

Temporary Foreign Worker Program Review

A KAIROS submission to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities



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35“For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, 36 I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.”

37“Then the righteous will answer him, ‘Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? 38 When did we see you a stranger and invite you in or needing clothes and clothe you? 39 When did we see you sick or in prison and go to visit you?’”

40 “Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.” - Matthew 25:35-40

“We asked for workers and got people” - Farm owner in South Western Ontario.

Introduction

KAIROS: Canadian Ecumenical Justice Initiatives unites eleven churches and church-related organizations in a faithful ecumenical response to the call to “do justice, and to love kindness, and to walk humbly with your God” (Micah 6:8). We deliberate on issues of common concern, advocate for social change, and join with people of faith and goodwill in action for social transformation.

The KAIROS Migrant Justice Program is deeply rooted in our Christian belief that all men and women are created in the image of God and are equal in dignity and rights. The KAIROS Program is enriched by the extensive experience of our member churches working in partnership with migrant workers, migrant workers’ organizations, and human rights advocates in the labour movement, academia, in settlement services agencies, and in other sectors.

KAIROS welcomed and supports the Canadian Government’s decision to review the Temporary Foreign Worker Program (TFWP). We thank the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA) for the opportunity to express our concerns with the existing TFWP.

Our concerns are grounded in our active engagement with migrant workers, their organizations, and human rights advocates across the country. In the last four months (Jan-April 2016), KAIROS has collaborated with the Canadian Labor Congress, the Canadian Union of Public Employees, Migrante Canada, and the Cooper Institute to organize province-wide fora, small group discussions, and meetings with migrant workers, advocates, and human rights and faith groups on migrant workers issues in New Brunswick and Prince Edward Island. At these gatherings, ten in total, where we met with over 300 people, we learned about the challenges

and barriers facing migrant workers under the current temporary foreign worker program. This submission is informed both by these recent engagements, where we listened to migrant workers, and also by years of working and advocating with migrant workers around rights and welfare issues.

While a federal review of the TFWP is welcome, KAIROS is concerned that in the past these review processes have focused mainly on the needs of employers. KAIROS joins community partners and migrant workers in calling on the federal government to ensure that migrant workers are included in this review process and that their recommendations are properly and genuinely considered.

Our concerns with the current TFWP include its social impacts, primarily on families. Under the current program, workers are separated from their families for extended periods of time, which clearly contradicts Canadian values which emphasize strong families and family reunification.

Because of the 'temporary' immigration status, workers are often subjected to abuse and exploitation, a fact that has been widely documented over the years and underscores the urgent need to revise the program to ensure that workers' rights are upheld and their welfare protected.

KAIROS has participated in previous reviews of the program, including during the national consultations organized by the Standing Committee on Citizenship and Immigration Canada in 2006 and 2008. It has also presented several recommendations to improve the integrity of the program and enhance the protection of migrant workers' rights and welfare. KAIROS believes Canada must move away from an increased reliance on temporary labour programs and return to permanent immigration as a strategy for nation building, and for meeting labour market demands.

Concerns and recommendations to improve the life of migrant workers in Canada

1. Concern: Backlog of applications

There is currently a backlog of approximately 30,000 permanent resident applications. Most of these applications are from caregivers and other temporary foreign workers who have been in Canada since 2008. These people have been waiting for a decision from the IRC since 2011 (after meeting the 2 year live-in requirement). These extended periods of separation and uncertainty have led to family breakdowns and mental health challenges. In compliance with the requirements, many of these workers have had 2 or 3 medical examinations. The cost of these examinations is a financial burden for the workers and their families.

Recommended change: KAIROS recommends that the Government of Canada act immediately to address this backlog in a just and timely way. The government’s ability to process and settle 25,000 Syrian refugees in four months (November 2015 to February 2016), shows that the capacity exists to process the 30,000 outstanding applications.

2. Concern: Access to permanent resident status

Many of the jobs workers are hired for under the TFWP are not temporary. Even the so-called “Seasonal Agricultural Work Program” (SAWP), which started 50 years ago, has become a year-round operation with the increasing number of green houses across the country. In Leamington, Ontario, “temporary” workers are employed year-round in green houses.

Many employers have said they want their workers to stay and become permanent residents. These workers are hardworking, reliable and have become assets to business/industry, and the community. Some employers are doing their best to offer fulltime employment to some workers to make them eligible to apply for permanent residency through the Provincial Nominee Program. However, from a policy point of view this is not a solution as it is an individual initiative of some employers. What is needed is a policy that enables all workers to access permanent residence status

Recommended change: KAIROS recommends that the Government of Canada allow all temporary foreign workers to apply for permanent residence, and to bring their families with them. Clear paths for permanent residence should be established to transition workers who are already here under the Program.

3. Concern: Work permits tied to specific employers

Under the TFWP, temporary workers are tied to specific employers. This puts workers in a vulnerable situation. Workers have no means to protect themselves from workplace abuse, and cannot easily leave their employers if abuse occurs.

This means employers have all the power when there is conflict. The employer has the power to terminate employment, which can result in the worker’s early departure/deportation. It is extremely difficult for a worker to find another job or another employer as they must apply for a new permit. Often workers are simply sent home before they get a chance to obtain a new work permit, especially with the current long processing time.

Recommended change: KAIROS recommends that workers be provided with open work permits.

4. Concern: Lack of access to support services

Most migrant workers do not have access to support services. In some cases, funding is provided by the provincial government for services to support migrant workers, however this funding is limited and too often migrant workers, particularly those in remote rural communities, do not know these services are available, or how to access them.

Recommended change: KAIROS recommends that the Government of Canada provide funding for and expand the eligibility of access to include all migrant workers in all streams of the TFWP.

5. Concern: The 4 year cap (4 years in, 4 years out rule)

As one migrant worker expressed, “The 4 year cap (four years in, four years out rule) is cruel and inhuman. It is arbitrary and irrational. Because of the nature of our (seasonal) work we cannot easily transition to permanent residence status and those of us who can’t are sent home after four years.”

Migrant workers, employers and community advocates want the 4 year cap repealed. This policy is stressful to thousands of workers whose 4 years in Canada as a temporary worker will soon expire. Unless they are able to apply for the Provincial Nominee Program, which is not designed to transition temporary low skilled workers to permanent residence, they will be sent home and lose their employment and livelihood.

Workers are assets to business and industry. Employers want workers to stay. Communities want workers to stay. The moderator of the Shediac Bay Community Church in New Brunswick recently said: “We love our migrant worker friends. They are active members of the church and have adjusted well in the community. We will do everything we can to help them stay.”

Recommended Change: The Government of Canada should eliminate the 4 years in, 4 years out rule.

KAIROS emphasizes that the voices of migrant workers must be central to this review. Their experiences must be considered, and any changes to the program should ensure that their rights and welfare are protected and promoted.

We trust that the Standing Committee will accept these recommendations as an opportunity to demonstrate that, as Canadians, we are welcoming and compassionate defenders of human rights.