

MigrantWorkersRights CANADA

Submission – Federal Consultations 2013 on the Temporary Foreign Worker Programs

A) How to ensure global recruitment activities maintain protection for workers?



Source: The Economist/Claudio Munoz 2010

Step 1. [Federal immigration regulations and guidelines] **Abolition of employer-specific temporary work authorizations** and validation procedures of job offers, work contracts or leases imposing a renunciation of one's fundamental freedom to change employers or place of residence in Canada; replacement with open or sector-specific work permits (including for workers currently admitted without work permit and employed by diplomats, foreigners or foreign companies).

Step 2. [Federal immigration regulations and provincial agreements] **Abolition of employer-dependent requirements for accessing permanent status**, particularly the requirement to live at employer's residence.



Source: International Migrant Alliance – Canada

Step 3. [Federal immigration regulations and guidelines] Admission of temporary foreign workers *only* in sectors where workers are or can be **unionized**.

Step 4. [Federal immigration regulations and guidelines] Admission of temporary foreign workers *only* in provinces that

- adequately fund **community support services** adapted for migrant workers,
- have exclusively government-run (re)**placement services** for temporary foreign workers (guaranteeing the respect of the seniority and recall rights of migrant workers already in the country), *and*
- enforce global recruitment regulations, making **employers jointly liable for abuses**, in Canada or abroad, of migrant employees by recruitment agents.

Step 5. [Federal immigration regulations and guidelines] Abolition of discrimination based on occupation by allowing equal access to **work/study permit for spouse/children** of *all* migrant workers, regardless of occupation.

Step 6. [Federal immigration regulations and provincial agreements] **Abolition of time limits** to submit paperwork for permanent status or regularization of temporary legal status, and **abolition of the prohibitions on travelling abroad and re-entering** Canada for persons with valid temporary work permits.

See also steps #7, #9 and #10.

B) How to ensure migrant workers are employed where needed?

Step 7. [Federal immigration regulations and provincial agreements] **Admission of foreign workers *only* under permanent status or under open work permit with access to permanent status upon arrival in Canada**, except for special cases of urgent and genuine provincial skill shortages.

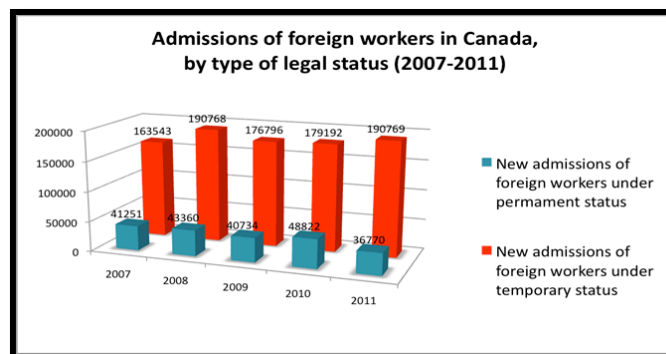
Step 8. [Federal immigration regulations] Creation of a **national commission** composed equally of workers, employers, unions and migrant workers associations to identify special cases of urgent and genuine provincial skill shortages in employment sectors with a documented track record of retaining employees, developing apprenticeship programs and recruiting from within networks of underemployed workers already in Canada. **National quotas** of open and sectoral work permits must be determined by the new National Migrant Workers Commission according to provincial labour market opinions.

--> See also, again, step #4.

C) Which low-skilled workers should have access to permanent status?

Step 9. [Federal immigration regulations and guidelines] Opening of the **Canadian Experience Class to all temporary foreign workers, including all those in the “low-skilled” occupations**; recognition of the possibility to ask permanent status *at any time after arrival* in Canada in order to guarantee that, in most cases, the administrative procedures will be complete by the end of their 12th month of work in the country.

Step 10. [Federal immigration regulations and guidelines] Inclusion in the mandate of the new National Migrant Workers Commission of regular updates of the *Federal skilled worker program* selection grid; **abolition of systemic discrimination against workers with “low-skilled” occupation experience by allowing equal access to permanent status before arrival** in Canada.



Source: Citizenship and immigration Canada (2012), *Facts and Figures 2011*

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