

# Migrant workers: precarious and unsupported

## Provincial Report: 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.

### 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.



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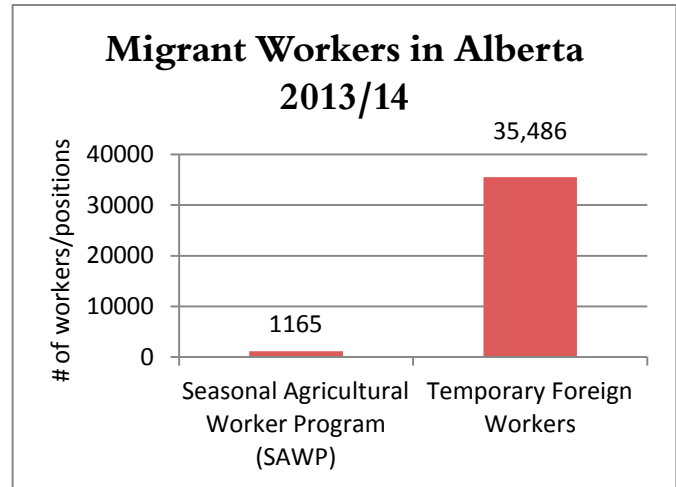
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Ontario Council of Agencies Serving Immigrants

AMSSA  
Strengthening Diversity In BC

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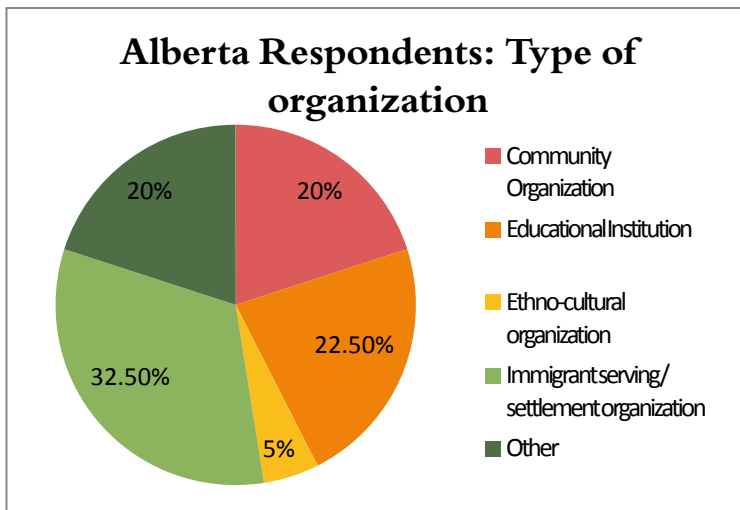
## Background

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.

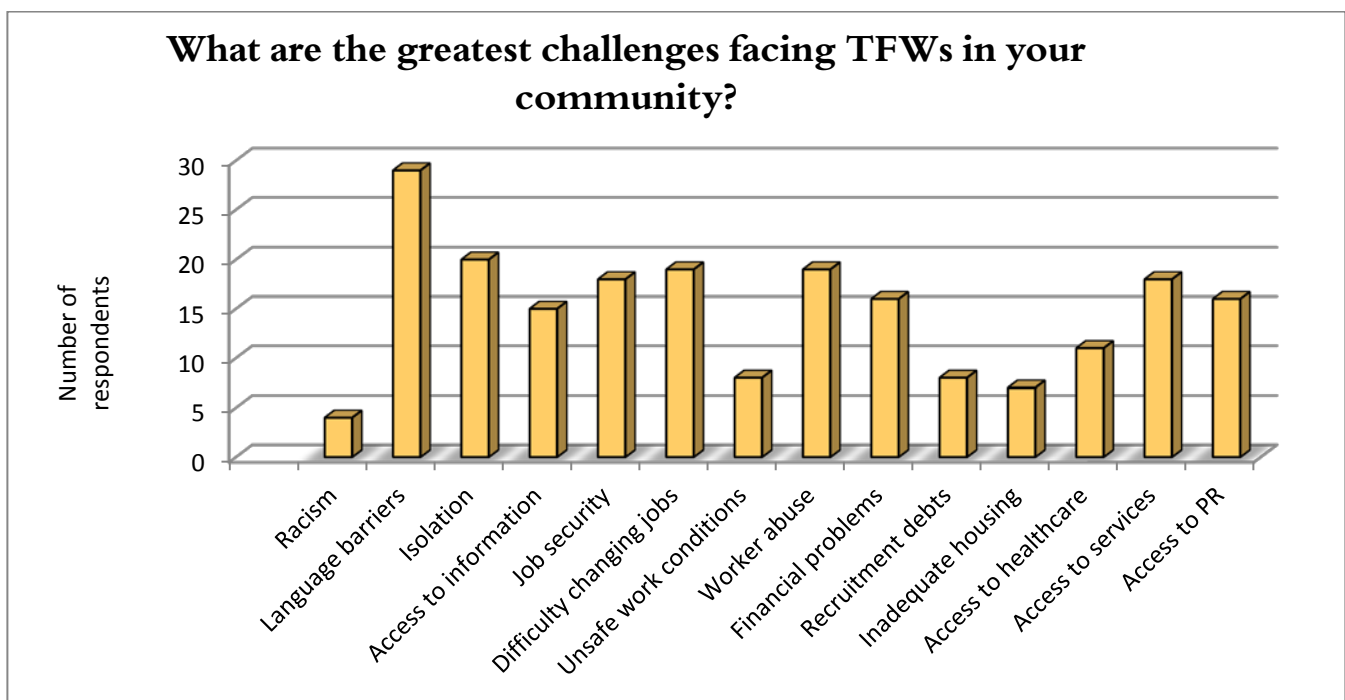
One promising practice cited by a respondent is *New Neighbours*, a municipally funded project in Edmonton that allows organizations to serve newcomers irrespective of their immigration status.

### 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.