

Migrant workers: precarious and unsupported

Provincial Report: 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.

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.



Conseil canadien pour les réfugiés
Canadian Council for Refugees

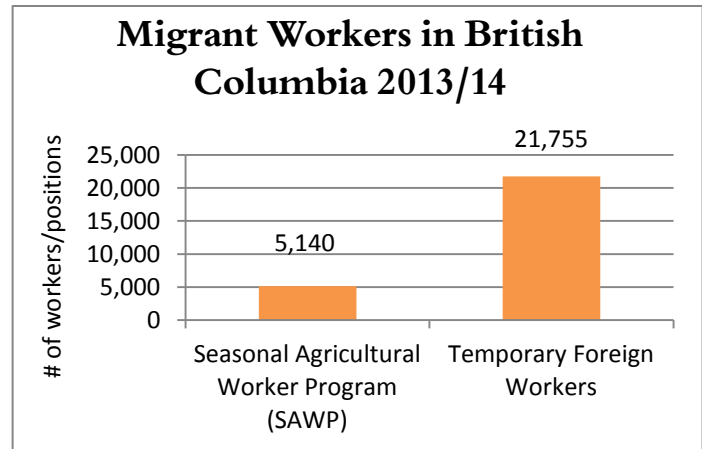
OCASI
Ontario Council of Agencies Serving Immigrants

AMSSA
Strengthening Diversity In BC

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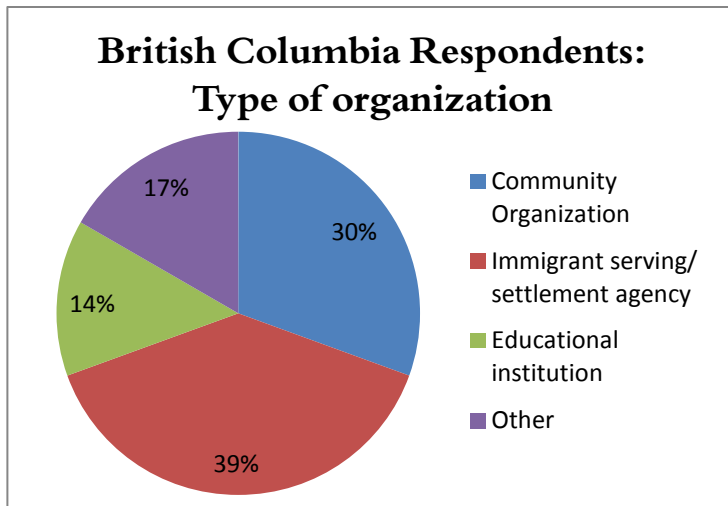
Background

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)¹, pointed out the need to address policy gaps at the root, and to provide pre-arrival information to potential migrant workers:

¹ 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.