

# Migrant workers: precarious and unsupported

## Provincial Report: 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.

### A note on terminology

For the purposes of this study, “migrant workers” refers to workers participating in the Temporary Foreign Worker Program (TFWP), the Seasonal Agricultural Worker Program (SAWP) or the Caregiver Program. TFWs (Temporary Foreign Workers) is used to talk about workers in the TFWP. The survey used “TFWs” to encapsulate all workers in the low-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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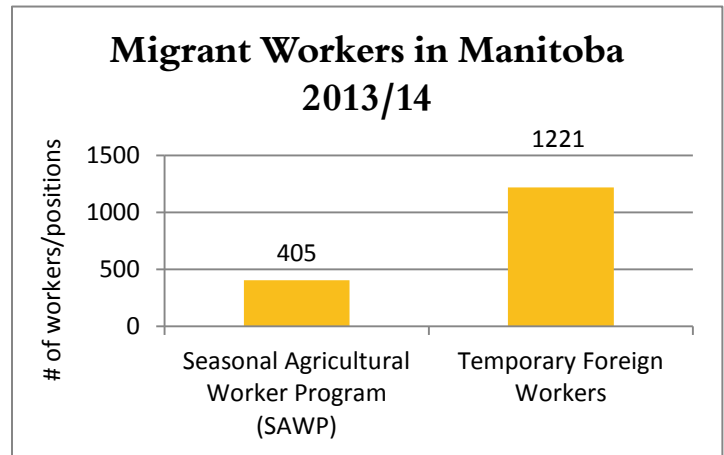
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## Background

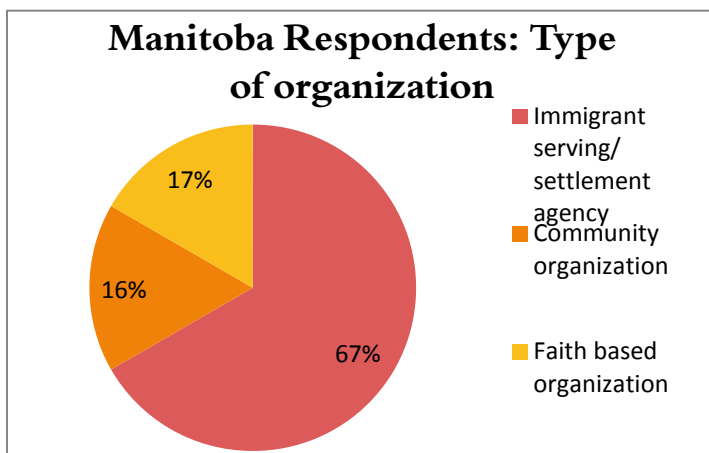
Manitoba’s use of the Temporary Foreign Worker Program (TFWP) to bring in low-skilled workers has stayed remarkably steady, according to new IRCC statistics that separate low- and high-skilled Temporary Foreign Workers (TFWs). In 2014 there were 1,221 low-skilled TFWs in the province, compared to 1,297 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.

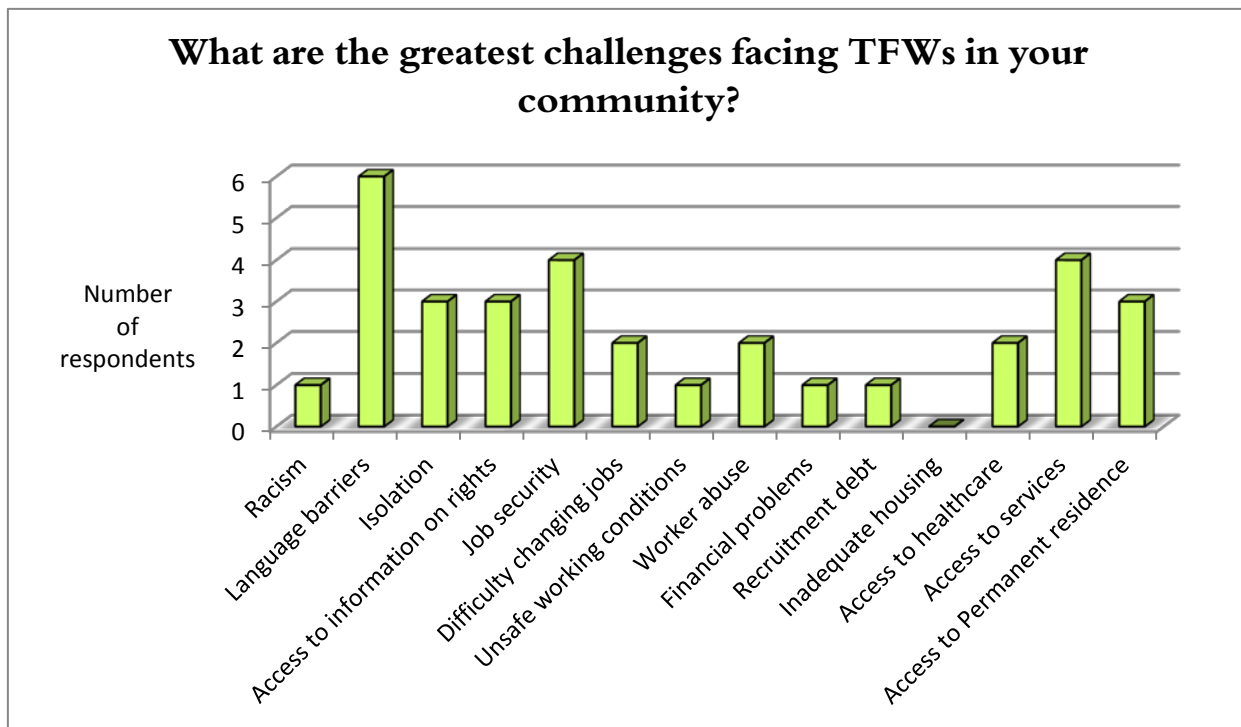
A Winnipeg settlement agency offers migrant workers counselling, settlement support, health orientation and employment services, as well as advocacy with the Workers Compensation Board, using funding from a foundation.

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.