



Canadian Centre for
Policy Alternatives
Manitoba Office

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Temporary foreign workers face unjust crackdown

As part of an ongoing overhaul of the Temporary Foreign Worker Program (TFWP) the federal government imposed what is referred to as the “four and four” rule, the results of which will begin to impact newcomers this April 1st.

The regulation limits the length of time temporary workers may work in Canada to four years. In the past, employees with work permits about to expire could apply for renewal. That is no longer the case. Under the new rule, migrant workers in low-wage jobs and Live-in Caregivers must leave the country as early as April 1, 2015, and are then barred from returning to work in Canada for another four years.

Although Canada has traditionally been a country of permanent immigration, levels of temporary migration have skyrocketed in recent years. The TFWP was established in 1973 as an employer-driven program aimed at addressing regional and occupational labour demands not met by the Canadian workforce. It initially targeted groups with specialized skills, such as engineers or information-technology specialists. In 2002 the government expanded the TFWP and introduced what has become the Stream for Lower-skilled Occupations. Since 2007 the number of foreign workers entering Canada each year on a temporary basis has surpassed that of permanent residents.

There are exceptions to the four-year rule for temporary foreign workers (TFWs) in management or professional jobs or those coming under a trade deal such as NAFTA or through the Seasonal Agricultural Worker Program. In addition, temporary workers who have applied and received approval to become permanent residents are also exempt.

In Manitoba, the new rule is not likely to affect many workers. After six months of working in Manitoba, TFWs may apply for nomination to become permanent residents through the Provincial Nominee Program (PNP), provided they have a permanent job offer and meet language requirements. Unlike Nominee programs in other jurisdictions, Manitoba's has a tradition of accepting applicants working at a range of skill levels, and it encourages family migration.

In other jurisdictions there are greater numbers of TFWs and arguably more limited pathways to permanent residency. About 85 percent of TFWs in lower-skilled occupations work in Alberta, Ontario, and British Columbia, and there is great concern—among workers and employers alike—that the April 1, 2015 deadline will mean a mass exodus of workers. In fact, Citizenship and Immigration Canada has made an exception for TFWs approaching their four-year limit in Alberta, offering a bridging permit if they have applied to the Alberta Provincial Nominee Program. There are around 10,000 workers on the waiting list for permanent residency in Alberta, but because of program stipulations it is unlikely many of them will meet the criteria for acceptance.

The rationale given for the four-year limit is that it reinforces the temporariness of the program and ensures that Canadians will be first in line for jobs. The four-and-four rule does little to address these issues. For one, Canadian industry representatives and migrant worker advocates have argued for decades that the TFWP is a

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stopgap solution to an overall immigration system that inadequately addresses labour market needs. The decades-long continuation and expansion of the program into lower-wage sectors demonstrates that these workers are indeed filling longer-term needs. Moreover, there is no evidence indicating TFWs are taking jobs from Canadians. Although the number of TFWs nearly tripled in the last decade, they still constitute less than 2 percent of the total Canadian labour force.

Vulnerable Workers and the Creation of an Underclass

The four-and-four rule forces workers to leave the country or go underground, adding to an underclass of undocumented workers. Working in Canada without a permit renders TFWs even less likely to complain about exploitative working conditions. A loss of legal status would entail losing access to services such as health care and would also mean these workers might not contact police if they are victims of crime. As the experience of Canada’s southern neighbour has shown, there can be a host of problems associated with large undocumented populations, including the flattening of wages in certain sectors and a decline in labour standards.

Temporary Foreign Workers already constitute a second-class category of workers—many TFWs lack labour market mobility, have differential access to settlement services, and pay into but are ineligible for benefits such as Employment Insurance. Some observers have called the four-and-four rule a form of “legislated

unemployment” or a “mass deportation order.” The regulation contributes to a two-tier system of citizenship, wherein low-wage workers are valued less. They are considered good enough to work but not good enough to stay. The rule does little to address inherent problems with the TFWP and may in fact exacerbate the vulnerabilities of—and in effect, criminalize—an already vulnerable workforce.

Advocates argue that the way to create a more just and equitable immigration system is to grant temporary migrant workers permanent residency on arrival. This would require a true overhaul of the TFWP, which we hope would involve widespread public debate around the ongoing changes in federal immigration policy and how they do—and don’t—align with the values of Canadian citizenship.

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