passed legislation that is actively enforced to protect the rights of these workers. Some Temporary Foreign Workers have access to permanent residence through the province's Immigrant Nominee Program.

Survey respondents provided feedback on remaining gaps and suggestions on ways to improve support and service provision to migrant workers in the province.

Principal recommendations for Saskatchewan are:

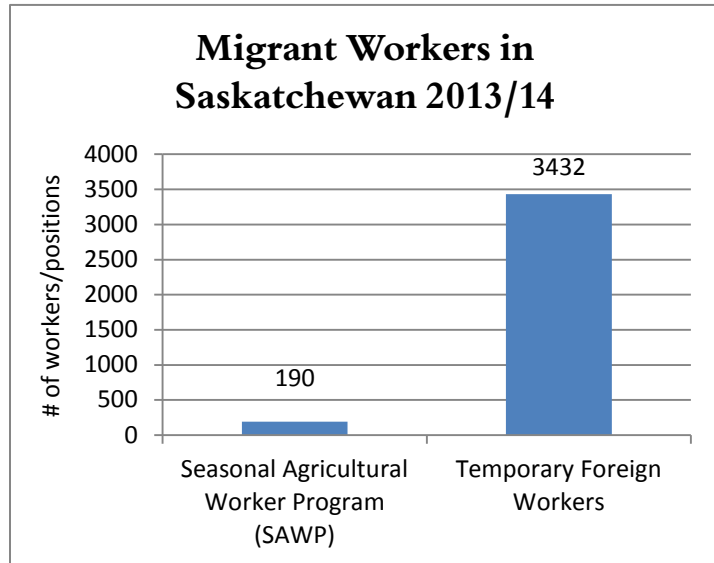
1. Continue to provide access to services for all migrant workers, regardless of skill level or program.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories.
3. Explore local and provincial initiatives to resolve the problem of unavailable or unaffordable housing.

Background

Use of the Temporary Foreign Worker Program (TFWP) has ballooned in Saskatchewan in recent years as Temporary Foreign Workers (TFWs) have been increasingly promoted by the Province as a means to alleviate labour shortages in Western Canada’s resource-based economy. Between 2011 and 2014 the number of low-skilled TFWs in Saskatchewan more than doubled from 1,436 to 3,432, and the province is the fastest growing destination for TFWs. The majority of TFWs in Saskatchewan (62%) are employed in service industries.

Hospitality and food services are the single largest employer by industry, employing 23% of TFWs.

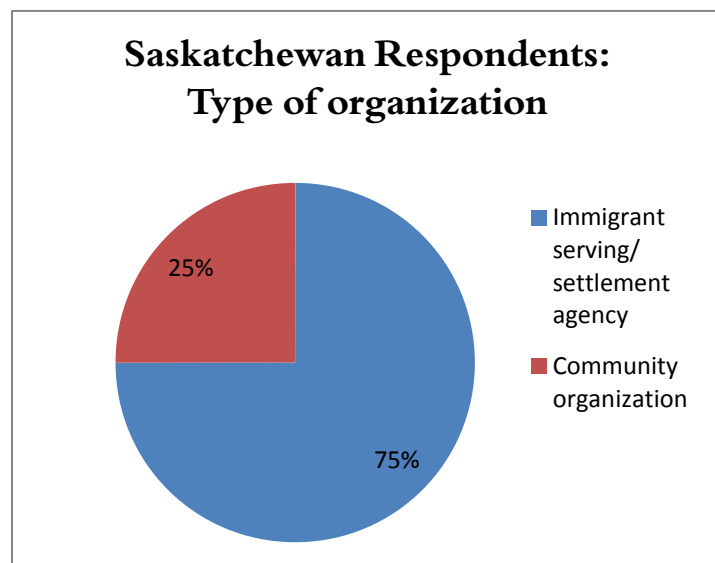
The Seasonal Agricultural Worker Program (SAWP) is used to a lesser extent in Saskatchewan, with 190 SAWP positions filled in 2013 (numbers for 2014 are not publicly available).



Survey Respondents

Eight Saskatchewan organizations responded to the survey on the NGO role in serving Temporary Foreign Workers (TFWs). Of these, five said they serve an urban area (3 from Regina and 2 from Saskatoon) and three said they serve in a rural area. Six identified as immigrant-serving/settlement agencies, and two as community organizations.

All respondents were aware of TFWs in their community, and all said that TFWs had interacted with their organization seeking services. Four respondents said TFWs made up between 20% and 60% of their total yearly clients. Three said migrant workers made up 5-20% of their clients, and one did not know.



Provincial Legislation

To address violations of migrant workers’ rights, the Government of Saskatchewan put into effect in October 2013 the *Foreign Worker Recruitment and Immigration Services Act* (FWRISA) to protect immigrants and foreign workers from exploitation and mistreatment during the migration and recruitment process. This legislation

prohibits recruitment fees or costs being charged to foreign workers, and requires immigration recruiters and immigration consultants to be licensed and sign transparent contracts with employers and foreign workers/immigrants. It also introduced an employer registry so that the province would know where migrant workers are located and who their employers are. It also prohibits various exploitative behaviours towards migrant workers. FWRISA is enforced through a Program Integrity Unit. Information about investigations of employers is not made public (as it is in Manitoba, for example); however, hundreds of audits and investigations of employers and immigration representatives have been conducted, resulting in the suspension of nine employers and one representative.

Access to services for Migrant Workers

Saskatchewan has prioritized the attraction and retention of newcomers in recent years. To meet settlement needs in a largely rural province, a unique “Gateway” settlement model was created. “Gateway” organizations in 11 smaller centres (including Saskatoon and Regina which attract the majority of newcomers) cover areas within a 150km radius, and provide services including information and referrals, counselling, interpretation, and employment services. Meanwhile, regional colleges deliver language instruction in 40 communities. Five of the eight respondents to the survey were from Gateway organizations. One service not offered by the Gateways is assistance with immigration processes.⁴

Migrant workers are eligible for all services offered by Gateway organizations, including language instruction. For assistance with immigration processes, including Provincial Nominee applications, TFWs must rely on themselves and their employer, or hire paid immigration consultants.

Funding

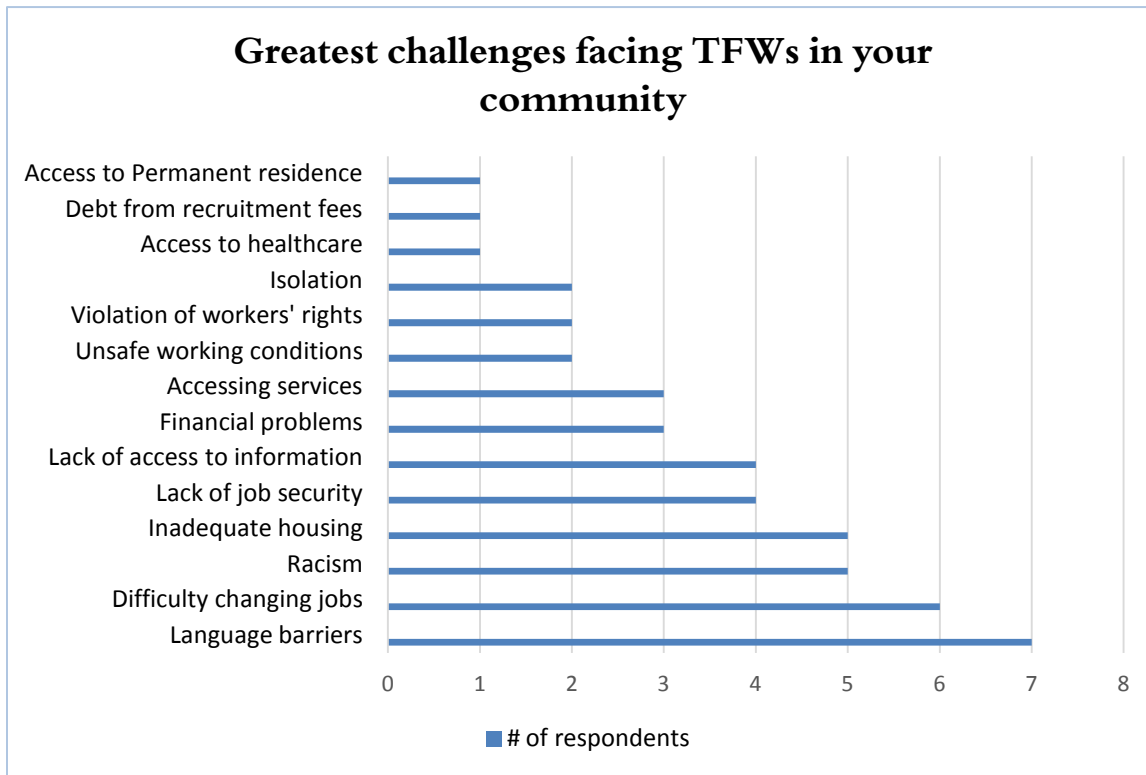
All eight survey respondents reported receiving funding from the provincial government to serve newcomers, including migrant workers. While some respondents received one-year funding which they felt was not stable, one gateway organization was cautiously optimistic, saying:

Sustainability looks promising as we've been contracted by the government of Saskatchewan to run this portion of their provincial immigration/settlement plan. We are one of 11 offices in the provincially-mandated network. But as the contract is up for renewal every year, there is never total security.

⁴ This is due to a narrow interpretation of Section 91 of the Immigration and Refugee Protection Act (IRPA) that is said to prohibit settlement workers from assisting their clients with basic immigration matters such as filling out forms for immigration processes if they are not licensed immigration consultants or member of a Bar Association.

NGO Perspectives

When asked about the biggest challenges facing TFWs in their community, the highest response rates from service providers were for language barriers (88%) and difficulty changing jobs (75%). The relatively low rate of response for challenges such as access to healthcare (13%) and access to services (38%) indicates that, in comparison to other provinces, Saskatchewan's gateway model has had some success with service delivery.



Nonetheless, language barriers remain an important perceived barrier. The low response for access to permanent residence (13%) and violation of workers' rights (25%) indicate that the province's nominee program, and the legislative efforts to protect migrant workers with the *Foreign Worker Recruitment and Immigration Services Act* and the Program Integrity Unit are bearing fruit.

Still, there remain concerns regarding rights' violations. One respondent stated:

Violation of workers' rights has been a growing issue in the past year or two (as hiring foreigners has become more common in our region). TFWs are proving to be extremely vulnerable and will continue to work despite unfair treatment. They refuse to stand up for their rights and/or report the situation for fear of either: a) losing their job and being forced into poverty because they cannot acquire another job without first finding one of the few jobs that they would be eligible for and facing a lengthy (months-long) work permit application process, b) thwarting their immigration goals which often rely on a certain number of hours being worked before they can apply for PR.

Many of the perceived barriers are systemic, and may speak to policy gaps at the federal and local level. TFWs' difficulties in changing jobs (cited as a key challenge by 75% of respondents) is a direct result of the federal TFWP regulations that tie workers to the employer who applied for them to come to Canada. Issues of

inadequate housing (63%) may have to do with local housing codes and practices. Racism is clearly a perceived key challenge, and some respondents reported that community outreach on immigration is still nascent.

Unmet Needs and Policy Gaps

While the province has been proactive on legislation to protect migrant workers, according to some respondents there are still gaps. One said:

Despite Saskatchewan's Program Integrity Unit, which is meant to deal with violation of workers' rights towards TFWs, and more robust laws surrounding TFW employment, many TFWs are still having their rights violated. There needs to be a more comprehensive approach that takes into account specific vulnerabilities. Third party reporting laws would be a good step in the right direction.

While TFWs have access to provincially funded language training and testing, language barriers were still cited as a key challenge by 7 out of 8 respondents. One organization said that language classes should be “more robust”, since the evening classes that TFWs can access outside their working hours only amount to 4 hours per week. Other barriers cited included long waiting lists, work schedules that do not allow evening class attendance, and reluctance to ask employers to accommodate the night class hours in the work schedule.

As mentioned above, adequate housing is also seen as a key challenge and unmet need.

Access to permanent residence

TFWs in certain low-skilled occupations can access permanent residence via the Saskatchewan Immigrant Nominee Program (SINP). These occupations are limited to long-haul truck drivers and some hospitality/food service workers. While the cap for provincial nominees is over 5000, the annual application quota for these professions is only 800. Despite these limitations, only 1 of the 7 respondents identified lack of access to permanent residence as one of the greatest challenges facing TFWs in their community.

One Gateway respondent presented a very positive view of TFW access to permanent residence (PR), stating “because of the SINP, many low-skilled workers can actually make the transition to PR quite easily. Some do slip through the cracks, but this is very few overall.”

Recommendations for the province

In each province, challenges and gaps created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the challenges identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Saskatchewan government should:

1. Continue to provide access to services for all migrant workers, regardless of skill level or program
 - a) Provide stable, multi-year funding to continue service provision to migrant workers via the gateway model to ensure longer-term programming.
 - b) Provide more flexible and robust language training that migrant workers will be able to access more easily despite work schedules.
 - c) Consider advocating with the federal government to expand eligibility for federally funded settlement services to migrant workers in all streams
 - d) Continue to provide information and legal support for Employment Standards issues and complaints, and work with settlement agencies, community organizations and organized labour to promote the *FWRISA* and relevant complaint processes to employers and TFWs.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories
 - a) As above, provide more flexible and robust language training that migrant workers will be able to access more easily despite work schedules, to facilitate their achievement of the SINP language requirements.
 - b) Open the SINP to all workers participating in the TFWP and SAWP.
 - c) Advocate with the federal government to create more pathways to permanent residence for migrant workers, and to ultimately expand Canada's economic immigration program to reflect the needs of the Canadian labour market by including workers of *all* skill levels.
 - d) Advocate with the federal government to ensure that IRPA s. 91 is not interpreted to prevent NGOs from assisting people in navigating the immigration system.
3. Explore local and provincial initiatives to resolve the problem of unavailable or unaffordable housing.

Provincial Summary: Manitoba

Executive Summary

Manitoba's usage of the Temporary Foreign Worker Program (TFWP) and the Seasonal Agricultural Worker Program (SAWP) has remained relatively stable over the years. The Province has been a trailblazer in terms of legislative protections for migrant workers, with the Worker Recruitment and Protection Act introduced in 2009 and actively enforced. Manitoba also made an important move to provide provincial health coverage to SAWP workers in 2013. However, Manitoba does not fund settlement or support services for migrant workers. Organizations interested in offering services to migrant workers must do so with alternate sources of funding, or with volunteers.

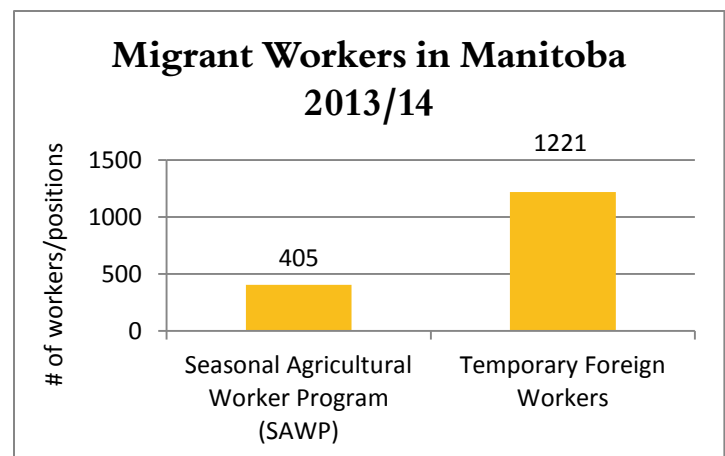
Temporary Foreign Workers have access to the Manitoba Provincial Nominee Program. However, because these workers do not have access to language instruction, achieving the language requirements for the Program is a challenge.

Principal recommendations for Manitoba are:

1. Provide access to settlement services including language instruction for all migrant workers, regardless of skill level or program.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories.
3. Explore options for facilitating healthcare access to SAWP workers.

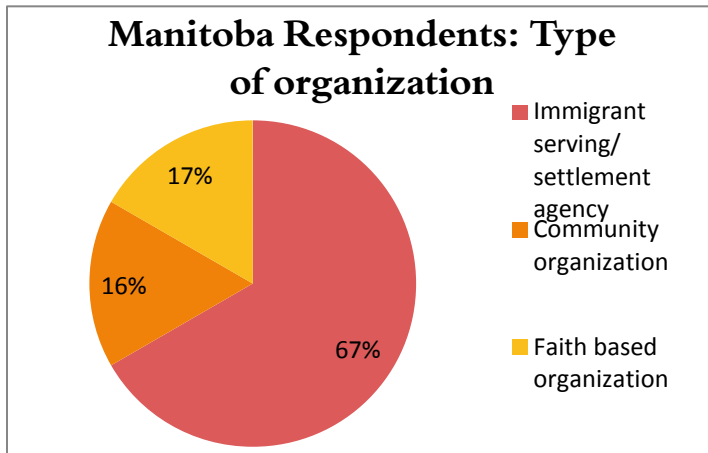
Background

Manitoba's use of the Temporary Foreign Worker Program (TFWP) to bring in low-skilled workers has stayed remarkably steady, according to new IRCC statistics that separate low- and high-skilled Temporary Foreign Workers (TFWs). In 2014 there were 1,221 low-skilled TFWs in the province, compared to 1,297 in 2006. In 2013 there were 405 Seasonal Agricultural Worker positions filled in the province (numbers for 2014 are not publicly available).



Survey Respondents

Nine Manitoba organizations responded to the survey on the NGO role in serving Temporary Foreign Workers. Of these, three Winnipeg respondents, including two settlement agencies and one educational institution, were unaware of TFWs in their community, and provided no additional feedback. Thus, only six of the responses were relevant for this report. Two of these reported that they are urban and serve the Winnipeg area, while four said they serve in a rural area. Four respondents were immigrant-serving/settlement agencies, one was a community organization, and one was a faith-based organization. The community organization and the faith-based organization focus on agricultural workers in the SAWP and TFWP.



Provincial Legislation

Manitoba's Worker Recruitment and Protection Act (WRAPA), adopted in 2009, requires employers and recruiters of migrant workers in the province to register with the provincial government, and prohibits the charging of any recruitment fees to workers, with stiff penalties for violations. The Act also allows workers to sue employers or recover recruitment fees in certain circumstances. Manitoba has created a Special Investigations Unit (SIU) to carry out complaint-based and proactive investigations of employers of migrant workers, to ensure compliance with employment laws. Since WRAPA was implemented several employers have been ordered to pay wages owing to employees. Repeat offenders have been fined up to \$10,000. The names of these businesses, their infractions, and the amounts of their fines are published annually on the Employment Standards website, along with memos about particular sectors being targeted for investigations.

Access to services for Migrant Workers

Although Manitoba has been a trailblazer in legislation to protect migrant workers, and has prioritized pathways to permanent residence for TFWs via the Provincial Nominee Program, the province has not filled the gap in settlement and support services for these workers. Prior to repatriation of settlement service program administration from the Province to the federal government in 2013, the province funded settlement services for Provincial Nominees, but other migrant workers were excluded. Since repatriation, settlement services are administered by IRCC, and migrant workers are thus ineligible. This leaves organizations interested in offering services to the migrant workers that approach them to mitigate the gap by looking for alternate sources of funding, or by working with volunteers. In general, services for migrant workers appear to be quite limited.

For Seasonal Agricultural Worker Program (SAWP) workers and other agricultural TFWs who tend to be geographically isolated, the volunteer-run groups are their only support.

Because of the lack of comprehensive provincial or federal funding, the respondents that offer services to migrant workers do so through creative funding and service-delivery solutions.

Two respondents did receive some funding from provincial government ministries: one community organization does training and outreach on health issues with migrant workers with funding from the Workers Compensation Board of Manitoba, while one rural settlement agency offers employment services for which migrant workers are eligible, thanks to funding from Manitoba Jobs and Skills Development. The latter is limited, however, in the extent to which it can serve migrant workers with the provincial funds, and offers support primarily on a volunteer-basis. They said: “We do an intake with the TFW and then refer them to our volunteer program. TFWs can participate in group sessions if space is available and they are less than 5% of total attendees.”

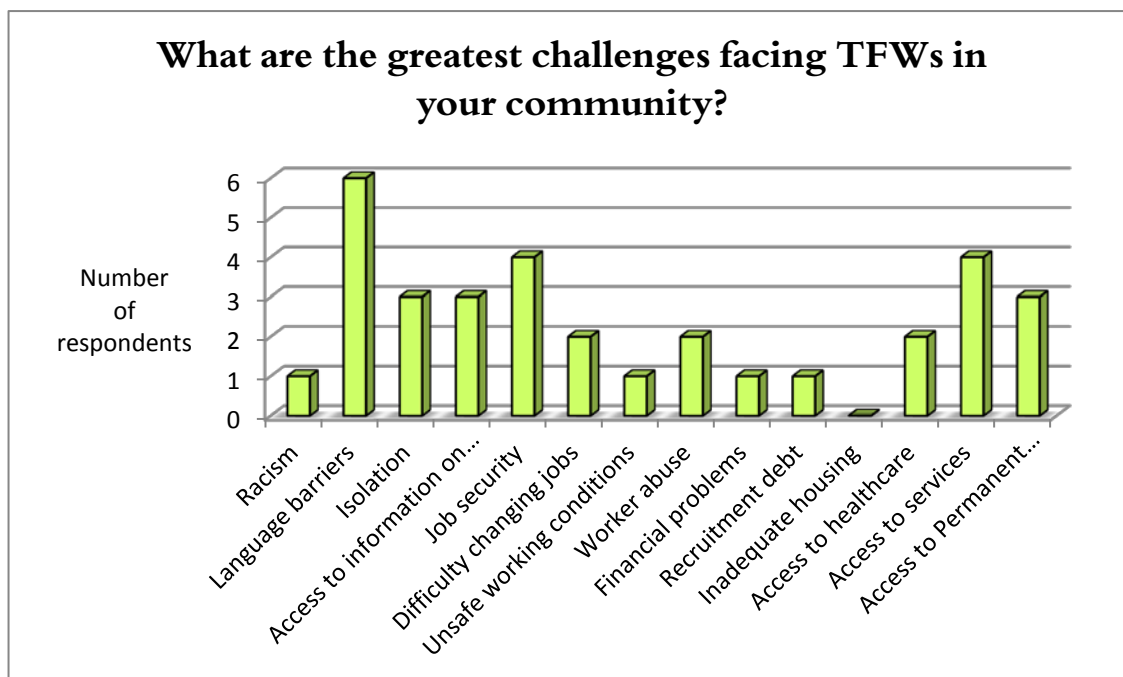
One rural settlement agency respondent provides some services to migrant workers, which they would like to expand to provide English language training as well. This service provision is possible due to municipal funding.

A Winnipeg settlement agency offers migrant workers counselling, settlement support, health orientation and employment services, as well as advocacy with the Workers Compensation Board, using funding from a foundation.

One of the volunteer-run groups serving agricultural migrant workers receives small contributions from a religious organization to do outreach and advocacy. The other respondent is funded for their overall work with newcomers, but relies either partially or entirely on volunteers to work with migrant workers.

The responses received suggest that, in the absence of targeted funding, the existence of services for migrant workers in Manitoba, even the minimal ones described, is dependent on committed organizations and individuals cobbling together some funding from various sources or offering volunteer-run programs.

NGO Perspectives



When asked about the biggest challenges facing TFWs in their community, 100% of respondents identified language barriers, making it by far the most-cited challenge. Four respondents (67%) cited job security and access to services, while about half of the respondents said isolation, access to information, and access to permanent residence were significant challenges.

Language barriers are linked to access to permanent residence and access to services as challenges, since it is difficult for TFWs to attain the language level required by the federal government to be eligible to apply for the Provincial Nominee Program (PNP) without access to language training.

It is interesting to note that despite the progressive worker protection legislation and the active investigations of the Program Integrity Unit, two of the six respondents (both settlement agencies) felt that worker abuse was one of the most significant challenges faced by migrant workers in their community. One of these cited the dependency on the employer for Manitoba PNP sponsorship as a cause for vulnerability to abuse: “TFWs whose rights are being violated are too intimidated by their employer on whose ‘good grace’ they must rely on to apply for nominee status.” She added:

TFWs... need access to all the same settlement services offered to Permanent Residents and their need is generally greater because of the fact that they are so reliant on their employers and therefore vulnerable to abuse. They need a neutral party to advocate on their behalf and ensure that they understand their rights as TFWs and the responsibility that their employer has toward them. We are leaving the settlement of TFWs in the hands of employers or communities who have neither the necessary knowledge nor the wherewithal. These people are living, working and contributing to our economy... they are on the map but off our radar!!

Unmet Needs and Policy Gaps

Given respondent organizations’ difficulty in responding to settlement needs, and the fact that three Winnipeg respondents reported no interaction with TFWs despite Winnipeg being the principal destination for migrant workers in Manitoba, it can be concluded that there is a significant gap in migrant workers’ access to settlement services, including language training in Manitoba. Several respondents cited migrant workers’ lack of access to information as a problem that stems from their lack of access to settlement services.

One rural settlement agency said that information on pathways to permanent residence is lacking, and that migrant workers should receive pre-arrival information about living in Canada so they can make an informed choice about whether they want to settle here after their work permit has expired, and so they understand language requirements for successful applications to permanent residency. She added that since settlement services are not available, migrant workers lack the timely information they need to make informed decisions. Her organization has encountered some TFWs who had no idea that their language level was too low to be accepted as a permanent resident: “extremely disappointing if they have been led to believe that it won’t be a problem”. The community organization working with SAWP workers said that the biggest gaps were language training, healthcare interpretation, and information on work-related rights.

Healthcare

The faith-based organization respondent that works with SAWP workers pointed out that despite the 2013 policy change that permitted SAWP workers to have access to provincial healthcare coverage, in practice there remains a gap. He stated:

After a lobby campaign... the men got access to provincial health benefits. However, we noticed that some of the farms did not bother to obtain/distribute the Manitoba Health cards to the men. We have known men that have not sought medical care for fairly serious conditions fearing they would be repatriated to Mexico.

The community organization working with agricultural workers echoed this concern, saying they had attempted to offer health clinics for SAWP workers but “there is fear among the workers concerning accessing the clinic.”

Access to permanent residence

The Manitoba Provincial Nominee Program (MPNP) is open to TFWs in lower-skilled occupations, as long as they are sponsored by an employer, or by a family member in the province. The cap imposed on the Manitoba PNP by the federal government is 5,000 applicants per year. Those accepted are able to sponsor their immediate family members. It is not clear what percentage of this number is comprised of TFWs in the low-skilled occupations, but industrial butchers and cooks made up two of the top ten occupations of Provincial Nominees in 2014, representing 5.6% of all nominees arriving that year (280).

While Manitoba has been comparatively open to TFWs in the low-skilled stream, one respondent from a rural settlement agency pointed out that the dependence on employer sponsorship can make TFWs vulnerable, saying:

Some employers have taken on the role of assisting the TFW to apply to the Manitoba Provincial Nominee Program and subsequently for permanent residency. This puts the TFW in a very vulnerable position and gives the employer access to information that they would not be privy to in the case of a Canadian employee. The TFW is intimidated and scared to refuse the assistance in case the employer can adversely affect their application... I feel that the employer is in conflict of interest as they should not be the one to assist the TFW with documentation and become their representative on their application for PR!

The same respondent echoed concerns from other provinces over federal language requirements for the PNP, saying:

One of my greatest concerns is that TFWs do not have access to English classes and yet must provide an IELTS [English language test] score to be eligible for the MPNP. To offer classes after they are PRs is like “closing the barn door after the horse has run away”!!!

Recommendations for the province

In each province, challenges and gaps created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the challenges identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Manitoba government should:

1. Provide access to settlement services including language instruction for all migrant workers, regardless of skill level or program
 - a) Provide stable, multi-year funding for provision of settlement services, including language instruction, to migrant workers.
 - b) Advocate with the federal government to expand eligibility for federally funded settlement services to migrant workers in all streams.
 - c) Ensure provision of pre-arrival information to migrant workers coming to Manitoba (in collaboration with the federal government in the case of SAWP workers), to ensure that they are informed about access to permanent residence and its requirements, as well as workers' rights and available services.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories
 - a) As above, provide language training that migrant workers can access despite work schedules, to facilitate their achievement of the MPNP language requirements.
 - b) Open the MPNP to SAWP workers.
 - c) Explore options to mitigate the dependency of workers on employers for permanent residence, through policy options and service provision.
 - d) Advocate with the federal government to create more pathways to permanent residence for migrant workers, and to ultimately expand Canada's economic immigration program to reflect the needs of the Canadian labour market by including workers of all skill levels.
3. Explore options for facilitating healthcare access to SAWP workers:
 - a) Provide information on provincial health coverage to workers.
 - b) Provide information to workers on the supplementary health services available through the private insurance plan they are required to have (provided by their employer).
 - c) Require employers of SAWP workers to ensure that their employees have their provincial health card and are able to avail themselves of healthcare services.

Provincial Summary: Ontario

Executive Summary

Ontario receives the highest number of migrant workers in all of Canada. While the Province funds settlement services for which migrant workers are eligible, these services are not widely available or present in all communities, and many migrant workers do not have access. Union-led and volunteer efforts provide support and services to agricultural workers in some rural areas, and some organizations have found funding to serve migrant workers from non-governmental sources. Survey respondents felt that there is a serious service gap for migrant workers. Migrant workers have no access to permanent residence in Ontario.

Ontario has passed legislation aimed at protecting migrant workers, but has yet to proactively enforce it: enforcement is largely complaints-based at present, and thus ineffective. Ontario is also one of two provinces that restricts the right of agricultural workers to collectively bargain.

Principal recommendations for Ontario are:

1. Provide access to settlement and other services for all migrant workers, regardless of skill level or program.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories.
3. Improve access to basic rights and entitlements.

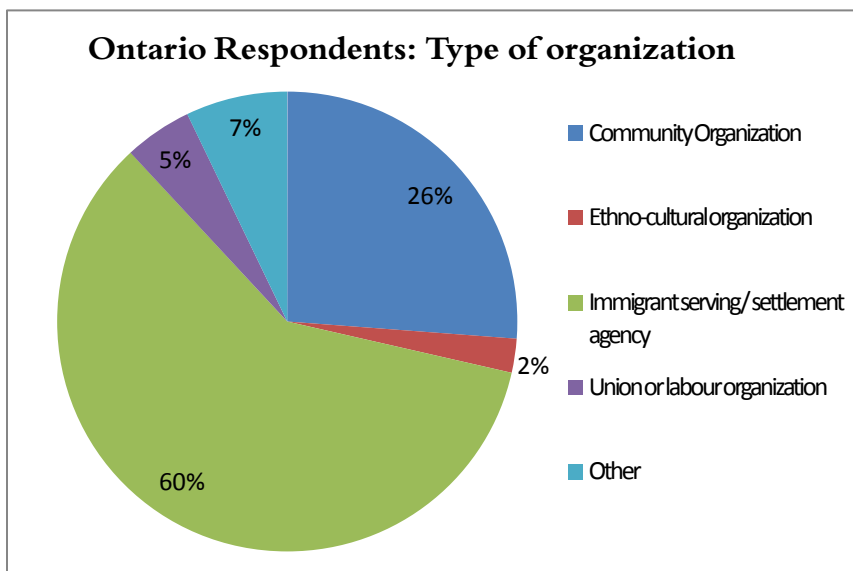
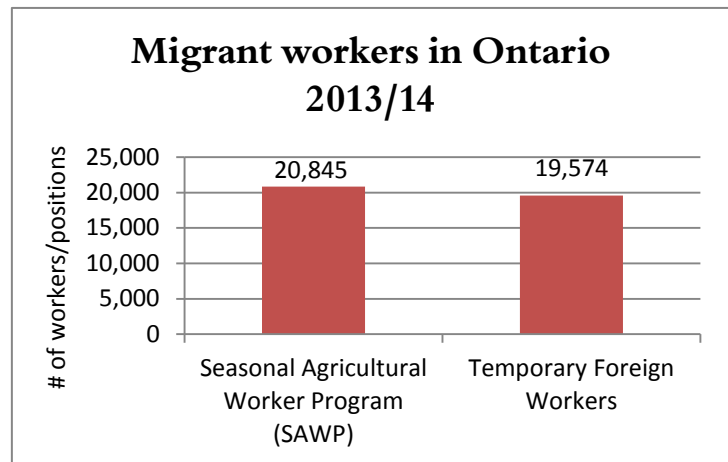
Background

Ontario receives the second highest number of TFWs under the TFWP after Alberta, with 19,574 workers destined to the province in 2014. The province’s use of the SAWP is the highest in the country: 20,845 Seasonal Agricultural Worker positions were filled in Ontario in 2013 (numbers for 2014 are not publicly available). Ontario’s combined use of migrant workers in the two programs is thus the highest of any province.

Survey Respondents

Forty-two (42) unique responses to the survey on access to services for migrant workers were received from Ontario organizations. The majority of respondents (36) reported they are urban, while six reported that they serve a rural area.

Seventeen respondents are located in Toronto, with one of these reporting it is a national organization (as opposed to local). Seven reported they are in the Greater Toronto Area, including Mississauga and Peel. Of the remainder, twelve organizations are located in South and South-Western Ontario (Hamilton, Guelph, London, St. Catharines, Leamington, Niagara, Virgil, Windsor), three organizations are located in Northern Ontario (North Bay, Thunder Bay, Kenora), and three in Eastern Ontario (Belleville, Ottawa).



Twenty-five respondents identified as immigrant-serving/settlement agencies. Eleven identified as community organizations, two union/labour organizations, one ethno-cultural organization, one employment service, one legal clinic, and one identifying as a “refugee agency”.

The majority of respondents reported being aware of migrant workers in their community, or that their organization has provided services to

migrant workers. Four did not know, and two responded ‘no’ to the question. Four others said that TFWs had never interacted with their organization or required services. Of these organizations that were less aware of TFWs, five did not provide further feedback on the survey questions, and the following summary is therefore based on the other 37 respondents. The five respondents without experience of interacting with TFWs include two respondents from Toronto, two from South-Western Ontario and one from Northern Ontario.

Provincial Legislation

Ontario has enacted several different laws in recent years intended to introduce and increase legislative protections for migrant workers. In 2009, the province adopted the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others)* (EPFNA), which prohibits recruiters from charging fees to workers, employers from recouping recruitment costs from workers, and recruiters or employers from holding workers' passports or other personal documents. The *Stronger Workplaces for a Stronger Economy Act*, adopted in 2014, expanded the protections granted to live-in caregivers by the EPFNA to all migrant workers, and introduced anti-reprisal protection for all migrant workers. However the provisions only apply to violations that occurred after November 20, 2015. The Act requires employers to give each worker a copy of the Ministry of Labour Employment Standards poster, which contains information about workers' minimum employment rights, and is available in several different languages. The Act also increased the time limit to file a claim for unpaid wages, and indexed the minimum wage. However, Ontario's *Employment Standards Act* excludes workers in certain occupations and sectors, including agricultural workers, from the basic protection of minimum wage. Significantly, Ontario is also one of only two provinces that puts restrictions on agricultural workers' freedom of association.

Despite the enactment of these two laws, caregivers and other migrant workers are routinely charged thousands of dollars in fees by recruiters. Recruiters and employers also routinely charge migrant workers several hundred dollars for work permit renewals over and above the actual government fee, and illegally pass on to the worker the cost of the Labour Market Impact Assessment (LMIA). The province has yet to vigorously enforce these provisions. Enforcement of the Act is left largely to a complaints-based system which places the onus on the worker. Since many Ontario workers, in particular migrant workers, are vulnerable to threats of job loss and other employer reprisals – despite the enactment of anti-reprisal measures – this complaints-based approach is not effective.

The most recent relevant legislation, the *Ontario Immigration Act* (2015), contains provisions to create a mandatory employer and recruiter registry, and gives power to inspect their premises without a warrant or court order. Such a registry would be an important tool to connect migrant workers with necessary information and support, and to facilitate enforcement of legislation. Implementation of the legislation is in its early stages and its impact is still unknown.

Access to services for Migrant Workers

Migrant workers in Ontario are eligible for services under the provincially-funded Newcomer Settlement Program, and certain other provincially-funded resources such as self-service employment centres (online information and resources, information sessions, job bank). However, provincial settlement funding, while comprehensive, is limited and these services are not present in all communities and are not as widely available as federally-funded settlement services, for which SAWP workers and most TFWs are not eligible. Organizations must use the limited resources provided by the province to serve a broad range of residents who do not meet federal eligibility criteria, including refugee claimants and those without immigration status, as well as migrant workers.

Until recently migrant workers could access federally-funded settlement services delivered at sites hosted by public institutions such as school boards and libraries since service data reporting at these sites was not tied to immigration status. However, reporting requirements were recently changed, leading to migrant workers, with the exception of Caregivers, being unable to access these.

Agricultural migrant workers in certain regions can access union-funded support centres (of which there are three), and some migrant workers can access support provided by volunteer-run, grassroots groups.

Survey responses

Six respondents reported providing specific services for migrant workers: two settlement agencies, two volunteer-run community groups, and two union-funded worker support centres. These organizations offer a variety of services including employment, counselling, training and information on rights and entitlements, help with paperwork, volunteer-led language training, legal and medical support, transportation, and community events. The union-run worker support centres and the community groups are located in rural areas, offering some of the only support services that exist for migrant agricultural workers.

Twenty-seven respondents reported they serve TFWs in the context of their overall work. Six of these serve only caregivers. Sixteen others offer a variety of settlement services such as information and orientation, employment services, and help to renew work permits and to fill out forms (often either unfunded or with provincial funding). Some receive federal funding to serve caregivers, but wouldn't turn away other migrant workers. One only serves clients from a particular source country. Five offer more specialized services such as legal support and legal information, access to health clinics, sexual health workshops, and information and help with access to labour rights.

Seven respondents reported they do outreach to TFWs to make them aware of services and ten reported they respond to crisis situations for migrant workers.

Three respondents did not answer the question, and two said they do not serve any migrant workers.

Funding

More than half of all respondents (21) are funded for services that are not migrant worker-specific, but can be accessed by migrant workers. These services include health education, prevention and support; employment services; legal services; women's group; education programs; and settlement services. The services are funded primarily by the provincial government, and in a few cases through a small grant from a private foundation.

Nine respondents reported that they receive funding specifically to provide services to TFWs. Of these, four were referring to federal government funding to provide services to Caregivers only. Two are union-funded support centres for agricultural workers. Another was funded by the municipality to organize a community event. One is funded to serve all TFWs from a particular country of origin (it should be noted however that the majority of TFWs from this country are in the high-skilled International Mobility Program). One does not currently receive funding but reported having received significant grants in the past to provide legal support.

Four respondents said they do not receive any funding to provide services for migrant workers, yet each of these provide some services to migrant workers, on a volunteer basis.

Innovative solutions

Some respondents had suggestions for mitigating the challenges faced by migrant workers, and some are already implementing innovative solutions in the face of service gaps.

One organization has created an online community as a vehicle to connect with Live-in Caregivers and to create a social community. This organization has also developed evening and weekend programs since these are the only times they can be accessed by the workers. Another highlighted the importance of making linkages with grassroots groups so that migrant workers receive referrals for information and services on workers' rights and human rights matters.

One of the union-run centres serving agricultural workers has developed a partnership with students at a nearby university to provide free language classes to the workers.

One urban settlement agency secured funding from a foundation in order to be able to provide settlement services to newcomers regardless of their immigration status, thus allowing them to serve migrant workers.

NGO Perspectives

Significantly, when asked about the biggest challenges facing migrant workers in their community, barriers to accessing services was the most frequently cited concern by respondents (70%). Language barriers (65%) and lack of access to permanent resident status (62%) were the next two highest cited concerns. The table below shows the range of responses.

Challenge	# of respondents	% of respondents
Barriers to accessing services	26	70%
Language barriers	24	65%
Lack of access to permanent residence	23	62%
Isolation	22	60%
Lack of access to information on rights	21	57%
Access to healthcare	21	57%
Difficulty changing jobs	19	51%
Lack of job security	18	49%
Violation of workers' rights	16	43%
Financial problems	14	38%
Unsafe working conditions	13	35%
Unsafe/inadequate housing	12	35%
Racism	12	35%
Recruitment fee debt	5	14%

More than half the respondents identified isolation and lack of access to information about rights as challenges. The fact that these two challenges are prominent even in large urban centres (the majority of respondents) shows that more work must be done in all regions to connect migrant workers with information and services and reduce their isolation. Abuse and violation of rights was cited by several respondents as a concern.

One respondent from a GTA employment services organization stated:

“Many TFWs are unaware of their rights as employees and the Employment Standards Act; most of them are exposed to being abused by their landlords and finding adequate housing [is a challenge], and all of them face dramatic challenges finding meaningful employment.”

A grassroots community group in South Western Ontario said: “They have NO legal protection and their employment will be terminated if any violations of their rights or safety are reported.”

One respondent commented that clients preferred not to reveal their status in Canada, and mainly had questions about workplace rights. One respondent said, “We have temporary foreign workers who come to us seeking help with employment issues such as not being paid or being paid incorrectly. They also come to us with human rights issues.”

The recent change (mentioned above) that requires organizations that deliver federally-funded settlement services at off-site locations such as schools and public libraries to collect and report client immigration status has resulted in dismay, since the services offered at their sites are meant to be universally accessible.

A Toronto settlement agency was unequivocal about the role NGOs should play in serving migrant workers: “TFWs need social and healthcare services. They need to be supported by NGOs and settlement service providers to support their precarious conditions.”

The respondent from a rural labour-run support centre echoed this, stating: “I believe [it] is crucial that community organizations get the funding from Provincial and Federal governments so we can continue to provide services to vulnerable workers such as the migrant workers and TFWs.”

Unmet Needs and Policy Gaps

Several respondents mentioned service eligibility as a significant gap, and noted that all migrant workers need access to federally-funded settlement services. Some respondents pointed out that while Caregivers are eligible for settlement services, they do not have access to federally-funded language training classes. The need for free language training for all migrant workers, offered at times and locations that are accessible was identified by several respondents. One respondent noted that even if TFWs can access basic information, they cannot be referred to services since eligibility is a barrier.

Although some organizations may provide minimal services to migrant workers with provincial or other funding (or without any funding to do so), concern was raised by a Toronto settlement agency respondent about how migrant workers may be overlooked: “As these clients are ineligible by CIC, they are not staff priority to serve and as such this could impede services and resource access that would assist them in their settlement process.”

A Toronto community organization elaborated on perceived gaps in service provision:

Many TFWs are not eligible [for] services, yet they are in need of them. Services such as job search support, language skills upgrading, mentoring and community connections are just a few examples. Many of the TFWs then settle in Canada and receive permanent status, yet cannot access services at the beginning... when they need them most.

At least two respondents commented on the great need for migrant worker-specific legal services that would include legal information on rights and support for individual advocacy. Other respondents identified the need

for basic information about housing, healthcare, employment and available services, need for employment services and for better education among frontline workers about the services available to migrant workers.

More information and awareness about the challenges faced within the migrant workers community and resources available to support them are needed within organizations that do not traditionally serve migrant workers. This will ensure proper referrals when needed.

The long wait for permanent residence faced by Caregivers, and the high language requirements were also identified as problematic policy issues. One respondent commented that there should be a ‘safety net’ for migrant workers in jobs that need a Labour Market Impact Assessment (LMIA) who are laid-off, given the difficulties that many face, particularly those that have dependent family in Canada.

The lack of labour mobility for SAWP workers was highlighted by an urban settlement agency respondent: “TFWs in the Seasonal Agricultural Workers Program (SAWP) are not able to find employment elsewhere even if they have experienced abuse in the workplace.”

An urban legal clinic respondent highlighted the uncertainty faced by injured migrant workers, the short-term implications for their continued residence in Canada and long-term consequences for their ability to return.

We are very concerned about TFWs who become injured in their job. Our experience is that their employers terminate them fairly soon after an injury and, in some way cause their deportation (either through termination without a new employer or through employer repatriation in the case of the SAWP). Workers with serious or permanent injuries are then deported to a life of poverty, injury inhibiting their employment prospects and high medical bills because of their labour in Canada. For SAWP workers, once injured (even if only temporarily)... our experience is that they are banned from ever participating in the program again by their home governments.

A grassroots community group was clear about what the government should do to address the issues:

Government needs to recognize and acknowledge that we have indentured workers in Canada and not only address these systemic issues but also provide funding to assist all community services to make their services available to this population.

Access to permanent residence

As mentioned above, 62% of survey respondents cited access to permanent residence as one of the biggest challenges facing migrant workers. Several noted that this barrier makes migrant workers vulnerable to abuse. Some stated that they would ideally wish to be funded to offer migrant workers support in accessing permanent residence. At the federal level, migrant workers in the TFWP and SAWP are not entitled to access permanent residence, with the exception of Caregivers. Provincial Nominee Programs are the one mechanism the provinces have to select newcomers themselves, and in some provinces migrant workers are eligible to apply.

The Ontario Immigrant Nominee Program (ONIP) is targeted to workers in managerial, professional or skilled trade occupations, international students with a job offer and International Masters and PhD graduates, and is closed to migrant workers in the lower-skilled streams, leaving them with no pathway to permanent residence.

Recommendations for the province

In each province, challenges and gaps created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the issues identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Ontario government should:

1. Provide access to services for all migrant workers, regardless of skill level or program
 - a) Increase the resources allocated to the Newcomer Settlement Program to improve access to settlement services for migrant workers, including language training.
 - b) Provide all migrant workers with access to employment services beyond the self-service employment resource centres and including individual employment counselling, training programs and employment mentorship and placement. This access is especially important for TFWs who were laid off of the job for which they have an LMIA.
 - c) Require employers of SAWP workers to ensure their employees have their provincial health card and are able to avail themselves of healthcare services.
 - d) Explore opportunities to provide pre-arrival information to migrant workers on rights, services and entitlements.
 - e) Advocate to the federal government to expand eligibility for federally-funded settlement and language instruction for all migrant workers.
2. Improve permanent residence outcomes for migrant workers in the low-skilled categories
 - a) Open ONIP to workers of all skill levels, giving low-skilled migrant workers in the TFWP and SAWP a pathway to permanent residence.
 - b) Make free language training classes available to migrant workers to meet language requirements for permanent residence.
 - c) Advocate with the federal government to create more pathways to permanent residence for migrant workers, and to ultimately expand Canada's economic immigration program to reflect the needs of the Canadian labour market by including workers of all skill levels.
3. Improve access to basic rights and entitlements
 - a) Establish the mandatory TFW employer and recruiter registry together with a financial bond, as has been done in Manitoba and Saskatchewan.
 - b) Undertake periodic inspection of workplaces that employ migrant workers.
 - c) Implement a TFW helpline and a TFW Advisory office as has been done in Alberta, to help support and protect the rights of migrant workers.
 - d) Prohibit the WSIB from applying the practice of 'deeming' with respect to migrant workers.

Provincial Summary: Quebec

Executive Summary

The majority of migrant workers in Quebec are employed in agriculture, and are therefore located in rural, isolated areas. The needs of migrant workers have gone completely unaddressed in this province: no legislation has been passed to address their vulnerability and enhance protections for them, and they are not eligible for any support or settlement services funded by the provincial government. Quebec is also one of two provinces that restrict the rights of agricultural workers to collectively bargain. The only dedicated support for migrant workers comes from volunteer-led initiatives who are stretched thin, and a labour-funded support centre for agricultural workers. Migrant workers are ineligible for permanent residence in Quebec.

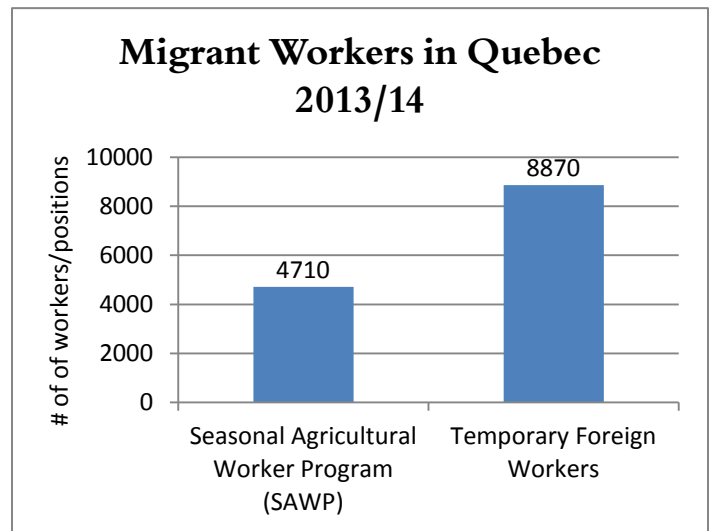
Feedback from organizations indicated frustration among service providers at not being funded to serve this population, and a recognition that they are a vulnerable group in need of support.

Principal recommendations for Quebec are:

1. Fund non-governmental organizations to provide settlement services to all migrant workers
2. Introduce legislation such as that adopted in Manitoba and Saskatchewan to improve protections for migrant workers
3. Improve permanent residence outcomes for migrant workers, thereby reducing their vulnerability, and acknowledging the need for newcomers of all skill levels in the Quebec labour market
4. Improve access to healthcare by providing provincial health coverage for all migrant workers for the duration of their contract, removing the minimum of 6-months for contract duration.

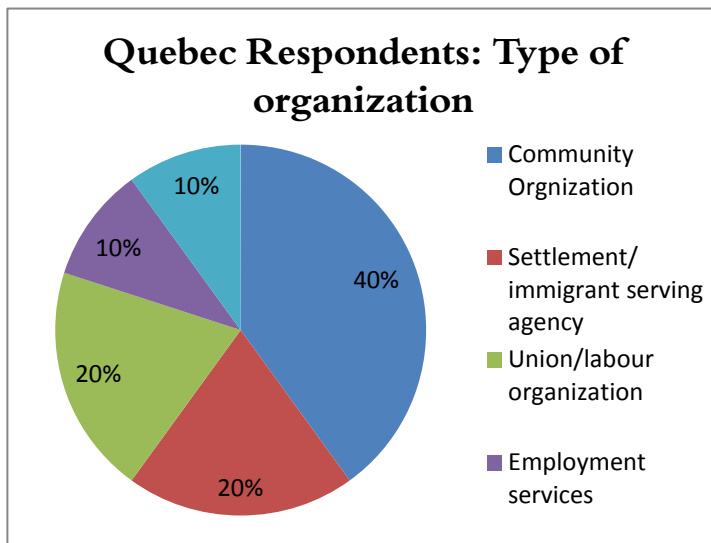
Background

Between 2004 and 2014, the number of Temporary Foreign Workers (TFWs) in Quebec in low-skill/low-wage jobs almost doubled, from 4,627 to 8,870. In addition, thousands of workers are brought in yearly as part of the Seasonal Agricultural Worker Program (SAWP), with 4710 positions filled in 2013 (numbers for 2014 are not public). The majority of low-skilled migrant workers in Quebec are brought for agricultural work – all those in the SAWP, as well as just over 5,000 of the workers brought as part of the agricultural stream of the TFWP. The others work in a variety of domains including caregiving, meat-packing, hospitality and food service.



Survey Respondents

Only thirteen survey responses to the survey on access to services for migrant workers were received from Quebec organizations. This may reflect the fact that few immigrant-serving organizations are aware of or connected with the issues of migrant workers, perhaps because so many of the workers are located in rural and isolated areas. It could also reflect the fact that in Quebec migrant workers are not eligible for newcomer settlement services, and therefore organizations may not have seen the relevance of the survey.



Three of the responses are not relevant to the study, either because the respondent misunderstood the population being addressed and answered regarding a separate group of newcomers, or because the organization is unaware of TFWs in their community, as these workers have not interacted with the organization. These three responses were excluded from the analysis, and thus only ten of the responses received were used to gather more detailed information on access to services for migrant workers in Quebec.

Of the ten relevant responses, four respondents identified as community organizations, two as union or labour organizations, two settlement organizations, one employment services organization and one health clinic. Seven of the respondents operate in or from Montreal, with one of the remaining organizations located in a Montreal suburb, and two located in other towns. Seven respondents reported that they serve an urban area, two serve rural areas, and one serves both rural and urban areas by operating out of Montreal but visiting farms where migrant workers work.

The profiles of the ten organizations whose responses we used are as follows:

Focus on newcomers

- Community organization with a newcomer settlement program
- 2 community organizations dedicated to newcomer settlement

Focus on newcomer workers

- Volunteer-run ethno-cultural women's organization assisting caregivers and other migrant workers
- Workers' centre assisting immigrant and migrant workers, with focus on supporting workers to organize themselves (no government funding)
- Volunteer-run association of Temporary Foreign Workers
- Union-funded support centre for agricultural migrant workers

Focus on workers

- Community organization focused on rights of non-unionized workers
- Employment services centre

Healthcare

- Health clinic for people without access to public healthcare

Provincial Legislation

Unlike some other provinces, Quebec has no legislation to improve the protection of migrant workers' rights. Quebec is one of only two provinces to put restrictions on the rights of agricultural workers' freedom of association. After a 10-year struggle that saw farm workers win the right to unionize in 2010, in October 2014 Bill 8 came into force, again restricting the rights of seasonal agricultural workers to unionize, and thereby affecting many migrant workers.

Access to services for Migrant Workers

All settlement services in Quebec are managed and funded by the Quebec government, according to the terms of the 1991 Canada-Quebec Accord.

Migrant workers in the low-skilled streams are not eligible for any support or settlement services funded by the provincial government. Live-in caregivers in Montreal have access to information, referral services and language instruction. TFWs who have been selected by the province to apply for permanent residence can access services. However, only workers in the high-skilled/high-wage International Mobility Program are eligible for a *Certificat de sélection du Québec* (Quebec Selection Certificate) and thus for permanent residence.

Although under the terms of the Canada-Quebec Accord, the federal government transfers to Quebec each year hundreds of millions of dollars for integration services, only a small portion is allocated to the non-governmental organizations that specialize in newcomer settlement. Much of the funds is distributed to other ministries for healthcare, education and other services. As a result, Quebec settlement service providing organizations are chronically underfunded. There are also particular current challenges increasing financial precarity, related to difficulties around communication with the Ministry, and the government's austerity agenda.

The only dedicated services for migrant workers in the province are either services funded by labour unions, or unfunded or precariously funded, mostly volunteer-run initiatives.

Survey Responses

The ten survey responses were split evenly between, on the one hand, volunteer-run or labour-funded organizations with some specialization working with migrant workers, and on the other hand, organizations that provide services to newcomers. In general, where the latter respondents were aware of migrant workers and the issues they face, it was because these workers had approached their organizations looking for help, or because they had heard stories about them. Some of these respondents reported that despite not being funded to serve migrant workers, they provide some basic information and referrals.

The survey responses showed that for the most part, where comprehensive services are provided to migrant workers in Quebec, they are provided either by union-funded community organizations or by volunteer-led grassroots groups. Despite having few resources, these organizations try to fill the gaps resulting from the absence of funded services.

One labour-funded community organization provides information and training on labour rights for non-unionized workers including migrant workers, while the union-run support centre offers services to migrant agricultural workers including training in labour rights and health and safety, individual advocacy in cases of abuse, help with paperwork for benefits and entitlements claims, and help with accessing healthcare.

The three mostly volunteer-run initiatives are comprised of two entirely volunteer-run groups, and one organization with limited and precarious funding. These grassroots groups provide a variety of support services including information and training on workplace and legal rights, referrals, help accessing healthcare, assistance with paperwork, accompaniment, emergency accommodation, and group support. These services are flexible in order to accommodate workers' schedules. One also focuses on developing leadership and supporting the self-organization of migrant workers.

Funding

Funding is the key barrier to service provision for the vast majority of migrant workers in Quebec. Settlement organizations that could potentially help migrant workers are not funded to assist them, and complain that even the funding they receive to support other newcomers is precarious. To describe this situation, one of the organizations from outside Montreal said:

Local organizations don't know what to do about any category of immigrant. We're in a remote region and our organization is the only one able to properly serve (as far as our resources permit) immigrant communities.⁵

In response to a question about expanding services for TFWs, another organization said: "Despite the growing need, it's impossible for us to expand our services because of the lack of resources. For three years now we have had to limit the services we could offer." This respondent asserted that, rather than the current situation of exclusion, "(TFWs) should have access to the full range of services offered to permanent residents and these services should be funded by MIDI [provincial ministry of immigration]."

⁵ Quotations are translated from the French.

Frustration at the limitations of the eligibility criteria of government funding was clearly expressed by another respondent, who declared: “We don’t know what to do, there are only questions without any answers. The government of Quebec tells us DON’T TOUCH THAT POPULATION.”

NGO Perspectives

Respondents had a lot to say about the situation of TFWs in Quebec, and about the gaps in services and lack of government funding. Unlike in other provinces where respondents underlined particular gaps within the services offered, Quebec responses lacked this nuance since there are *no* funded services offered for TFWs in the low-skilled categories. One respondent said: “There’s nothing for them. As long as they don’t have any information, everything goes well for the employers...”

Another stated:

Very few resources are provided specifically for their support. In fact, funding to develop specific programs is totally absent. On top of that, the groups that are helping them are already barely surviving and not all community workers are even aware of TFWs’ existence.

The point of view that services for migrant workers need to be funded was resounding. One respondent stated unequivocally: “It is necessary and urgent that these services be funded... (Employers) are increasingly turning to this labour force but the supports for the workers are really inadequate.”

And yet, among the community and settlement organizations that provide some basic services despite not being funded to serve migrant workers, there was a sense of very limited capacity and even not having the right to work with migrant workers. One stated: “We’re not allowed to, but on a case-by-case basis we’ll take the time to listen and make a referral (if possible).”

Another said:

Our organization is open to them, but with caution. We don’t want to set a precedent or send the message of “free services” that ultimately we won’t be able to offer because our funding doesn’t include that group. It’s terrible! These people need services...

Fear and abuse

More than one respondent cited fear and abuse among principal concerns for migrant workers in their few interactions with organizations for whose services they are ineligible. One said: “low-skilled Temporary Foreign Workers are often isolated and experience a lot of exploitation”, while another pointed out that due to isolation, it is difficult to access the workers and ascertain their situation, saying “we do not have resources to visit the places we receive complaints from and those are only the tip of the iceberg”.

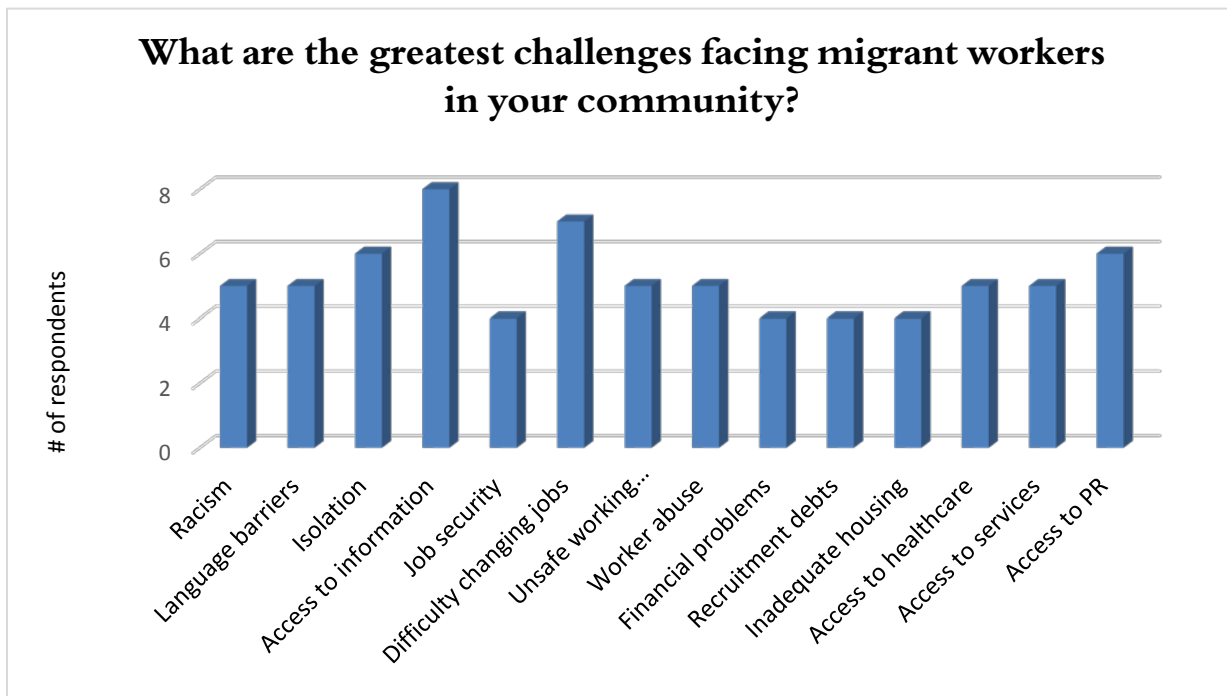
Another respondent painted a particularly bleak picture of the situation of migrant workers in Quebec, saying:

“These people are modern-day slaves, with no rights, receiving no respect, intimidated because of their status, and neglected by their employers and the community, it’s appalling!”

One of the organizations outside Montreal commented that while they occasionally see TFWs, they do not act on stories they hear for fear of reprisals against workers:

We don't meet with seasonal workers but we have heard several horror stories... we plug our ears deliberately... for fear of reprisals against them.

Among survey respondents, the most often cited perceived challenge faced by TFWs in Quebec is access to information on their rights (80%), followed by difficulty changing jobs (70%) and isolation (60%). It should be noted however, that since some respondents have little contact with TFWs, many of the challenges may not be fully understood.



Unmet Needs and Policy Gaps

In the absence of any provincial support for organizations to serve TFWs, volunteer-run and other community organizations try and fill the gaps. Respondents who offer government-funded services to other newcomers tended to feel frustrated at the lack of capacity to help this population, and underlined the urgent need.

One Montreal community organization described their support of TFWs facing abuse in this way:

Employers often don't fulfill their commitments or respect the conditions stipulated in the contracts they sign (salary, working conditions, dismissal before the end of the contract, etc.). We support the workers with what little resources we have, given that no one funds us to serve them.

When asked what services they would ideally offer to migrant workers, the five newcomer serving organizations were clear that they would like migrant workers to be eligible for the entire range of services they offer, among them: information and referrals, settlement and employment services, and language instruction.

Access to permanent residence

Access to permanent residence was cited by 60% of survey respondents as one of the biggest challenges faced by migrant workers in Quebec. The only pathway to permanent residence for workers with temporary work permits is the Quebec Experience Class, the province's version of the Canadian Experience Class. As with its federal counterpart, this program is only open to workers in the high-skilled/high-wage International Mobility Program, and workers in the low-skilled TFWP and SAWP do not have access to permanent residence.

Recommendations for the province

In each province, challenges and gaps for migrant workers created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the issues identified by survey respondents, and are further developed by authors who draw on their knowledge regarding dynamics of the TFWP and SAWP at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Quebec government should:

1. Fund non-governmental organizations to provide settlement services to all migrant workers
 - a) Expand eligibility criteria for its provincially-funded settlement services, including language instruction, to migrant workers in the TFWP and SAWP.
 - b) Provide stable, multi-year funding for settlement services to newcomers including migrant workers.
2. Introduce legislation such as Manitoba's WRAPA and Saskatchewan's FWRISA to improve protections for migrant workers
 - a) Implement a TFW helpline and a TFW Advisory office as has been done in Alberta, to help support and protect the rights of TFWs, reaching out especially to workers in isolated locations.
3. Improve permanent residence outcomes for migrant workers, thereby reducing their vulnerability, and acknowledging the need for newcomers of all skill levels in the Quebec labour market
 - a) Open the Quebec Experience Class to all migrant workers, regardless of skill level.
 - b) Expand Quebec's economic immigration selection to reflect the needs of the province's labour market by including workers of *all* skill levels.
4. Improve access to healthcare for TFWs by providing provincial health coverage for all migrant workers for the duration of their contract, removing the minimum of 6-months for contract duration.

Provincial Summary: Atlantic Provinces

Executive Summary

Use of migrant workers, by way of Temporary Foreign Worker Program (TFWP) and the Seasonal Agricultural Worker Program (SAWP) has more than doubled in the Atlantic Provinces in the last decade. Access to services, protections for migrant workers and access to permanent residence varies across the region.

New Brunswick passed legislation to address migrant worker vulnerability in 2013, and TFWs who meet the criteria can access the Provincial Nominee Program. The Province funds settlement services that migrant workers can access; however, access in urban areas is a challenge because of the way these funds are distributed.

Nova Scotia passed legislation to address migrant workers' vulnerability in 2011. TFWs who meet the eligibility criteria for the Provincial Nominee Program can apply to become permanent residents. The province provides funding for the largest settlement organization in Nova Scotia to run a migrant worker program, which offers support and information on TFW rights and responsibilities. Access remains a challenge for workers in isolated areas. Migrant workers do not have access to the range of settlement services.

Prince Edward Island has not passed any legislation to protect migrant workers. TFWs can access the Provincial Nominee Program if they meet the criteria. The province funds one settlement worker to provide services to migrant workers. Language instruction is not funded, and access for isolated workers is a challenge.

Newfoundland and Labrador has not passed any legislation to improve protections for migrant workers. TFWs have access to the Provincial Nominee Program if they meet certain criteria, but migrant workers do not have access to provincially funded settlement services. (Provincial Nominees have access to language instruction.)

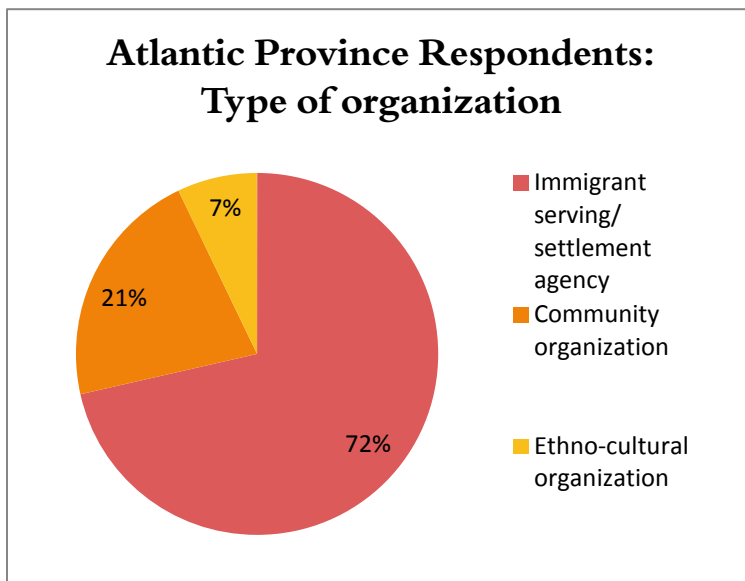
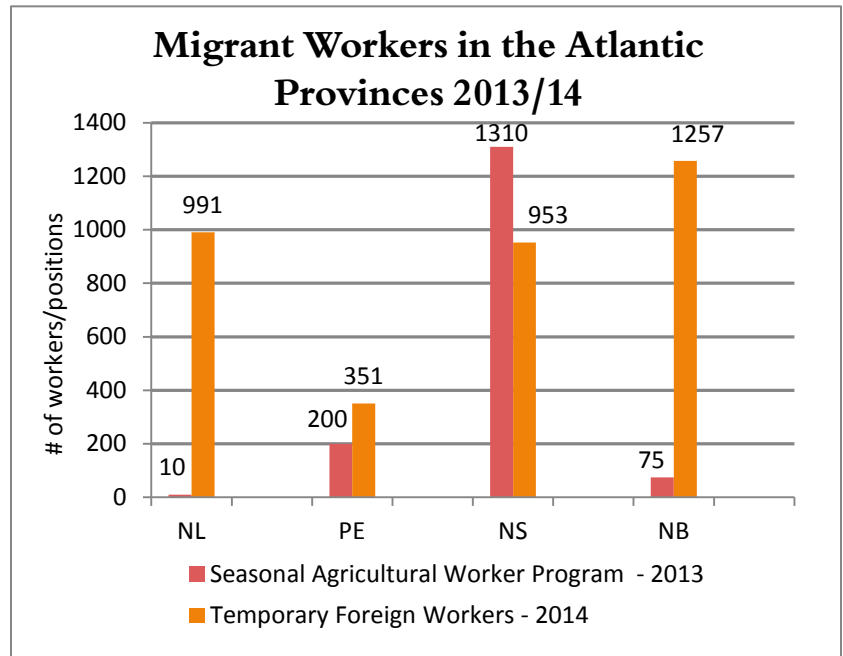
In some provinces, respondents reported service providers finding alternate funding sources or using volunteers to provide services not covered by the province, such as language instruction.

Principal recommendations for the Atlantic Provinces are:

1. Fund non-governmental organizations to provide settlement services to all migrant workers, regardless of skill level or program.
2. Improve protections for migrant workers.
3. Improve permanent residence outcomes for migrant workers.

Background

The four Atlantic Provinces hosted a combined total of 3,552 low-skilled workers in the Temporary Foreign Worker Program (TFWP) in 2014, down significantly from 4,105 the previous year. In 2013, 1,595 Seasonal Agricultural Worker Program (SAWP) positions were filled (numbers for 2014 are not publicly available). These numbers represent a large increase over previous years. Use of the TFWP between 2004 and 2014 increased by 254% in the region. The Atlantic Provinces use TFWs especially in fish and seafood processing plants, the service and hospitality industries, and as truck drivers.



For the Atlantic region, 15 NGOs completed the survey on the NGO role in providing services to TFWs. Out of the 14 relevant responses we received, eight were from New Brunswick, two from Nova Scotia, two from Prince Edward Island, and two from Newfoundland and Labrador. Of these, ten identified as immigrant-serving/settlement agencies, three as community organizations, and one as an ethno-cultural organization. Ten reported serving in an urban area, while four said they served in rural areas. All respondents were aware of migrant workers in their community, and all but one said migrant workers had interacted with their organizations seeking services.

Provincial Legislation

Neither Prince Edward Island nor Newfoundland and Labrador have introduced any legislation with the objective of protecting migrant workers' rights.

In 2011 Nova Scotia amended its provincial Labour Standards Code, passing the Worker Recruitment and Protection Act (WRPA), which made it illegal to charge recruitment fees to workers or to confiscate their personal documents. The Act also requires employers to honour the terms and conditions promised at the time of recruitment. A licensing regime for recruiters and a registration regime for employers were implemented in spring 2013.

In 2013 New Brunswick introduced amendments to the province's Employment Standards Act, creating an employer registry and adding provisions to ensure employers only recover allowable recruitment and transportation costs from foreign workers. It clarifies legal practices with respect to foreign worker housing arrangements and the holding of personal documents such as passports and work permits.

Access to services for Migrant Workers

The service provision landscape for migrant workers varies from one Atlantic province to the next, but across the region organizations agreed that access to service is a problem, to differing degrees.

In **New Brunswick**, migrant workers are eligible for all provincially funded settlement services. However, this plays out unequally between rural and urban areas. At rural settlement agencies and other service providers, provincial funding supports a significant portion of service delivery, and respondents reported that migrant workers are able to access all services provided by the organization. Three rural organizations reported that they offer provincially funded services to migrant workers, including help with paperwork and navigating the system, help applying for permanent residence, language training, and job counselling. They also include migrant workers in their social programming to help mitigate the isolation they experience.

In contrast, the larger service providers in urban areas tend to be mainly IRCC-funded, and provincial funding is just for "additional" services such as extra language classes, limiting migrant workers' access. Provincially-funded settlement services including employment services, information and referral, and language training were provided to TFWs (along with international students) at two of the large urban settlement agencies from 2011 to 2014, but in 2014 this support was eliminated. In 2015 provincial support for language training was reinstated for one of these organizations, but broader settlement services were not reinstated. At the other organization, the only provincially funded activity migrant workers can still access are language classes if space is available after permanent residents have registered (migrant workers are a lower priority). The result according to survey respondents is that many migrant workers in the province are under-served. An urban, entirely volunteer-staffed ethno-cultural organization reported working hard to fill service and advocacy gaps for migrant workers facing difficulties, helping them with paperwork, and informing them of their rights.

For **Nova Scotia** we received responses from two organizations. One of these is only funded to provide services to TFWs who have access to permanent residence (limiting access to mostly high-skilled workers), while the other – the largest settlement agency in the province – receives provincial funding as of 2012 to provide settlement services to migrant workers, with the exception of language instruction. These services are offered in Halifax and across the province through a mobile settlement worker, although access in rural areas

and for workers at isolated workplaces is an issue. This respondent reported that migrant workers make up between 40 and 60% of their yearly clientele, indicating that where there is access, uptake levels are high.

In **Prince Edward Island** the two responses came from the major settlement agency on the Island and a community organization, both based in Charlottetown. The province has provided funding for the settlement agency to pay for one full-time settlement worker to work specifically with migrant workers and international students since 2013. They report that 40–60% of their yearly clientele is composed of migrant workers, indicating high uptake since the services have been offered. The services offered to migrant workers include assistance navigating the system, help with paperwork, referrals, information on rights, individual counselling, interpretation and advocacy. Language training is not funded by the province, but the agency has worked to offer volunteer language tutoring for migrant workers who are not eligible for funded training. The organization is based in Charlottetown, but also offers services in the west of the island. Still, access is an issue for many migrant workers who cannot get to either of these two locations. The community organization has also received provincial government funding from the women’s secretariat to help with outreach, education, accompaniment and advocacy for migrant workers, although they don’t offer settlement services or language training.

The two responses received from **Newfoundland and Labrador** were from organizations in St. John’s. One is the principal settlement agency in the capital, the other is a community organization focused on newcomers. The provincial government does not provide settlement support for migrant workers. One small exception is that TFWs who have been nominated for the Provincial Nominee Program (PNP) and are awaiting confirmation of Permanent Residence are able to access provincially funded language training. The community respondent reported receiving no funding to serve migrant workers, yet their small, mostly volunteer team offers orientation, does outreach and responds to crisis situations for those who approach them.

Funding

When asked whether they receive funding to serve migrant workers, either for a specific program for migrant workers or in the context of their overall work, nine of the fourteen organizations said yes. Since caregivers are entitled to IRCC-funded language classes, some organizations reported providing this service to that specific group. Five organizations said they received no funding to provide services (with one of these providing services on a volunteer-basis), but some said they provide basic information and referrals nonetheless, to avoid turning away people in need.

The Nova Scotia respondents reported being concerned about capacity to sustain service provision since provincial funding is granted on a year by year basis, and is therefore perceived as unstable. One respondent said, “(TFWs) are an invisible group and as the funding we receive is specifically for TFWs, it would be very easy to eliminate this funding.” The settlement agency reported that the migrant workers they serve benefit from all their services, and that they do their best to meet needs, but that for migrant workers, eligibility issues (for IRCC-funded services) remain a significant challenge.

Both PEI respondents reported being concerned about their capacity to continue to provide services to migrant workers. Since both receive one-year funding (albeit from different sources) they reported feeling unsure that funding would continue. They both felt migrant workers benefited from all the services they are able to offer.

While neither respondent from Newfoundland & Labrador receives funding to provide settlement services to migrant workers (with the small exception of English language training for Provincial Nominees), and the

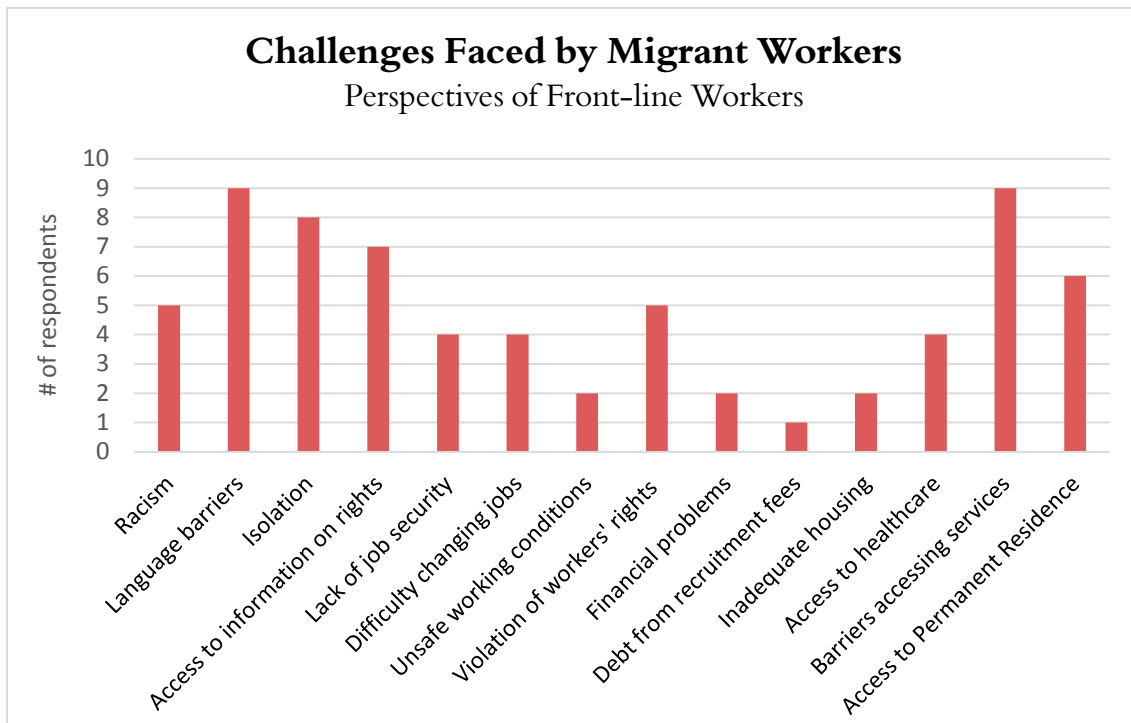
community organization responds to TFW needs only on a volunteer basis, they would both like to expand services for migrant workers. The settlement agency respondent stated they “would like to serve this group and are seeking funding options.”

In those provinces where provincial funding is provided for settlement services for migrant workers, it is seen as an important opportunity on which organizations rely, or that they hope to secure. A New Brunswick ethno-cultural organization that provides considerable support to migrant workers on a volunteer basis is keen to secure provincial funding to help them enhance services. One of the New Brunswick agencies that was unfunded for services to migrant workers in 2014 said the funding was reinstated in response to the organization’s advocacy as they actively raised concerns about the impacts on clients that defunding had caused.

Many respondents show creativity and resourcefulness in filling funding gaps to provide services to migrant workers who need them, but stable funding would allow their work to be sustainable, and for migrant workers to have more of their needs met. At the same time as the province is seen as the most likely option to fund services for migrant workers, several respondents felt it was the federal government’s ultimate responsibility to expand eligibility for settlement services to migrant workers.

NGO Perspectives

According to service providers surveyed, the main reason migrant workers interact with service providers in the Atlantic region is to obtain information and assistance navigating the system, and to access language training. According to respondents, the four types of support most sought are support related to status and work permits (86%), information about immigrating to Canada (86%), employment services (71%), and language classes (71%).



Service providers were asked for their perspectives on the greatest challenges faced by migrant workers in their community. Significantly, access to services and language barriers were the two most-cited challenges (64%). Isolation was cited by 57% of respondents, and access to information on rights by 50%. Other key concerns were access to permanent residence, racism, and violation of workers' rights. Generally organizations indicated that migrant workers face multiple challenges.

Many Atlantic region respondents expressed concern for the vulnerable situation migrant workers find themselves in as a result of the barriers they face. Four mentioned their lack of access to services as a key factor in making them vulnerable and exacerbating their isolation. Two were concerned about migrant workers' fear to speak out when they are being abused or mistreated.

Abuse and violation of rights was a common theme. One urban New Brunswick settlement agency respondent specifically described concern about "TFWs working under the radar and being taken advantage of and not having access or recourse to settlement and integration support". A PEI organization expressed particular concern over migrant workers working in seasonal fish plants (where many are employed), saying:

It's known to be an abusive industry, and seasonal... workers are constrained by their situation, and have limited options when their rights are violated. Non-English speaking workers are especially vulnerable, and there are reports of workers subjected to workplace abuse, illegal recruitment practices, and having their passports confiscated.

When asked what type of services their organizations would ideally offer to migrant workers, the response was unanimous across the region: they should provide the full range of settlement services available.

Organizations in the region felt that migrant workers need support and access to information and services, and that this should be addressed through federal and provincial government support for settlement service provision to migrant workers. Many respondents were vocal about the role that NGOs could play in improving the situation for vulnerable migrant workers; the widely echoed sentiment was that settlement organizations and other NGOs are well-placed to provide services for migrant workers and should be funded to do so.

Unmet Needs and Policy Gaps

Most respondents remained focused on the need for access to settlement services when asked about the unmet needs of migrant workers in their region. Lack of access to IRCC-funded settlement services was seen as a particular policy gap. One New Brunswick settlement agency respondent said:

I see a need for TFWs to have access to settlement and integration support services, including employment, social services, wider language programming to specifically meet their needs, and community marketing and promotional campaigns to dispel myths around TFWs within the local community.

Another stated:

TFWs do not yet have access to CIC-funded programming. Ideally, TFWs would have access to all settlement services delivered by our organization to facilitate their access to information and resources.

A New Brunswick community organization that provides services to newcomers said:

As CIC does not fund programming for TFWs, there are many unmet needs that TFWs have once in New Brunswick - this includes information & orientation services, language training, Canadian business culture training, and access to social networks.

The Nova Scotia settlement agency echoed these sentiments on unmet needs, making the point that there is a disparity between the interests of the migrant workers and the employers, and the restricted access to permanent residence:

Access to language training for TFWs and spouses, access to full range of employment attachment services. For [those] in 'low skilled positions' the catch 22 [is] they want to stay, employer wants them to stay, the community wants them to stay, the government doesn't allow it.

Access to permanent residence

In New Brunswick, the Provincial Nominee Program (PNP) selects and nominates qualified workers from abroad who will live in New Brunswick and contribute to the New Brunswick economy through full time ongoing employment. The New Brunswick PNP is open to TFWs between 22 and 55 years of age in certain semi- and low-skilled (NOC C and D) professions, as long as they have an offer of full-time employment, and have been working for the same employer in New Brunswick for at least one year prior to submitting an application. Applicants must attain a minimum score in a PNP points system that values work experience, language skills, and ties to the province.

TFWs aged 21 to 55 in NOC C and D occupations can be eligible for the Nova Scotia PNP if they are high school graduates and have worked for the same employer that is supporting their application for at least 6 months. Those in NOC C and D occupations (low-skilled) are only considered if there is strong employer support such as contribution to immigration fees, accommodation, and language training. Proof of financial resources is also required, which can be a barrier for low-wage workers.

PEI has a Critical Worker Stream within their PNP targeted specifically towards low- and semi-skilled TFWs between 21 and 59 years old. The province nominates individuals to IRCC, with the objective of filling labour market shortages. Applicants must apply for one of the selected occupations, which are revised annually (for example, in 2015 there were five occupations: truck drivers, customer service representatives, labourers, food & beverage servers and housekeeping attendants). Applicants must have a high school education and a full-time long-term (minimum of 2 years) job offer with an employer they have already worked for at least six months. They must also demonstrate “sufficient” (unspecified) settlement supports and financial resources as indicated by transferable funds, which as in the case of the Nova Scotia PNP can be a barrier.

The Newfoundland Provincial Nominee Program is open to low- and semi-skilled workers, and their target numbers show that these applicants are expected to fill almost 20% of the nominations (200 in 2015). Applicants must have a job offer in-province, a high school education, and “sufficient funds”.

Since the federal program does not allow migrant workers in the low-skilled categories access to permanent residence (with the exception of Caregivers), the PNP is their only avenue to stay in Atlantic Provinces. However, the federal government imposes minimum language requirements on PNPs. In most Atlantic Provinces those without an accepted PNP application don't have access to language training, making permanent residence through this route difficult for TFWs to access.

Recommendations for the region

In each province, challenges and gaps created by the national TFWP and SAWP manifest with regional complexities. The following recommendations are based on the issues identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Atlantic Provinces should:

1. Fund non-governmental organizations to provide settlement services to all migrant workers, regardless of skill level or program:
 - a) **New Brunswick** and **Newfoundland and Labrador** should provide stable, multi-year funding for provision of settlement services including language instruction to migrant workers. **Nova Scotia** and **PEI** should add language instruction to the services offered to migrant workers.
 - b) **PEI** should continue to fund NGOs to provide settlement services to migrant workers, including language instruction, and expand service provision in rural areas. Funding should be stable and multi-year to allow for planning and sustainability.
 - c) **Nova Scotia** should expand funding to provide the full range of settlement services to migrant workers, including language instruction, and to expand service provision in isolated areas. Funding should be stable and multi-year to allow for planning and sustainability.
 - d) **All provinces** should advocate with the federal government to expand eligibility for federally funded settlement services to all migrant workers.
2. Improve protections for migrant workers:
 - a) **Prince Edward Island** and **Newfoundland and Labrador** must introduce legislation such as Nova Scotia's WRPA to improve protections for migrant workers.
 - b) **All provinces** should consider implementing a TFW helpline and a TFW Advisory office as has been done in Alberta, to help support and protect the rights of migrant workers.
3. Improve permanent residence outcomes for migrant workers:
 - a) As above, all provinces should fund (or work with IRCC to ensure funding for) language instruction for migrant workers to reduce isolation and facilitate access to PNPs.
 - b) Provinces that require a proof of financial resources should remove this requirement, since proof of employment is already required.
 - c) Advocate with the federal government to create more pathways to permanent residence for migrant workers, and to ultimately expand Canada's economic immigration program to reflect the needs of the Canadian labour market by including workers of *all* skill levels.

Territorial Summary: Yukon and Northwest Territories

Executive Summary

The Yukon and the Northwest Territories have hosted steady numbers of workers under the Temporary Foreign Worker Program (TFWP) over the last decade. For one year in 2013-14, the Yukon had its own Yukon TFWP through which mostly low-skilled TFWs were brought in directly, with numbers similar to those in the federal program. There are no Seasonal Agricultural Workers in the Territories.

The **Yukon** funds its settlement agency to provide services to migrant workers, including language instruction. Workers have access to permanent residence through the Territorial Nominee Program, and a majority of TFWs become permanent residents.

In the **Northwest Territories**, TFWs are also eligible for the Territorial Nominee Program. They are eligible for employment services funded by the territorial government, but they can only access language instruction once their application as a Territorial Nominee is in process.

Principal recommendations for the Territories are:

1. Fund non-governmental organizations to provide settlement services including language instruction to all TFWs in semi- and low-skilled occupations.
2. Improve permanent residence outcomes for TFWs in the low-skilled categories.

Background

Numbers of Temporary Foreign Workers (TFWs) in the territories are small (consistent with overall population). According to federal government numbers of TFWs, the numbers have remained fairly steady over the last decade. In the Northwest Territories, the total went from 140 in 2004 to 130 in 2014. In the Yukon there has been an increase from 36 in 2004 to 56 in 2014. In Nunavut numbers increased overall from 17 in 2004 to 23 in 2014.

However, the Yukon had its own Yukon Temporary Foreign Worker Program (YTFWP) in 2013-14 that was managed by the territorial government, and geared towards low-skilled workers. In that year, 32 TFWs entered the Territory under the program, and 30 of these came to work in low-skilled occupations, increasing the overall number of low-skilled migrant workers. The program was discontinued after its pilot year.

We received survey responses from one organization in the Yukon and one in the Northwest Territories. We are not aware of any immigrant-specific services available in Nunavut, so this report will not cover Nunavut.

Access to services for Migrant Workers

In the Yukon there is one organization in Whitehorse dedicated to immigrant settlement. TFWs are eligible to access the full range of their services, including language instruction, thanks to funding provided by the territorial government. This organization travels to the communities outside the capital where TFWs live to provide services. Due to the low numbers of TFWs in the Yukon, the organization reports having the capacity to follow up with each individual, maintaining a continuous connection. They have occasionally offered English language classes in outlying communities based on demand, although costs for this must be fundraised independently as it is not included in the funding agreement with the territory.

In the Northwest Territories TFWs have access to bilingual employment services offered by a francophone organization, also with territorial funding. Language training programs are only available to those caregivers and TFWs whose applications for permanent residence are in process.

Funding

In their survey response, the Yukon organization cited the challenges represented by the lack of certainty they experience as a result of having to reapply for funding annually. However, they have since secured a 3-year agreement with the territorial government, so these challenges have been addressed.

NGO Perspectives

The Yukon respondent listed language barriers and inadequate housing as the greatest challenges facing TFWs locally. In the Northwest Territories it was felt that isolation, difficulty changing jobs, lack of access to permanent residence and lack of access to services were the main challenges.

Unmet Needs and Policy Gaps

The survey respondent in the Yukon felt that their organization was able to respond to the needs of TFWs in that territory, including those outside the capital.

For the Northwest Territories it appears TFWs outside of the capital may find it difficult to access services, and that the limits on services offered in the capital are problematic for TFWs. Lack of access to language instruction in the Northwest Territories also makes it more difficult for TFWs to access permanent residence.

Access to permanent residence

Low-skilled workers in the Temporary Foreign Worker Program (TFWP) are eligible for the Critical Impact Worker stream of the Yukon Nominee Program. Numbers of workers in the federal TFWP that become permanent residents are not tracked by the Territorial government, but a government representative stated that the majority become permanent residents. All 30 workers who entered the Yukon through the YTFWP in 2013-14 became permanent residents.

The Northwest Territories also have a Critical Impact Worker stream in their Nominee Program, intended for workers in entry level (low-skill/low-wage) positions. Since TFWs cannot access language training in the Northwest Territories until they have already applied for permanent residence, this may constitute a barrier for some would-be applicants to achieve the language requirements demanded for the Nominee Program.

Recommendations for the Territories

In each province and territory, challenges and gaps created by the national TFWP manifest with regional complexities. The following recommendations are based on the issues identified and recommendations made by survey respondents, and are further developed by the authors who draw on their knowledge regarding dynamics of temporary labour migration programs in Canada at the territorial, provincial and federal levels.

To facilitate the protection of migrant workers' rights, the Territorial governments should:

1. Fund non-governmental organizations to provide settlement services to all TFWs in semi- and low-skilled occupations.
 - a) The Yukon should continue to provide robust, stable, multi-year funding for the provision of settlement services for TFWs.
 - b) The Northwest Territories should fund settlement services including language training for all newcomers including TFWs.
 - c) The territories should look into where TFWs are located, and how to provide services to those located outside the capital.
2. Improve permanent residence outcomes for TFWs in the low-skilled categories.
 - a) As above, Northwest Territories should provide language training to facilitate TFW achievement of the Northwest Territories Nominee Program language requirements.

Appendix: Survey

NGOs and Temporary Foreign Workers: National Settlement Council survey

Introduction:

Temporary Foreign Workers (TFWs), especially those in the low-skilled streams, are vulnerable due to lack of permanent status and dependence on one employer for their work permit, lack of enforcement of rules and regulations of the Temporary Foreign Worker Program (TFWP), and other factors such as lack of access to information about their rights and recourse, language barriers, and isolation.

TFWs for the most part currently do not have access to federally funded settlement services. In some provinces, settlement and support services have been funded by the provincial government. However, in some cases these are limited (for example in some provinces they are only provided to workers who are able to apply for permanent residence).

This project is intended to gather information and perspectives from non-governmental organizations (NGOs) across the country that offer services to newcomers and/or TFWs. The project aims to obtain a detailed picture of how TFWs in the low-skilled/low-wage programs (Caregiver Program, Seasonal Agricultural Workers Program, and Stream for lower-skilled occupations) are or aren't being supported in different regions, and of organizations' perspectives regarding TFWs' service needs and the impact of services. This survey is being distributed to organizations and groups across the country, and responses will be collected, analyzed, and summarized in a report. Responses will not be attributed to specific organizations. The report will be distributed to all those interested via the CCR and settlement umbrella organizations, and will help to inform a settlement sector response to the changing face of the TFWP.

The report will focus on the relationship between access to services and the reduction of TFWs' vulnerability.

Objectives:

- Generate pan-Canadian research on the role of NGOs in delivering settlement and other community services to Temporary Foreign Workers.
- Get a perspective on how TFWs are or aren't being served across Canada – best practices and gaps
- Get a snapshot of NGOs' perceptions regarding the need for services for TFWs

Who should complete this survey?

Please have your organization fill out one survey. If your organization has a satellite, or multiple offices in different areas, a survey can be filled out by each separate office – this should be specified. The survey should be filled out by the person at your organization who is most familiar with TFWs and the services offered to them;

this could be a front-line worker, a manager, executive director, etc. Where appropriate, various staff could produce a combined response.

1. GENERAL QUESTIONS

- a. What province is your organization located in?
- b. What city/town is your organization located in?
- c. Is the area you serve more rural or urban?
- d. Please describe the type of organization you work or volunteer with:
 - Immigrant serving/settlement agency
 - Ethno-cultural organization
 - Community organization
 - Faith-based organization
 - Union or labour organization
 - Other, please describe: _____
- e. Are you aware of any Temporary Foreign Workers (TFWs) who live or work in your community?
 - Yes
 - No (Skip to #5)
 - I don't know
- f. In one year from now, do you anticipate there will be:
 - More TFWs in your community
 - Less TFWs in your community
 - I don't know

2. ACCESS TO SERVICES

- a. Have TFWs ever interacted with your organization and/or requested services?
 - Yes
 - No (Skip to #4)
- b. What have been their primary reasons for engaging or interacting with your organization? (Please select as many as apply)
 - Jobs/employment
 - Information about rules and regulations of TFWP
 - Workplace rights
 - Work permits, temporary residence permits, support related to immigration status
 - Immigrating permanently to Canada (e.g. Provincial Nominee Program, Canadian Experience Class applications)

- Family reunification
 - Access to healthcare
 - Community services
 - Legal support
 - Information about language classes
 - Advocacy, please describe: _____
 - Other, please describe: _____
- c. What services does your organization offer to TFWs? (check all that apply)
- We have a specific program for TFWs. Please describe: _____
 - We have no specific services for TFWs but we serve them in the context of our overall work. Please describe: _____
 - We only serve some TFWs (e.g. SAWP workers, Caregivers, TFWs nominated by province for permanent residence, etc.) Please describe: _____
 - We do not serve any TFWs
 - We do outreach in order to make TFWs aware of our services
 - We respond to crisis situations for migrant workers. Please describe: _____
 - We do fundraising to support individual migrant workers

Additional comments box:

- d. From your perspective, which services offered by your organization have TFWs most benefited from? Please describe (500 characters max).
- e. Approximately how many paid staff at your organization work with TFWs? Are they working full-time or part-time with TFWs?
- f. Approximately how many volunteers does your organization have to work with TFWs, if any?
- g. Approximately what percentage of your total yearly clients are TFWs in the low-skilled streams?
- Less than 5%
 - 5 to 20%
 - 20 to 40%
 - 40 to 60%
 - 60 to 80%
 - 80 to 100%
 - I don't know

3. FUNDING

- a. Does your organization receive funding to offer services *specifically* for TFWs?
- Yes. Please describe: _____
 - No
- b. If you answered yes to 3a. is this funding limited to certain categories of TFWs?
- No, no limitations
 - Yes. Please describe: _____
- c. If you answered yes to 3a is the funding finite?
- Yes. How long? _____
 - No it is built into our core budget
- d. Does your organization receive funding for services for which TFWs (among others) are eligible?
- Yes. Please describe: _____
 - No
- e. Please describe the sources of funding your organization uses to provide services for TFWs. (Please check all that apply)
- We do not receive funding to serve TFWs
 - Federal Government
 - Provincial Government
 - Municipal Government
 - Foundations/philanthropy
 - Religious congregations or other faith-based sources
 - Donations from individuals
 - Labour unions
 - Corporate/business
 - Other, please describe: _____
- f. . Do you expect to expand services for TFWs?
- Yes, please explain: _____
 - No, please explain: _____
- g. If you are currently offering services to TFWs, are you concerned about your organization's ability to sustain these services?
- Yes, please describe: _____
 - No, please describe: _____
 - I don't know, please describe : _____

4. SERVICE GAPS

- a. What are the greatest challenges facing TFWs in your community? (Please select up to three).
- Racism in the workplace and/or community

- Language barriers
- Isolation (social or physical)
- Lack of access to information on rights
- Lack of job security
- Difficulty changing jobs
- Unsafe working conditions
- Violation of workers' rights
- Financial problems. Please describe: _____
- Debt resulting from recruitment fees
- Unsafe/inadequate housing
- Access to healthcare
- Barriers in accessing services. Which services? _____
- Lack of access to permanent residence
- Other, please describe: _____

- b. Do you have particular concerns about TFWs in specific situations? Please describe
- c. What unmet programming needs do you see with regards to serving TFWs? Please describe
- d. What types of services would your organization ideally offer to TFWs? Please describe

5. OTHER ORGANIZATIONS

- a. Do you know of other organizations in your area that offer services to TFWs?
- Yes; please give details: _____
 - Yes; we refer TFWs to them
 - No
- b. Do you have any other comments on the role of NGOs in supporting TFWs?

6. FOLLOW-UP

What is the name of your organization? _____

If you are willing to be contacted for follow-up or clarifications, please provide your name and contact information. If you provide contact info you will also receive the final report once it is ready. (Note: this is optional – this information will only be used for follow-up, and no responses will be attributed to a particular organization in the report)

Thank you for your participation!