



The Centre

Canadian Centre to
End Human Trafficking.



Protect Temporary Foreign Workers Now

Written submission for the Government of Ontario

The **Canadian Centre to End Human Trafficking** is a national charity dedicated to ending all types of human trafficking in Canada. The Centre mobilizes system change by collaborating and working with diverse stakeholders, including survivor leaders, all levels of government, private sector businesses, and frontline service providers, to advance best practices and eliminate duplicate efforts across Canada. In 2019, The Centre launched the Canadian Human Trafficking Hotline, providing a free, confidential, multilingual service, operating 24/7 to connect victims and survivors, Canada-wide, with a variety of services and supports.

Dear Minister:

The last decade has seen a dramatic increase in the number of temporary foreign workers arriving in Canada. The federal government has implemented this policy, which reversed a downward trend starting in 2012 in response to perceived labour shortages in key industries. Whereas Canada admitted 72,965 workers through the Temporary Foreign Worker Program (TFWP) in 2015, that number had grown exponentially to 135,685 by 2022. This is also the case in Ontario where the largest proportion of workers – approximately 30% - are located. Between 2015 and 2022, the number of workers coming to the province increased by almost 40%.¹ Such an increase raises important questions about the TFWP, not only in terms of its impact on the economy but also on the workers and the services that are under-resourced to serve such a large population.

Based on our experience working with migrant groups, 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 could otherwise be addressed through other means (e.g., innovation, automation, increasing wages, consolidation of businesses, etc.). Tying temporary foreign workers to a single employer creates a relationship that is open to exploitation. When problems inevitably occur, workers then face significant barriers to reporting their abuse and seeking support.

What's more, front-line service organizations are not adequately funded to support the significant influx of workers that have arrived since 2016. These challenges are unique to temporary foreign workers and create an environment that facilitates labour trafficking.

Although the federal government operates and oversees the TFWP, the provinces have a significant role to play in reducing the risk of labour trafficking and improving outcomes for temporary foreign workers. This brief identifies six recommendations that can immediately improve conditions for these workers. These individuals have played an outsized role in supporting Ontario's economy. They deserve better. That means requesting program changes at the federal level, introducing new protections, and increasing access to social supports for all workers.

In this brief, we are calling on the Government of Ontario to:

- 1.** Enact legislative changes that allow temporary foreign workers to collectively bargain.
- 2.** Provide greater access to social services for Temporary Foreign Workers.
- 3.** Ensure there are severe consequences when exploitation occurs.

4. Encourage the federal government to make structural changes to the TFWP, including:
 - Implementing a rights-based approach to the program that prioritizes fairness, justice, and equal opportunity;
 - Establishing Open Work Permits for all TFWs in Canada; and
 - Providing opportunities for permanent residency status.
5. Improve public awareness of labour trafficking and enhance coordination among stakeholders.
6. Improve TFWs' access to information about labour rights.

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.

Sincerely,

A handwritten signature in cursive script that reads "Julia Drydyk".

Julia Drydyk

Executive Director

Canadian Centre to End Human Trafficking

Detailed Recommendations

1. Enact legislative changes that allow temporary foreign workers to collectively bargain.

Action Items:

- For workers in the agricultural sector, the government should:
 - Repeal the *Agricultural Employees Protection Act* that limits workers' ability to formally unionize; and
 - Amend the *Labour Relations Act* to include agricultural workers so they may enjoy the same rights and protections as other people working in Canada.

2. Provide greater access to social services for temporary foreign workers.

Action Items:

- Call on the federal government to expand eligibility for settlement services to temporary foreign workers. This should be done by:
 - Ensuring funding for settlement agencies and other supports is indexed annually to the number of workers and students coming into the province to ensure services can continue to support those higher numbers.
 - Fund English and French language training for temporary foreign workers. This benefit is currently only available to permanent residents and refugees, and it significantly increases opportunities to access permanent residency programs.
- Increase provincially-funded settlement services for migrant workers. Many migrant workers reside in rural and northern communities that have limited access to social services. The province should increase funding for on-site and mobile services - including healthcare, labour rights training, language training, and legal aid - to ensure equitable access to these services.
- 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).

- Ensure that trafficking survivors who have been granted Temporary Resident Permits for Victims of Trafficking in Persons (TRP-VTIP) and Open Work Permits for Vulnerable Workers (OWP-V) are temporarily eligible for income assistance and housing supports.

3. Enforce clearer consequences when exploitation occurs.

Action Items:

- Enforce existing workplace legislation and regulations on employers that use temporary foreign workers, including strengthening inspection processes to include:
 - More unannounced and random inspections;
 - Mandatory inspections in cases of reported abuse and exploitation; and
 - Mandatory on-site health and safety inspections on housing provided by employers in at-risk sectors (e.g., agriculture).
- Ensure the licensing and registry framework for temporary help agencies and recruiters has sufficient financial and human resources so that comprehensive monitoring and enforcement activities can be undertaken.
- Scale up the Ministry of Labour’s Divisional Intelligence Unit to increase its capacity for:
 - Conducting proactive labour trafficking investigations;
 - Establishing multi-sector partnerships that support people impacted by labour trafficking; and
 - Releasing public reports on the status and outcomes of labour trafficking investigations.

4. Encourage the federal government to make structural changes to the TFWP.

Action Items:

- Call on the federal government to implement a rights-based approach to the program that prioritizes fairness, justice, and equal opportunity. This would entail a public and collaborative transition process incorporating input from all levels of government, employers, unions, workers, and other stakeholders. Such a plan should ensure that:

- Existing temporary foreign workers in Canada are protected and offered opportunities to gain permanent residency; and
- Employers are properly supported as they shift towards automation, innovation, and wage increases to address their workforce needs.
- Call on the federal government to end employer-specific work permits and extend Open Work Permits to all temporary foreign workers in Canada, regardless of occupation or national origin. Low-wage workers, who are more vulnerable to exploitation, should be prioritized.
- Call on the federal government to expand pathways to permanent residency for temporary foreign workers.

5. Improve awareness about labour trafficking and enhance coordination among stakeholders.

Action Items:

- Update Ontario's anti-human trafficking strategy to include a greater focus on labour trafficking. The Strategy should clarify how the province will address prevent labour trafficking, protect survivors, and prosecute abusive employers. More specifically, the Strategy should commit the government to:
- Launch awareness campaigns that are focused explicitly on educating the public about labour trafficking. This work should be undertaken in collaboration with service providers who serve migrant workers.
- 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.
- Provide further training to law enforcement agencies, prosecutors, immigration officers, and labour inspectors about the complexities of force and coercion in the context of labour trafficking.
- Work with service providers to develop wrap-around supports for individuals who have experienced labour trafficking to ensure they can leave their situation and recover from abuse.
- Deepen coordination among governments and stakeholders in key sectors where labour trafficking occurs. For example, networks should be established among immigration officials, labour inspectors, industry-specific inspectors (e.g. food,

agriculture), housing officials, unions, employers, etc. to identify how processes can be improved to support temporary foreign workers.

6. Enhance temporary foreign workers' access to information on labour rights.

Action Items:

- Ensure that workers have access to information on their labour rights **before, during, and after** their arrival in Canada. This information should be in their preferred language and at appropriate literacy levels.
- Use online platforms such as Facebook and WhatsApp to communicate with workers about their rights, the 'red flags' of exploitation, how to access support, and where to report abuse.
- Share information on labour rights and available supports in a variety of formats (e.g. posters, ethnic newspapers, etc.) and in various locations (e.g. airports, places of worship, grocery stores, Service Ontario, etc.).

Endnotes

¹ Immigration, Refugees, and Citizenship Canada. (2023). [Temporary Foreign Worker Program work permit holders by province/territory of intended destination, program and year in which permit\(s\) became effective](#). Retrieved August 24, 2023.