

Safe Passage

Migrant Worker Rights in Saskatchewan

By Andrew Stevens



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Introduction

In the summer of 2018, reports of over 2,000 migrant children being detained and separated from their parents at the U.S.-Mexico border sparked an international outcry. It also brought a new level of public awareness to migrant justice here in Canada. Indeed, emergent anti-migrant movements, most recently the Yellow Vests protest in Canada, merit concern. In Saskatchewan, Yellow Vests have taken aim at Canada's commitment to the UN Global Compact for Migration, which seeks to mitigate the structural factors that push people from their homelands and works to create conditions that enables migrants to enrich the countries in which they arrive (United Nations 2017). Groups such as No One is Illegal and Migrante are leveraging these developments to highlight Canada's migrant work policies, which generate family separation, precarity, and exploitation among migrant workers in this country. By December 18th, 2018 — International Migrants Day — Migrants Rights Network was formed in an effort to launch an anti-racist, migrant justice platform in advance of the 2019 federal election. The global context of mass migration, and our country's employer-led immigration system specifically, is part of this debate.

Across the globe, climate change, political upheaval and economic necessity are driving the highest levels of migration in history. It is estimated that approximately 3% of the world's population are living outside their country of birth, and that half of those migrating do so in search of work. By the end of 2015, about 150 million migrants were moving across borders in search of work (ILO 2015). So what is being done to ensure that the rights of these workers are being upheld and advanced?

Human rights activist Harsha Walia (2010) has referred to these precarious circumstances facing migrant workers as a form of “unfreedom,” which creates the “perfect workforce: easily commodified, exploited, flexible and expendable.” Workers that are nominally free to quit jobs and remove themselves from employment relationships they perceive as abusive, but many are forced to do so at the risk of deportation. Cases of indefinite detention and hunger strikes work to illustrate the lived realities facing hundreds of migrants, refugees, and immigrants in Canada (Davis 2018). A recent study published by the Department of Immigration further outlines the effects of status-induced precarity, and the limits of existing regulatory and enforcement mechanisms meant to protect migrants from exploitation (Government of Canada 2018). As the federal government recognizes in its review of immigration and refugee protection regulations:

“While most employers are committed to proper treatment of their workers, the power imbalance created by this dynamic favours the employer and can result in a migrant worker enduring situations of misconduct, abuse or other forms of employer retribution. This is compounded by other factors including language barriers and the costs involved in navigating the complex legal recourse mechanisms available to them.”

For these reasons social movements continue their plea for migrant worker justice across the country. On June 30, 2018, over a dozen cities in Canada participated in a “Families Belong Together” day of action calling for an end to migrant detention, family separation and

deportation, and granting permanent resident status to all undocumented and migrant people in Canada.

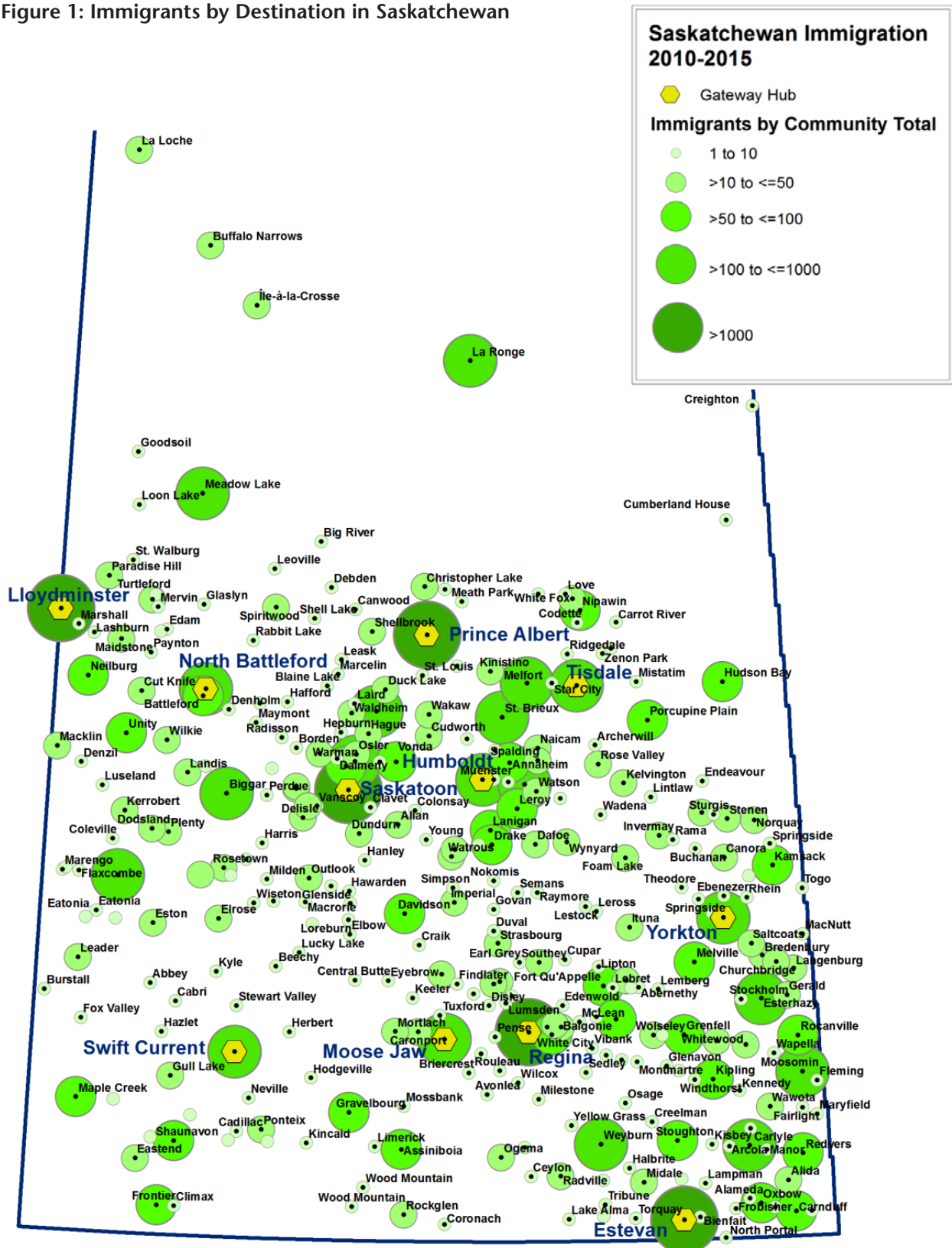
In Saskatchewan, economic growth brought on by a surge in natural resource prices increased the demand for migrant labour throughout the 2000s (Graham 2012). The province had previously experienced a prolonged period of out-migration between the 1980s and early 2000s, draining the province's labour market, particularly in the skill and knowledge-intensive industries and professions. In fact, foreign workers and immigration have for at least a decade been identified as pillars of the province's economic development strategy (Saskatchewan Labour Market Commission 2009). And the impact of this demographic shift can be witnessed across Saskatchewan, from the two urban centres of Regina and Saskatoon, to small northern communities.

While the flexibility of migrant labour is particularly useful for employers in boom-and-bust economies, the government of Saskatchewan has stressed the need for permanent residency through the Temporary Foreign Worker (TFWP) and Saskatchewan Immigrant Nominee (SINP) programs, among other avenues. The nature of the province's resource extractive economy, particularly with the growth of the oil and

gas sector, has played a vital role in driving permanent and non-permanent foreign worker growth (Fudge and MacPhail 2009). But the rapid growth of migrants entering Saskatchewan and other jurisdictions has brought with it well-documented cases of abuse at the hands of employers and immigration agencies and recruiters (Fudge and Parrott 2014; Leo 2014).

To combat migrant worker exploitation, Saskatchewan constructed a new thread of employment rights oriented specifically towards newcomers in the province — the *Foreign Worker Recruitment and Immigration Services Act (FWRISA)*. Proclaimed in 2013, *FWRISA* functioned as a counterweight to the precarious realities faced by these often-vulnerable workers. A Program Investigative Unit (PIU) was also established as a mechanism to enforce *FWRISA*, adding new enforcement elements to Saskatchewan's employment standards regime. This role is shared, in part, by the Ministry of Labour Relations and Workplace Safety, particularly the Employment Standards Division. Using cases of employers and recruiters investigated under the *FWRISA* obtained through a provincial freedom of information request, this report explores how the government has addressed the exploitation of migrants in Saskatchewan. Over 300 pages of documents related to 49 cases were reviewed as part of this analysis.

Figure 1: Immigrants by Destination in Saskatchewan



Source: Ministry of Immigration and Career Training and Ministry of Labour Relations and Workplace Safety.

A Brief History of Migrant Labour in Canada

“We need this labour ... and these people are used to working in the heat. They are used to working in agriculture, and they are satisfied with the pay scale ... Everybody is satisfied”
— Federal MP, H.W. Danforth, 1973

Canada’s program of temporary labour migration originated with the Seasonal Agricultural Worker Program (SAWP) in 1966. Fueled by industry-specific labour market shortages, this program initially invited Caribbean workers to labour in the country’s agricultural industry; there are now in excess of 45,000 workers employed through this stream from a handful of countries (Lenard and Straehle 2012). The country’s migration regime expanded again in the 1970s with the formation of the Non-Immigrant Employment Authorization Program (NIEAP) — an early iteration of the current TFWP and International Mobility Program (IMP) — to address labour market shortages through temporary migration. This signaled a departure from the permanent settlement regime that once defined Canada’s immigration system. Now, more temporary workers are admitted than immigrants.

In Saskatchewan, the nature of the prairie economy and petro-state politics has created a demand for — and dependency on — migrant labour (Adkin 2016). Foreign worker programs have functioned as a convenient means of recruiting skilled and unskilled labour for what was ostensibly a temporary basis, as labour market demands dictated. As the provincial economy slowed, the demand for labour would relax, and along with it the need to continue the global recruitment of labour.

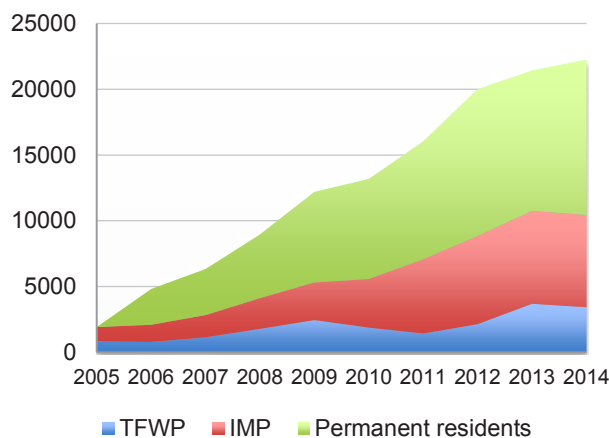
In the 2000s, global commodity prices for potash and oil increased, along with a handful of other key exports. This created economic growth in primary and secondary resource extraction industries, with spillover effects felt in the service economy as well. Employers facing labour shortages looked to the Temporary Foreign Worker Program (TFWP) and the Saskatchewan Immigrant Nominee Program (SINP) to access workers from abroad. This resulted in a business-led “immigration boom” in the province. But unlike trends witnessed in the 1990s and early 2000s, wherein the government sought skilled occupations in the health and construction industry, the more recent years point to a growth in low-paid food service and accommodation workers from the Global South (Canada Newswire 2003). The architecture of our immigration system facilitated this development.

Created in 1998, the SINP is a result of a partnership between the federal and provincial governments, serving two principal functions: 1) It allows the province to identify and nominate immigration applicants to fill specific regional labour market needs, and 2) allows employers to expedite the migration process when a job offer is granted to prospective workers still residing overseas (Seidle 2013). This was the outcome of the federal government’s yielding of constitutionally-enshrined powers, like immigration, to the provinces starting in the 1960s. The maximum number of workers eligible to enter Saskatchewan through the SINP is capped at 6,800 for 2019, with the highest quota allocated to International Skilled Workers at 4,000 (Government of Saskatchewan n.d.).

Those workers are subsequently eligible to apply for permanent residency upon arrival. In 2006, Saskatchewan formalized this objective by signing an agreement with the Government of the Philippines to increase the recruitment of Filipino workers to the province.

Overall, Canada has more temporary migrant workers than it does permanent residents, but in Saskatchewan, the number of permanent residents and landed immigrants exceeds the number of precariously employed and temporary foreign workers. Business-driven immigration is now the greatest contributor to population growth in the province, increasing annually since 2002. In that year, the federal government amended the TFWP to allow for a greater number of unskilled workers to enter Canada, largely to satisfy the need for low-skilled workers employed on the margins of the country's oil producing regions. By 2016, the percentage of the provincial population classified as immigrants reached 10.5% compared with just 6.8% in 2011 (SaskTrends 2017). This means an estimated 68,780 Saskatchewan residents were born outside of Canada.

Figure 2: Permanent Residents and Foreign Workers in Saskatchewan



In addition to the SINP, the federal Temporary Foreign Worker Program (TFWP) — which includes the Seasonal Agricultural Worker and Live-In Caregiver Programs — is a key immigration stream in the province. Between 2005 and the peak of the TFWP in 2012, the number of temporary foreign workers in Saskatchewan climbed 647% compared to a 146% increase nationally (Stevens 2014). This has made Saskatchewan one of the fastest growing destination for TFWs in Canada, with an estimated 11,000 temporary foreign workers currently residing in Saskatchewan today.

Evidence of foreign worker programs being used to displace Canadians, along with cases of worker exploitation, prompted the federal government to institute hasty reforms in 2014. Then-federal Immigration Minister Jason Kenney responded by creating a new hierarchy in the TFWP, which allowed skilled workers to access permanent residency and citizenship easier than unskilled workers. Many skilled occupations could now enter through the International Mobility Program (IMP) under relaxed regulations, enabling employers easier access to labour destined for construction, transportation, and the oil extraction sector. Workers entering as part of intercompany transfers and through bi-national agreements would do so through the IMP, as well. Low-skilled migrant workers would continue to enter through the Temporary Foreign Worker Program, hired for low-wage precarious employment in the service and hospitality sector. Low-skilled workers face the most barriers in securing permanent residency and citizenship, and are thus more vulnerable to abuse (Strauss and Fudge 2014).

Table 1: Foreign Worker Program Streams

TFWP	IMP	SINP
Live-In Caregivers	Agreements (NAFTA, other FTAs)	Farm owner and operator
Agricultural Workers	Canadian Interests (reciprocal employment, intra-company transfers)	Saskatchewan Work Experience (health, hospitality, long haul truck driver, students)
Other closed work permit holders (high skill, low-skill, other)	Other IMP work permit holders	International skilled worker
		Entrepreneur

Table 2: Non-permanent Residents and Immigrants by Industry

Industry	Non-permanent workers	Non-permanent workers as % of industry workforce	Immigrants	Immigrants as % of industry workforce
All industries	7,065	1.30%	65,945	12.12%
Food services and accommodations	2,060	5.89%	10,220	29.20%
Retail	960	1.60%	8,600	14.32%
Education	440	1.00%	3,895	8.86%
Construction	440	1.01%	3,430	7.89%
Health care	410	0.58%	10,735	15.24%
Farms	345	0.71%	1,955	4.07%
Taxi and limousine	15	1.38%	590	54.38%
Manufacturing	295	1.18%	5,260	14.32%

Source: 2016 census data.

Table 3: Top Employers by LMIA* in Saskatchewan (2012-2014)

Employer	Number of TFWs Hired	Average Hourly Wage	Median Hourly Wage
Subway	52	\$11.15	\$11.01
Tim Horton's	42	\$10.96	\$11.00
BFI Constructors Ltd.	40	\$36.55	\$37.73
A&W	32	\$11.83	\$11.18
McDonald's Restaurant	28	\$11.19	\$11.00
Pizza Hut	27	\$12.68	\$12.25
Saskatoon Regional Health Authority	24	\$54.93	\$39.30
Cameco Corporation	22	\$62.23	\$57.67
Regina Qu'Appelle Health Region	20	\$73.04	\$41.98
Prairie North Regional Health Authority	19	\$129.63	\$134.50
University of Saskatchewan	19	\$38.03	\$37.44

Source: Data obtained through access to information request. *Labour Market Impact Assessment.

The Lived Realities of Migrant Workers in Saskatchewan

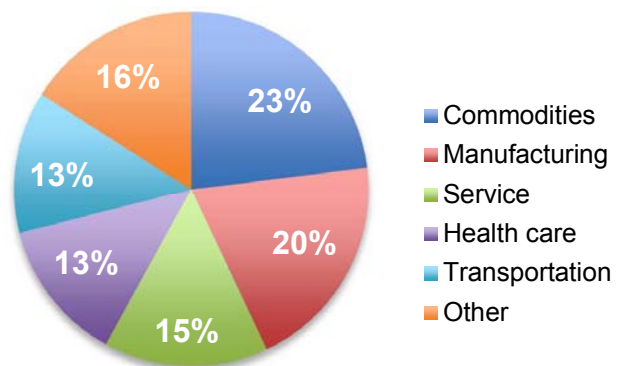
“I remember calling in sick for maybe one or two days in my three years in KFC. Only two days. I was really sick and I was like, ‘I can’t go to work.’ They told me, ‘how can you do that?’ I lost my hours.” (Fast food worker)

Saskatchewan’s migrant worker population can be found in virtually every occupation, industry, and sector. But despite the social and economic importance of the broader newcomer community in the province, there is relatively little research on this important constituency when compared to Alberta, BC, Ontario, Quebec, or Manitoba. What is known is that migrants entering Saskatchewan are typically employed in non-unionized workplaces and sectors, with a concentration in food services and retail. This is a reflection of the shift towards low-skill occupations in the early 2000s, and a deviation from the high-skilled and largely unionized health care professionals the government historically sought to recruit. While the province acknowledges migrant labour precarity, the conditions under which these workers are employed and live merit further examination (Faraday 2012). And not unlike other marginalized populations, their precarity prefigures access to public health services, workplace health and safety, housing, and employment rights. For this reason, a more fulsome understanding of migrant labour requires a broader review of work and employment in Saskatchewan.

Health and Safety

Saskatchewan is widely cited as one of the least safest places in which to work by measure of the province’s workplace and injury and fatality rates (Tucker 2017). This reality is amplified by the growing presence of migrants in the secondary, low-wage sector. Interviews with TFWs and migrant worker advocates and other key informants conducted as part of a Saskatchewan Health Research Foundation (SHRF) study provides insight into migrant worker health in Saskatchewan (Akhtar, Stevens, Tucker, Hanson, Schwandt 2018).

Figure 3: Workplace Injuries Amongst Non-permanent Workers, by Industry (2007-2015)



Source: Workers Compensation Board of Saskatchewan data.

Out of a total of 292,001 time-loss and non-time loss injury claims between 2007 and 2015, 3,944 (1.3%) had a SIN beginning with a “9”. Most injuries occurred in the commodities (23%), manufacturing (20%), service (15%), health care, (13%), and transportation (13%) sectors.

Cases of inadequate health and safety training and unsafe working conditions were cited during interviews. In one instance, agricultural workers reported going without proper protectors for fumigation. A lack of knowledge about workers' rights and a wish to avoid confrontation with employers prevents many TFWs from taking action. Specifically, fear of being found unfit for work prevents migrant workers from seeking medical care for injuries or illness, as a safety association representative confessed:

"[I]n fact, right now just recently employed a woman who is a migrant, two years new to Canada and when she first came to work, she got hurt within a month on the job and she was reaching for a box from a high shelf and it came down and injured her. And she wasn't aware of her rights and responsibilities in a case like that, she was just concerned that [if] her employer thought she couldn't work she'd lose her job."

For female workers, this can result in an aversion to access sexual and reproductive health care for fear of being found pregnant — and potentially sent back to their home country (McLaughlin 2009). Some women resort to so-called "natural remedies" which may often include unsafe methods of aborting pregnancies (Magalhaes, Carrasco, Gastaldo, 2010). This anxiety also prevents women from seeking prenatal care as well.

"This young lady — when she came, two weeks after she came she complained of a stomach ache to her employer and the employer sent her home around noon ... I was told that this lady has had a child and the child was in the closet when she came and they found that the child was almost died. She was a little girl probably five pounds and a half. And then she was pale and a little bit blue. And then they say, "what do we do?" And I say okay I will call the ambulance and they will be there right

away. And so I called 911 and they came and they took both the mother and the child and they took to RUH ... But what happened is when the employer knew, cause I called the employer later on, he got mad but then he said well you can stay where you are because you know that's not a problem but as soon as the child is released from the hospital you have to go home."
(Saskatoon migrant rights advocate)

Housing accessibility also contributes to migrant worker precarity, as finding affordable housing close to public transportation can be challenging, even in the province's major urban centres of Saskatoon and Regina. Saskatchewan's resource boom further exacerbated the affordability issue (SaskTrends 2016). Substandard living conditions are associated with poor health outcomes and health risks, as unsanitary conditions can increase the risk of illness and food-borne diseases. Lack of quiet, privacy, sleep, and safety concerns are also known to cause psychological stress (McLaughlin 2009). Migrant workers talked about living in apartments or even hostels that are in poor condition, particularly during a period when vacancy rates were low and rents quickly escalated.

"We had people that would end up staying for two to three weeks at the hostel, because there just wasn't nothing really available, that was affordable of course, we're talking ... [Y]ou can always get an apartment, a two bedroom for \$1,900 a month, but that's not necessarily what the most people are looking for when they're just starting out. So affordable housing is still a bit of a challenge and Regina and Saskatoon are higher than a lot of other jurisdictions in Canada, in regards to the cost of housing."
(Settlement worker)

Research on seasonal agricultural workers has long demonstrated that on-site accommodation provided by employers is of particularly low



quality (Arcury and Quandt 2007). Some employers expected as many as twelve people to live in a three-bedroom house.

“How can you have ten, twelve people in one home and you have only one set of washer and dryer...how can they store enough food in two fridges?” (Saskatoon migrant rights advocate)

But these experiences vary. Interviews with other migrants suggested that their employers provided excellent accommodations and made an effort to ensure that workers were provided comfortable quarters. Most of the interviews conducted as part of the SHRF study indicated that the agricultural workers were generally satisfied with the housing they received. In urban areas, however, migrants were more critical.

While employers are typically required to receive inspections from local housing authorities, the employers can choose when the inspections

take place — often ensuring inspections occur before workers arrive. This means inspectors do not see the actual living conditions of migrant workers. The dynamic of having your employer responsible for your housing shifts power even further away from workers to improve their conditions. According to one housing authority representative:

“If we received a complaint-we could follow up on a complaint, like if a migrant worker phoned us, but it just doesn’t happen frequently.”

FWRISA’s capacity to address the range of concerns summoned by migrant workers and allies in Saskatchewan is understandably limited. However, the strength of this legislation certainly rests in its focus on mitigating the power imbalances that exist between workers and employers, despite the pitfalls of a complaints based model. So how does this framework of migrant worker rights measure up?

A New Regime of Migrant Worker Rights for Saskatchewan: *FWRISA*

"I remember calling in sick for maybe one or two days in my three years in KFC. Only two days. I was really sick and I was like, 'I can't go to work.' They told me, 'how can you do that?' I lost my hours." (Fast food worker)

"I think I was told I have the right to see a doctor, but it seems that the medication isn't covered, I'd have to pay for it myself. That's what I understood but it's not completely clear for me yet." (Agriculture technician)

"I know one guy who had his appendix removed, after he was released from the hospital shortly he was sent back home because his recuperation would take longer. So the employer don't want to risk it because the reality is it's money that they are investing and they need to get some return." (Saskatoon migrant rights advocate)

The provincial government has expressed concern that Saskatchewan's reputation as a welcoming destination for newcomers and migrant workers could be jeopardized by mounting cases of exploitation by employers, recruiters, and immigration industries. By 2011 it launched a review of immigrant and foreign worker protection measures in the province through the Ministry of the Economy, which at the time was responsible for the immigration file.

At that stage, there existed no single piece of legislation to protect newcomers against abuses in Saskatchewan. Before his exit from politics, then-Minister of the Economy, Bill

Boyd, oversaw the crafting of Bill 83, the *Foreign Worker Recruitment and Immigration Services Act (FWRISA)*, which was tabled in December of 2012.

For Boyd, adequate protections were needed at a time when Saskatchewan's long-term economic development objectives hinged on the need to recruit 90,000 immigrants. At the time, *FWRISA* represented a progressive change in an otherwise neo-liberal employment relations landscape. As the Minister made clear during debate,

"[W]e need this legislation. It's about fairness for newcomers and ensuring Saskatchewan continues our strong reputation as a preferred destination for immigrants. [...] Some foreign nationals experience exploitation or mistreatment due to their limited ability to speak and understand English or because they lack a knowledge of Saskatchewan and Canadian laws and culture, and they aren't always sure what is considered fair here. These newcomers may be reluctant to raise issues for fear of losing their employment or status in Saskatchewan." (Hansard 2012)

"[T]his legislation", Boyd continued, "will position Saskatchewan as having the most comprehensive protection for newcomers of any province in Canada. No other jurisdiction has protections for both recruitment and immigration consulting services that compare to these proposals." His statement was not without some contradiction.

Boyd was later found guilty of violating conflict of interest rules when he was suspected of offering immigration-related favours to a Chinese business partner in 2016. The Minister resigned shortly after (CBC News 2018). This was not the only incident of a “cash-for-jobs” scheme involving overseas firms seeking job offers in exchange for money, with the intent of taking advantage of the SINP (Leo 2017). Still, the integrity of the newcomer protection regime managed to survive unscathed.

FWRISA, and provisions contained within the policies governing the TFWP, guarantee wage rates, hours of work, and standard employment relations — these are standards that typically exceed protections available to permanent residents and citizens. This policy is so robust

that by 2018, the Canadian Council for Refugee’s *Annual Report Card* recognized the province’s pro-active immigrant protection regime as a positive national standard, awarding it a rank of “A” for legislative protections and enforcement (CCR 2018).

The legislation created requirements for both employers and recruiters. First, employers must register with the SINP in order to qualify for foreign workers. Second, recruiters and agencies must apply for licenses to legally broker migrant labour. Violations would carry heavy fines of up to \$100,000. Through the lens of *FWRISA* and the Program Investigative Unit (PIU), employment of migrants is seen as a privilege — not a right — for employers who have a demonstrable need for foreign workers.



Enforcing *FWRISA*

While the language of *FWRISA* is robust, the PIU which enforces the legislation through a largely complaints-based system, has limitations. Research indicates that migrant precarity is itself a barrier for migrants who are experiencing a range of abuses, from wage theft to arbitrary changes to employment contracts. This fear not only creates obstacles for migrant workers reporting abuse from employers and recruiters, but also in their pursuit of medical care, decent housing, unionization, and in reporting safety hazards at work. Language barriers and a poor knowledge of employment rights creates additional difficulties when filing claims. Some classes of migrant workers — particularly those employed under closed work permits — risk losing their job and deportation if they stand up to employers (Hennebry, Preibisch, McLaughlin 2009). But this broad characterization of migrants as uniformly silent when it comes to exercising their rights is

not without fault. Evidence here suggests that migrant workers still use existing channels to ensure their rights are secured, despite the risks. This does not preclude other limitations to the complaints-based regime.

Neither the SINP nor the TFWP requires employers to demonstrate comprehension of the province's migrant labour regime — or the broader framework of employment rights — in advance of accessing workers from abroad. Further, recruiters and immigration agencies who operate abroad are largely beyond the *FWRISA*'s legislative reach, allowing for the exploitation of prospective migrants to persist outside the jurisdictional scope of provincial or federal legislation. Some employers are themselves victims of nefarious recruiters, as the cases here illustrates. Despite these shortfalls a review of previous investigations suggest that migrant labour precarity is being taken seriously.

Investigations

Since *FWRISA* came into effect, only 28 of the 3,463 registered employers have been suspended from accessing migrant workers through the SINP. Most employers investigated through the process were small businesses, either independently owned or franchises in the food services, accommodations, construction, property management, manufacturing, and auto repair industries.

Table 4: Program Integrity Unit Cases (2017-2018)

Employer applications received	106
Approved	90
Refused	13
Total active employers	3,463
License applications approved	14
Employer audits conducted	40
Employer audit non-compliance %	3

Source: Data obtained through Access to Information request. Statistics are dated November, 2018.

Table 5: Enforcement Statistics 2014-2017

Employers and Licensees Investigated (Following Tip or Complaint)	500
Employer audits	406
Employers suspended	28
Licensee audits	56
Licensees suspended	0
Wages recovered from audits and investigations	\$200,678

Source: Canadian Council for Refugees (2018)

When the result of the investigation does not merit suspension, the PIU is empowered to assign other requirements in an effort to ensure that

employers comply with the legislation. Voluntary compliance and enforcement are both utilized. In one example involving a Saskatoon-based fitness facility, an employer was investigated for illegally classifying migrant workers as “independent contractors” and underpaying them between \$15,000 and \$19,000. Both infractions put the status of the workers in Canada in jeopardy, as applications for contractors are not eligible through the SINP. The employer also failed to comply with the PIU’s request for additional information. In this case, the PIU tasked the employer with additional reporting standards, required them to pay the wage shortfall, and imposed a timeline for assisting the migrant workers in achieving a professional certification, and thus full-time employment. But this example also reveals that the alleged labour market shortages claimed by employers are precipitated by the employment conditions and rates of pay that define work in certain industries.

Through the *FWRISA*, the PIU can also investigate and penalize recruiters who breach the terms of the legislation. Over 200 cases of exploitation by these “third parties” have been investigated by the PIU since 2008, in cooperation with the Ministry of Labour Relations and Workplace Safety. Of the 356 licensed recruiters, only two have had their right to practice in the province suspended publicly reported. Until 2018, recruiters banned from the SINP would simply disappear from the catalogue of legitimate brokers. Now, the list of suspended recruiters and agencies are published and made available to the public. Recruiters, in these instances, have been suspended for manipulating both migrant workers and employers attempting to use the TFWP and SINP.

One recruiter “conned” employers into hiring migrant workers by drafting fraudulent job offers and advancing them on to prospective migrants, exposing the exploitative nature of recruitment practices (Faraday 2014). Another convinced employers to hire more migrants than they required. Other recruiters pressured or deceived employers into hiring migrants who did not possess the credentials and skills required for the businesses’ needs. These migrants then arrive in Canada only to find that work is unavailable and are unable to legally secure employment elsewhere due to the terms of their work permits, amplifying their precarity. Such infractions go unnoticed if employers and migrant workers fail to submit complaints, drawing attention to the shortfalls of a complaints-based system.

Other cases investigated by the PIU through *FWRISA* further call into question the validity of labour market shortages in Saskatchewan. In several instances, employers assigned unqualified migrants job duties outside of the scope of their work permits, paid less than agreed upon wages, and then altered payment records to conceal the offense. As one PIU decision made clear, it is “not acceptable to pay workers less than agreed upon wages ... upon arrival”, referring to the terms outlined in the Labour Market Impact Assessment (LMIA) which facilitated their entry to Canada. Other businesses moved workers from higher to lower paying positions, again putting the migrant at risk of deportation. In such instances the employers’ Certificate of Registration and eligibility to employ migrant labour are subject to being revoked. The Employment Standards Division might also be called in to investigate the matter further, should a violation of the *Saskatchewan Employment Act* be suspected.

But there is also space for leniency based on an employer’s intentions, as the outcome of PIU investigations reveal.

Employers who relocated TFWs from one city to another — a violation of the terms of their closed work permits — or alter the job duties to ensure that the migrant remains employed in the event of a slowing economy, might be tolerated by the PIU in their enforcement of *FWRISA*. Failing to uncover malicious intent or evidence of coercion, the PIU can instead imposed additional reporting requirements on the employer. Then-PIU Director Johansen’s statement in a particular case is instructive, and speaks to the seriousness of these offences: “Placing a foreign worker’s status in Canada in jeopardy can be sufficient grounds for suspending the certificate of registration of an employer according to Ministry policy.”

Language from the PIU investigations highlights that migrant worker precarity is a pillar of the enforcement model, contradicting the government’s typical focus on employer rights over that of labour. “Foreign workers take risks coming to Canada,” writes the Director in one decision, as “they typically experience significant anxiety should their job and their right to work in Canada be at risk.” The PIU also has at its disposal the means to mitigate status-induced precarity, as investigations sparked threats of deportation levelled against Filipino migrants by employers show. In such cases the PIU ensured that these workers in question could continue their pursuit of permanent residency, even without employer support. For these reasons *FWRISA* contains a mechanism to determine that employers lose their access to migrant workers if they demonstrate contempt or ignorance of existing legislation and basic employment rights.

Conclusion

What is revealed from an overview of the PIU cases is that training and education for employers is minimal. It should come as no surprise that misunderstanding the conditions of the SINP and federal TFWP are common, especially among small businesses. This shallow regulatory system perpetuates migrant precarity when employers are not required to demonstrate comprehension of the migrant labour regime or basic employment standards. Still, migrant workers in the province benefit from legislation and an enforcement regime that explicitly recognizes foreign labour's unique vulnerabilities. At the same time, government and businesses in the province continue to eye the SINP and the TFWP as a means of sourcing workers from foreign labour markets to meet immediate labour market demands as part of Canada's business-led immigration regime. "Unfreedom" and precarious work are both created and mitigated by governments and government agencies in this system. So, what is required going forward?

In the broader context of work, a deeper analysis of occupational health and well-being is merited. The current data maintained by the WCB fails to adequately differentiate between the various types of migrant workers beyond "permanent" and "non-permanent" resident status. Given Saskatchewan's poor health and safety record there is reason to press this matter further and dedicate resources to examining OHS injury, fatality, and time-loss statistics among foreign workers. This might also involve the extent

to which existing health and safety education materials are accessible to workers in various languages. Ensuring that both employers and migrants entering through the SINP, in particular, are acquainted to *FWRISA* and employment standards embedded in the *Saskatchewan Employment Act* should be a basic requirement.

Overall, however, Saskatchewan's migrant worker rights regime deserves recognition. As a collaboration between policy makers, public servants, the Chamber of Commerce, the Immigration Consultants of Canada Regulatory Council (ICCRC), the Canadian Bar Association, and even representatives from organized labour, *FWRISA* helped to strengthen protections available to immigrants and migrants in the province. Data obtained through provincial freedom of information requests also illustrates that cases of exploitation are ongoing, and that foreign workers continue to confront challenges. The federal government has rendered similar conclusions. Investing in a more rigorous audit and inspectorate system, along with community supports for newcomers, is important in order to ensure that Saskatchewan remains a choice destination. This should also include working with the federal government to minimize existing hurdles when it comes to securing permanent residency. The residency upon arrival demand long posed by migrant labour advocates would help to mitigate the "unfreedom" and precarious lives these workers experience.

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