



# Protect Temporary Foreign Workers Now

Policy Brief Submission to the Government of Canada

October 2023

**JOINT SUBMISSION FROM:**



**FCJ Refugee Centre**  
Walking With Uprooted People



**The Centre**  
Canadian Centre to  
End Human Trafficking.

October 6, 2023

The Honourable Randy Boissonnault, P.C., M.P.  
Minister of Employment, Workforce Development and Official Languages  
The Honourable Marc Miller, P.C., M.P.  
Minister of Immigration, Refugees and Citizenship  
House of Commons  
Ottawa, ON K1A 0A6

Dear Ministers:

We represent organizations that are dedicated to supporting human trafficking survivors in Canada. Each day, our trained staff help vulnerable individuals avoid harm, exit their trafficking situations, and gain access to the supports they depend on for their recovery. This work gives us a unique perspective into where we are collectively making progress. It also allows us to see where additional work is needed in our shared fight to end human trafficking in our country.

Canada has seen a dramatic increase in the number of Temporary Foreign Workers (TFWs) that it has accepted over the past decade. These workers keep entire industries competitive and many businesses simply would not survive without them. Unfortunately, as the number of workers has increased, there has been no commensurate investment in the resources required to support them.

Based on migrant workers' first-hand accounts, it is hard not to conclude that the TFWP places business interests ahead of human rights. The program makes it possible for companies to use vulnerable, low-wage workers to fill labour gaps that, in some circumstances, could otherwise be addressed through other means (e.g., innovation, automation, increasing wages, consolidation of businesses, etc.). In the low-wage and agricultural streams, employees are tied to a single employer. When exploitation inevitably occurs, closed work permits and bureaucratic barriers make it difficult for workers to leave their employers, report abuse and seek support.

To put it succinctly: the program is temporary only in name, and has created a permanent "under-class" of employees that receive low wages and work in exploitative conditions.

Equally worrying, front-line service agencies are not adequately funded to support the dramatic influx of workers that Canada has welcomed since 2015. This makes it difficult for services to adequately respond to the needs of migrant workers.

The government needs to shift Canada away from its dependence on low-wage workers. This does not mean shutting the door on migrant labour. Instead, it means developing a right-based strategy that prioritizes fairness, justice, and equal opportunity. Such an approach should set two clear goals to be achieved over the next decade:

1. Guarantee that **every** worker who comes to Canada has an Open Work Permit, equal access to social services, a pathway to permanent residency, and the ability to unionize. Together, these policies will remove the harmful power imbalance between employers and migrant workers that facilitates labour trafficking.

At the same time, we understand that these measures will increase the cost of labour. Therefore, the government should prepare for this transition by:

2. Working with key stakeholders to develop a plan to help employers adapt to this environment and move away from low-wage labour. This could include subsidies and tax incentives to offset wage increases and to spur automation and innovation.

The following recommendations will position the Government of Canada to achieve these two broad goals:

1. Establish a multi-stakeholder advisory group to develop and oversee a fair, just, and equal transition strategy to reduce Canada's reliance on low-wage labour that ensures equal rights for temporary workers.
2. Engage TFWs, with protection and confidentiality ensured, to leverage their perspectives and experiences to review any changes to the TFW programs or any issues related to TFWs.
3. Improve public awareness of labour trafficking and exploitation and improve coordination among stakeholders.
4. Improve TFWs' access to, and participation in, information about labour rights.
5. Ensure there are clearer consequences when exploitation occurs.
6. Enable TFWs access to social services to reduce their vulnerability to human trafficking and ensure appropriate supports are available when they experience exploitation.

7. Establish Open Work Permits to all TFWs in Canada to make it easier for them to leave exploitative and trafficking situations.
8. Provide all TFWs with opportunities for permanent status.
9. Encourage all provinces to allow for the unionization of agricultural workers and TFWs, granting them the same labour and employment rights and protections as other workers in Canada.

Ending Canada's reliance on exploitative low wage labour is not only morally right – it is economically smart. Canadian productivity is projected to rank the lowest among all OECD countries between 2020 and 2030.<sup>1</sup> A fair, just and equal transition strategy would make our businesses more productive while simultaneously ending exploitation.

Thank you for taking the time to review our policy brief. We would welcome the opportunity to speak with you about our recommendations at your earliest convenience.

Yours sincerely,



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Cc. The Honourable Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs

## Detailed Recommendations

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### **1. Establish a multi-stakeholder advisory group to develop and oversee a fair, just, and equal transition strategy to reduce Canada's reliance on low wage labour that ensures equal rights for temporary workers.**

#### **Action Items:**

- Include representation from relevant ministries at all levels of government, employers, unions, workers, and other stakeholders.
- Develop a work plan that outlines the roles and responsibilities of advisory group members and establish specific timelines for implementing the recommendations in this policy brief and other government priorities.
- Develop a transition plan for the next 5-10 years that identifies key milestones, targets, and supports to shift specific industries (e.g., agriculture, retail, manufacturing, etc.) away from low-wage labour. This could include tax incentives or subsidies to increase wages and/or automate services.

### **2. Engage TFWs, with their protection and confidentiality ensured, to leverage their perspectives and experiences to review any changes to the TFW programs or issues related to TFWs.**

#### **Action Items:**

- Hire a third-party consultant (with lived experience and language skills) to conduct a comprehensive, multi-department audit of existing processes that impact TFWs. The objective should be to identify requirements that discourage workers from reporting abuse and seeking support.
- Ensure this audit is conducted from the perspective of TFWs and how they interact with government processes. Once completed, make the audit publicly available.
- Ensure high standards of privacy protection and confidentiality for all engaged TFWs so as not to impact their status in Canada.

### **3. Improve public awareness of labour trafficking and exploitation and improve coordination among stakeholders.**

#### **Action Items:**

- Launch awareness campaigns that are focused explicitly on labour trafficking. This work should be undertaken in collaboration with service providers who work directly with TFWs.
- Adopt a clear definition of labour trafficking in legislation that includes a broader description of coercion. The definition should not be limited to physical force but include manipulation through threats of deportation, criminalization, wage theft, forced overtime, threat of losing work, and severe economic hardship including extortion and debt bondage.
- Provide law enforcement with a clearer mandate – as well as the tools, resources, and training – to proactively investigate labour trafficking cases and reduce reliance on complaint-driven mechanisms. Those investigating should have adequate language and trauma-informed practice skills.
- Ensure that victim support is a standard component of investigative processes. This includes supports such as rapid rehousing and reemployment that compensate victims for the loss of housing and wages.
- Provide annual training to law enforcement agencies, provincial and federal labour inspectors, prosecutors, and immigration officers about the complexities of force and coercion in the context of labour trafficking.
- Publicly release data relevant to labour trafficking cases beyond police-reported incidents. For example, data should be released on oversight and accountability measures such as inspections, as well as the use of protection remedies such as the Temporary Resident Permit for Victims of Trafficking in Persons (TRP-VTIP) and the Open Work Permit for Vulnerable Workers (OWP-V).
- Enhance funding to front line service agencies who work with migrant workers so they are better able to raise awareness about exploitation and where governments can make improvements
- Conduct an official study related to temporary foreign workers and labour trafficking.

#### **4. Enhance TFWs' access to, and participation in, information on labour rights.**

##### **Action Items:**

- Ensure that TFWs have access to information on their labour rights **before, during, and after** their arrival in Canada. This information should be in workers' preferred language and at appropriate literacy levels.
- Create redundancy when it comes to sharing information on labour and civil rights. While the Migrant Worker Support Program funds non-profits to distribute information in airports and community settings, these services still miss a sizable number of migrant workers. Every visa holder who enters Canada is screened by a Canada Border Services Agency (CBSA) official at a port of entry. CBSA should leverage this opportunity to share accessible information on labour and civil rights, and ways to access justice, with temporary residents and others during this screening period.
- The government should also mandate that all employers of temporary foreign workers allow their employees to participate in a two-hour paid workshop on workers' rights and responsibilities upon their arrival in Canada. The workshop must be performed by an independent organization (e.g., not the employer).
- Ensure that Canadian embassies and consulates provide information on labour rights to workers within their home country. Immigration, Refugees and Citizenship Canada (IRCC) and Global Affairs Canada could also work with origin countries and migrant rights groups to find new ways to distribute information to anyone who may wish to work in Canada.
- Adapt information so it is suitable for use on online platforms such as Facebook and WhatsApp. Support the grassroots groups and leaders that are creating safe online spaces for workers on these platforms where information on workers' rights, the 'red flags' of exploitation, how to access support, and how to report abuse are already being shared.
- Share information on labour rights and available supports in a variety of formats (e.g. posters, ethnic newspapers, websites, etc.) and in various locations (e.g. airports, places of worship, grocery stores, Service Canada, etc.).

## **5. Ensure that there are consequences when exploitation occurs.**

### **Action Items:**

- Leverage the federal government's leadership and convening authority to encourage provinces to enforce workplace legislation, regulations, and inspection processes to include:
  - More unannounced and random inspections;
  - Mandatory unannounced inspections in cases of reported abuse and exploitation;
  - Mandatory unannounced health and safety inspections on housing provided by employers in at-risk sectors (e.g., agriculture) in partnership with local migrant worker organizations
  - ; and
  - Increased focus on workers' rights and safety rather than ensuring adherence to program administration requirements.
- Increase the resources to monitor TFWs recruiters and employers to ensure compliance with federal and provincial legislation. This should include stricter consequences for violations, exploitation, and financial abuse, including higher fines.
- Establish a multi-stakeholder labour trafficking taskforce comprised of law enforcement, regulatory bodies, social service agencies, and community leadership. The task force should establish a process to regularly engage with front-line service organizations that work directly with migrant workers to facilitate information- and knowledge-sharing. Members of the task force should receive extensive training on this issue and be responsible for proactively investigating labour trafficking and supporting those impacted by it.
- Ensure existing protection remedies such as the Temporary Resident Permit for Victims of Trafficking in Persons (VTIP TRP) and the Open Work Permit for Vulnerable Workers (OWP-V) are not contingent on applicants' participation in criminal investigations or disputes related labour exploitation. Communicate this clearly to recipients and immigration officers.



## **6. Enable TFWs access to social services to reduce their vulnerability to human trafficking and ensure appropriate supports are available when they experience exploitation.**

### **Action Items:**

- Extend eligibility for settlement services to TFWs to help them participate more fully in Canadian society. This should be done by:
  - Making ESDC's Migrant Worker Support Program a permanent and stable source of funding rather than grant-based and time-bound; and
  - Funding for settlement agencies, the Migrant Worker Support Program, legal aid, and other grassroots groups should be indexed to the number of migrants coming into the country to ensure services keep pace and can continue to support higher numbers of immigrants.
- Fund language training for TFWs, currently only available to permanent residents and refugees, to increase opportunities to access permanent residency programs.
- Change work permit restrictions that do not allow migrant workers to attend school or training sessions to upgrade their skills;
- Work with community organizations to fund more on-site services, including healthcare, labour rights training, language training, and social activities.
- Work with front-line service agencies, organizations working with temporary foreign workers and across government departments to develop a strategy to regularize the status of Canada's undocumented immigrant population safely and quickly.
- Establish 'firewalls' between public services and immigration enforcement mechanisms so workers have safe access to basic services such as healthcare and education without risk of deportation. Implement 'access without fear' policies that minimize the amount of information required for residents to access municipal services (e.g. low-income bus passes, library and recreation centre access, community social services).

## **7. Establish Open Work Permits to all TFWs in Canada to make it easier for them to leave exploitative and trafficking situations.**

### **Action Items:**

- Extend Open Work Permits to all TFWs in Canada, regardless of occupation or national origin, so workers can change employers or modify their conditions or length of stay with minimal administrative burden. Low-wage workers, who are more vulnerable to exploitation, should be prioritized.
- Expand Open Work Permit eligibility to immediate family members who accompany TFWs in the low-wage streams, similar to those in high-wage streams.
- Expedite the recently announced process to relocate TFWs' families to Canada. Outline specific timelines for when workers in low-wage and agricultural streams can bring their families to Canada. Expand this reunification policy to include workers with younger families (e.g. those with non-working-age children).

## **8. Provide all TFWs with opportunities for permanent status.**

### **Action Items:**

- Fulfill the government's commitment to the private member motion M-44, which was unanimously approved in the House of Commons. M-44 calls for the development of a comprehensive plan to expand permanent residency pathways to all TFWs.<sup>2</sup>
- Guarantee TFWs the right to apply for permanent residency by applying from within Canada after a minimum period (e.g., 2 years of work in the country).
- Ensure there are procedures in place that facilitate transitions from one status to another to prevent TFWs from falling into irregular status and reduce their precariousness prior to receiving permanent residency.

**9. Encourage all provinces to allow for the unionization of agricultural workers and TFWs, granting them the same labour and employment rights and protections as other workers in Canada.**

**Action Items:**

- Leverage the federal government’s leadership and convening authority to encourage provinces and territories to protect the rights of TFWs to unionize.
- Using the advisory group outlined in Recommendation #1 above, identify suitable policies, tools and resources to help employers avoid significant disruptions as a shift towards unionization occurs. This could include:
  - Supporting employers with adopting new technologies and processes to increase productivity;
  - Providing tax incentives to reduce the cost of these technologies and processes (e.g., machinery and other labour inputs); and
  - Promoting the benefits of unionization to employers (e.g., stronger safety practices, better employee retention rates, higher productivity).

## Endnotes

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<sup>1</sup> Organisation for Economic Cooperation and Development. (2021). [The Long Game: Fiscal Outlooks to 2060 Underline Need for Structural Reform](#). Retrieved May 27, 2023.

<sup>2</sup> House of Commons, 44<sup>th</sup> Parliament, 1<sup>st</sup> Session (2022). [M-44 Permanent Residency for Temporary Foreign Workers](#).