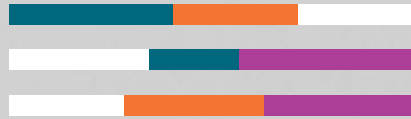


# TEMPORARY FOREIGN WORKERS IN THE PRAIRIE REGION POLICY RESEARCH





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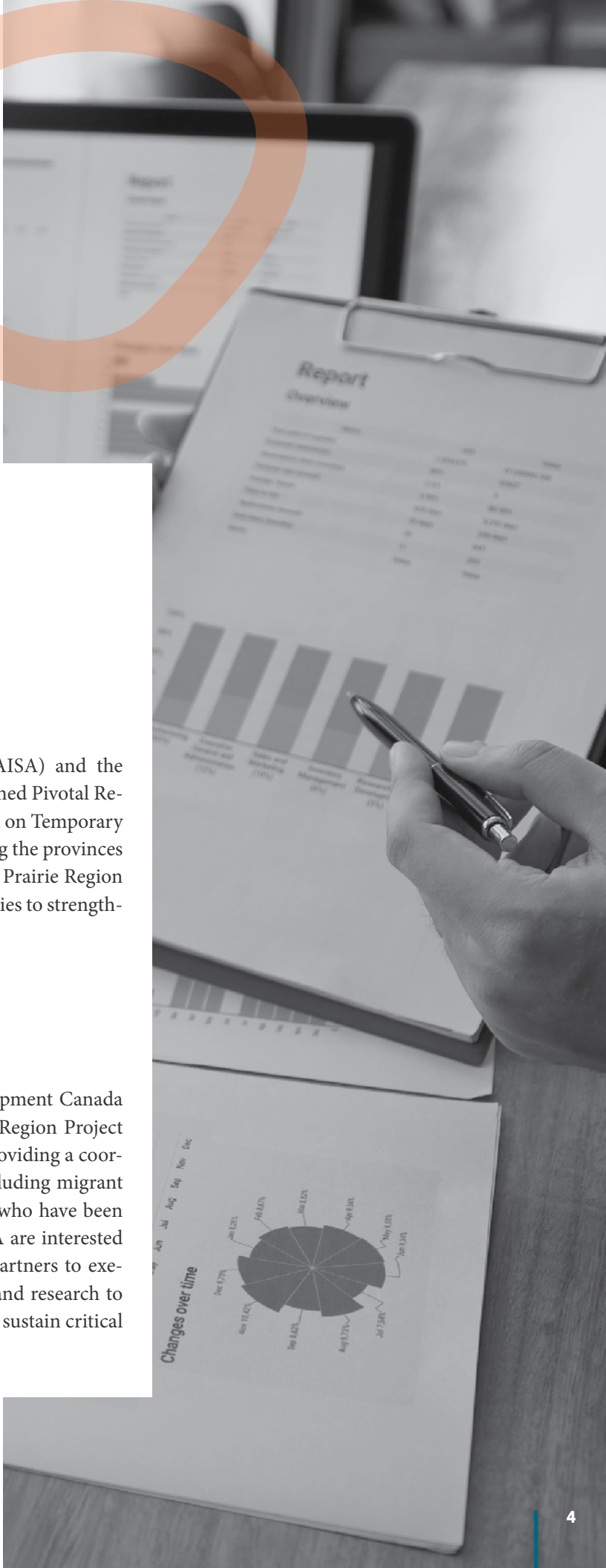
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## EXECUTIVE SUMMARY

# INTRODUCTION

The Alberta Association of Immigrant Serving Agencies (AAISA) and the Calgary Catholic Immigration Society (CCIS) jointly commissioned Pivotal Research Inc. (Pivotal Research) to conduct policy research focused on Temporary Foreign Workers (TFWs) in the Prairie provinces—encompassing the provinces of Alberta, Manitoba, and Saskatchewan—building on the TFW Prairie Region Project to provide AAISA and CCIS with insights and opportunities to strengthen the TFW-serving ecosystem across the Prairie region.

## RESEARCH CONTEXT AND METHODOLOGY

Funded at nearly \$2 million by Employment and Social Development Canada (ESDC) and made up of 14 project partners, the TFW Prairie Region Project has been tasked since the beginning of 2021 with guiding and providing a coordinated service delivery approach and assistance for TFWs, including migrant workers, particularly those employed in the agricultural sector who have been impacted by the global COVID-19 pandemic. CCIS and AAISA are interested in increasing the capacity of the TFW Prairie Region Project partners to execute informed service delivery, advocacy, policy development, and research to strengthen the TFW-serving ecosystem in the Prairie region and sustain critical project elements beyond its funding lifecycle.



In order to meet this mandate, the following research objectives were achieved:

- Conduct a review of research literature produced in 2018-2021 related to TFWs in Alberta, Manitoba and Saskatchewan and identify research gaps that would further bolster the current TFW knowledge bank in the Prairie provinces;
- Analyze TFW Prairie Region Project qualitative and quantitative data to identify emerging trends and unmet needs;
- Map and visualize the location of TFWs across the Prairie provinces and the TFW service delivery geographic reach to enable insights for widening the service reach; and
- Identify policy, advocacy, funding, and service delivery gaps and opportunities to more effectively address current needs of TFWs in the Prairie region.

The policy research, completed between October-December 2021 in multiple phases, ranged from conducting literature reviews and legislative analysis, to organizing, analyzing, and mapping service delivery findings and data gathered from the TFW Prairie Region Project and other sources.

## KEY FINDINGS

The TFW Prairie Region Project presents a case study of an unprecedented regional partnership model with time-limited and pandemic-response-focused funding to support TFWs. The project provided partners the opportunity to either formalize or establish a new line of services dedicated to TFWs centered around workplace safety and public health. This federal support was critical especially in the agricultural and meatpacking sectors most concentrated in the Prairie region that were deemed essential during the pandemic.

The project outcomes in addition to analysis of literature and data to-date illustrate systemic, policy, funding, and capacity gaps that are in critical need of addressing to shore up the TFW experience, support immigrant-serving service provider organizations (SPOs) and assist employers in the Prairie region.

As presented through the project analysis, TFWs' needs are primarily integration-oriented— food security, housing, financial literacy and assistance, public health, information services—that result from inadequate service supports on- and outside-the-job. The project analysis and literature review also show structural gaps in employer engagement, funding supports, and monitoring mechanisms that help employers ensure their workers are productive and healthy on-the-job. Geographically mapped data further paint a picture of opportunities for future expansion for immigrant-serving SPOs, especially in rural areas where there continues to be TFW service “deserts”.

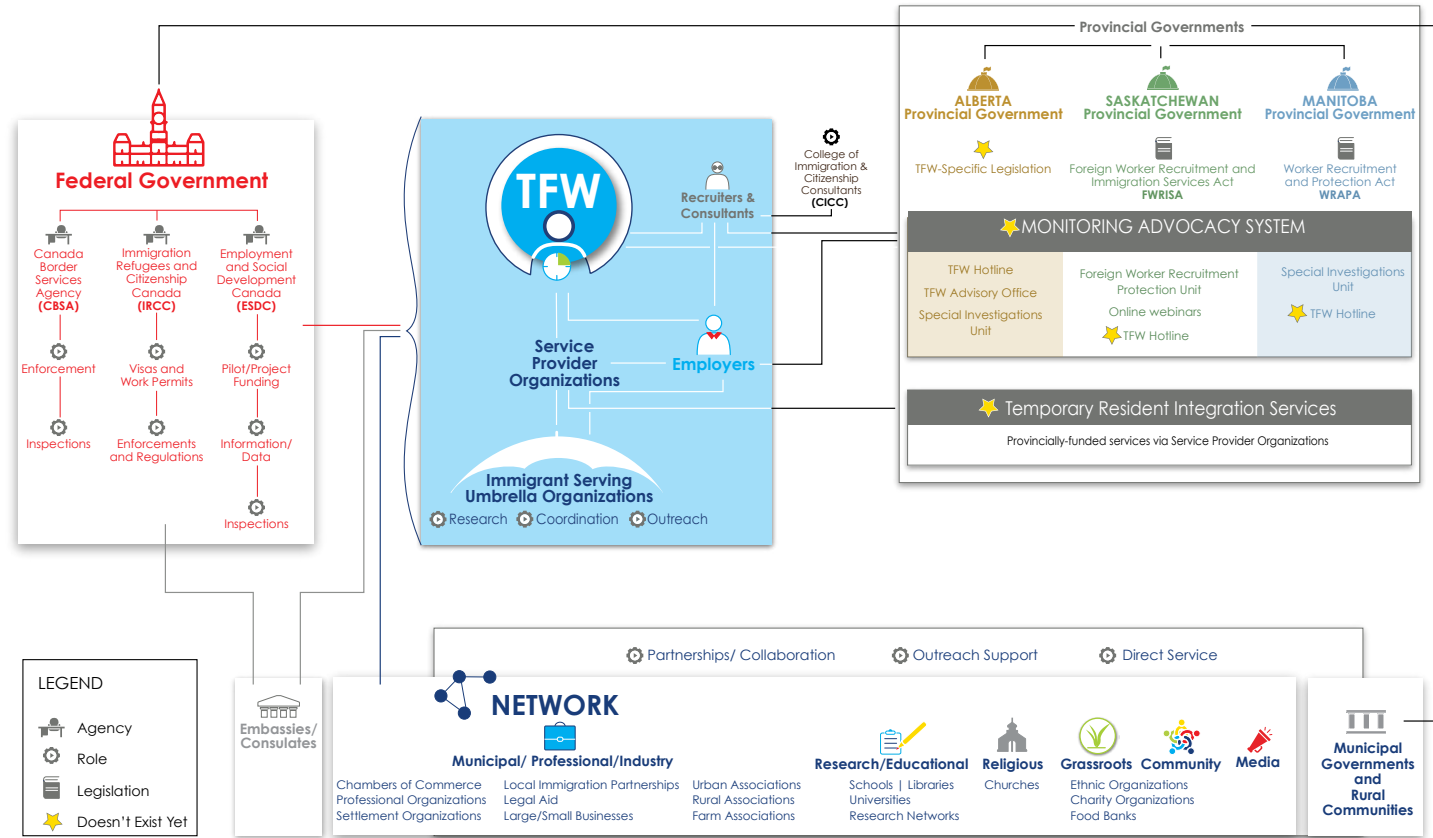


# RECOMMENDATIONS

These findings make a compelling argument for various recommendations noted below that leverage the momentum created by the TFW Prairie Region Project in order to establish an ideal TFW-serving ecosystem in the Prairie region.

IDEAL TEMPORARY FOREIGN WORKER SERVING ECOSYSTEM IN THE PRAIRIE REGION

PIVOTAL RESEARCH







## PROVINCIAL TFW-SPECIFIC LEGISLATION

The provincial governments in the Prairie region should consider strengthening—and promulgating in Alberta where none exists – provincial foreign worker-specific legislation and policies to continue signaling the commitment to safe and productive work environment for foreign workers in the Prairie region. The Prairie region, given its economic regional status, should further align its foreign worker-related policies to facilitate cross-provincial collaboration.



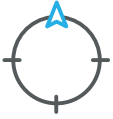
## FEDERAL-PROVINCIAL TFW MONITORING ADVOCACY SYSTEM

The provincial governments in the Prairie region should consider promulgating amendments to their federal-provincial agreements to fund a proactive and effective Federal-Provincial TFW Monitoring Advocacy System. This monitoring advocacy system's role is dual providing supports to employers and TFWs. TFW monitoring advocates would be located in close proximity to agricultural, industrial and business hubs that employ large proportion of TFWs relying on a highly customized and hybrid—digital and in-person—advocacy and monitoring outreach approach. Monitoring advocates would also create community linkages through partnerships with SPOs that strengthen their advocacy and outreach role and extend their reach. The Prairie provinces can leverage various aspects of their current workplace monitoring and inspection and worker advocacy framework towards establishing this system.



## TEMPORARY RESIDENT INTEGRATION SERVICES

Through innovative funding strategies, including blending and braiding of federal and provincial government funding, the provincial governments in the Prairie region should consider filling gaps in federally-funded settlement services by providing dedicated temporary resident integration services to TFWs through a funding stream or a budget line item. TFW integration services would be delivered through a network of established SPO partnerships that proactively addresses TFWs' basic outside-the-job settlement and integration needs relying on common service delivery standards.



## PRE-ARRIVAL AND ARRIVAL ORIENTATION SERVICES

The federal and provincial governments have a role to play in building a centralized and robust system of pre-arrival and arrival orientation services for TFWs. Upon receipt of a work permit, a TFW in their home country would be provided with comprehensive and continuously updated federal and provincial pre-arrival information resources delivered digitally and by phone services and ideally in the person's first language. Arrival information services would see a coordinated service delivery approach between the: federal government (CBSA); airport authorities where TFWs initially and/or subsequently land; host employers; and immigrant-serving SPOs. Arrival information services would reinforce the pre-arrival information, contextualized through in-person interaction and written collateral and delivered in various languages to increase uptake.



## REIMAGINED, PARTNERSHIP-POWERED SERVICE DELIVERY MODEL

Immigrant-serving SPOs, supported by umbrella organizations through guidance, research, coordination, and outreach, are encouraged to reimagine their service delivery approaches to TFWs through a partnership-powered model in order to expand their spheres of reach through the following program management components:

- **Data-driven:** Pool limited financial resources or seek a coordinated effort of umbrella organizations to conduct location intelligence through geographic mapping of TFW-related data, leverage demographic data to respond to TFWs' emerging needs, and conduct internal or third-party TFW program evaluations.
- **Innovative:** Tap into innovative service delivery to expand SPO service reach through establishing TFW services mobile units to remote and rural locations where current SPO reach is limited or absent; seeking co-location of services at established "landmark" sites in smaller communities; and implementing digitally-interactive tools and resources on the TFW Prairie Region Project website.
- **Employer and Industry-Engaged:** Increase capacity of SPOs and umbrella organizations to play a workforce intermediary role adopting a dual customer approach, creating presence at industry associations/chambers of commerce; speaking the language of businesses when outreaching to them; espousing a sectoral approach to employer engagement; and formalizing employer engagement through memorandum of understanding or cooperation partnership mechanisms.
- **Strategic Government Allyship:** SPOs and umbrella organizations can benefit from a strategic government allyship approach, specifically with the government monitoring advocacy system to enhance on-the-job outreach to TFWs.



- **Network-Building for Local Welcoming Communities:** Adopt a coalition-building approach by creating new and leveraging existing partnerships and networks with community-based organizations, industry and business community organizations, and municipal/rural governments and local champions to create local-level “welcoming communities”. These networks can facilitate the coordination of in-kind and/or monetary contributions towards co-located or integrated services; a service referral system for TFWs; virtual and physical gathering spaces; and sponsored information campaigns and advocacy events.



## UMBRELLA ORGANIZATION-GUIDED TFW-SERVING FRAMEWORK

Umbrella organizations should consider pursuing new funding resources or leveraging existing funds to achieve the following recommended actions:

- **Expand and diversify outreach, partnership, and membership:** Consider expanding and diversifying their membership base by adding SPOs that are located in remote or rural areas and those that bring unique industry expertise serving TFWs to address skill and geographic gaps.
- **Invest in TFW Prairie Region Data and Research Centre:** The three umbrella organizations in the Prairie region should consider coordinating funding to invest in a TFW Data and Research Centre for the Prairie Region that manages data from various sources to create up-to-date location intelligence and data on TFWs and oversees the dissemination of this data, making it readily available to SPOs. This centre would also generate unique research initiatives by addressing acute research gaps in the TFW literature in the Prairie region, including conducting TFW and employer needs assessments in the region every two years to inform program management and advocacy efforts.
- **Address Research Gaps:** Umbrella organizations, and potentially through the proposed TFW Prairie Region Data and Research Centre, should address glaring research gaps to augment the region’s TFW knowledge bank. Research gaps include conducting multi-stakeholder needs assessments and documenting the TFW recruitment process, experience of “champion” TFW sponsoring employers, role of foreign embassies, experience of migrant seasonal farmworkers and undocumented TFWs, and engaging TFWs in program reform research.
- **Convene TFW-Serving Ecosystem Conference:** Convene a Prairie Region TFW-serving ecosystem conference, which could become annual, engaging all ecosystem players to create synergy, wide-scale networking, and advocacy efforts in support of TFW services and programs in the Prairie region.
- **Develop Program Implementation Toolkit:** Umbrella organizations alongside the TFW Prairie Region Project partnership, headed by CCIS, should create a TFW program implementation toolkit that builds on the project experience to enable scaling and replicability of this initiative across other organizations in the region, with a specific focus on employer engagement strategies.



## OTHER ADVOCACY-RELATED RECOMMENDATIONS



### TFWP REFORMS

Umbrella organization and SPOs would benefit from advocating for a fresh round of TFWP reforms, including:

- **Sector-Specific Work Permit**, which would allow the TFW to change jobs within the same sector they work at and within the same province they reside at, constituting an incremental change to the status quo.
- **Open Work Permit for TFWs with Non-Compliant Employers**, granted to workers whose employer has been suspended for non-compliance.
- **Open Work Permits for TFW Spouses**, similar to international students, and allowing low-skilled TFWs and SAWP workers to bring their families to Canada.



### TFWP ACCESS TO BENEFITS AND HEALTHCARE

Improve accessibility for EI benefits and other wage subsidies for TFWs when they are not working and protecting themselves, other workers, and their communities following a COVID-19 exposure or illness. Ensuring TFWs have access to EI while waiting for the renewal of a work permit is also recommended.



### TFWP IMMIGRATION PATHWAYS FOR TFWs

Umbrella organizations and SPOs should consider advocating to strengthen pathways to immigration for TFWs, specifically creating more opportunities for permanent residency for TFWs working in agriculture and other occupations considered low-skilled.







# INTRODUCTION AND RESEARCH METHODOLOGY

The Alberta Association of Immigrant Serving Agencies (AAISA) and the Calgary Catholic Immigration Society (CCIS) jointly commissioned Pivotal Research Inc. (Pivotal Research) to conduct policy research focused on Temporary Foreign Workers (TFWs) in the Prairie provinces—encompassing the provinces of Alberta, Manitoba, and Saskatchewan—building on the TFW Prairie Region Project to provide AAISA and CCIS with insights and opportunities to strengthen the TFW-serving ecosystem across the Prairie region.

## RESEARCH CONTEXT AND KEY OBJECTIVES

In 2020, the TFW Prairie Region Project was kickstarted as a partnership of nine immigrant-serving agencies and umbrella organizations in Alberta, Manitoba, and Saskatchewan tasked with guiding and providing a coordinated service delivery approach and assistance for TFWs, including migrant workers, particularly those employed in the agricultural sector who have been impacted by the global COVID-19 pandemic. The partnership is led by CCIS and funded by (ESDC) through CCIS. The partnership was later expanded to encompass 14 project partners, subcontracted by CCIS.



Funded at nearly \$2 million by ESDC, the TFW Prairie Region Project is set to reach 3,000 TFWs through collaborations with rural and urban host communities and employers from January 4 to December 2, 2021. The project also hosts a web-based hub for TFWs served by project partners and geared to employers as well. The online hub [www.tfwhub.ca](http://www.tfwhub.ca) presents information in multiple languages to improve TFW access to critical online and in-person resources and provides information at various TFW journey touchpoints from the arrival experience through to the employment experience in Canada.

The project provides support services to TFWs, such as orientation and information sessions, referral services, and resources on employee rights and responsibilities and illness prevention and personal protection. Other services provided focus on intervention, such as case management and assistance to access language, health, income, housing, and counselling supports, among other such supports and interventions vital to the well-being and productivity of TFWs and their families.

The TFW Prairie Region Project continues to meet urgent and emerging needs of TFWs, while facing multiple policy, funding, and service delivery challenges at various levels of the TFW-serving ecosystem. As such, CCIS and AAISA are interested in increasing the capacity of the TFW Prairie Region Project partners to execute informed service delivery, advocacy, policy development, and research to strengthen the TFW-serving ecosystem in the Prairie region and sustain critical project elements beyond its funding lifecycle.

In order to meet this mandate, the following research objectives were achieved:

- Conduct a review of research literature produced in 2018-2021 related to TFWs in Alberta, Manitoba and Saskatchewan and identify research gaps that would further bolster the current TFW knowledge bank in the Prairie provinces;
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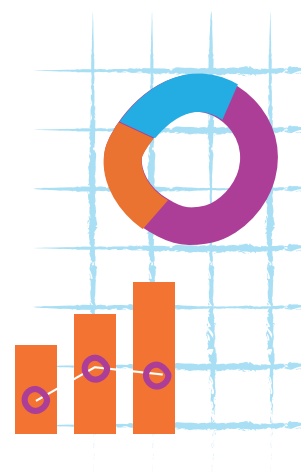
## RESEARCH METHODOLOGY

The policy research was completed in multiple phases, ranging from conducting literature reviews and legislative analysis, to organizing, analyzing, and mapping service delivery findings and data gathered from the TFW Prairie Region Project and other sources.

### LITERATURE REVIEW & LEGISLATIVE ANALYSIS

The first phase entailed a literature review of academic research conducted between 2018 and 2021 focused on the TFW experience in the Prairie region with the goal of identifying the following thematic areas and trends:

- The Temporary Foreign Worker Program (TFWP) policy background and history, including provincial and federal level -policies;
- Similarities, differences, and unique aspects of Prairie region TFW-related provincial policies and legislation;





- Impacts of policies, political support for TFWs, and funding/investments on the TFW experience in the Prairie region; and
- Policy, funding, service delivery, and advocacy opportunities derived from the literature.

The literature review was conducted between October-November 2021 and encompassed 37 research references, which discuss the TFW experience in the Prairie region from pre-arrival through post-TFWP, including policy and programmatic considerations to improve their program and integration experience in Canada. This phase also entailed consulting federal and provincial government agency websites to gather critical information about TFWP policy and requirements and facilitate cross-provincial comparisons.

Keywords and phrases for Google searches involved the inclusion of geographic tags, so that only results relevant to the Prairie provinces were displayed. Although the majority of literature review searches were completed using geographic-constraint keywords, such as “Alberta”, “Manitoba”, and “Saskatchewan”, research that originated outside of the Prairie provinces that shed light on the Prairie region experience were reviewed.

The literature review outcomes were used in the development of recommended actions to address research gaps in the Prairie region TFW knowledge bank and derive insights on policy/program development, advocacy, and program funding.

## TFW PRAIRIE PROJECT – DATA ANALYSIS AND STAKEHOLDER ENGAGEMENT

The second component of this research was to analyze qualitative and quantitative data from the TFW Prairie Project gathered since January 2021. In addition, the research team engaged project partners through two workshops aimed at gathering critical input on the current project constraints and ideal state of TFW program support within the larger TFW-serving ecosystem involving all actors that influence the experience of TFWs in Canada directly or indirectly.



## PROJECT DATA ANALYSIS AND GEOGRAPHIC MAPPING

Project data analysis and geographic mapping encompassed multiple quantitative and qualitative data sources, including:



Client data housed within the project partnership's database extracted for the period from January 4, 2021 to December 2, 2021;



Survey data with TFW clients served by the various project partners for the same time period;



Quarterly, monthly, and bi-monthly narrative reports submitted by project partners for the time periods between January and October 2021;



Notes from the focus groups with some project partners completed as a part of evaluation by Habitus Collective;



TFW Prairie Project program evaluation findings for the time period from December 14, 2020 to July 31, 2021;



Insights gathered from consultation meetings with research networks operating in the Prairie Region: Rural Development Network and Newcomer Research Network; and



Direct insights of project partners collected during project partner workshops conducted by Pivotal Research, which took place on November 9, 2021 and December 14, 2021.

Geographic mapping also encompassed accessing publicly available data on employers with approved Labour Market Impact Assessments (LMIA's) in the Prairie region for Fiscal Year 2020 and the first two fiscal quarters of 2021 to inform location intelligence and mapping.

## PROJECT PARTNER WORKSHOPS

Upon completion of the comprehensive literature review, Pivotal Research conducted two interactive virtual workshops with project partners to hear about their first-hand experiences and align knowledge obtained from the literature with real-life SPO practices.

During the first two-hour workshop held on November 9, 2021 representatives of the partner organizations were presented with the program model for the TFW Prairie Region Project and asked to further reflect on the identified gaps and potential improvements. Presentation sparked an engaging discussion, insights from which (both verbal and those typed in Zoom meeting chat) were collected using an interactive tool for on-line collaboration, coded using the same coding framework as the rest of the qualitative data, and used for the recommendation-development.

The insights from the first workshop also served as a basis for the development of several visuals: 1) an ideal and reimagined TFW-serving ecosystem in the Prairie region; 2) current and ideal TFW journey maps in the Prairie region.

The visuals were introduced during a subsequent 60-minute Results Workshop held on December 14, 2021. The purpose of the second workshop was to validate achievability of the model suggested as well as collect more feedback for finalizing project and policy recommendations.



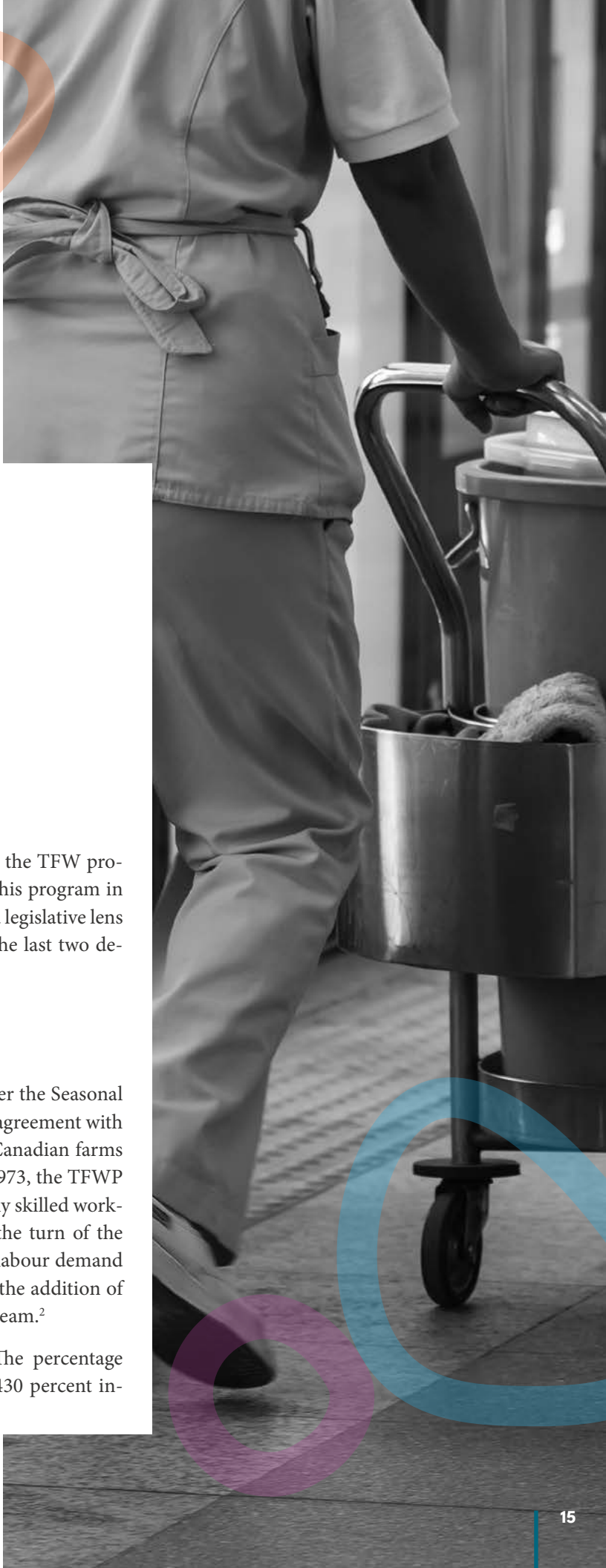
# TEMPORARY FOREIGN WORKER PROGRAM: EVOLUTION, POLICY, AND FUNDING

This section details findings from a literature review focused on the TFW program evolution and the federal and provincial policies driving this program in the Prairie region. This section provides a comparative policy and legislative lens across the Prairie provinces and showcases policy trends over the last two decades as well the funding landscape to support TFWs.

## PROGRAM OVERVIEW

The TFWP has a long-standing history dating back to 1966 under the Seasonal Agricultural Worker Program (SAWP), when Canada signed an agreement with Jamaica under which migrant workers would be employed on Canadian farms to fill labour shortages during farming and harvest seasons. In 1973, the TFWP was expanded to meet the needs of Canadian employers for highly skilled workers, such as specialized medical and scientific fields.<sup>1</sup> Then at the turn of the century in 2002, the TFWP further expanded its scope to meet labour demand for foreign low-skilled workers. This was followed in 2008 with the addition of service and hospitality sector jobs into the low-skilled worker stream.<sup>2</sup>

Since then, the program underwent overwhelming growth. The percentage increase of TFWs in Canada from 2000 to 2013 reached over 430 percent in-





creasing from 89,700 to 386,400 in 2013.<sup>3</sup> Based on Statistics Canada data,<sup>4</sup> Canadian labour force in January 2013 was estimated at 18,848,900, which means that TFWs represented almost 2 percent of the overall workforce that year. At that point, TFWs became more prominently represented in occupational areas, such as food counter attendants, cooks, construction workers, cleaners, and food and beverage servers and mostly hailing from developing nations like Philippines, India, China and Mexico.<sup>5</sup> Alberta leads in the per capita number of TFWs in Canada. In the early 2000s, when the TFWP started accepting foreign workers to fill low-skilled jobs in Canada, 3 percent of Alberta's workforce was made up of TFWs.<sup>6</sup> Since the TFWP's peak in 2013, the program started to contract primarily due to reactive policies which made it easier to hire high skilled TFWs and harder to hire low-skilled TFWs. Within five years, the program brought in roughly 50 percent less migrant workers into Canada.<sup>7</sup>

### The TFWP is divided into various streams:



**High-wage**, such as jobs that offer above provincial median wages, including professional, technical, managerial and scientific positions



**Low-wage**, such as jobs that offer below provincial median wages, including labourer, food counter attendants, and sales workers



**Primary agricultural** stream, including on-farm primary agriculture and SAWP migrant workers



**Global Talent** stream that provides an opportunity to hire individuals with unique talents and specializations



Stream for hiring **foreign academics**



**Live-in Caregiver** Program, to deliver in-home care for children, older adults, and individuals with disabilities.

The low-wage stream mostly includes workers in non-supervisory positions in growing industries that experience labour shortages, such as food production, manufacturing, and construction. Low-skilled positions significantly outnumber high-skilled jobs. Crop production, in particular, has the biggest share of TFWs, according to a 2020 report by Statistics Canada.<sup>8</sup>

Canadian employers experience high demand for low-wage positions that Canadians are not available or willing to fill, which makes employers rely on labour import. Some of the positions only require seasonal workers (seasonal farm work), and some are in constant need of foreign labour. Specifically in the Prairie provinces, the TFWP fills acute labour shortages in various industries, including agriculture, construction, food services, and caregiving.<sup>9</sup>

In most cases, the Labour Market Impact Assessment (LMIA) is required to legally bring in a foreign worker to Canada. The LMIA process includes a labour market test that attests the employer has exhausted their means of filling their labour shortage through recruitment of a qualified worker residing in Canada and, as such, would need to resort to meet their labour demand through temporary foreign work. The LMIA application must include the name of the worker the employer wishes to hire and a signed job offer letter.

Despite criticism of the program, research from 2009 has shown that the TFWP is one of the programs that has positively impacted TFW's employment rates and wages compared to recently-landed immigrants.<sup>10</sup> In particular, Sweetman and Warman's study<sup>11</sup> which used Longitudinal Survey of Immigrants to Canada who landed between 2000 and 2001 found that men who came to Canada as TFWs were doing better in terms of earnings

6 months and 4 years after they landed in Canada than other immigration categories, including skilled workers, their spouses, dependents and refugees.<sup>12</sup> In fact, some of the more recent literature scanned advocates for the “two step immigrant”<sup>13</sup> approach that would favour immigration for individuals who come first to Canada as foreign workers and obtain the needed Canadian work experience that gives them the leg-up at effective labour market integration relative to newcomers with no experience working in Canada before.

As such, some of the recommended actions for consideration coming out of recent Alberta-based research is to continue supporting a limited TFWP that would enhance immigrant integration outcomes for TFWs who continue on a successful pathway to immigration, while ensuring that wages, employment prospects for Canadians, and workplace standards are not negatively impacted especially in a tenuous economy post-COVID.

## FEDERAL POLICY

The TFWP is governed by the Immigration and Refugee Protection Act (IRPA) and the Immigration and Refugee Protection regulations. The program is administered by the federal government with responsibilities distributed between Economic and Social Development Canada (ESDC), Immigration, Refugees and Citizenship Canada (IRCC) and the Canadian Border Security Administration (CBSA).



**ESDC** is responsible for establishing whether employers’ need for foreign workers is justified, granting or refusing LMIs, and conducting complaint-driven, on-site inspections



**IRCC** authorizes workers’ status in Canada by granting visas and work permits and conducts investigations in case of employers’ non-compliance with immigration laws



**CBSA** makes a final decision on worker’s admissibility, grants entry to Canada, and conducts criminal investigations of employers and immigration consultants under IRPA.

Expansion of the TFW numbers in the 2000’s sparked debate across Canada over the efficacy of the program, as growing evidence started to accumulate that some employers continuously take advantage of the TFWP by prioritizing hiring foreigners who are willing to work for lower wages than Canadians. Moreover, as several researchers suggest, although the program is specifically designed to prevent immigration, many TFWs see it as potential pathway to permanent residency (PR), which is critical for their decision to come to Canada in the first place.<sup>14</sup>

As such, in the past decade, the TFWP has undergone several rounds of reforms with significant regulatory and policy amendments made in 2011, 2014, 2019, and in 2020. New regulatory amendments were proposed in 2020-2021 in addition to 2021-2022 budget proposals in support of a more progressive TFW-serving agenda at the federal level.

## 2011 REFORMS

In 2011, federal regulations were introduced by the Conservative government to ban “non-compliant employers” from the TFWP who fail to ensure the fulfilment of the conditions of the offer letter and the LMI (Labour Market Opinion until 2014) for a period of two years. The four-year cumulative duration limit on TFWs’ stay in Canada, colloquially known as ‘4-in-4-out rule’, was introduced as well. This rule requires TFWs who have been working in Canada for 4 years to return to their home countries for a 4-year period

before coming back to Canada for work. The main objective of this rule was to prevent the workers from becoming ‘permanent’ instead of ‘temporary’ residents.

Research has found that the non-compliant employer ban did not succeed at alleviating cases of worker abuse.<sup>15</sup> The ‘4-year rule’ also pushed TFWs towards undocumented stay in Canada, who continued to work “under the table” in order to repay their loans.<sup>16</sup> The 4-in-4-out rule was removed in 2016 by the Liberal government in line with the recommendations submitted by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

## 2014 REFORMS

In 2014, the program saw another overhaul. First of all, the program was split into two programs: the TFWP and the International Mobility Program (IMP). The main difference is that in contrast to the TFWP, the IMP does not require an LMIA process. Secondly, in order to ‘put Canadians first’, the cost of the LMIA application, which must be paid by the employer, increased from \$275 to \$1,000. Thirdly, the LMIA process included more labour market verifications, such as requirement to provide detailed information on the number of Canadians who applied for the job and were interviewed as well as explanation of why they were not hired. Also, the cap of 10 percent on the number of TFWs employed by a business was established. Duration of the LMIA was limited to one year, which meant that employers needed to reapply every year for TFWs to continue working for them legally.

As highlighted by many researchers, the 2014 reforms were not as successful at protecting TFWs against precarious working conditions due to the lack of effective mechanisms of implementation and monitoring of workplace policies.

The increase in the LMIA fee was passed on to TFWs as an increase in recruitment fees and the 10 percent cap on TFWs hired by companies at each location meant more uncertainty for TFWs as well, as the companies could only keep some TFWs, which created tensions.<sup>17</sup>

The one-year duration of LMIA further gave TFWs a limited time to understand the Canadian workplace context, exercise their available worker rights, or learn how to navigate available supports.<sup>18</sup> As described by one of the participants of one of the academic studies, “by the time [TFWs] know something, the LMIA has expired”.<sup>19</sup>

Moreover, the LMIA process was not adequately assessing the employers’ need for foreign labour (as opposed to Canadian labour), which led to public misperception of TFWs taking jobs away from qualified, unemployed Canadians and negatively impacting wages,<sup>20</sup> thereby possibly contributing to domestic unemployment.

## 2019 REFORMS

The most awaited change heavily lobbied for by non-profit organizations<sup>21</sup> came in 2019, with the introduction of the Open Work Permit for vulnerable workers. This policy change protects workers who are being abused or are at risk of being abused at their job and cannot leave to find another job—because their work permit is tied to this particular employer—by giving them the possibility to apply (application fee is waived) for an open work permit without an employer restriction. The requirements include having a valid employer-specific work permit, which has not expired (or an application to renew work permit in progress, which is submitted before the expiry date of the work permit) and a letter describing the specific situation as well



as evidence. Obtaining LMIA and offer letter is not required to apply for this type of work permit, but TFWs who lost their status in Canada are not eligible to apply, since the requirement is to either have a valid work permit (LMIA or LMIA-exempt) or be in the process of work permit renewal.

Researchers who interviewed TFWs in precarious positions highlighted the weaknesses of such protection. Some workers who are being abused the most are not likely to have access to a computer, internet connection or even their documents.<sup>22</sup> Providing evidence to support the application is also an issue, as it is time-consuming and may be hindered by common challenges TFWs experience, such as English language limitations, lack of knowledge on how to gather necessary documents to apply to IRCC or make an official complaint, long working hours, and isolation. Additionally, determination of whether the description of the worker's situation constitutes abuse is at the discretion of an immigration officer and is highly subjective. Furthermore, open work permit for vulnerable workers is valid no longer than a year, which can be discouraging for TFWs whose original work permits are valid beyond that time period. In other words, it may actually be more convenient for them to keep tolerating abuse if they can work and stay in Canada longer even with abusive employer. Lastly, open work permit is deemed as a 'transitional measure' by the government, since on average it takes around 12 months for a TFW to obtain new employment and LMIA, which led many non-profits to call it not more than a 'band-aid solution'.<sup>23</sup>



## 2020-2021 PROGRAM CHANGES AND PROPOSED REFORMS

The TFWP underwent several changes in response to the global COVID-19 pandemic. In May 2020, IRCC announced critical reforms to the TFWP:

- TFWs looking to change jobs and waiting on IRCC for work application approval are able to lawfully work;
- Some categories of undocumented TFWs are able to restore their legal status in the country; and
- Some categories of visitors may apply for a work permit, while remaining within the country.

Later in 2020, the federal government deemed certain occupations as essential during the COVID-19 pandemic and, as such, they were prioritized during that period, including jobs in the agricultural, health care, sanitation, and logistics sectors.

2021 saw additional program enhancements. New enhanced features to the Job Bank facilitate TFWs' search for jobs from employers who are eligible to recruit foreign workers. The enhanced TFW Tip Line was launched in March 2021 offering live agents who can speak in multiple languages to meet immediate needs of TFWs. Between March and July 2021, around 400 callers were provided supports, including referrals, general information about TFW rights, and completing complaint forms.<sup>24</sup>

In July 2021, ESDC and IRCC announced 14 proposed new regulatory amendments to support abuse and mistreatment of TFWs, including:



Requiring employers to equip TFWs with information about their rights



Enhancing the TFW complaint process by prohibiting employer reprisals



Requiring employers to provide TFWs with access to healthcare and, as needed, extend health insurance coverage to TFWs



Prohibit employers and recruitment/immigration consultants from charging recruitment fees to TFWs and increasing accountability of employers vis-à-vis predatory practices of recruiters



Defer LMIA processing for non-compliant employers



Facilitate the process of inspections and reduce inspection timelines through third-party coordination.

The proposed rulemaking process has not been concluded at the time of finalizing this report.

## PROVINCIAL POLICY AND LEGISLATION

While several bodies of the federal government share responsibilities of administering the TFWP, each province and territory is responsible for enforcing health, safety and labour standards in addition to enforcement of TFW recruitment.

### PROVINCIAL TFWP POLICIES

In terms of provincial policy, in 2020 and as a response to the COVID economic recession, Alberta set a limit on the number and types of jobs that employers can hire through the TFWP in order to enhance job opportunities for unemployed Albertans. TFWP limitations apply to the accommodation and food services, retail trade, transportation, construction, and professional, scientific and technical services, with the exception of the agricultural, technology, and caregiving sectors. LMIA processing has also been subject to those limitations. The province will continue to monitor and evaluate the limitation on a quarterly basis.<sup>25</sup> The other two Prairie provinces have not promulgated similar restrictive program policies at the provincial level.

### PROVINCIAL TFW-RELATED LEGISLATION

The first most significant difference between the Prairie region provinces is the range of legislation governing TFW-related worker standards. The rights of TFWs, similar to Canadian workers, are protected by legislation regulating employment/labour standards: the Saskatchewan Employment Standards Act in Saskatchewan, the Employment Standards Code in Manitoba, and Employment Standards Code in Alberta.

Manitoba and Saskatchewan have further adopted standalone legislative acts that govern relations specific to the recruitment of TFWs, including licensing of recruiters and immigration consultants, registering employers, imposing certain prohibitions, and penalties and establishing mechanisms for compliance monitoring.

**Manitoba's Worker Recruitment and Protection Act**, or WRAPA, was created in 2009 specifically for the protection of foreign workers from recruiters and employers as well as protection of children from talent/modelling agencies. When signed into law, WRAPA was branded the "Manitoba Model",<sup>26</sup> including progressive elements regarding worker protection, employer oversight, and worker recruitment requirements.

**The Foreign Worker Recruitment and Immigration Services Act**, or FWRISA, adopted in Saskatchewan in 2013, is so far the most detailed legislation across all Canadian provinces and territories that "uniquely regulates employers, recruiters, and immigration consultants"<sup>27</sup> and provides protection to TFWs, in addition to students, visitors and other immigration categories. FWRISA has been praised by advocacy organizations as the most comprehensive legislation that addresses common rights abuses of migrant workers.<sup>28</sup>

As for **Alberta**, no specific TFW-focused legislation has been developed. Foreign worker recruitment is covered by several legislations and regulations, including the Consumer Protection Act (CPA) along with its companion the Employment Agency Business Licensing Regulation (EABLR)(on licensing of international recruiters and employment agencies), the Employment Standards Code, Designation of Trades and Businesses Regulations, and General Licensing and Security Regulation.



See Table 1 below, which details worker protection legislation and regulations by Prairie province.<sup>29</sup>

**TABLE 1 – TFW-RELATED LEGISLATION, REGULATIONS, OVERSIGHT BODIES, AND TARGET GROUPS BY PRAIRIE PROVINCE**

ALBERTA	SASKATCHEWAN	MANITOBA
<b>LEGISLATION</b>		
<ul style="list-style-type: none"> <li>• Consumer Protection Act (CPA)               <ul style="list-style-type: none"> <li>– Promulgated in 1960</li> </ul> </li> <li>• Employment Standards Code</li> <li>• No TFW-specific legislation</li> </ul>	<ul style="list-style-type: none"> <li>• Foreign Worker Recruitment and Immigration Services Act (FWRISA)               <ul style="list-style-type: none"> <li>– Standalone TFW-specific legislation</li> <li>– Promulgated in 2013</li> </ul> </li> <li>• Saskatchewan Employment Standards Act</li> </ul>	<ul style="list-style-type: none"> <li>• Worker Recruitment and Protection Act (WRAPA)               <ul style="list-style-type: none"> <li>– Standalone TFW-specific legislation</li> <li>– Promulgated in 2009</li> </ul> </li> <li>• Employment Standards Code</li> </ul>
<b>REGULATIONS</b>		
<b>Under CPA:</b> <ul style="list-style-type: none"> <li>• Designation of Trades and Businesses Regulation</li> <li>• Employment Agency Business Licensing Regulation</li> <li>• General Licensing and Security Regulation</li> </ul>	Foreign Worker Recruitment and Immigration Regulations	Worker Recruitment and Protection Regulations
<b>AGENCY</b>		
<b>Applies to All Workers:</b> <ul style="list-style-type: none"> <li>• Service Alberta - Consumer Investigation Unit (CIU) for complaints against recruitment agencies, submitted by workers or employers who used their services</li> <li>• Alberta Labour and Immigration               <ul style="list-style-type: none"> <li>– Employment Standards for complaints against employers, submitted by workers (excludes issues covered by OHS, WCB, CRA as well as human rights, employment insurance and record of employment)</li> </ul> </li> </ul> <b>Applies to TFWs:</b> No specific enforcement body	<b>Applies to All Workers:</b> <ul style="list-style-type: none"> <li>• Ministry of Labour Relations and Workplace Safety               <ul style="list-style-type: none"> <li>– Employment Standards</li> </ul> </li> </ul> <b>Applies to TFWs:</b> <ul style="list-style-type: none"> <li>• Foreign Worker Recruitment and Protection Unit</li> </ul>	<b>Applies to All Workers:</b> <ul style="list-style-type: none"> <li>• Manitoba Economic Development and Jobs               <ul style="list-style-type: none"> <li>– Employment Standards - Special Investigations Unit</li> </ul> </li> </ul>
<b>TARGET GROUP</b>		
<b>For Employment Agency Business Licensing Regulation:</b> <ul style="list-style-type: none"> <li>• Employment agencies (recruiting either domestic or foreign workers or both)</li> </ul> <b>For Employment Standards Code:</b> <ul style="list-style-type: none"> <li>• All Workers</li> <li>• Employer</li> </ul>	<ul style="list-style-type: none"> <li>• TFW</li> <li>• Employer</li> <li>• Labour recruiter</li> <li>• Immigration consultant</li> </ul>	<ul style="list-style-type: none"> <li>• TFW</li> <li>• Employer</li> <li>• Labour recruiter</li> </ul>

Provincial legislation on TFWs varies and the differences are evident from the definitions of ‘recruiter’, ‘employer’ and ‘foreign worker’, to licensing requirements and prohibitions and penalties.



## DEFINITION OF TARGET GROUPS

Since Alberta does not have TFW-specific legislation, Alberta's relevant legislations and regulations cover Canadian and non-Canadian workers (all individuals employed or seeking employment) and, as such, is the broadest of definitions.<sup>31,32</sup> Manitoba's definition of foreign worker in WRAPA is the strictest, specifically tying the definition to the TFWP: a foreign worker employed or seeking employment under the TFWP in Manitoba. Saskatchewan defines a foreign worker as a "a foreign national working in or seeking employment in Saskatchewan".<sup>33</sup>

The definition of a recruiter varies across provinces as well. Saskatchewan's FWRISA defines recruiter and immigration consultant as persons who, for a fee or compensation, provide recruitment or immigration services respectively. Manitoba's WRAPA, on the other hand, defines 'foreign worker recruitment' activities as either finding foreign workers or finding employment for foreign workers in Manitoba, regardless of whether these services are provided for a fee. Alberta's Designation of Trades and Businesses Regulation under the Consumer Protection Act uses different language and provides the most specific definition for 'employment agency business' describing in more detail the role of the agency: securing or attempting to secure individuals for employment in Alberta and evaluating skills or knowledge of an individual required for employment.<sup>34</sup>



## LICENSING RECRUITERS

Licensing is an integral instrument through which provincial governments regulate recruiters. Jurisdictions of all Prairie provinces require licenses for those engaged in recruitment activities, as operating without a license is against the law.

In all provinces, licenses are non-transferable and limited in duration, which allows the governments to monitor if the recruiters continue to comply with regulations. WRAPA and FWRISA include requirements on licensing of recruiters (and immigration consultants in Saskatchewan) and registration of employers. Since Alberta does not have a separate legislation regulating foreign worker recruitment, employment agencies can apply for two classes of licenses: national and international and can hold both classes simultaneously; fees are the same for both as well.



## REGISTRATION OF EMPLOYERS

Saskatchewan and Manitoba outline a specific mechanism for the registration of employers, which allows the governments to block legal access to foreign workers for non-compliant employers. Requirements for registration of employers are less strict than for the licensing of recruiters and no fees are required. Alberta's legislation and information document for employers on hiring foreign workers<sup>35</sup> linked on the Government of Alberta's website do not mention registration of employers.





## PROHIBITIONS

Due to the absence of TFW-specific legislation in Alberta, unfair practices of employment agencies (recruiters) with respect to both employers and workers are laid out in the Employment Agency Business Licensing Regulation and prohibitions regarding abuse of workers are limited to what is included in the Employment Standards Code.

Saskatchewan and Manitoba's legislations discuss prohibitions in more detail targeted at specifically foreign workers: both WRAPA and FWRISA have separate sections that define prohibited practices related to both recruitment and employment of TFWs. However, there is a varying degree of differences among both provinces' legislative requirements on prohibitions.

The most common prohibition is related to charging workers recruitment fees. TFWs are protected from being charged any fees or costs associated with recruitment directly or indirectly - through reduction of wages or bonuses - in all Prairie Provinces, with the exception of WRAPA, which allows an employer to sue to recover costs paid to recruit a TFW, if the TFW fails to report to work.

Charging workers for fees not associated with recruitment is allowed; however, the wording varies across provinces. WRAPA allows fees paid by TFWs to recruiters if "paying for the service is not a condition of the person's acting for or on behalf of the individual"<sup>36</sup> and if not prohibited by regulations. According to FWRISA, prohibition on fees does not apply to settlement services. As for Alberta's regulation, charging for resume-writing services and job-skills training services is permissible, if the worker and provider enter into an agreement that is not required for accessing employment services.

Saskatchewan is the only province in the region that embeds a "whistleblower" provision in their TFW-specific legislation, FWRISA, which prohibits employers and recruiters from retaliating against TFWs who file a complaint or partake in a worker investigation.



## ENFORCEMENT AND INVESTIGATIONS

The main difference between enforcement models in each of the Prairie provinces is their degree to which they are proactive or reactive. Proactive enforcement models are considered most effective, as they do not rely solely on the role of whistleblowers to expose unlawful acts by recruiters, immigration consultants, and employers, while reactive models initiate investigations only after a complaint is lodged.

Alberta's and Saskatchewan's models are mostly complaint-driven, while Manitoba's WRAPA pioneered a proactive model with "surprise" inspections of employers. Since most TFWs are found to fear complaining or lack knowledge of the process, a reactive enforcement model is not sufficient to effectively protect worker rights violations. Worker abuse remains extremely underreported,<sup>37</sup> which is why establishing an effective mechanism for proactive enforcement is critical for foreign worker protection.

Saskatchewan's FWRISA establishes a separate unit for reviewing complaints related to immigration or recruitment of TFWs. Manitoba's government provides Special Investigations Unit under the province's Employment Standards to review complaints, however, complaints are not exclusive to TFWs. Alberta does not have a specific unit dedicated to resolving foreign workers' issues, all complaints are overseen by Employment Standards officers.





See Table 2 below which encapsulates those differences across the Prairie provinces.

**TABLE 2 – SELECT TFW-RELATED LEGISLATIVE REQUIREMENTS SIDE-BY-SIDE ANALYSIS**

PRAIRIE PROVINCE SELECT RECRUITMENT AND EMPLOYMENT OF FOREIGN WORKERS LEGISLATIVE REQUIREMENTS SIDE-BY-SIDE ANALYSIS		
ALBERTA: CPA, EABLR, EMPLOYMENT STANDARDS CODE	SASKATCHEWAN: FWRISA, EMPLOYMENT STANDARDS ACT	MANITOBA: WRAPA, EMPLOYMENT STANDARDS CODE
<b>DEFINITION OF FOREIGN WORKER</b>		
No definition of foreign worker. TFW is defined as per Federal Immigration and Refugee Protection Act. The EABLR defines worker broadly as person seeking employment or information respecting employers seeking employees (*no reference to foreign nationals).	Foreign worker means a foreign national working in or seeking employment in Saskatchewan.	Foreign worker is defined, subject to the regulations, as a foreign national who, pursuant to an immigration or TFWP is recruited to become employed in Manitoba.
<b>DEFINITION OF RECRUITER</b>		
Employment agency business means any of the following activities: <ul style="list-style-type: none"> <li>• Securing or attempting to secure individuals in Alberta for employment;</li> <li>• Securing or attempting to secure employment in Alberta for individuals;</li> <li>• Evaluating or testing an individual, or arranging for an individual to be evaluated or tested, for skills or knowledge required for employment by an employer where the individual or the employment is located in Alberta;</li> <li>• Any activities specified under the EABLR as activities that constitute engaging in the employment agency business.</li> </ul>	No definition for employment agency business	Employment agency business means the activities of finding individuals - other than child performers or foreign workers - for employment or finding employment for such individuals.
No definition for foreign worker recruiter/recruitment	Foreign worker recruiter means a person who, for a fee or a compensation, provides recruitment services.	Foreign worker recruitment means the following activities, whether or not they are provided for a fee: <ul style="list-style-type: none"> <li>• Finding one or more foreign workers for employment in Manitoba;</li> <li>• Finding employment in Manitoba for one or more foreign workers.</li> </ul>
No definition for immigration consultant.	Immigration consultant means a person who, for a fee or compensation, provides immigration services.	No definition for immigration consultant.
<b>DEFINITION OF EMPLOYER</b>		
Employment Standards Code: Employer is defined as a person who employs an employee and includes a former employer.	FWRISA does not reference Saskatchewan Employment Act for the definition of employer, only defines: 'registered employer' as an employer that holds a certificate or registration.  Saskatchewan Employment Act defines employer similar to Manitoba.	Employment Standards Code: Same as Alberta, but specifies that the employer: <ul style="list-style-type: none"> <li>• has control or direction of, or is directly or indirectly responsible for, the employment of an employee or the payment of wages to an employee;</li> <li>• a receiver of the business of an employer; and</li> <li>• two or more employers declared to be a single employer under section 134.</li> </ul>

(continued)

PRAIRIE PROVINCE SELECT RECRUITMENT AND EMPLOYMENT OF FOREIGN WORKERS LEGISLATIVE REQUIREMENTS SIDE-BY-SIDE ANALYSIS		
ALBERTA: CPA, EABLR, EMPLOYMENT STANDARDS CODE	SASKATCHEWAN: FWRISA, EMPLOYMENT STANDARDS ACT	MANITOBA: WRAPA, EMPLOYMENT STANDARDS CODE
LICENSING RECRUITERS		
License application/renewal fee: \$120	Not mentioned	\$100 <sup>39</sup>
License duration: 24 months	24 months	12 months
Recruitment security fee: \$25,000 (only NOC B,C,D)	\$20,000	\$10,000
Licensing entity: Agency	Individual	Individual
License granting entity: Service Alberta	Employment Standards	Employment Standards
Number of registry licensees: 353 (agencies)	559 <sup>38</sup> (individuals)	26 <sup>40</sup> (individuals)
Fine for operating without license: not mentioned	Not mentioned	\$25,000-\$50,000.
EMPLOYER REGISTRATION		
No mechanism for registration	Registration with the Ministry of Labour Relations and Workplace Safety (LRWS) and obtainment of Certificate of Registration required.	Registration with Employment Standards and obtainment of Certificate of Registration is required.
No comparable provision	Certificate of Registration is valid for 2 years.	Certificate of Registration is valid for 1 year.
PROHIBITED PRACTICE		
Charging fee for finding employment: Yes, applies to employment agency; can charge if services are not for recruitment (requirement to enter into separate agreements)	Applies to employer, recruiter and consultant.	Yes, applies to employer and recruiter.
Charging fee for providing information about employment: No	Not specifically mentioned, but prohibits charging worker for any recruitment services.	Yes, applies to employer and recruiter.
Contract with recruitment fee is void: No	Yes	Yes
Reduce wages to recover recruitment cost: No	Yes, applies to employer	Yes, applies to employer, exception: can sue to recover costs associated with payment to recruit TFW if TFW fails to report to work.
Give/produce misleading information: Yes, applies to employment agency (with regards to information to worker and employer)	Yes, applies to employer, recruiter, and consultant (with regards to information to worker).	No
Seize TFW's passport/documents/property: No	Yes, applies to employer, recruiter, and consultant.	No
Misrepresent employment opportunity: Yes, applies to employment agency	Yes, applies to employer, recruiter, and consultant.	No
Threaten deportation without lawful case: No	Yes, applies to employer, recruiter, and consultant.	No
Contact TFW after prohibition: No	Yes, applies to employer, recruiter, and consultant.	No
Retaliate after filing complaint: No	Yes, applies to employer, recruiter, and consultant.	No
Exploit fear/lack of experience: No	Yes	No
Exert undue pressure, threaten or harass: Yes	No	No
Require deposit/security/bond from worker: Yes, applies to employment agency	Yes, applies to any person providing recruitment services.	No

(continued)

PRAIRIE PROVINCE SELECT RECRUITMENT AND EMPLOYMENT OF FOREIGN WORKERS LEGISLATIVE REQUIREMENTS SIDE-BY-SIDE ANALYSIS		
ALBERTA: CPA, EABLR, EMPLOYMENT STANDARDS CODE	SASKATCHEWAN: FWRISA, EMPLOYMENT STANDARDS ACT	MANITOBA: WRAPA, EMPLOYMENT STANDARDS CODE
Require worker to use specific immigration consultant: No	Yes	No
ENFORCEMENT – PENALTIES FOR RECRUITERS		
License suspension for recruiter	License suspension for recruiter, plus suspension or cancellation of registration for employers.	License suspension for recruiter, plus suspension or cancellation of registration for employers.
Fine up to \$300,000 or jail term up to 2 years or both	Fine up to \$50,000 for an individual and in extreme case up to 1 year jail term for individual; \$100,000 for a corporation.	Fine not more than \$25,000 for an individual and not more than \$50,000 for a corporation.

## OCCUPATIONAL SAFETY AND HEALTH AND HEALTHCARE COVERAGE

Provincial occupational health and safety regimes meant to protect workers do not adequately meet the needs of TFWs. As in other provinces, the Prairie provinces' Occupational Health and Safety (OHS) system relies on an "internal responsibility system". The central tenets of the system are the right to know through training and access to information on hazards, the right to participate in OHS at work, and the right to refuse dangerous work. The OHS system is complaint-driven and requires that workers assert their rights to workplace safety. This system disadvantages TFWs who, as precarious workers in low-wage jobs, may be unable to assert their rights to workplace safety, lack clarity around how to exercise these rights, or fear reprisal for speaking out about unsafe work conditions.<sup>41</sup>

TFWs are supposed to have the same rights as Canadian workers, protected by Canada's labour laws, such as the right to refuse dangerous work, the right to a safe workplace, and the right to protective equipment. Nevertheless, there are significant gaps in enforcement mechanisms that would ensure that TFWs can enjoy these rights equitably. While the TFWP is federally regulated, protection of health standards for workers in most occupations falls under the jurisdiction of provinces and territories, meaning they vary in each province.

With regards to access to healthcare, provincial healthcare is significantly tied to a TFW work permit, which makes those TFWs who are waiting for their work permit or LMIA extension ineligible to access healthcare services. A recent study has found that periods of implied status for TFWs can last up to 8 months.<sup>42</sup> In a similar way, workers who have suffered injuries or are diagnosed with serious illnesses that made them unable to work cannot access healthcare because it is directly connected to their worker status.

In **Manitoba**, migrant workers can apply for Manitoba health coverage only if the duration of their work permit is 12 months or longer,<sup>43</sup> which until recently excluded SAWP migrant agricultural workers, who can remain in Canada for 8 months maximum.<sup>44</sup> Those TFWs whose work permit is shorter than 12 months are required to obtain a private insurance, as they remain ineligible for the provincial coverage.

In **Alberta** and **Saskatchewan**, healthcare coverage for TFWs is less stringent. In Alberta, the minimum acceptable work permit length is 6 months to qualify TFWs for the Alberta Healthcare Insurance Plan, while in Saskatchewan, TFWs "may be eligible for Saskatchewan health coverage on, or before, the first day of the third month after arriving in Canada".<sup>45</sup> In addition, in the case of expiration of the work permit, Alberta TFWs may request a one-time temporary extension if they present the proof that they applied to extend their work permit.

Unless the employer provides TFWs with private health insurance, the employer is required to ensure that TFWs register for provincial or territorial health insurance. The employer is also expected to provide TFWs with information on how to access health care, however, the policies do not list this as the employer's duty. As a result, TFWs may not know where to reach out in case of injury or sickness.



## FEDERAL-PROVINCIAL AGREEMENTS

The effectiveness of TFW protections depends on how proactive provinces are in cooperating with the federal government, proposing new programs geared to serving TFWs, and updating legislation and regulations according to emerging evidence and data.

Each province and territory has signed an agreement with the federal government that defines roles and responsibilities of the governments regarding attracting newcomers, which is meant to enhance cooperation between governments to better meet immigration and labour needs of each province. The content of agreements varies by province. For example, some agreements include separate annexes or memoranda of understanding specifying inter-governmental cooperation regarding admittance of international students, provincial nominees, TFWs and refugees; or memoranda of understanding on information-sharing.

Federal-provincial agreements with Prairie provinces were signed in 2007 with Alberta, 2003 with Manitoba, and 2005 with Saskatchewan with no updates to these agreements since.<sup>46</sup> For comparison, a similar agreement between the federal government and British Columbia was first signed in 2004, and subsequently updated in 2010, 2015 and 2021<sup>47</sup> (with an annex focused on foreign workers) and with Ontario was signed in 2005 with subsequent amendments/updates in 2008, 2015, 2017, and 2018.



Five provincial/territorial governments—Alberta, British Columbia, Ontario, Nova Scotia and Yukon—have signed annexes to their agreements with the federal government that enable them to propose LMIA exemptions to better meet the needs of employers operating within their jurisdiction. Alberta has embedded in its agreement with the federal government a TFW annex defining the federal-provincial cooperation in that area, including funding TFW Advisory Offices. Manitoba and Saskatchewan do not have comparable annexes focused on TFWs. However, all federal-provincial agreements for the Prairie region provinces define specifications for the Provincial Nominee Program (PNP), which will be discussed in more detail below.

## TFW SERVICES – CONSULTATION AND INTEGRATION

In tandem with an oversight and enforcement role played by the federal government and Prairie provinces with regards to the TFWP, services to TFWs at a basic level include the provision of information and consultation services defined in the federal-provincial agreements. Funding for settlement and integration services directed at TFWs, on the other hand, is more limited in scope.



### FEDERAL TFW SERVICES

IRCC opens national calls for proposals for a range of organizations, which include non-profits, provincial, territorial and municipal governments, international organizations and businesses. Organizations apply for grants and reach funding agreements with IRCC to provide settlement services for newcomers.<sup>48</sup>

Terms and conditions of the IRCC Settlement Program specify that only permanent residents of Canada are eligible for services funded by IRCC. TFWs, international students and refugee claimants are not eligible for federally funded programs. A report by Rural Development Institute in cooperation with AAISA found that in eight rural communities in Alberta, the majority of surveyed SPOs delivered services to TFWs and international students even though these categories are ineligible and despite insufficient federal funding.

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#### ENABLING TFW ACCESS TO FEDERALLY-FUNDED SERVICES

One of the main lobbying objectives for migrant advocacy groups for years has been opening access to federally funded services for TFWs. TFWs pay taxes and certain social benefits, such as (EI), which are deducted from their paycheques; however, they are not eligible for support funded by the federal government. Immigrant-serving SPOs and researchers share a similar perspective stressing that by making access to services fully dependent on immigration category and excluding temporary residents, the federal government is creating a hierarchical system of newcomers to Canada, deeming TFWs as well as other temporary residents as the least valuable migrants in the value chain.

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### FEDERAL GOVERNMENT FUNDING

The funding landscape of settlement services in Canada is complex and diverse. Main funding sources include the branches of the federal government, predominantly IRCC and provincial governments. Municipal

governments, businesses and private donors can provide funding for projects as well, however, the proportion of funding received from federal and provincial governments is the largest.

Detailed information on how IRCC determines the amount of funding for each province is not easily accessible. In 2019, Braun and Clément - authors of the report prepared in collaboration with AAISA and the Edmonton Mennonite Centre for Newcomers (EMCN), after several turned down requests, were able to obtain data from IRCC, which provided a funding allocation formula for each province/territory.<sup>51</sup> The formula takes into account the number of newcomers the province receives and a flat sum for capacity building for each province and territory. In addition, this was the first-time detailed data was released on the federal funding formula for SPOs. According to this data, Ontario receives the largest portion of federal funding (more than 50 percent compared to other provinces), which is consistent with the largest proportion of newcomers in the province. British Columbia, Alberta and Saskatchewan are the next most funded provinces after Ontario.



## SPOs RECEIVING TOP FEDERAL GRANTS

Prominent SPOs that receive grants from the federal government are established organizations with a long-standing history (20 years on average).<sup>52</sup> In the Prairie region, such organizations include:

- Calgary Catholic Immigration Society (CCIS);
- Catholic Social Services (CSS), Saskatoon Open Door Society (SODS);
- Edmonton Mennonite Centre for Newcomers (EMCN);
- Calgary Immigrant Women's Association (CIWA);
- Regina Open Door Society (RODS);
- Newcomers Employment and Education Development Services Inc. (N.E.E.D.S. Inc.); and
- others.<sup>53</sup>



Although large urban centres (Toronto, Vancouver, Montreal) remain the top destinations for newcomers, research has shown that Prairie provinces attract a sizeable number of migrants, including TFWs, increasing the demand for settlement services as a result. According to the report, IRCC's funding matched the growth of landing rates in Alberta between 2005-2017, surpassing British Columbia.

### BUDGET 2021 DEDICATED INVESTMENTS FOR TFWs

The federal government's 2021 Budget proposes a \$49.5 million Migrant Worker Support Program, funded over a three-year period, in programs and services directed at TFWs, including arrival services and emergency/at-risk situation assistance. Program funding would flow to SPOs and other community-based organizations to increase their capacity to deliver such federally-funded services. In tandem with creating a dedicated stream for TFW service delivery, the federal government also proposes \$54.9 million to enhance employer inspections and enforcement of TFW working conditions and wages and \$35 million for an Emergency On-Farm Support Fund that would shore up agricultural employers' capacity to upgrade and improve housing they typically provide for migrant and seasonal farmworkers.



## PROVINCIAL TFW SERVICES

Provincial funding is meant to complement federal funding by bridging the gap for clients who are ineligible for federally-funded settlement and integration services, including TFWs. However, since each province defines the amount of funding, services and client eligibility<sup>54</sup> differently, certain newcomer categories, like TFWs, remain underserved.

Based on a review of government sources and literature, Alberta adopts a more systematic approach to providing information and consultation services to TFWs, while Saskatchewan provides provincially-funded newcomer settlement services that broadly define eligibility. Provision of information in multiple languages remains a gap in all provinces, but more so in Saskatchewan and Manitoba. Alberta has established some good practices by offering a toll-free telephone line as well as advisory offices specific to TFWs in Calgary and Edmonton. As for integration services, provincial funding tends to focus more on the settlement and less on integration of newcomers, which leaves a gap in TFWs' need for social integration in the receiving communities.<sup>55</sup>



## ALBERTA



### INFORMATION RESOURCES

The province provides various information resources to both employers and foreign workers to increase their awareness of their employment rights, employment standards, and occupational safety and health. For TFWs, the following are linked on the provincial government's website:

- **Easy Reading Work Laws and Your Pay Stub** – website with easy reading articles on work laws, earnings, deductions;
- **Employment Standards**<sup>56</sup> – government's website on general rules regarding employment in Alberta for all workers;
- **TFW Advisory Office Brochure** – service description and contact information;
- **Safety** – OHS (information on investigations, incident prevention, injury reporting), Worker's Guide to OHS, Easy Reading.

These documents have been updated within the last 3 years, but are provided only in English and French. A detailed TFW: Guide for Employees is available in multiple languages (German, Punjabi, Chinese, Spanish, Thai, Tagalog, Romanian, Ukrainian, Hindi, French, Polish, Vietnamese) on the open government publications website, however, these publications are not easily accessible through the provincial government's website and have last been updated in 2009-2010.



### ADVISORY OFFICES

Alberta offers support to TFWs through Advisory Offices in Edmonton and Calgary. The offices opened in 2007 to serve TFWs from anywhere in Alberta. Offices are located on public transportation routes to facilitate access and provide a wide range of services free of charge, including online information sessions, and a toll-free helpline that can be accessed globally, among other information and consultation services.



### SETTLEMENT AND INTEGRATION SERVICES

With regards to settlement and integration services, Alberta has been funding five agencies in eight locations to provide community support services for temporary residents and their families, including TFWs under the TFWP and IMP as well as post-graduate work permit holders since 2008. However, according to SPOs, the funding has not been sufficient.<sup>57</sup> The largest settlement program, Alberta Settlement and Immigration, lists TFWs and international students as eligible beneficiaries only if they are “on the path to permanent residency”, excluding many migrant workers, who are not eligible to apply for PR status.<sup>58</sup>

While federal funding allocations were found to match the increase in migrants, Alberta's provincial funding remained without significant changes, which mostly affected clients ineligible for federally funded programs, such as TFWs, as noted in a 2019 report prepared in collaboration with AAISA and EMCN.<sup>59</sup> The same report associates weak federal funding linkages between the federal government and the Alberta provincial government to the lack of cooperation between both governmental levels.



## SASKATCHEWAN

Resources for TFWs provided by the province of Saskatchewan are quite limited; they can be accessed through the province's Employment Standards page.



### INFORMATION RESOURCES

Information on protection of TFWs briefly covers FWRISA's contents, without easy readings or files in languages other than English. For questions on FWRISA or to file a complaint, workers can access the Foreign Worker Recruitment and Protection Unit through telephone or email.



### FREE ONLINE WEBINARS

Saskatchewan is unique in offering free online webinars provided through the Employment Standards division, which take place every two weeks and cover topics, such as payroll, overtime, layoff and termination requirements, and FWRISA requirements. Recorded webinars are also available, however, may not be accessed by workers in rural areas, without access to technology and/or internet connection.



### SETTLEMENT SERVICES

With regards to settlement services, eligibility for newcomer settlement services is defined broadly, namely the newcomer needs to be an adult and have lived in Canada for less than 2 years, which would encompass eligibility for TFWs to receive such services.<sup>60</sup>



## MANITOBA



### INFORMATION RESOURCES

Similar to Saskatchewan, the provincial website of Manitoba does not comprehensively organize resources specific to migrant workers. WRAPA and Employment Standards are linked and Manitoba's Employment Standards phone line is provided for questions.



### SETTLEMENT SERVICES

Manitoba does not fund settlement services for migrant workers,<sup>61</sup> however, according to some sources, TFWs may be eligible for some employment services, provided by several settlement agencies funded by Manitoba Industry, Training and Employment Services.<sup>62</sup>



## SERVICES PROVIDED BY MUNICIPALITIES AND NON-PROFITS

Municipal governments primarily rely on provincial funding to meet critical needs of their temporary residents and newcomers. In the absence of dedicated provincial investments, integration and settlement SPOs and grassroots community organizations, face a “moral dilemma”<sup>63</sup> typically playing the role of connecting temporary residents and newcomers to provincial and federal assistance programs even with little funding.<sup>64</sup> Reports suggest that many volunteer groups have had to resort to fee-for-service solutions to be able to provide assistance to newcomers.<sup>65</sup> Due to the lack of stable funding, rural organizations are forced to operate without a centralized system of coordination and take on newcomer assistance disproportionately, having different levels of service capacity.

TFWs are eligible for services provided by municipal governments, as those can be accessed by residents regardless of their status.<sup>66</sup> However, since these are municipal services, they are not always specific to the settlement of newcomers. Some cities provide funding to organizations that support newcomers, for example the City of Edmonton provides funding to Action for Healthy Communities and EMCN, among others; while the City of Calgary funds CIWA and others.

## PROVINCIAL NOMINEE PROGRAMS – ACCESS TO PERMANENT RESIDENCE

From the policy perspective, TFWs are considered primarily from the standpoint of their temporal status in Canada. They are seen as temporary migrants, not immigrants, who are in Canada for temporary employment, which is why federal resources are not allocated for their integration. The purpose of the TFWP is not immigration, but temporary filling of vacant positions in a way that does not contribute to the rise of unemployment of Canadians. As such, the structure and place of the TFWP in the Canadian immigration system ensures there are little possibilities of TFWs staying in Canada permanently.

Provincial Nominee Programs, or PNPs, provide Canadian provinces with an opportunity to select immigrants based on the labour needs of each province and “represent the diversification of Canada’s immigration landscape”.<sup>67</sup> Conditions of PNPs are determined by each province, published on the provincial government website, and are subject to change without notice. Most PNPs require at least a year of full-time employment. Migrant agricultural workers who come to Canada through SAWP, are not eligible for such programs because their term of employment is typically 8 months. All Prairie provinces’ PNPs are comparatively open to low-skilled or semi-skilled TFWs, but employer support is integral for the offer letter, long-term job offer requirements and in some cases, settlement plans. Some differences exist between provinces’ approaches to the program, which may cause some confusions for the applicants. Since the federal government sets the cap on the number of nominations provinces can make annually, many potentially successful applications may not be accepted.

Following is a table detailing differences and similarities between the Prairie provinces’ PNPs.

**TABLE 3 – PNP REQUIREMENTS AND FEATURES BY PRAIRIE PROVINCE**

	ALBERTA	SASKATCHEWAN	MANITOBA
Application processing fee	\$500 (since Oct 1, 2020)	\$350	\$500
Minimum job experience requirement	Minimum 12 months full-time in the current occupation (AOS stream)	Minimum 6 months full-time	Minimum 6 months full-time
Employer support	Reference letter, job offer	Reference letter, job offer, in addition to \$230 compliance fee; and settlement plan for Hospitality Sector Project	Reference letter, job offer
Exclusions	Seasonal workers	Seasonal workers with some exclusions	Seasonal workers, plus live-in caregivers

## ALBERTA IMMIGRANT NOMINEE PROGRAM

The Alberta Immigrant Nominee Program (AINP) currently has two streams for foreign workers:

- Express Entry Stream; and
- Opportunity Stream.

For both streams, workers need to have a valid work permit, based either on a positive LMIA, or LMIA exemption (not relevant for low-skilled TFWs), or an open work permit for vulnerable workers. Workers whose work permit has expired (non-status) are not eligible. Unlike post-graduate permit holders, work permits obtained by TFWs in connection with a positive LMIA generally are valid no longer than a year (maximum two years with recent measures implemented to support employers and workers affected by COVID), which means they are more likely to expire while the application is being processed.

### EXPRESS STREAM:

For the Express Entry Stream workers need to reach a certain threshold of points in order to obtain permanent residence. The point system prioritizes high-skilled workers with post-secondary level of education from Canadian institutions and high language certification results. While AINP invitations for TFWs in the Express Entry provide opportunities for workers in professions that are in demand in the province (both high- and low-skilled), chances of certain groups of TFWs qualifying for this stream remain scarce, as education and language level requirements are unattainable for most of them, especially considering that Alberta does not fund language training services for TFWs.

### OPPORTUNITY STREAM

As for the Opportunity Stream, workers need a job offer from Alberta employers in order to qualify, which often leads to workers underreporting employer abuse and violation of their rights in the hope that employers will support their application. Similar to Express Entry, the requirement of at least high school diploma and a minimum level 4 in Canadian Language Benchmark (CLB) score limits access for many TFWs working in lower skill occupations.

Recent changes to Alberta's immigration policies further limit TFWs' access to working and living in the province, as discussed earlier. Since November 2020, Alberta's government announced a ban on processing LMIA's for the majority of occupations. Thus, workers who were in the process of obtaining an LMIA and subsequently, work permits, were denied the opportunity to work in Canada. Those who were working in low-wage positions and were planning on applying for a Work Permit/LMIA extension lost this opportunity without notice as well. Alberta was the only province which implemented such stringent restrictions affecting mostly TFWs that were already in Canada at the time of the pandemic, many of whom lost the opportunity to continue working in the province and obtaining a pathway to PR.

## MANITOBA PROVINCIAL NOMINEE PROGRAM

The Manitoba Provincial Nominee Program (MPNP) was launched in 1998 as part of the federal-provincial agreement and aimed to address the province's "aging population and persistent outmigration".<sup>68</sup> The MPNP resulted in positive outcomes, reversing demographic decline in the province and reinvigorating rural areas.<sup>69</sup>

### SKILLED WORKERS STREAM:

To access PR through the MPNP, TFWs may be eligible for the Skilled Workers Stream. Live-in caregivers and seasonal workers are not eligible for this stream. The requirements include a long-term employment offer from the same employer the TFW has been working for full-time and "generally recommended \$10,000 in settlement funds"; however, the Manitoba government website notes that "MPNP will consider your current income."<sup>70</sup> Compared to other provinces, the minimum full-time job experience requirement in Canada is six months, which provides TFWs with additional time as their work permit has to be valid at the time of the application and while waiting for a decision. TFWs are required to upload the letter from their employer with details of their employment, meaning that employer's support is essential.

Among other factors that may make the MPNP less accessible to TFWs are federal language requirements and a \$500 application fee. In addition, if the work permit is set to expire before the invitation to apply for PR is made, the TFW has to apply to extend the work permit to maintain their legal status in Canada (for which employer's support is necessary as well).





## SASKATCHEWAN IMMIGRANT NOMINEE PROGRAM

The Saskatchewan Immigrant Nominee Program, SINP (previously SNIP), offers various streams for which TFWs may be eligible:

- **Semi-skilled Agriculture Worker with Existing Work Permit** (for general farm workers, nursery and greenhouse worker occupations; some seasonal workers may be eligible);
- **Hospitality Sector Project** (food/beverage server, food counter attendant/housekeeping staff occupations);
- **Long-Haul Truck Driver Project**; and
- **Skilled Worker with Existing Work Permit** subcategory mainly targets high skilled workers, but some TFWs may be eligible if their occupation is in the designated trades list, which includes some semi-skilled occupations.

For all streams, workers must have a minimum of 6 months' experience and a long-term full-time job offer from the same employer. Each stream may have some additional requirements, such as an Educational Credential Assessment of the equivalent of Canadian secondary school for the Semi-skilled Agriculture Worker stream and an approved Settlement Plan completed by the employer for the Hospitality Sector stream.

**TABLE 4 – SASKATCHEWAN IMMIGRANT NOMINEE PROGRAM REQUIREMENTS (SINP) PROGRAM REQUIREMENTS**

ACCESS FOR LOW AND SEMI-SKILLED	MINIMUM LANGUAGE REQUIREMENT	EDUCATION
Most occupations under NOC (National Occupational Classification) 0,A,B,C,D eligible under AOS, but some are ineligible (list <sup>71</sup> )	Minimum 4 CLB for NOC C,D – federal requirements	Educational Credential Assessment required
Separate streams for farm workers, truck drivers and hospitality sector workers are offered		
NOC C, D eligible		





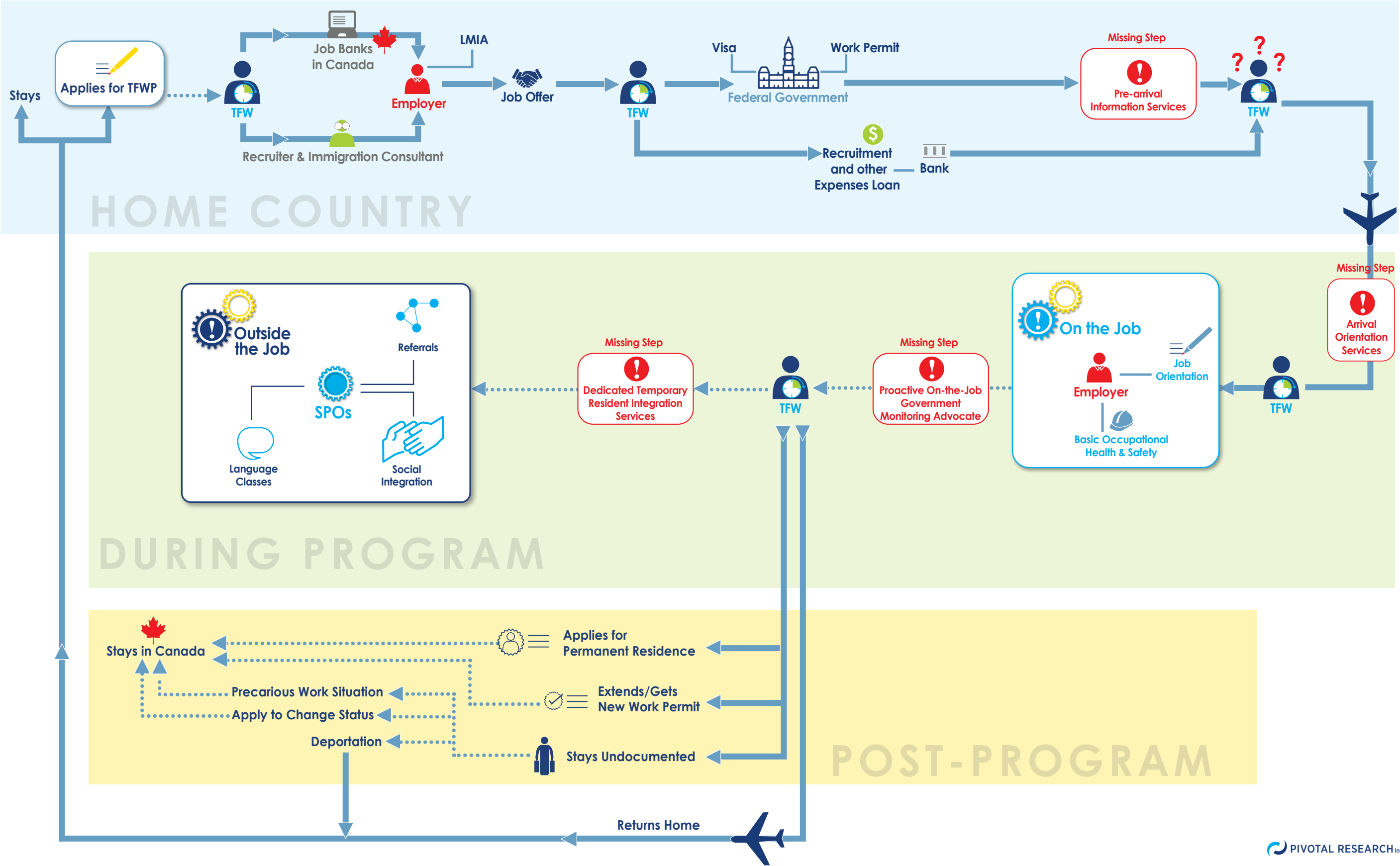
## TFW EXPERIENCE IN THE PRAIRIE PROVINCES

This section details the TFW experience working and living in the Prairie provinces from the pre-arrival experience when they are getting recruited for the temporary jobs in Canada to the post-TFWP experience when TFWs struggle with the choices of returning home or staying the course in Canada.

Following is a figure that encapsulates the current TFW journey in the Prairie region, which will be discussed in more detail in this chapter through the analysis of literature and current TFWP program requirements.



FIGURE 1 – CURRENT TFW JOURNEY MAP IN THE PRAIRIE REGION



## PRE-ARRIVAL/RECRUITMENT EXPERIENCE



Third-party recruiters in source countries are often hired by Canadian employers to accelerate the process of searching for and hiring TFWs. One of the main pitfalls of the program is that recruiters or immigration consultants who operate from the source countries are outside the jurisdiction of Canadian government and cannot be effectively regulated. Qualitative research finds that recruiter's fees are often exorbitant and can go as high as \$10,000-\$25,000.<sup>72</sup> The employer is responsible to pay for the LMIA application fee (currently at \$1,000) and is prohibited from charging TFWs any fees they paid to bring them to Canada.

Interviews with TFWs, however, show that such illegal activity still happens. According to some TFWs' testimonies, if they were not able to pay a lump sum for consultant's fees upfront, the employer would deduct the remainder from their paycheques without providing a written record of deductions, which made researchers speculate that employers intentionally enter into illegal schemes with immigration consultants.<sup>73</sup> Limited English language skills further prevent potential TFWs from applying for a program without a consultant, which is why many were found to "pour their life savings into the opportunity to work in Canada", including taking out large sums of loans, selling their businesses, and borrowing money from relatives.<sup>74</sup>

Unlicensed recruiters can purposefully mislead clients presenting the program as an immigration pathway, meanwhile pathways to PR for low-skilled TFWs are very limited and largely depend on each province's labour needs as reflected in the PNPs.

The lowest transition to PR rates are among seasonal agricultural workers, at about 2 percent.<sup>75</sup>

For example, caseworkers involved in the New Alberta Workers Program found that some TFWs use this program to come to Canada not for employment purposes, but to escape danger in their home countries when they do not meet all requirements for refugee status.<sup>76</sup> On the other hand, one study highlighting the TFW pre-arrival experience in rural Manitoba tells a story of a "networked recruitment" system, that even when it contributes to TFWs' precarity, it enables reconnections of long-estranged family members and friends who get recruited to work in Canada.<sup>77</sup>

Academic research further accentuates the precarity of the TFW recruitment process, where some recruiters falsify advertisements for work in Canada, including the job position, salary range, job availability, and living conditions. There were cases where recruiters brought in several TFWs on LMIA's, but upon arrival, workers found out that there is only one job available and that the employer does not need their services.<sup>78</sup> In those cases referenced in the literature, TFWs chose to remain in Canada, since stigma and necessity to pay back their loans, while supporting their families prevent them from returning and, as a result, they "go underground".<sup>79</sup> Working without status typically means higher levels of vulnerability and worker abuse.

Researchers generally agree that the program in its current state exploits vulnerabilities of TFWs at each stage - starting with the initial recruitment. By investing significant sums to be able to come to Canada for work with a plan to pay back the loan and immigrate, workers face a huge power imbalance, which may be exacerbated further once they are in Canada, thus, even though initially the goal of the TFWP is to alleviate Canadian businesses' workforce vulnerabilities by providing them an opportunity to hire foreign labour, TFWs end up at most times in a vulnerable position as a result of the program.



## PROGRAM (EMPLOYMENT) EXPERIENCE

Much of TFWs' settlement experience is initially led by their employers, from whom they might typically receive insufficient information about their worker rights and the supports or services they can access during their stay in Canada. As such, the settlement experience for TFWs tends to be ad hoc and contingent on the "capacity and good will of employers, communities, and individuals".<sup>80</sup>

These limitations, inherently built into the design of the TFWP, are more acute for TFWs who work in the agricultural sector and/or in geographically remote/rural communities<sup>81</sup> where the employer might provide their housing and they lack access to a broader community network. One example is a study conducted by the University of Alberta with a sample of SAWP-sponsored workers in Alberta where most of these agricultural workers had a lack of awareness of non-governmental advocacy organizations or efforts that work on their behalf and none had "attempted to get in touch with any groups or agencies".<sup>82</sup>

In one of the studies scanned, TFWs were interviewed in 2020 and asked about their TFWP experience with their employers. Feelings were mixed between those who expressed positive outcomes and those who experienced various work-related violations, such as unpaid overtime, underpayment, no breaks, harassment, and coercion.<sup>83</sup>

Examples of the significant power imbalance between employers and TFWs are emphasized in a qualitative study<sup>84</sup> that gathered testimonies of 35 foreign workers in urban and rural Alberta and found that the perilous status of TFWs is further intensified by various factors:

- Long processing times for the LMIA and work permit extensions;
- Necessity to regularly send remittances back home to provide for their families, which is one of the main reasons TFWs come to work in Canada in the first place;
- Perception of high disposability of TFWs, meaning that they can get fired any time for any reason; and
- Uncertainty about frequent TFWP program and policy changes, which further confuse TFWs about their rights and services they may or may not access.



### UNIONIZATION IN SASKATCHEWAN AND TFWs

A unique study conducted by Migrant Work Saskatchewan in 2018, shed light on attitudes of unionized Canadian and non-Canadian workers, including TFWs, in Saskatchewan and views about union-migrant worker relations in the province. Survey research showed that more than 60 percent of foreign worker respondents agree or strongly agree that their union could do more to support them in the workplace and 75 percent believe that their union could do more to support foreign workers in general. Survey outcomes also show that three-quarters of foreign workers agree that their union should support TFWs' pathway to immigration/permanent residency.

\* Stevens, A. (2018). (rep.). Attitudes towards unions and migrant workers in Saskatchewan. Migrant Work Saskatchewan. Retrieved from <http://migrantwork.ca/wp-content/uploads/2018/05/Union-migrant-relations-PUBLIC.pdf>.



According to the study, “many experience constant confusion and sense of dislocation”, due to the lack of knowledge, resources, support, and communication channels.

One study that focused on the experiences of TFWs around housing during their employment in Canada,<sup>85</sup> shows that TFWs typically face difficulties feeling at-home, whether they live within employer housing or outside. If they live within employer housing, they suffer from “ongoing employer surveillance”, requests to work overtime/during off-hours, and being asked to conduct work outside of their employment contract purview. For TFWs who live off-premises, their low wages and “racialized stigma” might not typically allow them choice of quality rental units or make it harder for them to rent.

Settlement and integration service providers note the lack of knowledge of immigration policy and “severely limited” formal funding streams that would enable them to effectively serve TFWs’ housing and other support service needs. This study further paints a picture of settlement and integration SPOs in Edmonton tapping into their personal networks of immigrant and faith-based organizations and local community groups to extend housing supports to TFWs in-need. For example, “if it is a Filipino client, the organization will contact the Filipino community; if it is Russian, they will contact the Russian community.”<sup>86</sup>



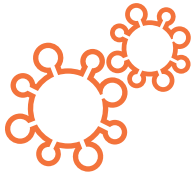
## SAFETY AND HEALTH

Research has documented that due to the lack of knowledge, TFWs can be unwilling to reach out for health-care services, as they fear either that this might jeopardize their status in Canada or that the employer will send them home (repatriation) since their sickness or illness may impede their work.<sup>87</sup> As studies have shown, many TFWs arriving to Canada do not know how to file a worker’s compensation or a health insurance claim.<sup>88</sup>

Our research indicates that workers who enter Canada through the TFWP are reluctant to voice concerns about their work conditions due to fear of reprisal and/or job loss. This resonates with other research on the TFWP, which suggests that TFWs are more likely to hide injury or illness and less likely to speak out about dangerous work conditions due to their precarious legal status making the occupational safety and health’s “internal responsibility system” policy increasingly ineffective for TFWs.<sup>89</sup> In addition, workers are required to show Immigration Medical Exam (IME) results prior to arriving in Canada.<sup>90</sup> If they become ill or are injured at worksite in Canada, a medical condition could be one of the reasons that they may be inadmissible to apply for permanent residency (especially if the injury or illness causes excessive demand on the health or social services).<sup>91</sup>

### EXAMPLES OF SAFETY-RELATED WORKER EXPLOITATIONS

Some small-scale qualitative studies have documented bizarre cases of worker exploitation and lack of adherence to occupational health and safety standards. In the study by Cedillo<sup>92</sup> documenting TFW experiences in Alberta, Manitoba and Ontario, construction workers shared their experiences of being coerced to perform dangerous work without necessary training; a cleaning worker complained about lack of protective equipment; hotel workers provided testimonies of repetitive after-hour work, lack of rest, and inadequate living conditions in the hotel basement; and meat processing industry workers shared suffering multiple injuries, including those that required surgery and others that had permanent effects.



## COVID-19 EXPERIENCE

Multiple studies in the past two years have highlighted the challenges faced by TFWs in the agricultural sector in Canada and in the Prairie provinces with a focus on the impacts of the ongoing global COVID-19 pandemic. The ongoing COVID-19 experience has shed light on workplace and personal safety concerns for TFWs who continued to toil in essential industry sectors, such as in agriculture and meatpacking.

During the peak of the initial wave of COVID-19, the federal government deemed some categories of TFWs exempt from border restrictions shortly following COVID-related border closures in March 2020, allowing TFWs to continue to enter Canada and work in those essential sectors even as major industries went into lockdown at that time.

During that month, ESDC promulgated COVID-19 guidelines related to employment of TFWs, which handed large discretion to the employer to enforce self-isolation/quarantine measures, daily monitoring of workers' symptoms, and provision of medical care, eschewing the essential role of community and health-care organizations in addressing "unique cultural and language needs" of TFWs during this critical period.<sup>93</sup>

Further, in April 2021, the federal government extended financial support to employers to help incentivize and cover the expenses related to quarantine of workers. This initiative provided support of \$1500 for each worker until June 15, 2021, which was reduced to \$750 for each worker from June 15 to August 31, 2021 and wasn't extended further.<sup>94</sup> However, with limited oversight, the degree of employer compliance was not clear, especially for farmers "eager" to get migrant farmworkers working the fields.<sup>95</sup> In addition, federal government inspections, for instance around housing, which had to be conducted remotely or over the phone since the onset of the pandemic "have been shown to be ineffective" and lacking rigour.<sup>96</sup>

As they entered Canada or continued working during COVID lockdowns, migrant agricultural workers did not receive sufficient resources and critical information in their first languages from employers, nor did at times their sending countries equip them with this information due to capacity limitations.<sup>97</sup> Other areas where migrant agricultural workers expressed confusion during the pandemic is related to the required self-isolation/quarantine period, such as who is responsible for paying them as they self-isolate, the timing of when they will be receiving what they are owed, who is responsible for supporting them in getting groceries and access to other amenities while they quarantine, among other such critical questions. Employers experienced a lack of clarity as well.<sup>98</sup>

A recent study conducted during the summer of 2021 by York University in Ontario, shed light on the TFW experience in Alberta's meatpacking industry during the ongoing COVID-19 pandemic.<sup>99</sup> The study documents the effects of designating meatpacking an essential industry during the COVID-19 pandemic in a province that represents one of the main meat processing centres in the country and central to the province's Growth Domestic Product.<sup>100</sup> Close to three-quarters of beef sold in Canada is processed at two Southern Alberta plants—Cargill and JBS Foods.<sup>101</sup> Many of the workers at these plants are TFWs, refugees, and newcomers. During the pandemic, these workers have sustained the effects of COVID-related outbreaks and deaths.

Survey respondents and interviewees, who constituted immigrant, migrant (TFW), and refugee meatpacking industry workers in Alberta, expressed a chaotic scene with initial COVID-19 outbreaks during March and April 2020 and precarious safety and health conditions "in the absence of leadership from

their employers or the Provincial Government”.<sup>102</sup> As a result, workers, including surveyed TFWs, are distrustful of Alberta’s Workers Compensation Board and other regulatory oversight bodies in the province.

In urban centres, such as in Edmonton, the COVID-19 pandemic increased vulnerabilities of TFWs who lost their jobs or had major work hour reductions, especially with regards to housing affordability.<sup>103</sup>



## POST-PROGRAM EXPERIENCE

The post-program experience for TFWs weighs on them heavily as they face the situation of either:

### Staying in Canada by:



Waiting on their sponsoring employer to renew their work permit or extend their employment;



Choosing to move to another employer who has an approved LMIA or is willing/able to apply for an LMIA to legally hire them; or



Choosing to have their work permit/temporary resident visa lapse, in case the sponsoring employer does not support TFW in renewing their work permit or extend their employment; or



**Returning home** with the hopes of a second chance at returning to work in Canada.<sup>104</sup>





## UNDOCUMENTED TFWs

The 2014 reforms to the TFWP followed by an economic recession in Alberta in 2015 abruptly pushed many TFWs out of their jobs as Alberta employers shed excess labour and contracted their operations. Since 2015, about 70,000 to 80,000 TFWs had their work permit expire in Alberta.<sup>105,106</sup> The result was a significant number of TFWs who lost their temporary resident status and remained in the province undocumented. According to estimates by community advocates, Alberta could have between 10,000-20,000 undocumented workers.<sup>107</sup>

Various reasons for choosing this precarious path, as expressed by interviewed undocumented TFWs, is related to the need to continue sending remittances to support their families overseas through “under the table” jobs, having to repay “large debt” accrued while paying to come to Canada,<sup>108</sup> or because some of those workers had Canadian-born children, which prompted them to stay the course and raise their children in their country of citizenship.<sup>109</sup>

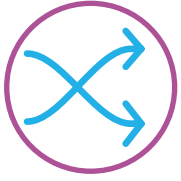
Living undocumented in Canada is challenging, with precarious working opportunities and conditions, and severely limited access to healthcare, income supports, childcare benefits, and other critical services. These TFWs face mental and physical stresses. If they are discovered by the authorities, they are typically deported to their home country.

TFWs with lapsed work permits and visas typically work hard to regain legal status in Canada by applying to extend their worker permit/temporary resident visa, filing for a different type of visa, or requesting status under humanitarian grounds.



## RENEWING THE WORK PERMIT

There are others who choose to stay in Canada but must wait for their employers’ decision to renew their permit or decide to seek renewal of their LMIA with another employer than the one who originally sponsored them into Canada. For that, the process tends to be tenuous and fraught with “status precarity”.<sup>110</sup> The new employer would need to be willing to sponsor a foreign worker or has already obtained an LMIA to facilitate the process of having the TFW transition from one employment to another. And as TFWs wait to transition from one employer to another, they are not eligible for EI support, because they are not able to accept “immediate employment without valid LMIA’s”.<sup>111</sup>



## SEEKING PR PATHWAYS

Literature shows that the coveted goal of obtaining PR can make TFWs further dependent on the employer, as the employer's name is mentioned in the work permit and company's support is necessary for the application.<sup>112</sup> One University of Alberta researcher notes that one of the shortcomings of the TFWP is its inherent design that restricts workers to one employer and pushes TFWs who wish to stay in Canada to accept sub-standard working conditions and manipulation by immigration consultants, while making it more challenging for them to enter into a viable pathway for immigration (achieving PR status) due to various PR pathway eligibility barriers.<sup>113</sup>

Moreover, TFWs who arrive to Canada through a certain program stream might have a better chance at obtaining PR status compared to others. The live-in caregiver program stream, for example, embeds a PR pathway for these TFWs, provided they meet certain criteria, while the SAWP stream does not create pathways for immigration “due to the cyclical nature” of migrant agricultural workers in Canada.<sup>114</sup> For hospitality sector stream TFWs, immigration pathways depend on the provincial nominee program criteria for the province in which they work. Regardless of the arduousness of that process, a pathway to immigration for some TFWs provides a sense of freedom and mobility living and working in Canada.

### HOSPITALITY SECTOR TFWs IN RURAL MANITOBA

For example, hospitality sector TFWs in rural Manitoba succeeded at transitioning their status to permanent residents through the MPNP, where the hotel they worked at focused on worker retention and created a pipeline of TFWs who come into rural Manitoba from overseas, already built into their trajectory a PR pathway. In fact, many firms in Manitoba and elsewhere in the Prairie region, “integrate immigration and settlement services into their HR departments.”<sup>115</sup> Regardless of the arduousness of that process, a pathway to immigration for some TFWs provides a sense of freedom and mobility living and working in Canada.



# IV

## TFW PRAIRIE REGION PROJECT DATA ANALYSIS

This chapter presents a comprehensive analysis of the TFW Prairie Region Project to date intended to contextualize the experience of TFWs in the Prairie region during the ongoing COVID-19 pandemic in addition to shedding light on the experience of TFW Prairie Region Project partners, including challenges and promising strategies encountered along the project journey.

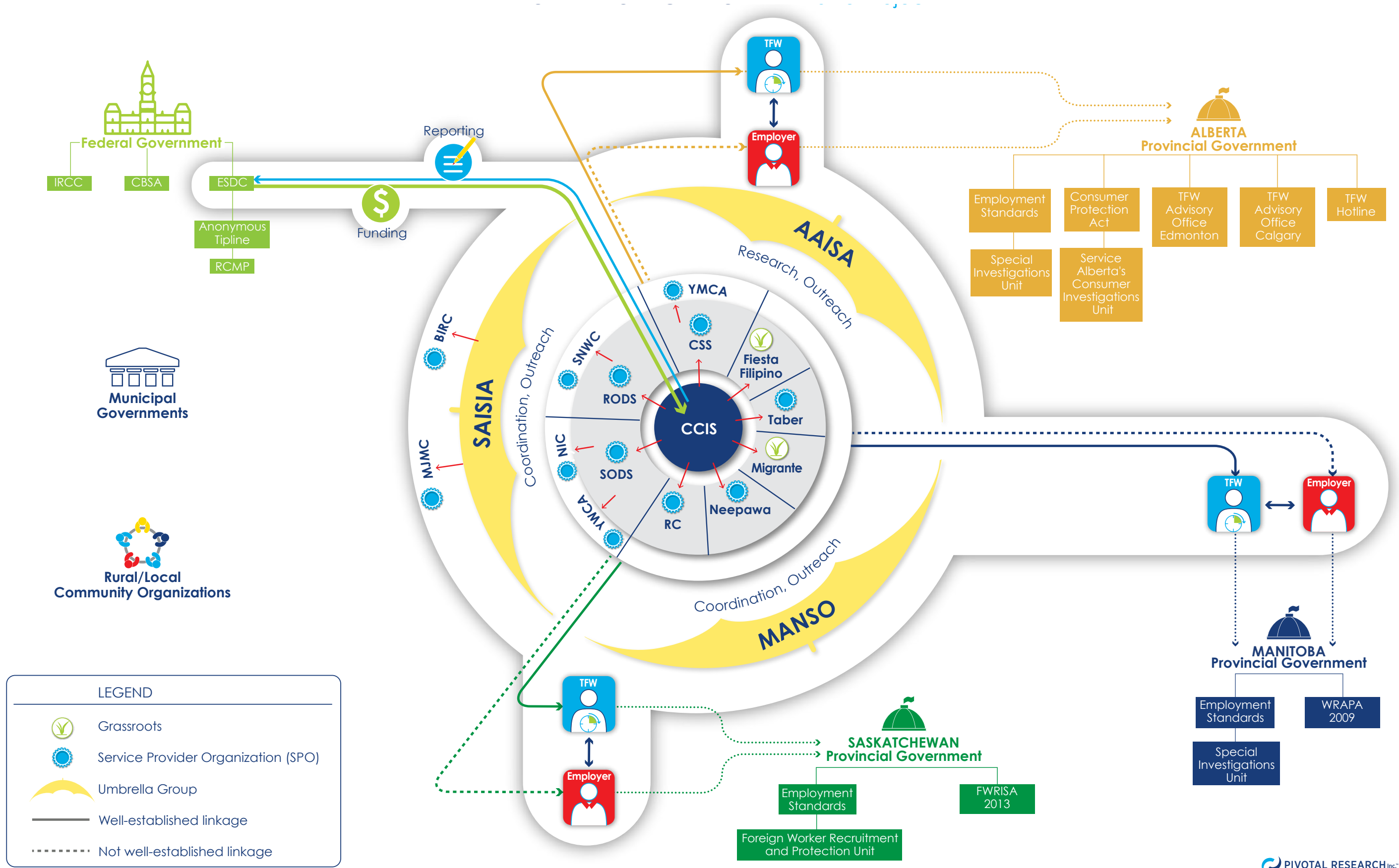
The project, funded by ESDC at nearly \$2 million over the course of six months—later extended to over a year—presented project partners with an unprecedented partnership model that provided them the opportunity to either formalize or establish a new line of services dedicated to TFWs centered around workplace safety and public health. This federal support was critical especially in the agricultural and meatpacking sectors most concentrated in the Prairie region that were deemed essential during the pandemic.

The analysis includes a focus on narrating main challenges and gaps and promising strategies, successes, and trends.

### PROGRAM MODEL

As part of analyzing project data in tandem with the literature review scan, a program model was developed, which juxtaposes the TFW Prairie Region Project within the larger TFW-serving ecosystem in the Prairie region as it currently exists, considering current gaps and limitations. See Figure 2 below for a visualization of this program model.

FIGURE 2 – PROGRAM MODEL FOR THE TFW PRAIRIE PROJECT





## ORGANIZATIONS / PARTNERS



### ALBERTA



#### AAISA

Alberta Association of Immigrant Serving Agencies



#### CCIS

Calgary Catholic Immigration Society – contract holder, fiscal agent



#### CSS

Catholic Social Services



#### TDCALA

Taber and District Community Adult Learning Association



#### Fiesta Filipino

The Philippine Festival Council of Alberta



#### YMWA

YMCA of Northern Alberta

#### Wood Buffalo



### SASKATCHEWAN



#### SAISIA

Saskatchewan Association of Immigrant Settlement and Integration Agencies



#### SODS

Saskatoon Open Door Society



#### RODS

Regina Open Door Society



#### YMCA PA

YMCA Prince Albert



#### NIC

Newcomer Information Centre



#### SNWC

Southwest Newcomer Welcome Centre



#### BIRC

Battlefords Immigration Resource Centre



#### MJMC

Moose Jaw Multicultural Council



#### RC

Regional Connections Immigrant Services



#### FWRISA

The Foreign Worker Recruitment and Immigration Services Act



### MANITOBA



#### MANSO

Manitoba Association of Newcomer Serving Organizations



#### Migrante

Migrante Manitoba



#### Neepawa

Neepawa and Area Immigrant Settlement Services

#### WRAPA

Worker Recruitment and Protection Act

### FEDERAL GOVERNMENT

#### ESDC

Employment and Social Development Canada

#### RCMP

Royal Canadian Mounted Police

#### CBSA

Canada Border Services Agency

#### IRCC

Immigration, Refugees and Citizenship Canada

## PROJECT SET-UP – RESEARCH ON TFWs

Given the lack of similar projects in the Prairie region, project partners faced multiple challenges as part of project set up, from needing to quickly learn about the TFWP and latest provincial policies affecting the program to facing almost a complete lack of structured data on TFWs to help them locate TFW clients to serve.

The types of data that were collected to inform project setup:



### TFWP

**Requirements**, such as information from federal government websites on different types of TFWP streams and LMIA and work permit requirements



### Foreign Worker

#### Employment Rights,

information related to employment of foreign workers in Canada, such as rights and responsibilities of employers and foreign employees, mechanisms of protection specific to each province (Occupational Health & Safety, Employment Standards) and employment benefits (EI, Canada Emergency Response Benefit (CERB))



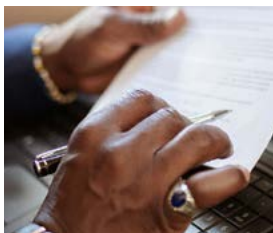
### Current TFW Services

**Landscape**, including services available to TFWs provided by other organizations, such as those within settlement sector and community, grassroots, and charity organizations in the surrounding area



### COVID-Specific

**Information**, such as changing public guidelines, information on vaccines, requirements related to travel and quarantine



### Locations of TFWs,

using datasets on approved LMIAs published on open.canada.ca, which include the employer's name (excluding names of individual employers), business location (province, city, postal code), national occupational classification (NOC) and program stream



### Needs Assessments

that the project partners conducted to better understand needs and service gaps.



Project partners spent considerable time updating their data and information sources to ensure successful project implementation given the highly-evolving nature of the pandemic crisis where program requirements were changing constantly and LMIA approvals data was released quarterly.

## LOCATION OF TFWs DATA CHALLENGES

Although helpful to inform outreach to employers by learning which employers are hiring TFWs, publicly-available LMIA data lags by one to two program quarters and does not include fully accurate information on TFWs, since an approved LMIA is not an indicator that a TFW actually arrived to Canada and is working at the location indicated in the LMIA. Also, data excludes personal names of individual employers, which means that many TFWs working on smaller farms or as live-in caregivers are not readily identified to the project partners.

Project partners found workarounds to address limited access to data. Some umbrella organizations, like AAISA, have taken on the task of extracting publicly available data on positive LMIA's compiled by ESDC and organizing it by regions, which facilitated project partners' planning and outreach activities. Some organizations directly approached officials from Statistics Canada and other federal and provincial agencies seeking more robust data to inform targeted outreach to TFWs.

## PROJECT OUTREACH

In the absence of similar initiatives and historical lack of engagement of the integration and settlement sector with TFWs (in the case of rural and remote TFWs due to limited funding), project partners had to conduct expansive outreach on multiple fronts simultaneously - to TFWs, employers, community organizations, government agencies, embassies and other organizations that could facilitate information provision or service delivery.

## OUTREACH TO TFWs

Outreach strategies to TFWs included social media advertising, such as Instagram and Facebook, in-person outreach, radio shows, and placing posters and information-sharing in places TFWs are likely to attend, such as grocery and convenience stores, festival booths and other ethno-cultural events, retail outlets, post offices, vaccination centres, and airports. Some project partners attempted to reach TFWs through employers, however, direct outreach to workers has proven to be more effective. Outreach to rural TFWs relied primarily on in-person activities, such as trips to rural communities and farms.





## CHALLENGES

Reaching out to TFWs has been challenging, in particular in terms of locating them without having exact data on their employers and precise worksite locations as well as overcoming employer disengagement. A few project partners expressed concerns regarding meeting the target number of clients they need to serve, especially those employed in agriculture, however, these concerns decreased overtime as more TFWs learned about the project. Throughout the duration of the project TFWs themselves significantly helped spread the word about the project, which is why it started gaining momentum after a number of TFWs were located and served.

Among factors that hindered outreach are structural or systemic factors, such as lack of data on TFWs, but also lack of trust by TFWs and employers in engaging with project partners, especially in rural areas. Due to cultural differences, it was found that some TFWs expressed lack of familiarity with the very concept of social services. Staff reported that some workers assumed that accessing services requires payment or that their unique identifying information would be shared with the federal government (this concern was mostly voiced by undocumented workers), which was not the case. In addition, given multiple cases of abuse by employers as well as lack of protection by the government, some TFWs did not initially feel comfortable reaching out to an organization they did not know much about to provide them support. Building trust relationships takes time and sustained effort, which is why the process of outreach was slow and resource intensive for the SPOs.



## PROMISING STRATEGIES

Given limited resources and time to reach and serve TFWs, most project partners were successful in meeting target client numbers and increasing TFWs' awareness to access available supports. They broadened their partnerships to organizations they have never worked with before, expanded rural coverage and outreach and increased service access for rural and remote TFWs. Some also tapped into social media engagement, which became effective over time.

For example, through social media engagement, Moose Jaw Multicultural Council (MJMC) in Manitoba has been able to reach a client in a small rural community who required essential supports like food. Many SPOs used project flyers and infographics either provided to them or developed by SPOs in multiple languages, including but not limited to: English, Spanish, Tagalog, using digital outreach strategies.

Among other promising practices is the creation of the Saskatchewan Advisory Group made up of project partners from Saskatchewan who attend weekly huddle meetings facilitated by Local Immigration Partnerships that has facilitated sharing experiences, challenges and plans for future strategies.

Some organizations have partnered up with one another to better delineate distribution of geographic areas to be served by each SPO partner. An example of this type of partnership took place between CCIS, Lethbridge Family Services (LFS), and Taber & District Community Adult Learning Association (TDCALA) serving the southern Alberta region. The partnership between MANSO and Migrante Manitoba serves as



another example of effective distribution of responsibilities between an umbrella organization and a grassroots community organization that has resulted in extended outreach to TFWs. Furthermore, Manitoba was the first province in the project that pioneered a tri-level approach that initially involved an umbrella organization (MANSO), an SPO (Regional Connections) and grassroots organization (Migrante) to provide support to TFWs on multiple levels simultaneously. Later this model was extended to include more SPOs.

## EMPLOYER ENGAGEMENT

Project partners employed a vast array of strategies reaching out to employers: sending email and phone communications, conducting day trips and in-person outreach in farms, grocery stores and senior homes, and holding meetings with management of larger organizations. Some strategies proved to be more effective than others, such as the careful approach of dropping off welcome care packages with employers to vet their contents first, while informing employers of services and supports available. This engagement approach allowed the project partners to build rapport and establish a trusting relationship with some employers, especially those who have not previously been connected to settlement organizations. It is also worthwhile mentioning that some employers were enthusiastic and receptive with the provided support and open to collaboration.





## CHALLENGES

Employer engagement has undoubtedly been the most challenging part of the project. The overarching feedback is that employers are hesitant to collaborate. Mistrust and reluctance to share TFWs' needs have been mentioned numerous times in narrative reports. Some project partners reported that a few employers are hesitant to cooperate, because they assume "we are a government agency" or consider involvement of SPOs as a disadvantage to their operations. According to some project partners, smaller rural employers are more reluctant to cooperate than larger businesses, because SPO involvement in the TFW journey is novel.

Evidently, in most cases hesitancy to collaborate is due to the lack of understanding of the role of SPOs and the purpose of the project itself. SPOs' experience has shown that employers tend to consider the assistance offered by SPOs as a hostile intervention or an external oversight they would rather do without. At the same time, when demonstrated the benefit of SPO involvement, particularly with TFW support, many were appreciative of welcome packages, airport reception and vaccination assistance.

Nevertheless, many of the project partners' efforts to contact employers have been fruitless: employers were simply unresponsive to numerous emails and follow-up phone calls from staff. It was also noted that agricultural employers, in particular, were extremely busy during the growing and harvesting season and did not have the time or capacity to connect. Even when project partners managed to get in touch with some employers, many employers declined to provide case workers with TFW names, contact information, nature of assistance needed, or their own availability for information sessions. Some employers cited confidentiality concerns when approached.

Also, as project partners had to adhere to public health guidelines, most of the outreach was conducted remotely, which watered down its effectiveness: sending out emails to employers was much more likely to get project partners stonewalled than in-person communication. The ongoing pandemic has also delayed outreach in general; many in-person meetings were postponed until after the restrictions are lifted as per employers' requests.

## EMPLOYERS' CHALLENGES

The employers that project partners were able to engage shared their perspectives. Cumbersome paperwork, time- and resource-consuming quarantine requirements have led many employers to eschew hiring TFWs at this time. This has caused significant disappointment with government's unwillingness to consider employers' labour needs, which remained the same or even increased during the ongoing pandemic and limited options to close these gaps.

Additionally, many employers have never had a third party supporting them in accommodating TFWs and they have been single-handedly shouldering this responsibility for years. The fact that SPOs were now offering support may have come to them as a surprise. Project partners found that some employers developed their own means of support to TFWs; some expressed disappointment with the "late arrival" of SPOs—as a support arm made possible by federal government funding.



## PROMISING STRATEGIES

One of the best practices for employer outreach has proven to be reframing the discussion and approaching employers to hear their needs first. Such approach managed to initiate trust and open further discussions on how project partners can assist TFWs. Flexibility is important for building connections with employers as well, especially in the agricultural sector, where both employers and TFWs work extended hours or rotating shifts during high season. Following up with employers to reassess their needs after a certain period of time has also been helpful and demonstrated consistency in service delivery.

## SERVICE DELIVERY EXPERIENCE

Based on client case data from January 4 to December 2, 2021, the TFW Prairie project served 2,898 TFWs employed, exceeding initial targets, at 436 businesses across the Prairie region. Alberta has the highest share of TFW clients (1,414) and employer base (233) across the Prairie provinces. Manitoba has more than third of the TFW client base (1,024) working across only 45 employers. Saskatchewan, on the other hand, has the lowest number of client load at 452 TFW clients served working across more employers (158).<sup>116</sup>

## TFW CLIENT PROFILE

The majority of TFW Prairie Region Project clients come from the Philippines, Mexico, and India with English, Tagalog, and Spanish as the top preferred languages of service. They fill labour needs in natural resources and agriculture, manufacturing, sales and service, and health occupations. The TFW clients surveyed primarily work at farms across the Prairie provinces, but in Alberta and Manitoba, they are also highly present in meatpacking plants, while in Saskatchewan they also work at fast food restaurants and gas stations. In terms of gender split, the project's TFW client base is primarily male in Alberta (69%) and Manitoba (85%), while in Saskatchewan the gender split is more even (51% male and 49% female).

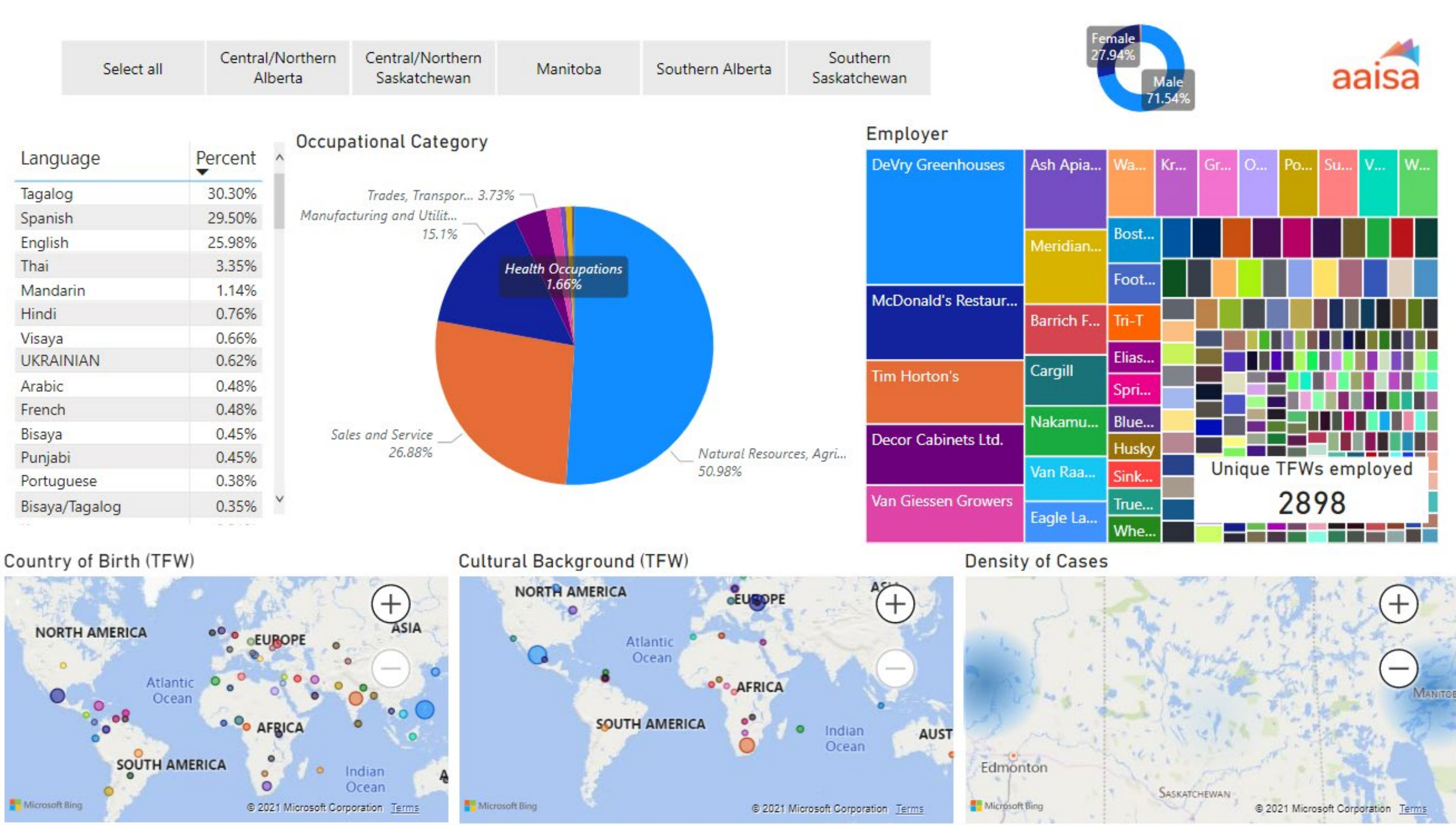
The Pivotal Research team prepared data visualizations through dashboard reporting that depict the overall TFW client persona and density of cases in each province against the backdrop of TFW socioeconomic and cultural factors. Below are sample data visuals as part of a larger dashboard report that is submitted to CCIS and AAISA as a stand-alone deliverable.





FIGURE 3 – DATA VISUALIZATION OF TFW PRAIRIE PROJECT CLIENT DATA (SCREENSHOT FROM REPORTING PLATFORM)

Data was pulled from the time period from January 4, 2021 to December 2, 2021.





## PROJECT PARTNER EXPERIENCE

Although project partners faced a vast array of common challenges throughout the project, their experiences varied. As previously discussed, many organizations had difficulties locating TFWs, especially in rural areas. As reported by some employers, many TFWs did not end up arriving to Canada due to complexities with the TFWP process during the ongoing pandemic, so the pool of potential clients for some project partners was lower than expected during the project period.

Some project partners, however, including some in rural areas, experienced higher demand for services than initially expected and had to request additional resource allocation from within the project and possible shift of their staff from part-time to full-time positions. In at least one instance, waitlists were created and TFWs were assisted according to their level of need.

Project partners experienced demand for a vast array of services, including but not limited to: direct supports for clients (such as minimal grocery support and purchasing bus passes to alleviate transportation barriers, or more substantial financial support, such as short-term rent coverage, assessed on a case-by-case basis), information sessions, referrals, system navigation support and other. The majority of clients had minor food insecurity or required information services, but some others required multiple-step support, such as negotiating payment plans to catch up on rent with their employer (who was also the landlord) or acquiring documents to apply for a government subsidy.

### LIMITED PRE-ARRIVAL INFORMATION

Due to the limited comprehensive pre-arrival information available from the governmental websites, many TFWs arrive having little knowledge about life in Canada, which is why project partners' activities extended to assisting them with requests that were not initially expected, such as support finding transportation (in some cases providing rides) in rural areas that are isolated and without developed infrastructure to accommodate newcomers who do not own personal vehicles. This was also the primary reason for the launch of the TFW Hub website with the objective of it becoming a source that could be consulted by TFWs prior to their arrival.

## COVID-RELATED CHALLENGES

Multiple project partners' reports described experiences of vulnerability by TFWs shared with project staff during the COVID-19 related quarantine period. Due to multiple stops on their way to Canada, some clients had to undergo quarantine in several places (for example, for some Filipino TFWs, they had to quarantine in Manila, Vancouver and then Manitoba, as reported by MANSO). Quarantine requirement has taken a toll on both the mental and financial state of TFWs with some having to pay thousands of dollars for hotel accommodation, as in the case of TFWs served by the project who had to quarantine in several locations.

Employers often were overstretched managing additional demands and complications associated with COVID quarantine requirements, hence many did not have the time to provide necessary supports, such as groceries, to workers during the quarantine period. Project partners' activities at this high-vulnerability time were instrumental in helping TFWs adjust to their new setting and alleviate both the burden of additional responsibility that fell on the shoulders of employers due to the pandemic as well as the financial burden that affected the workers.

## TFWs AND QUARANTINE RULES

According to the Quarantine Act, employers are responsible for paying wages during the quarantine period and must not deny assistance with access to the necessities of life, such as food and medicine. However, project partners' experience with TFWs suggests that TFWs do not feel confident and lack knowledge on quarantine rules and regulations in Canada as well as employer-employee rights and responsibilities. As reported by Alberta service providing organization, Catholic Social Services (CSS), "some TFWs do not feel comfortable to ask for assistance for the fear of jeopardizing permanent residency."

COVID stigma was also common among TFWs, at least in the beginning of 2021. According to a CSS April 2021 report, if TFWs got infected, they would not be likely to discuss this, which also prevented project partners from knowing whether TFWs require additional support. Fear of contracting COVID was generally matched by fear of being medically inadmissible for PR or being unable to work and sent home as a result. Further, many clients did not know or were simply reluctant to take time off work to get vaccinated, including some who did not know how to make a vaccine appointment.

The role of project partners is critical by easing TFWs' difficulties caused by lack of knowledge and accurate information and providing them with necessary means of support that TFWs could not obtain anywhere else. Specifically for vaccinations, there were some additional interventions made to support TFWs. In southern Alberta, CCIS arranged for mobile vaccination clinics to provide on-site vaccinations for TFWs employed on farms by leveraging another partnership, with Okaki, an indigenous-led clinic. CCIS and other partners also liaised with provincial health authorities to schedule vaccinations at places of work that employed TFWs so long as there were enough TFWs to warrant the trip. If not, vaccinations were booked for TFWs to alleviate logistical or language barriers and were able to provide transportation assistance. However, project partners' capacity to influence TFWs' actions remains limited: they can provide TFWs with information on their right to request paid leave to get vaccinated or offer direct support to encourage vaccination, for example, but some TFWs might not take that step due to perception of precarity.





## HIGH-NEEDS CLIENTS

The TFW Prairie Region Project has been eye-opening in a sense that it led project partners to meet clients who had myriad of problems that required urgent assistance and that would have gone unaddressed had those clients been ineligible for support due to their temporary status. Most vulnerable clients were undocumented TFWs, food and income-insecure with children, those who lost their job or had their work hours reduced, and TFWs injured on the job or suffering from illness. Project partners encountered several cases of high need clients who fell behind on rent and had outstanding bills.

Oftentimes one precarity lead to another one, such as when a TFW was laid off or their work permit has expired, they could not access provincial health-care. In that case, if they contracted COVID or got injured, they would receive a pharmaceutical bill they could not afford, compounded by a precarious housing situation. Many TFWs did not qualify for CERB or EI benefits.

In other cases, financial insecurities were caused by lack of knowledge, such as when TFWs were not aware of the fact that the CERB benefit is taxable and ended up owing large amounts of money to the Canada Revenue Agency. During focus groups, project partner staff noted the need to provide budgeting support to TFWs, as requirements to pay outstanding bills in their home countries may be drastically different from Canada's.

## RELUCTANCE TO ACCESS SERVICES

Some clients were reluctant to access services from project partners. One of the reasons is pre-occupation with pursuit of the permanent status to an extent that these clients would refuse to receive any support from project partners, including financial support.

Other reasons for delaying or refusing services are cultural or personal. According to a Saskatchewan Association of Immigrant Settlement and Integration Agencies report from April 2021, many TFWs “simply did not want to admit they needed help until last minute.” Project partners narrated cases of their clients approaching them when they had already maxed out their credit cards and required an “intervention” level of support. Other challenges included TFWs being reluctant to access food banks concerned that they may not meet their religious and cultural dietary restrictions, which is why the project funding was aimed to fill this gap and assist newcomers with purchasing culturally-appropriate foods.

Psychological counselling services to alleviate stress would also sometimes be refused for the same reason of fear of medical inadmissibility for PR or cultural stigma. Project partners noted that TFWs are likely to suffer from perceived depression, particularly caused by isolation during the ongoing pandemic and being far from their families. Several project partner reports mentioned clients experiencing marital tensions usually caused by financial and job insecurities as well as their uncertain status in Canada.

## TFW CLIENT TOP NEEDS AND CONCERNS

Many of the challenges the project's TFW clients experience or have expressed during the course of their engagement with the project tend to revolve around outside-the-job needs and less related to on-the-job concerns. The following list of services and referrals to services sheds light on a wide range of TFWs' needs as documented by project partners:



**Food insecurity** – provision of grocery hampers, food boxes, gift cards, food bank referrals;



**Health and COVID** – booking vaccination appointments, applying for health cards, PPE package delivery, quarantine support (ranging from grocery, document delivery to assistance with appointments);



**Information** – assistance understanding bills, accessing public transportation, finding housing, information sessions;



**Referrals** – referrals to other organizations or agencies for additional assistance;



**Classes** – English, computer literacy;



**Documentation** – applying for rent subsidies, filing taxes, filing grievance documents, applying for benefits, assistance understanding requirements for Open work permit for vulnerable workers;



**Financial security** – welcome package delivery, purchasing work clothes, medications, short-term rent and/or utilities coverage, short-term cell phone bill coverage;



**Inclusion** – welcome package delivery and other efforts to reduce negative impacts of isolation and increase the feeling of support and belonging.

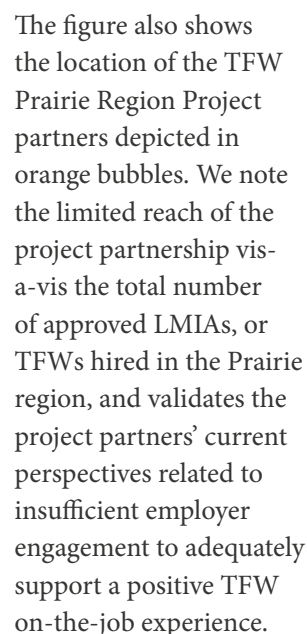
The word clouds below further provide a graphic representation of keywords frequency used in the TFW Prairie Region Project database to illustrate the top 100 common service delivery themes and needs presented by TFW clients during the course of the project. Word clouds examined data from case workers' notes and referral cases notes. The word clouds show that food and financial concerns as well as issues related to health and COVID are arguably the most common needs articulated by the project TFW clients. Words such as 'Employment', 'Application', 'Rent', 'PR', 'Permit' (work permit) stand out as well. Although assistance with understanding requirements and applying for permanent residency is a clearly identified need according to case notes, it did not necessarily translate to services provided through this project. The following options are possible: either the referral was made to another organization to assist TFW further, or the need was addressed at the expense of the organization unrelated to the project (most likely), or the issue remains unresolved to date.





The number of approved LMIAs, which represent an estimate of the number of TFWs employed in the Prairie region, is vast compared to the TFW Prairie Region Project clients served, which can be estimated<sup>117</sup> to be around 4,347 TFWs in the same year and half period of this LMIA data.

**FIGURE 5 – GEOGRAPHIC MAPPING OF LMIA DATA FROM Q1, 2020 TO Q2, 2021  
(SCREENSHOT FROM REPORTING PLATFORM)**



## SPHERES OF REACH

In addition to representing geographic coverage and outreach of the project, the figure showcases the size or “sphere of reach” of the TFW Prairie Project partners based on the number of clients served as gleaned from project data. “Sphere of reach” in this analysis is derived from dividing the number of clients served by the number of TFW Prairie Project partners in a province. The “sphere of reach” is shown on the map by the size of the concentric circles. For example, the concentric circles in Manitoba are larger showing a greater service delivery reach by immigrant-serving organizations touching more TFWs in their sphere of reach. It can also be implied that Manitoba-based TFW Prairie Project partners may be over-burdened with large caseloads and overworked staff due to the larger number of TFWs that need to be serviced by each organization.

## REGIONAL SERVICE GAPS

When comparing the TFWs served by the TFW Prairie Region Project and the total number of TFWs hired in the Prairie region as gleaned from the 2020-2021 LMIA data, there may be large gaps of service for the following regions:

- **Central Northern Saskatchewan:** The approved TFW positions totaled 1,272 in the Central Northern Saskatchewan region between 2020-2021, whereas the TFW Prairie Region Project clients served in that region sit only at 249 TFWs (for reporting period January 4 to December 2021).
- **Central/Northern Alberta:** The approved TFW positions totaled 6,106 in the Central/Northern Alberta region, whereas the clients served in that region through the TFW Prairie Region Project is at 496 (for reporting period January 4 to December 2021).
- **Southern Alberta:** We see the same pattern of large service delivery/outreach gaps in the Southern Alberta region with TFW approved positions totaling at 4,929 during 2020-2021, whereas the TFW Prairie Region Project clients served in that region sit at 918 workers only (for reporting period January 4 to December 2021).

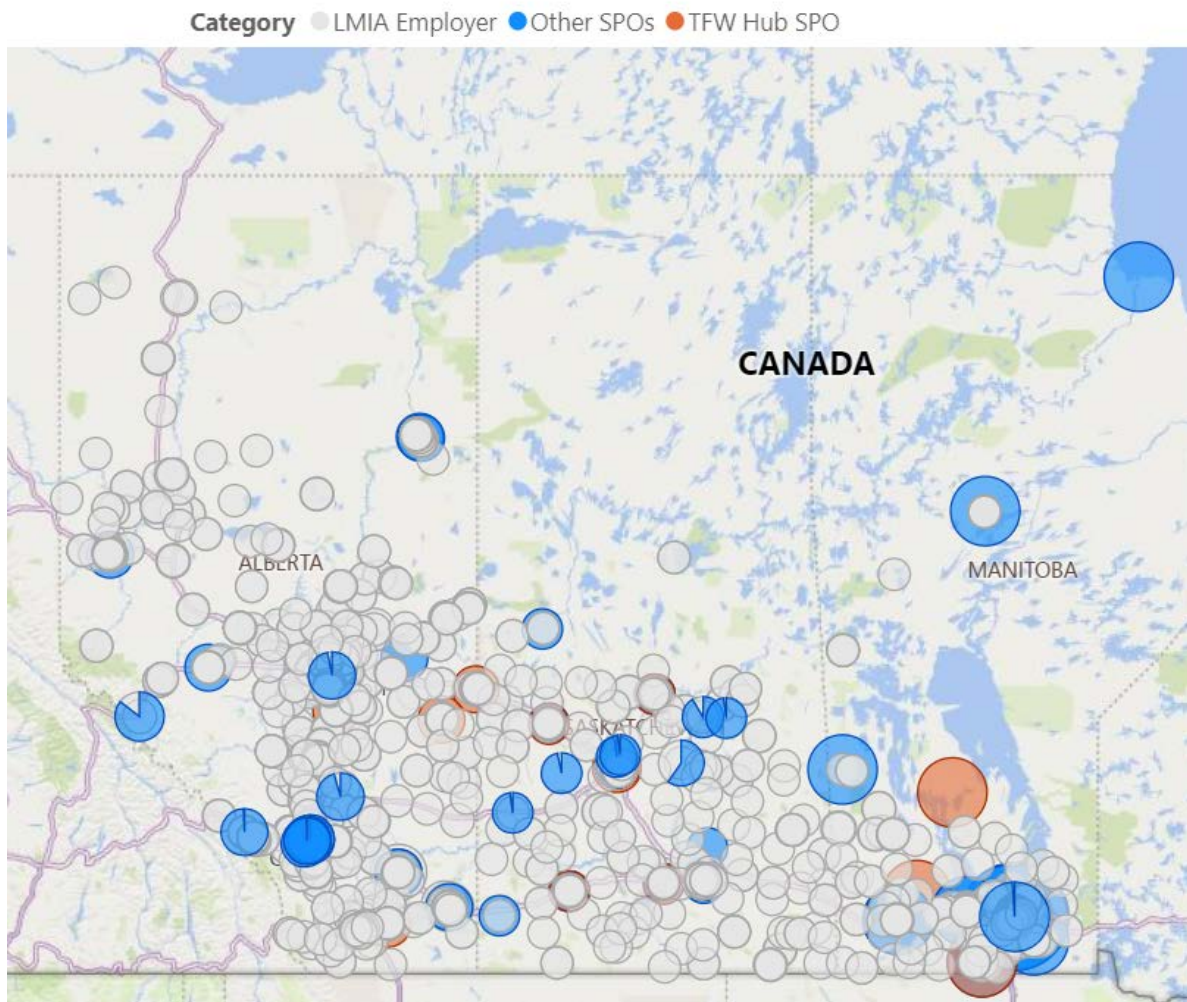




## POSSIBLE EXTENDED REACH

Figure 6 presents a map with other immigrant-serving agencies across the Prairie region (designated in blue) that are current members of the three immigrant-serving umbrella organizations in Alberta, Manitoba, and Saskatchewan. This map infers the potential for increased capacity of the TFW Prairie Project if it extends its partnership across a wider group of immigrant-serving agencies/SPOs that can serve and reach more TFWs and engage more TFW-hiring employers in the region. However, even after mapping the locations of other immigrant-serving agencies in the region, it is clear that Northern Alberta faces a critical shortage in organizational capacity and presence to effectively serve TFWs, where TFWs may be facing gaps in services or missing actual service delivery completely.

**FIGURE 6 – GEOGRAPHIC MAPPING OF LOCATIONS OF TFW PRAIRIE PROJECT PARTNERS AND OTHER SPOS**





## RECOMMENDATIONS

The TFW Prairie Project presents a case study of an unprecedented regional partnership model with time-limited and pandemic-response focused funding to support TFWs. The project outcomes in addition to analysis of literature and data to-date illustrate systemic, policy, funding, and capacity gaps that are in critical need of addressing to shore up the TFW experience, support immigrant-serving SPOs, and assist employers in the Prairie region.

As presented through the project analysis, TFWs' needs are primarily integration-oriented— food security, housing, financial literacy and assistance, public health, information services—that result from inadequate service supports on- and outside-the-job. The project analysis and literature review also show structural gaps in employer engagement, funding supports, and monitoring mechanisms that help employers ensure their workers are productive and healthy on-the-job. Mapping data further paint a picture of opportunities for future expansion for immigrant-serving SPOs , especially in rural areas where there continues to be TFW service “deserts”.

These findings make a compelling argument for various recommendations noted below that leverage the momentum created by the TFW Prairie Region Project in order to establish an ideal TFW-serving ecosystem and an ideal TFW journey in the Prairie region depicted in Figures 7 and 8 on the following pages.



FIGURE 7 – IDEAL TFW-SERVING ECOSYSTEM IN THE PRAIRIE REGION

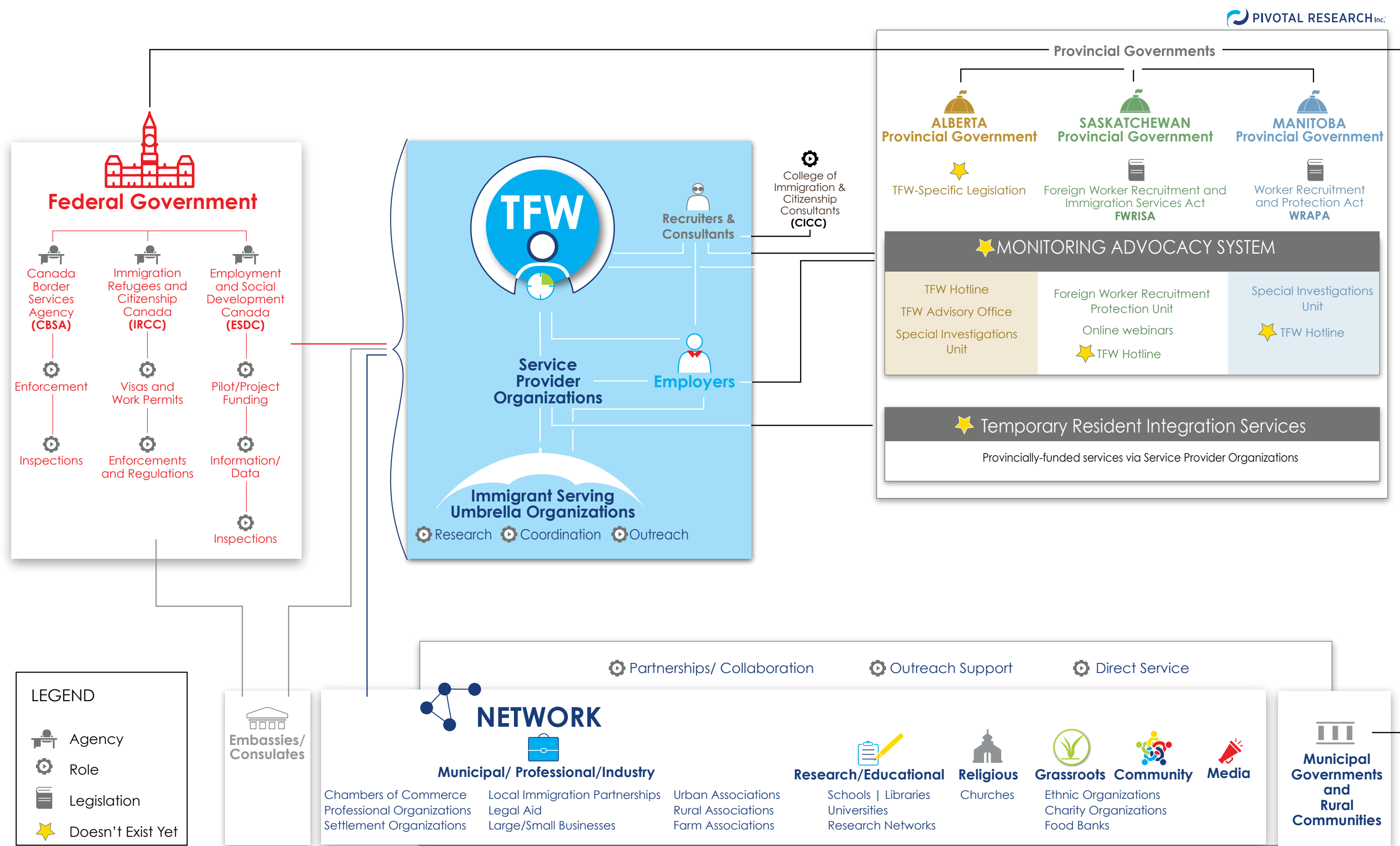
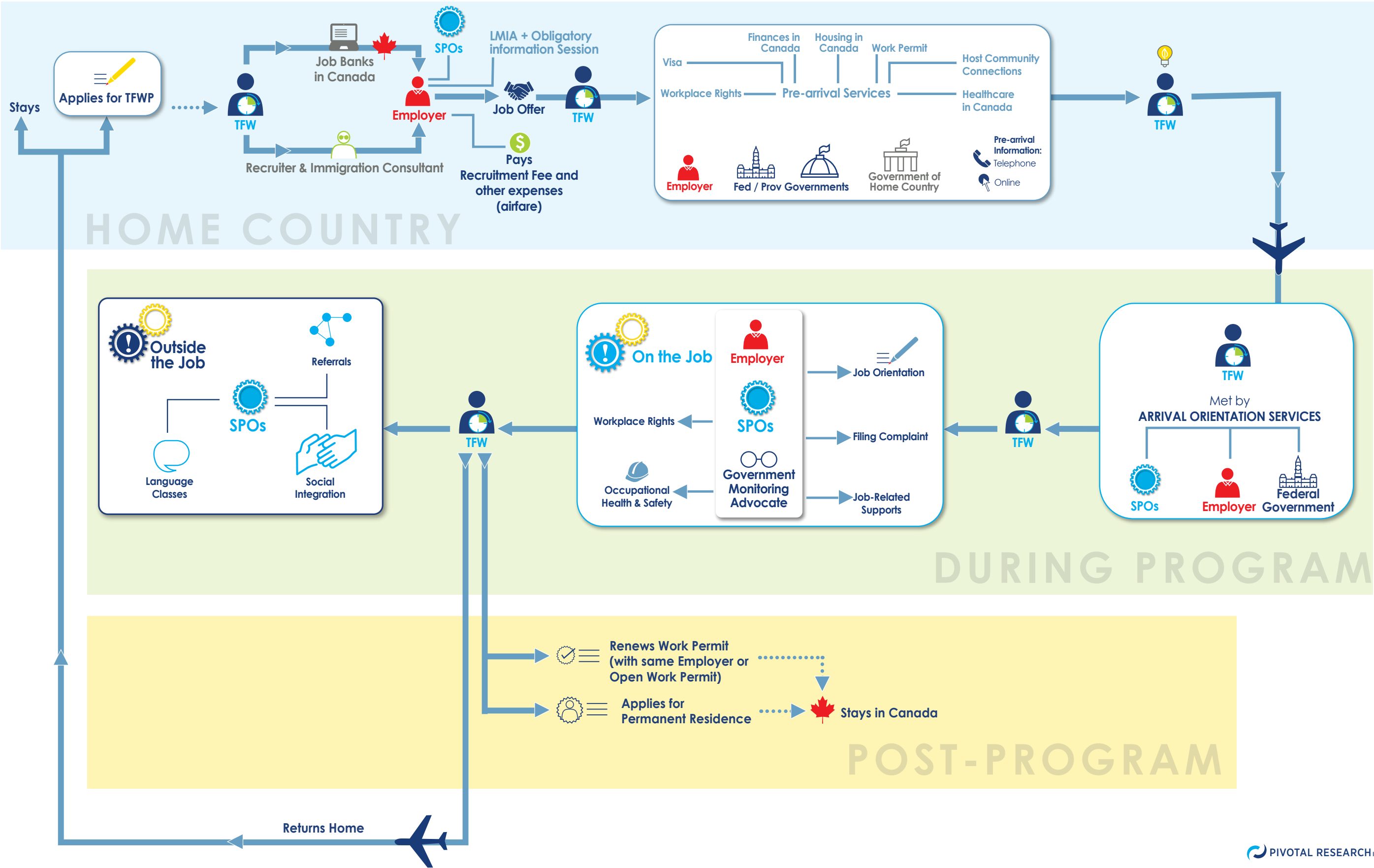


FIGURE 8 – IDEAL TFW JOURNEY IN THE PRAIRIE REGION





## PROVINCIAL TFW-SPECIFIC LEGISLATION

The provincial governments in the Prairie region should consider strengthening—and promulgating in Alberta where none exists—provincial foreign worker-specific legislation and policies to continue signaling the commitment to safe and productive work environment for foreign workers in the Prairie region. The Prairie region, given its economic regional status, should further align its foreign worker-related policies to facilitate cross-provincial collaboration.

New—for Alberta—or strengthened legislation—in Manitoba and Saskatchewan—should consider the following legislative authorizations:

- Authorize and fund a standardized TFW federal-provincial monitoring advocacy system that creates a proactive and robust supervisory entity protecting TFW worker rights;
- Strengthen oversight of immigration consultants by referencing role of the College of Immigration and Citizenship Consultants, which is the official national regulator of immigration and citizenship consultants and has the authority to identify and pursue unlicensed immigration consultants, as mandated by the College of Immigration and Citizenship Consultants Act, coming into effect recently in November 2020;
- Ensure equitable enforcement of TFW employment standards in rural areas as in urban centres;
- Strengthen workplace health and safety inspections, especially during the ongoing global pandemic, that effectively root out workplace violations;
- Improve whistleblowers protections against retaliation, including instituting anonymity standards for TFW hotlines;
- Provide an effective enforcement mechanism for the right-of-return airfare to reduce the number of TFWs who stay in Canada upon expiration of their status; and
- Authorize and fund a budget line item for TFW/temporary resident integration services.





## FEDERAL-PROVINCIAL TFW MONITORING ADVOCACY SYSTEM

The provincial governments in the Prairie region should consider promulgating amendments to their federal-provincial agreements to fund a proactive and effective Federal-Provincial TFW Monitoring Advocacy System. This monitoring advocacy system's role is dual providing supports to employers and TFWs:

1. **Employer Supports** – Educating employers on TFW employment regulations and proactively monitoring and inspecting employers to stave off workplace violations; and
2. **TFW Supports** – Advocating for TFWs by ensuring equitable access to worker protections and facilitating the reporting and resolution of on-the-job workplace complaints that increases trust with regulatory oversight bodies in the province.

TFW monitoring advocates should be located in close proximity to agricultural, industrial and business hubs that employ large proportion of TFWs relying on a highly customized and hybrid—digital and in-person—advocacy and monitoring outreach approach. Monitoring advocates would also create community linkages through partnerships with SPOs that strengthen their advocacy and outreach role and extend their reach.

The Prairie provinces can leverage various aspects of their current workplace monitoring and inspection and worker advocacy framework towards establishing this system. For example, the Alberta government can establish its monitoring advocacy system by building off of its TFW Advisory Offices, TFW Hotline, and Special Investigations Unit. On the other hand, Saskatchewan can leverage resources already allocated to its Foreign Worker Recruitment Protection Unit to start designing this highly-engaged system.



## TEMPORARY RESIDENT INTEGRATION SERVICES

Through innovative funding strategies, including blending and braiding of federal and provincial government funding, the provincial governments in the Prairie region should consider filling gaps in federally-funded settlement services by providing dedicated temporary resident integration services to TFWs through a funding stream or a budget line item.

TFW integration services would be delivered through a network of established SPO partnerships that proactively addresses TFWs' basic outside-the-job settlement and integration needs relying on common service delivery standards. Immigrant-serving SPOs and grassroots organizations that support newcomers have extended services to TFWs from the side of their desks at times unfunded and through an intricate referral system to meet TFWs' survival needs. The TFW Prairie Project has also shown the complexity of TFWs' needs extending beyond addressing public health and workplace safety concerns that require a steady funding stream to increase SPOs' service capacity.





## PRE-ARRIVAL AND ARRIVAL ORIENTATION SERVICES

The federal and provincial governments have a role to play in building a centralized and robust system of pre-arrival and arrival orientation services for TFWs that enhance the TFW journey in Canada and alleviate pressures on host employers and SPOs who are required to address emerging TFW needs that arise from lack of awareness and knowledge of life in Canada. Upon receipt of a work permit, a TFW in their home country would be provided with comprehensive and continuously updated federal and provincial pre-arrival information resources delivered digitally and by phone services and ideally in the person's first language.

For SAWP TFWs, the federal and provincial governments would further coordinate the provision of up-to-date pre-arrival information resources with the TFWs' home country governments to ensure alignment on communication of latest program policies and requirements and federal and provincial public health measures.

Arrival information services would see a coordinated service delivery approach between the:

- federal government (CBSA);
- Airport authorities where TFWs initially and/or subsequently land (via international arriving flights and domestic connecting flights at major and regional airports);
- Host employers; and
- Immigrant-serving SPOs.

Arrival information services would reinforce the pre-arrival information resources provided to TFWs while in their home countries, albeit contextualized through in-person interaction and written collateral delivered in various languages to increase uptake.



## REIMAGINED, PARTNERSHIP-POWERED SERVICE DELIVERY MODEL

Immigrant-serving SPOs, supported by umbrella organizations through guidance, research, coordination, and outreach, are encouraged to reimagine their service delivery approaches to TFWs through a partnership-powered model in order to expand their spheres of reach through the following program management components:



## DATA-DRIVEN

SPOs could pull their limited financial resources or seek a coordinated effort of umbrella organizations to:

- **Location Intelligence** – Continuing to tap into geographically mapping location intelligence gathered from clients, employers, and through publicly accessible LMIA data to unlock insights about service reach and to increase targeted, location-specific outreach to untapped TFWs and employers.
- **Demographic Data and Emerging Needs** – Leverage data and intelligence collected through umbrella organization networks and partners, such as demographic profiles, cultural backgrounds, and highly-evolving and emerging needs in response to public health and other such critical events to effectively serve TFWs.
- **Program Evaluation** – Conduct internal or third-party TFW program evaluation services by embedding event-based surveys immediately following receipt of service and qualitative exit interviews with a sample of clients for deep-dive evaluative insights.

## INNOVATIVE

SPOs, supported by umbrella organizations, can tap into innovative service delivery to expand their service reach.

- **Mobile Units and Co-Location of Services** – In lieu of costly brick-and-mortar physical locations, set up TFW services mobile units to remote/rural locations where SPO reach is limited or absent and/or seek co-location of services at established “landmark” sites in those smaller communities.
- **Digital Engagement** – The TFW Prairie Project partners can leverage the project website to augment its digital presence to TFWs by further implementing digitally-interactive tools and resources on the website that link up to social media and marketing the website to government partners, employers, and other stakeholders so they could integrate their resources, including pre-arrival and employer orientation services, through this platform.



## EMPLOYER AND INDUSTRY-ENGAGED

To increase penetration into the business community, SPOs, with the support of umbrella organizations, need to increase their capacity to play a workforce intermediary role adopting a dual customer approach: supporting both TFWs and TFW-employing businesses to create a mutually beneficial environment for both customers resulting in win-win partnerships. Possible strategies for this dual customer approach include:

- **Industry Knowledge** – Creating presence at industry associations and chambers of commerce and learning about industry needs and pain points so SPOs could speak the language of the businesses they are outreaching to and resonating when they partake in TFW-worker solution development along with the employer.
- **Sectoral Approach** – Espousing a sectoral approach to employer engagement depending on the location of business (urban/rural) and the industry targeted (agriculture, service industry, retail, etc.) and differentiate outreach strategies by sector and geographic location and leveraging past outreach experience.
- **Formal Employer Partnerships** – Formalizing employer engagement through memorandum of understanding or cooperation partnership mechanisms that allow SPOs to access TFWs to support them on- and outside-the-job. These formalized employer partnerships would also shore up businesses' capacity to provide critical workplace and public health and safety information and onboarding activities in TFWs' first languages (through translation and interpretation services). Another advantage to partnership for the business is enhanced access to other employer retention and recruitment supports, such as helping employers access TFWs searching for jobs in the community to enable their continuous business growth and helping employed TFWs complete SINP application to improve employer retention metrics.

## STRATEGIC GOVERNMENT ALLYSHIP

There is a widespread perception among SPO practitioners that politics plays a large role in federal and provincial collaboration with regards to the TFWP and TFW services. SPOs and umbrella organizations are having to rely on unstable funding with no clear federal and provincial funding mandates to provide direct integration services to TFWs.

Nevertheless, SPOs and umbrella organizations can benefit from a strategic government allyship approach, specifically with the government monitoring advocacy system to enhance on-the-job outreach to TFWs. When employer engagement becomes a challenge to facilitate access TFWs to serve, engaging government officials and inviting them into the “conversation” can increase SPOs’ chances of getting access to TFWs when they are shunned by employers.

## NETWORK-BUILDING FOR LOCAL WELCOMING COMMUNITIES

In the absence of a dedicated funding stream to effectively serve TFWs’ needs, umbrella organizations and SPOs are encouraged to adopt a coalition-building approach by creating new and leveraging existing partnerships and networks with community-based organizations, industry and business community organizations, and municipal/rural governments and local champions to create local-level “welcoming communities”. These networks or “welcoming communities” can facilitate the coordination of in-kind and/or monetary contributions towards:

- Co-locating or integrating services within existing program structures with formal funding authority.
- A service referral system for TFWs for targeted and culturally-relevant integration services.
- Gathering space—virtual and physical—for TFWs and local communities to come together.
- Sponsored information campaigns and advocacy events.



## UMBRELLA ORGANIZATION-GUIDED TFW-SERVING FRAMEWORK

In an ideal TFW-serving ecosystem, umbrella organizations provide system support by laying the foundation for building networks and outreach, augmenting SPO capacity, and spearheading data exchange and research initiatives for data-driven project management. Umbrella organizations should consider pursuing new funding resources or leveraging existing funds to achieve the following recommended actions:

### EXPAND AND DIVERSIFY OUTREACH, PARTNERSHIP, AND MEMBERSHIP

Beyond the TFW Prairie Region Project, umbrella organizations should consider expanding and diversifying their membership base by adding SPOs that are located in remote or rural areas and those that bring unique industry expertise serving TFWs to address skill and geographic gaps. All members, especially workforce



intermediaries who have experience serving newcomers and engaging employers and industry partners, should be asked to partake in TFW-related services alongside the TFW Prairie Region Project partners in order to sustain and expand the project partnership.

## INVEST IN TFW PRAIRIE REGION DATA AND RESEARCH CENTRE

The three umbrella organizations in the Prairie region should consider coordinating funding to invest in a TFW Data and Research Centre for the Prairie Region that would be housed in a research unit setting that manages data from various sources—federal, provincial, and local—to create up-to-date location intelligence and data on TFWs and oversees the dissemination of this data, making it readily available to SPOs who require this data.

Data needs could be customized to SPO-specific needs and could include:

- TFWP latest program updates, including TFW streams; COVID updates impacting the program; public health guidelines, and federal and provincial policy and legislative updates;
- Geographic mapping to facilitate outreach by SPOs by mining LMIA data for location of sponsoring employers;
- Data on TFWs by effectively organizing and storing client data from SPOs;
- Continuously updated repository of services available to TFWs to facilitate referrals; and
- TFW-targeted program collateral that has undergone communication testing by various stakeholders/users to ensure effective uptake.

This centre would also enrich the “TFW Prairie Region Knowledge Bank” by generating unique research initiatives focused on addressing acute research gaps in the TFW literature in the Prairie region. This research unit could conduct TFW and employer needs assessments in the region every two years and make this data available to inform program management and advocacy efforts.

The research unit would take care of ensuring all confidentiality access requirements are met and adhered to and negotiating federal, cross-provincial, and cross-organizational data-sharing and exchange agreements in order to alleviate that burden on SPOs and umbrella organizations.

## ADDRESS RESEARCH GAPS

Umbrella organizations, and potentially through the proposed TFW Prairie Region Data and Research Centre, should address glaring research gaps to augment the region’s TFW knowledge bank. Through the literature review, we note gaps in availability of recent data and conducting regular needs assessment that employ both quantitative and qualitative research methods and that engage TFWs, employers, SPOs, and government—not just TFWs. Below are additional recommendations to address research gaps:

- **Recruitment Process** – Both literature findings (based on the experiences of TFWs interviewed) as well as SPO experience shows that recruitment is a crucial part of the program, but little is known about both recruiters abroad (who cannot be effectively monitored or regulated by the Canadian government) as well as recruiters in Canada.
- **“Champion” Sponsoring Employers** – The literature review uncovered no research that talks to the employer or sheds light on their perspective. More research is needed to showcase “champion” TFW-hiring employers who have implemented promising strategies to create productive and safe workplaces for TFWs. This information would be useful as an educational and “role modeling” tool for other employers.

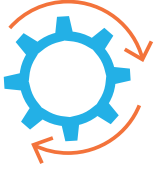
- **TFW Engagement in Program Reforms** – More research is needed to structurally document the administrative aspects of the TFWP from the perspective of TFWs to inform decision-making for the improvement of the program. Lack of transparency of employers is one of the problems most commonly mentioned in research with examples, such as overcharging TFWs rent to compensate for recruitment fees, paying less than minimal wages, and deducting other expenses from TFWs' income.
- **Role of Foreign Embassies/Consulates** – Consulates and embassies of the sending countries are critical players in the TFW-serving ecosystem. Research into the role of foreign embassies and consulates, especially with SPOs and umbrella organizations, could provide a best practice framework for SPO engagement with this critical player and also inform solutions to current issues around government coordination and information-sharing with TFWs.
- **Migrant Seasonal Farmworkers** – Although some studies have documented TFW workplace violations in isolated rural areas, more research is needed to determine life and work conditions of TFWs working on farms in the Prairie region. Potential research of specific farms could help close this gap. More qualitative research, in particular involving interviews with TFWs, is required as well to understand whether seasonal agricultural workers are able to access provincial healthcare without difficulties.
- **Undocumented TFWs** – There is no system in place to track the number of TFWs who remain undocumented in Canada, which would facilitate understanding of the scope of this problem and ways to address it. Non-status individuals are in a precarious position, which prevents them from communicating with researchers or reaching out to SPOs.

## CONVENE TFW-SERVING ECOSYSTEM CONFERENCE

Umbrella organizations are encouraged to convene a Prairie Region TFW-serving ecosystem conference, which could become annual. The conference would convene all ecosystem players from the ideal state to create synergy through townhalls, workshops, plenaries, and hands-on practicum sessions for practitioners from government, SPOs, employers, and other network stakeholders. The conference would kickstart wide-scale networking, collaboration, and advocacy efforts in support of TFW services and programs in the Prairie region.

## DEVELOP PROGRAM IMPLEMENTATION TOOLKIT

Umbrella organizations alongside the TFW Prairie Region Project partnership, headed by CCIS, should create a TFW program implementation toolkit that builds on the project experience to enable scaling and replicability of this initiative across other organizations in the region. By expanding replicability of the project in tandem with disseminating evaluation findings, funders would be more amenable to turn project funding into an annual program commitment. The implementation toolkit would include strategies to best engage employers, including how to speak their language and create MOUs that formalize partnerships, among other such strategies.



## TFWP REFORMS

Based on the literature review and direct engagement with TFW Prairie Project partners, umbrella organization and SPOs would benefit from advocating for a fresh round of TFWP reforms, including recommending the following range of reforms:

- **Sector-Specific Work Permit** – TFWs arrive to Canada with a sector-specific permit, instead of a work permit tied to a single employer. The sector-specific permit would allow the TFW to change jobs within the same sector they work at and within the same province they reside at, constituting an incremental change to the status quo (while not entirely addressing employer non-compliance). As such, the LMIA process would be tied to an assessment of the industry sector in that province, in addition to an assessment of the sponsoring employer's need for foreign labour.
- **Open Work Permit for TFWs with Non-Compliant Employers** – Despite the latest round of program reforms that allow vulnerable TFWs to seek an open work permit, advocacy efforts could include creating a timely and effective mechanism of granting open work permits to workers whose employer has been suspended for non-compliance.
- **Open Work Permits for TFW Spouses** – Regardless of the program stream or industry, a suggested reform would be the authorization of open work permits for TFW spouses, similar to international students, and allowing low-skilled TFWs and SAWP workers to bring their families to Canada.





## ACCESS TO BENEFITS AND HEALTHCARE

Some literature recommends improving accessibility for EI benefits and other wage subsidies for TFWs when they are not working and protecting themselves, other workers, and their communities following a COVID-19 exposure or illness. Ensuring TFWs have access to EI while waiting for the renewal of a work permit is also recommended.

Additional recommendations for advocacy to federal and provincial governments and possible action by settlement and integration sector stakeholders include:

- Improving TFWs' access to provincial healthcare, including workers who are in between work permits;
- Launching awareness campaigns to ensure TFWs are aware of how to access healthcare services in their province;
- Shoring up accommodation supports for employers who are required to house their employees, such as in the agricultural sector; and
- Developing data-sharing agreements between IRCC/ESDC (LMIA and TFW work permit data) and provincial public health agencies (COVID outbreak locations) to exchange data that enables effective and targeted response to improve TFW healthcare access.



## IMMIGRATION PATHWAYS FOR TFWs

In addition to advocating for TFWP reforms, umbrella organizations and SPOs should consider advocating to strengthen pathways to immigration for TFWs, specifically creating more opportunities for permanent residency for TFWs working in agriculture and other occupations considered low-skilled.

Some literature scanned also recommends:

- Improving the immigration pathways for TFWs by easing the language requirements for workers considered low-skilled and supporting TFWs with language testing;
- Removing the requirement for an employer reference especially in cases of employer abuse or workplace violations;
- Enhancing access and opportunities for post-secondary education to improve TFWs' prospects for eligibility to certain PR pathways; and
- Increasing caps on the annual number of provincial nominees as well as making seasonal workers eligible to apply.



# APPENDIX

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- <sup>117</sup> The LMIA data provided for analysis spanned 1.5 years, while the project data obtained from CCIS spanned 12 months. This estimate is based on extrapolation of the number of clients served within a year and a half period of the project to align with the LMI data provided: 2,898 (unique cases from the CCIS data) \* 1.5 (time period of LMIA data) = 4,347.





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