## Key Dates

- 1881-1884: 17,000 Chinese migrant workers were brought to B.C. to finish the Canadian Pacific Railway, thousands died on the job.
- 1966: The Seasonal Agricultural Workers Program (SAWP) established between Canada and Jamaica (expanded to include Caribbean and Mexican migrant workers).
- 1973: The Temporary Foreign Worker Program (TFWP) began.
- 1993: The Live-In Caregiver Program (LCP) was adopted.
- 2002: The Low-Skill TFWP Pilot Project began and continues today.

Fig. 1: Temporary Foreign Workers vs. Permanent Residents (2007-2012)[1]

Introduction

Canada has steadily recruited more and more temporary foreign workers, since the current program was launched in the 1970s. The TFW programs has since skyrocketed, with a total of 491,547 TFWs reported in 2012, far beyond the number of people granted permanent residency. Men outnumber women in each of the main TFW programs. The "higher skilled" occupations have the lowest proportion of women: only $\frac{1}{5}$ of managers, $\frac{1}{3}$ of professionals, and ¼ of the skilled/technical workers are women. Across all of the reported categories, women are more likely to be categories at a "low-skilled" occupation (56%) than their male counterparts (36%).[2] There are four main temporary foreign work programs, each with different terms and rights for workers: 1) Seasonal Agricultural Worker Program (SAWP) or other Agricultural Worker Programs; 2) Live-In-Caregiver Program (LCP); 3) Temporary Foreign Worker Program (TFWP) Low-Skilled occupations; 4) TFWP High-Skilled occupations.

Most migrant workers in these programs do not have access to permanent residency or to essential services. Furthermore, workers who pay income taxes and contribute to EI and CPP cannot access the benefits.[3] Of these programs, only the LCP provides a pathway to permanent residency. However, the program is shrinking and retention rates are low - only 50% of LCP who entered Canada between 2003-2005 actually transitioned to permanent residents.[4] While the program peaked in 2007 with over 12,000 participants, this number was halved by 2012.[5] The temporary work programs also seek to block migrant workers from long term settlement, even after decades of working in Canada. In April 2015, the "four-in, four-out" rule will come into effect, whereby TFWs in the low-skilled categories will be required to leave for 4 years after working 4 years cumulatively in Canada.[6] 100,000s of TFWs may be forced to go underground when their visas expire in 2015.
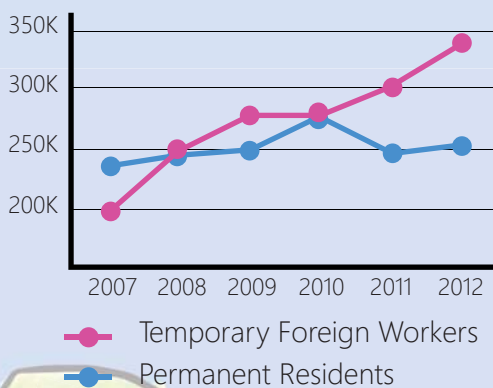
Key Issue

The TFWP has received widespread scrutiny, resulting in the moratorium on all migrant workers in the food and accommodations sector in April 2014. This ban affects approximately 44,000 migrant workers who will not be able to renew their permits or switch jobs within the sector. Migrant workers awaiting their Labour Market Opinions (LMOs) and work permits will be banned, many of whom have already paid $1000s in recruitment fees. Central to the debate were stories of "Canadian" fast-food restaurant workers who were laid off in favour of migrant workers, with little attention paid to the experiences of migrant workers themselves. Criticism has fallen onto migrant workers rather than the program's failures, such as exorbitant recruiter fees, deteriorating wages and working conditions, lack of access to services, health and safety protections, and pathways to permanent residency.

Community Advocacy

Migrant Workers Alliance for Change (MWAC) is comprised of various advocacy and community groups, unions, workers and community members, aimed at improving working conditions and fighting for better protections for live-in caregivers, seasonal agricultural workers and other temporary foreign workers. MWAC advocates for the rights and benefits of migrant workers in Canada and highlights the systematic discrimination and exploitation they experience.[7] MWAC has been central in shifting the debate around the TFWP moratorium and has called for the federal government to:

1. Process pending and in-country Labour Market Opinions and Work Permit applications for migrant workers; and
2. Develop a 'just' transition mechanism into permanent residency for migrants already in Canada, along with future immigrants in the low-wage, 'low-skilled' sectors.[8]

Other migrant worker organizations:
- Justice for Migrant Workers
- Caregivers Action Centre
- Workers' Action Centre
- Migrante Canada
- No One Is Illegal - Toronto

For more information:
www.migrantmothersproject.com

The Migrant Mothers Project is a participatory action research project led by Rupaleem Bhuyan at the Factor-Inwentash Faculty of Social Work (University of Toronto) in collaboration with a network of community based organizations, legal advocates, activists and immigrant women. This research is supported through the Social Sciences and Humanities Research Council's Standard Research; CERIS, and the University of Toronto.

Case Study

"Donna" came to Canada as a TFW in 2008 through the LCP. For 3 years, she worked for different families and sent extra money home to family in the Philippines. Despite her professional training in nursing, Donna was unable to find related employment and continued to work as a live-in-caregiver. After working for 5 years in Canada, Donna got her permanent residence and began the process of sponsoring her teenage son in the Philipinnes. In 2011, Donna was diagnosed with cancer and her health deteriorated. Despite having access to Ontario's Health Insurance Program, Donna had a low income and no family to support her in Ontario. Other caregivers from the Philippines helped her through her sickness and treatment. Into her final months, Donna fought to complete the sponsorship of her son, who was then 19 years old. The Canadian government finally issued a travel visa for her son to visit her just 2 weeks before her death. First Ontario Alliance of Caregivers has been advocating for CIC to grant permanent residence to Donna's son to no avail. They are currently seeking a temporary visa for him to stay in the country where his mother sacrificed to secure his future, to pursue an education and his mother wished for.

Policy Recommendations:

1. *Right to Landing Status:* This should be granted upon arrival for migrant workers. They must not be tied to one employer, be required to live in their employer's home, or be subject to further medical examination;[9]
2. *Right to Equal Access:* Migrant workers can access social programs, including Employment Insurance, health care, settlement services, social services and Workers' Compensation;[9]
3. *Right to Fair Appeal:* Process for migrant workers to appeal pre-removal order, and a stop to deportations until this process is in place;[9]
4. *Full Protections Under the Employment Standards & Regulations:* Migrant workers should have all protections and should not pay fees to work;[8]
5. *Full Regularization:* Permanent status and rights for all non-residents;[9][8]
6. *Access to Fair Wages:* Remove agricultural worker exemption from minimum wage, most of whom are migrant workers. Increase the minimum wage to $14 (and adjusted annually to rate of inflation);[10]
7. *Freedom to Organize:* Migrant workers should have the right to collectively bargain.[11]

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