

Changing Hands: Temporary Foreign Workers in Prince Edward Island



**L'Institut
Cooper
Institute**

81 Prince Street
Charlottetown, PEI C1A 4R3
Phone: (902) 894-4573

Temporary Foreign Workers in Prince Edward Island



The Cooper Institute
81 Prince Street, Charlottetown, PEI
C1A 4R3

Josie Baker
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Preface

For the past year, the Cooper Institute has been conducting a project exploring the issues surrounding temporary foreign workers in PEI.

The Cooper Institute operates on a philosophy and practice of inclusion by gender, economic class, race/ethnicity, language, sexual orientation, abilities, age, etc. Most of Cooper Institute's work is done through participatory action, research, workshops, and seminars within a community development model. This work is based on the assumption that those who are experiencing a given situation are the experts. The role of animators from the Institute is: to bring forth that experience from the participants; to facilitate analysis by which the participants recognize the root causes of their group's situation; to facilitate discovery of the available strengths and resources at the group's disposal; and to identify concrete and feasible action which would change the situation. Its main program streams are food sovereignty, livable income, and cultural diversity and inclusion. The growth of the Temporary Foreign Worker Program in PEI has implications for each of these areas.

The research regarding the temporary foreign worker program is only one aspect of Cooper Institute's work on this issue. This project is a grassroots, community-building initiative that seeks to build knowledge and understanding for the purposes of sustainable community development. In addition to research, Cooper Institute is continually engaged in the process of knowledge building, community engagement, and advocacy. The information gained through this project was gathered from available government documents, recent Canadian reports, and through direct consultation with employers, workers, community members, and program administrators.

The Temporary Foreign Worker Project identifies the various federal programs governing the Temporary Foreign Worker Program and how these are manifested in PEI. This document offers information on the federal Temporary Foreign Worker Program and how the different streams of this program are manifesting in PEI. An effort is made to provide a holistic picture of the impacts of this program on communities, employers, local and foreign workers as it has emerged from consultations.

Unlike some other Canadian provinces, the PEI government does not currently have a role in the Temporary Foreign Worker Program. Given current trends, the employment of temporary foreign workers in PEI will undoubtedly continue to grow. In that case, greater provincial administration is required. This document offers an introduction to issues that need to be considered when developing provincial administration of the Temporary Foreign Worker Program. This report also includes recommendations for policy changes that will address some of the gaps in the program.

Cooper Institute's work is primarily focused on temporary foreign workers who experience a high degree of vulnerability -- those hired through the Seasonal Agricultural Worker Program (SAWP), the Pilot Project for Occupations Requiring Lower Levels of Formal Training, (Pilot Project)¹ and the Live-in Caregiver Program. With the exception of some agricultural workers, this project does not address temporary foreign workers who are in higher skill classes and eligible for the Canadian Experience Class.

What is the Temporary Foreign Worker Program?

The Temporary Foreign Worker Program is a federal program that provides policies governing the employment of temporary foreign workers in different provinces. These policies are usually the same, with a few exceptions. There are three federal government agencies that facilitate these programs:

- Human Resources and Skills Development Canada
- Citizenship and Immigration Canada
- Canadian Border Services.

There are three aspects of Canada's Temporary Foreign Worker Program that are discussed in this document.

- Seasonal Agricultural Worker Program (SAWP)
- Live-in Caregiver Program
- the "Pilot Project for Occupations Requiring Lower Levels of Formal Training" (pilot project)

Labour Market Opinion

To hire a temporary foreign worker, the employer must obtain a Labour Market Opinion (LMO). This process serves to show that temporary foreign workers are not doing jobs that Canadians are able to fill.

To obtain an LMO, employers must show:

1. Efforts have been made to recruit Canadians.
2. That the wages are the same as would be paid to Canadians².
3. The job meets provincial/territorial labour standards.

Workers in the above categories almost always have work permits specific to one employer. If they wish to change employers, the new employer must go through the process of applying for a LMO. The approval of the LMO is required for the granting of a work permit for temporary foreign workers. Temporary foreign workers in higher skill categories are more likely to be granted open work permits, or industry-specific work permits, making them more able to change employers.

There is no limit to the number of LMOs that can be issued each year. This means that there is no set limit on the number of temporary foreign workers permitted to enter Canada.

The numbers of confirmed LMOs are among the most reliable and available information regarding the number of temporary foreign workers employed in a given province and industry. This report uses LMO statistics from Human Resources and Skills Development Canada to approximate the number of temporary foreign workers employed. The list of PEI employers received positive LMO's for temporary foreign workers can be found in Appendix A and Appendix B.

Seasonal Agricultural Worker Program (SAWP)

The SAWP is run in cooperation with foreign consulates. In PEI, this program brings workers primarily from Mexico, although Jamaica and other Caribbean Commonwealth countries also participate. Under this program, the Mexican consulate recruits the workers. These workers can

work in Canada from a minimum of six weeks to a maximum of eight months. Unlike other temporary foreign workers, SAWP workers are entitled to a minimum number of hours for the initial six-week period. SAWP workers may return to Canada for seasonal labour for up to 8 months year after year so long as they have positive reports from their employer(s) and continue to pass the required medical evaluation in their country of origin. They are required to return for at least 4 months each year, which must include the period between December 15th and January 1st. SAWP workers are not accompanied by family members and are not eligible for permanent residency.

There are clear policies regarding the amounts employers are allowed to subtract from the SAWP workers' salaries. Employers must provide free accommodations for the workers, but may deduct \$2.16/day for utilities, and up to \$6.50/day for food. This policy means that SAWP workers are housed by their employers, often on the farms where they are employed. An additional \$.94/day is deducted to pay for medical insurance, adding up to an allowable monthly deduction of approximately \$288/month. In addition to the daily deductions, employers can deduct up to \$589 for travel expenses and \$150 for the processing fee over the course of the contract.³

At the end of each season each worker is evaluated by their employer, and these evaluations are used by the Mexican or Jamaican consulate to determine whether individual workers will be allowed to return to Canada. This evaluation process allows the employer to name individual workers they would like to employ the following year. The power employers have to evaluate and name workers contributes to the workers' vulnerability and results in an absence of job security. In other provinces SAWP workers have also been known to be "blacklisted" by the Mexican consulate for contact with unions or migrant worker support centres.⁴

A recent well-publicized report has also found that SAWP workers are generally very isolated from the communities in which they work.⁵ Without justification, employers are able to repatriate SAWP workers at the workers' expense.⁶ These factors further increase the vulnerability of the workers.

TABLE 1: The number of SAWP workers on positive labour market opinions in each Canadian Province from 2006 through 2011

Province	2006	2007	2008	2009	2010	2011
PEI	81	135	120	145	190	230
NS	322	410	625	805	895	1,085
NB	17	25	15	25	50	55
QC	3,171	3,595	3,760	3,780	3,330	3,345
ON	18,097	18,745	18,550	17,940	18,325	18,710
MB	311	295	345	365	405	320
SK	42	80	100	120	130	150
AB	527	685	950	1,010	970	965
BC	1,484	2,615	3,765	3,405	3,540	3,985
TOTAL	24,050	26,585	28,260	27,595	27,835	28,845

Source: HRDSC⁷

Implementation of the SAWP in Prince Edward Island

As can be seen from the above table, the numbers of SAWP workers in PEI almost tripled between 2006 and 2011. In PEI, SAWP workers are predominantly men from Mexico, although men from Jamaica were also employed in 2011 and 2012. There were 13 PEI farms employing workers through the SAWP program, and 15 in 2011. Most of these employers hired fewer than ten workers, although two large industrial farms hired close to sixty SAWP workers each. (Agricultural workers are also hired through the Agricultural Stream of the Pilot Project. Details about this program are available below.)

The Department of Health and Wellness is the only provincial department to have comprehensive information about the location and numbers of SAWP workers before they arrive in PEI. The LMO requires an inspection by an Environmental Health Officer of SAWP workers' accommodations before approving the process. The housing is inspected according to a publically available document called: *Guidelines for the Housing of Seasonal, Migrant or Transient Farm Workers*⁸. The inspections happen before the workers arrive and if the housing is deemed acceptable, no follow-up is conducted. Despite these inspections, there have been reports of inappropriate housing and facilities on Prince Edward Island and in fact, the SAWP across Canada is well known for poor living conditions.⁹ In Ontario and Quebec inspectors have been known to visit only one or two token bunk houses on farms, and so inadequate housing goes unreported. The extent of this concern on PEI has not been determined.

SAWP workers are often housed on or next to the farm that employs them. In some cases, workers are housed in farmers' homes. Farmers with fewer SAWP workers have closer relationships with them, and there are some positive examples. When farms employ higher numbers of SAWP workers the relationship between employer and employee is not as personal.

Many of the SAWP workers in PEI have worked in Canada for several years, sometimes close to a decade. PEI's rural areas are more densely populated than many rural areas in other provinces; however there does not appear to be as high a degree of community integration with SAWP workers as there is with other temporary foreign workers in PEI. In some communities, SAWP workers attend local churches, and at least one thank-you celebration was held at the close of the season. The extent to which on-going community support for SAWP workers takes place is yet to be determined.

Virtually all employers of SAWP workers in PEI are very happy with their experiences hiring Mexican workers. Since these workers are the breadwinners for their families at home in Mexico, they are motivated to work harder than local workers with fewer complaints. SAWP workers require more work hours than local workers. In part they are able to do this because they do not have daily family and community responsibilities. While Canadian agricultural labourers may consider a 40 hour work week to be sufficient, often SAWP workers want to work more paid hours, but as farm workers, are not eligible for overtime pay. The desire to work more hours may negatively impact the work available for local agricultural labourers, who are dependent on achieving a certain number of hours to become eligible for Employment Insurance. On the other hand, SAWP workers are unlikely to complain about being over-worked. There are many publicized cases of overwork and abuse of SAWP workers in other provinces.¹⁰ Although most cases of abuse and injury of temporary foreign workers in PEI have not been widely publicized, they have occurred none the less.

The only translation services offered to SAWP workers have been at the initiative of the employer. To date, the provincial government has not provided language support for temporary foreign workers, and provincial government agencies have been known to be reluctant to work with translators or offer Spanish language services. This has served as a barrier to workplace safety, as Spanish-speaking workers are not able to get chemical application certification. Requests for

translation of relevant documents have also been refused by the provincial government. PEI's agricultural sector has grown to rely on temporary foreign workers, and the vast majority of farm workers do not have English as their primary language.

The SAWP program has been bringing Mexican workers to PEI for approximately a decade. This program appears to have become a permanent solution to the shortage of farm labour in rural PEI. Although it provides a high return on investment for employers, this program does little to offer long-term growth for rural communities in Prince Edward Island, or stable employment for Mexican workers.

The Live-In Caregiver Program

The Live-in Caregiver program is designed to bring women from primarily Asian countries to Canada to work as live-in nannies for children, or caregivers for elders or adults with disabilities. As the name implies, women employed under this program are required to live in their employers' homes. Employers must pay for the worker's plane ticket, medical insurance (until the worker is eligible for Medicare), workplace safety insurance, and recruitment fees. In practice, many live-in caregivers still pay a recruitment agency to attain work in Canada. Within the employer's house, the worker is entitled to a private room with a lock. However, the amount deducted from her pay for rent, food, phone, and internet use is at the employer's discretion. The work of Live-in Caregivers is not covered by most provincial labour codes.¹¹ Most provinces have no proactive system of accountability to ensure compliance with the rules of temporary foreign worker programs. This means that reporting unfair treatment is left to the workers themselves who risk job loss, homelessness, and repatriation for complaints due to the barriers they face in enforcing their rights.¹²

Live-in caregivers have a work permit that is valid only for a specific employer. To voluntarily change employers they must obtain a Record of Employment before finishing their work for their previous employer, and obtain a new work permit for their next employer. Meanwhile, the new employer must complete the Labour Market Opinion (LMO) process which is difficult and time consuming. Waiting for an LMO and work permit for a new employer can take months¹³

Virtually all Live-in Caregivers have the intention of becoming permanent residents. They are permitted to be in Canada as Temporary Foreign Workers for up to 4 years and three months. After two years (24 months) of full time work, Live-in Caregivers can apply for permanent residency. Under the adapted rules, these women are granted an open work permit once they are eligible to apply for permanent residency status. At this point many Live-in Caregivers will opt to move out of their employer's home or seek other employment.

Note: The information about the Live-in Caregiver Program and its policies presented here is current as of this writing. It is important to note that these policies have been changed in the last three years in response to wide-spread criticism of the program following well-publicized abuses by employers. The Live-in Caregiver program hit its peak in Canada in 2007, before the program began requiring employers to pay for the recruitment of the workers. Changes have allowed caregivers to leave employers at their discretion and to grant open work permits to Live-in Caregivers who have completed the mandatory 24 months of full time work. Live-in Caregivers still face significant vulnerability, and there is a lack of follow-up to ensure that the rights of Live-in Caregivers are respected.

Table 2: The rates of hiring live-in caregiver positions on positive labour market opinions by province.

Province	2007	2008	2009	2010	2011
Newfoundland and Labrador	25	25	45	35	30
Prince Edward Island	10	0	0	0	0
Nova Scotia	95	85	80	100	55
New Brunswick	60	70	65	55	30
Quebec	2,155	1,695	1,145	1,025	830
Ontario	18,355	18,825	10,890	10,070	7,720
Manitoba	200	225	130	110	90
Saskatchewan	235	245	190	255	205
Alberta	5,065	5,860	3,445	3,860	3,265
British Columbia	7,035	7,335	4,225	4,630	3,400
Yukon	15	15	25	15	15
Northwest Territories	35	55	25	35	35
Nunavut	10	15	10	0	10
Canada – Total	33,295	34,450	20,275	20,190	15,680

Source: HRSDC¹⁴

Implementation of the Live-In Caregiver Program in Prince Edward Island

The Live-in Caregiver Program has never been as widespread in PEI as it has been in other provinces. The statistics available from HRSDC do not show any live-in caregivers entering Prince Edward Island in recent years. This does not necessarily mean no Live-in Caregivers came to PEI that year, only that their number was less than five. Since Live-in Caregiver contracts are general two years, the LMO process is only needed every two years.

Live-in Caregivers in PEI have moved into other areas of work once they have become eligible for permanent residency. In some cases they have continued to work as caregivers for their original employer after having moved to private accommodations.

The live-in aspect of the program is not popular amongst workers. Even when there is a positive relationship between the caregiver and the employer, most would prefer to live in an apartment with their friends than with their employer.

The living and working conditions of live-in caregivers vary widely. Most women who come to Canada through the Live-in Caregiver Program are highly educated, but employers often pay little more than minimum wage. Some employers have cooperative and communicative relationships

regarding work hours and days off, provide adequate private accommodations, and do not deduct room and board from the wages offered. Others demand long work hours, allow insufficient privacy, and deduct rent, food, and internet/phone from the caregiver's already low salary. In addition, PEI's workers have less access to transportation compared to their counterparts in large urban centers, which can be isolating. Live-in caregivers who experience poor working and living conditions usually try to continue to work despite the adversity in order to support their family at home and to achieve permanent residency.

Many of the women who have come to PEI through the Live-in Caregiver Program still live in the province. Consistent with national trends, many of them are originally from the Philippines. Many of the temporary foreign workers who originate in the Philippines applied to the Live-in Caregiver Program or the Pilot Project (see below) while working as contract workers in another country in Asia. Workers report that it is easier to apply from another country than from the Philippines.

Pilot Project for Occupations Requiring Lower Levels of Formal Training

This general category of the Temporary Foreign Worker Program covers low-paid positions in most industries. The Temporary Foreign Worker Program began in 1973 and was intended at that time for specific, highly trained groups such as academics, engineers, and business executives. This changed in 2002 when this "Pilot Project for Occupations Requiring Lower Levels of Formal Training"¹⁵ was initiated to allow jobs that were classified as "low skill" (requiring no more than two years post-secondary education) to be filled by temporary foreign workers.¹⁶

Under this program, employers must pay for the airfare of low-skilled workers, but there are few other regulations. Salary deductions are largely unregulated. This program can offer contracts that are up to two years in length, which can be renewed; however workers in this program must leave Canada after four years, unless they have succeeded in achieving permanent residency.

Like live-in caregivers, most workers under the Pilot Project have work permits for only one employer, and changing jobs requires getting a whole new work permit. As workers that are considered "low skill," Pilot Project workers are not eligible for federal programs such as the "Canadian Experience Class"¹⁷ that will grant permanent residency.

The vast majority of temporary foreign workers in the Pilot Project have paid a recruitment agency to find them a job in Canada. Exploitation is systemic in the recruitment business, and "the fact that exploitation arises in the recruitment and placement of migrant workers is well recognized internationally."¹⁸

The fees that recruitment agencies charge can range anywhere from \$800 Canadian, to \$10,000, or more. These costs usually require workers to go into debt before arriving for work. While some recruitment agencies are reputable, there are many incidents of exploitative or misleading recruitment agencies operating across Canada, but most provinces do not have regulations regarding recruitment agencies. Employers also often pay recruitment agencies to find workers. Extreme examples of exploitative recruitment practices can accurately be labeled human trafficking.¹⁹

TABLE 3: The numbers of labour market opinion positions for the Pilot Project for Occupations Requiring Lower Levels of Formal Training from 2007 to 2011.

Province	2007	2008	2009	2010	2011
Newfoundland and Labrador	325	310	225	290	360
Prince Edward Island ²⁰	255	320	495	645	450
Nova Scotia	180	400	630	695	745
New Brunswick	360	635	530	1,145	1,850
Quebec	1,420	2,595	4,995	4,145	4,095
Ontario	3,100	3,230	2,555	2,890	2,545
Manitoba	1,495	1,830	940	610	735
Saskatchewan	490	1,315	1,230	745	1,420
Alberta	22,005	43,120	15,630	20,670	24,900
British Columbia	2,495	13,420	3,135	3,655	2,765
Yukon	15	115	20	15	30
Northwest Territories	130	150	40	90	100
Nunavut	0	20	50	50	30
Canada – Total	32,265	67,450	30,475	35,650	40,025

Source: HRSDC²¹

Implementation of the Pilot Project in Prince Edward Island

The pilot project is a broad category of workers who come from a variety of countries and work in almost any position considered to be “low skill” by the federal government. Sub-categories will be used to discuss the various classes of workers.

Some pilot project workers are seasonal, migrant workers, while others have full year contracts. Seasonal workers are not eligible to apply for permanent residency unless they are able to transition to a job that will provide them with a contract of at least 12 months. Pilot Project workers with one- or two-year contracts are eligible to apply for permanent residency through the Provincial Nominee Program in the *Critical Worker Stream of the Labour Impact Category*²² provided they meet the requirements and are able to navigate the administrative hurdles. The requirements are as follows:

- A full time job offer in a “low skill” position in one of the following occupations: truck driver, customer service representative, labourer, food & beverage server, or housekeeping attendant.
- Must have worked 6 months in PEI before applying

- Must have at least high school education - 12 years of schooling
- Must have at least 2 years of work experience before coming to Canada
- Must have English (or French) skills
- Must have a certain amount of money for the application process, settlement, etc., and have settlement supports in place.

Acceptance under the PNP is based on a points system that takes into account age, education, years of work experience, language skills, and the adaptability of their spouse and family. Applicants are required to submit detailed records from their educational institutions, past places of work, and documents of all family members. Complications can occur if an applicant has an estranged spouse, children from previous relationships, or a family member with a disability.

There is a limited number of pilot project applicants that can be accepted into this program each year, and workers going this route face some of the same vulnerabilities as live-in caregivers in that their "sponsorship" is dependent on their employer's support.

SEASONAL FISH PLANT WORKERS

The vast majority of PEI's Pilot Project workers have been employed on a seasonal basis in fish plants. Although there are some men among the foreign fish plant workers, they are overwhelmingly women. These workers come from several different countries. Although there have been Russian fish plant workers in PEI, the majority of these workers come from Asia. Due to the seasonal nature of most fish plants, these workers are not eligible to apply for permanent residency through the PNP. As a result, the long-term use of "temporary workers" has the same effect as the SAWP program – a high return on investment for employers, but no long-term plan for community development, or job security for foreign workers. These "temporary" workers are also being used as the long-term solution for a permanent problem.

Many of PEI's rural municipalities are dependant on their local fish processing facilities for local employment. This is essential to maintaining local businesses, community institutions, and all other aspects of community life. Where there is a high degree of recognition of this, there is a general willingness to welcome foreign workers in the community.

Some of these workers pay a recruitment agency to find them a job in Canada. Most recruitment agencies do not exert significant control over foreign workers once they arrive in Canada. With a high degree of community support, some of these workers are able to find other "low skill" positions in non-seasonal employment. From there, they can apply to the PNP if they are nominated by their employers, given a contract for over 12 months, meet the requirements, and fit within the annual quotas. Unfortunately, the requirement that seasonal foreign workers seek year-round work in order to become eligible to apply to this program does not help develop rural communities or provide a long term solution to the labour shortage of local industry. Seasonal workers remain migrant.

In some other cases the company owning the fish plants has a relationship with a fish processing company in another country. This foreign company provides recruitment, supervision, and a degree of control over the workers' behaviour while in Canada. Although there are some recruitment and processing fees paid by the worker, they pale in comparison to the exorbitant security deposit required. This security deposit usually requires a family member to act as guarantor, and sign for the security deposit against the value of their house. This deposit is meant to ensure the good behaviour of the workers and their return home at the end of their contract.

In some instances in PEI communities, the foreign company allows workers to work only seasonally in Canada for up to three years. According to Canadian law, these workers are eligible to work in Canada for at least four years. Limiting these workers to three years of work in Canada

is said to discourage community integration and any hopes to settle in Canada. For reasons that are unclear, some workers have been barred from returning to work another year in Canada despite the wishes of the management of the PEI plants. Community members are left asking themselves if their supportive actions as community members played a role in preventing the return of their friends.

When foreign seasonal workers are employed by a unionized plant, they become union members and can file grievances through the union. The fish processing industry has a reputation for labour abuses, but unionized plants have better labour conditions for both local and foreign workers. Unfortunately the protections offered by unionization only apply while workers are in Canada. The workers remain vulnerable to the limits imposed on them by the policies governing them in their home country. Inexplicably, contact with a labour union has been used as a justification for barring a workers' return to Canada.

The unpredictable nature of fish plant work is a problem for seasonal foreign workers. They commonly say that they would like to be able to work more hours in a week. Since the fisheries are dependant on the weather and other factors, sometimes the workers only work three or four days per week. Most of these workers report that they would like to work more hours. In non-unionized fish plants, like on some farms, foreign workers are used to "bump" local workers' hours. This practice results in lower income for local workers, whose access to EI may be affected. By extension, local workers may blame the foreign workers for this injustice, as they are easier targets than the employers.

Housing of Seasonal Fish Plant Workers

Housing is often raised as an issue facing many categories of temporary foreign workers who are required to live in employer-provided housing. Foreign fish plant workers are no exception. Often, fish plant workers will be housed in makeshift dorms in the fish plant or nearby buildings. The Service Canada administrators that approve LMOs for temporary foreign workers will sometimes require an inspection of the housing for incoming fish plant workers. These inspections have been required on a case-by-case basis at the discretion of PEI's HRSDC Service Canada office in Montague. There have been several instances of inadequate housing of fish plant workers in past years, and this was taken into consideration when employers' LMO applications were considered. This additional precaution is the result of local oversight, which may be threatened by the closure of local Service Canada offices.

Community members have been known to advocate for better living conditions for temporary foreign workers. Workers are reluctant to criticize their accommodations, as they may have experience with worse living conditions in other countries. However, in many cases the accommodations provided do not meet community standards. Notably, the guidelines enforced by the Environmental Health Officer have no regulations governing the rent that can be charged. This means that unfair rent is charged for crowded accommodations in rural PEI. Not only is the rent charged to these low-income workers inappropriately high, it can also make it difficult for local people to find good, affordable housing since the foreign workers pay more through no choice of their own.

Community Involvement with Seasonal Foreign Workers

In several cases across the Island, workers have been discouraged from interacting with the community, either by a PEI plant owner, or by a team supervisor from their country of origin. When seasonal workers are supervised by a representative of a foreign company freedom is invariably a double-edged sword. There may be more support in the form of organized trips for grocery shopping and clearly designated translators. However, this 'support' could easily be used by employers as supervision and control.

On the other extreme, some workers have been encouraged to develop relationships with local residents for less wholesome reasons. One example is the exploitative relationships between vulnerable female fish plant workers and male Canadian supervisors or co-workers. In several instances, community friendships have served to mitigate the inappropriate housing provided for the workers by their employers. In one well-publicized case, Mark Bonnell suggested that the Thai women unable to pay rent to live in the Mariner Seafoods plant after its closure should go see their "friends in the community" rather than being provided their contractual right to a ticket home.²³

Another concern facing fish plant workers is that PEI fish plants are located in culturally homogenous rural areas. The sudden multiculturalism that these communities experience brings out the best and the worst that Islanders have to offer. Racism and insular tendencies serve to exacerbate workers' vulnerability; on the other hand, curiosity, friendship, volunteerism, and generosity sometimes mitigate vulnerability. In the absence of proper regulations and enforcement of standards for housing and services, community members across the province are making isolated attempts to fill the gaps in support. In some instances, local residents have stepped up to provide transportation, access to services and amenities, advocacy, language training, food donations, and sometimes even housing.

Some seasonal foreign workers return to communities several years in a row. They form close bonds with Islanders, and become integrated into their communities. These individual initiatives are based on friendship or charity and are not part of organized cross-community outreach. They have not resulted in community mobilization to advocate for changes to the administration of the Temporary Foreign Worker Program.

AGRICULTURAL WORKERS

The agricultural workers stream of the Pilot Project has been used to bring seasonal Guatemalan workers for work in potato processing facilities in several areas of PEI. Unlike the SAWP workers, these workers can originate from any country, and can have contracts for up to two years. The agricultural stream of the Pilot Project is more structured than other streams - there are regulations regarding the rent that can be charged and employers are to pay for both the recruitment and transportation of the worker.

However, the differences between low-skilled workers and high-skilled workers become blurred in agriculture. Some farms hire one or two workers for full time work with livestock.

Often these workers are highly trained in genetics or veterinary science, and may be working in positions not classified as "low skill." Unlike most workers in "high skill" positions however, many of these workers are given employer-specific work permits. Workers have reported dangerous working conditions and emotionally abusive supervision. There are also instances of positive supportive relationships, but isolation and poor English skills of many of these workers make them vulnerable regardless of skill classification.

The trend of highly-skilled agricultural workers on PEI farms can be expected to increase. Currently, an international recruitment agency has begun approaching farmers in PEI offering their services of finding high-skilled agricultural workers from the Global South.

TRUCK DRIVERS

A total of 72 labour market opinions were issued for two trucking companies through the Pilot Project on PEI in 2010, and an additional 97 in 2011. (See Appendix A & B) Many of the temporary foreign workers currently hired as truck drivers arrive from Israel, but are originally from Russia and other countries belonging to the former Soviet Union. These individuals and their families come from diverse economic and educational backgrounds. Unlike other Pilot Project workers, these

workers live in Canada with their wives and children. Because they are coming from Israel, their spouses and children are able to enter Canada with a visitor's visa – Temporary Resident Permit (TRP). The spouses of Russian Pilot Project workers may then apply for work permits, and are granted an open work permit. Many of the spouses of the truckers work as housekeepers in Charlottetown Hotels. These families settle in Charlottetown and are keen to achieve permanent residency in Canada through the PNP.

Like many other temporary foreign workers, many of these workers and their spouses are highly educated, but are employed in positions classified as "low skill." These families have limited English skills upon arrival, but members of a Charlottetown church have begun to offer free language training on a volunteer basis. These classes now take place five times each week. Church members have also helped to mitigate the extreme vulnerability that some of the families experience. In effect, this church community has offered settlement services not otherwise available to temporary residents.

There have been many reports over the years of abusive working and living conditions associated with trucking companies in the Maritimes. There are also reports of desperate situations that individuals and families have experienced upon arriving in Canada and receiving no accommodations or settlement aid from the company.

The Russian workers are luckier than most temporary foreign workers because their families accompany them to Canada. Also, as they are Caucasian, they are not subject to racism or racial stereotyping and are thus less likely to be perceived as outsiders or interlopers. However, this benefit also means that these families are largely invisible in the context of urban PEI.

SENIORS HOME EMPLOYEES

With community assistance, some Asian fishplant workers have made the transition from seasonal work in rural PEI to full time contracts in seniors' care facilities. These workers are all well educated women with good English skills. They are applying for permanent residency through the PNP, after which they hope to sponsor their families. Many of them have children who are cared for by another family member in their home country. Since they workers are supporting themselves, their family at home, and need money in the bank to apply to sponsor family members, they are motivated to work long hours, and work overtime.

Co-workers report that they are very easy to work with, and work without complaint. However, some employers will choose to give more hours to foreign workers than to the local workers, which can cause tension in the work place.

FAST FOOD

Hiring temporary foreign workers in the fast food industry is a relatively new trend in PEI. Several fast food chains have started to hire Pilot Project workers. Although some of these workers have taken fast food jobs after finishing their terms as live-in caregivers, or as a way to make the transition from seasonal to permanent positions, the vast majority of these workers were brought to PEI through a recruitment agent specifically for these companies. These jobs are traditionally held by youth and other Canadians on low incomes. These workers are using their meager wages to support their families in Asia. The majority of these workers are women, although some men are employed as well.

National Trends

Labour Shortage

It is said that Canada is moving towards a more “knowledge-based economy,” and there is an increasing shortage of workers willing to work as labourers in low-skilled jobs. Temporary foreign workers have been increasingly called upon to fill jobs considered ‘low skill’ in areas like agriculture, care, processing, food service, and truck driving. Temporary labour is currently employed as a solution to permanent labour shortages.²⁴

Given that temporary foreign workers are only eligible for positions not desired by Canadian workers, these jobs are usually poorly paid, seasonal, or with historically poor conditions. The jobs occupied by temporary foreign workers are jobs that traditionally keep their workers economically and socially vulnerable.²⁵ The prevalence of temporary foreign workers in these sectors serves to keep the labour standards low due to worker vulnerability.²⁶ There is a need for effective tools to assess the extent of the true labour shortage: “to justify the hiring of migrant workers, shortage of workers should be the result of a lack of available labour rather than a lack of interest due to unsatisfactory working conditions.”²⁷

Canada’s labour shortage is paralleled by a labour surplus in some other countries. For example, thirty years of neo-liberal economic practices have effectively eliminated the viability of small farms in rural Mexico, leaving countless labourers with the choice between illegal work in the USA or migrant labour in Canada.²⁸ Since a livable income is not available to these men and women in their home country, leaving their families to be temporary foreign workers in Canada is the way that they have found to support them.

Temporary Residents

Canada’s trends in immigration have been changing. Each year since 2006, more temporary residents than immigrants have entered Canada. Some of these temporary residents are workers, while many others are international students, both of which serve to bring a great deal of value into the Canadian economy while they are in Canada.

Since the “low-skill” Pilot Project was introduced over ten years ago, there has been a steady shift towards hiring low-skilled workers rather than high-skilled workers. This has been paralleled by a shift in the countries from which these workers originate: higher skilled positions tend to be filled by workers from Europe or the United States, while workers from the Global South are hired for “low skill” jobs.

The growth of Canada’s Temporary Foreign Worker Program has frightening effects; temporary foreign workers have effectively become a “permanently temporary working class that is unable to organize, unable to enforce its rights, and, as non-citizens, is unable to participate in the democratic process to change the terms of their disempowerment.”²⁹

Gender Issues in Canada

Women are at greater risk of sexual harassment and assault because of their gender. Across Canada, women temporary foreign workers are also disproportionately represented in low paid, insecure professions in gendered industries such as care, domestic work, and entertainment.³⁰ Women are also more likely to be overqualified for the work that they do. A 2010 Statistics Canada Study found that:

...82% of non-permanent residents who worked as nannies had a postsecondary certificate of some type and about 43% had a university degree. In 2006, 85% of non-permanent resident

housekeepers and 55% of cleaners had completed postsecondary training... There were differences in occupations between men and women. The jobs held by men tended more often to be commensurate with their educational qualifications.³¹

All classes of temporary foreign workers discussed in this report experience a high degree of vulnerability and insecurity due to their employer-specific work permit, temporary status in Canada, and ineligibility for programs providing settlement and legal aid. In addition, limited English skills, racial difference, and lack of accurate information about supports available increase the vulnerability. Women employed through the Temporary Foreign Worker Program experience even greater vulnerability.

Live-in Caregivers are a particularly gendered category of the TFWP. The Live-in Caregiver program is commonly identified as creating systemic vulnerability as workers are required to live in the home of their employer, and depend on their employer to qualify for permanent residency. During this period many Live-in Caregivers endure abusive living and working conditions, rather than leave their employer and risk losing their eligibility for permanent residency.³² Most provincial labour codes do not cover the work of live-in caregivers.³³

Precarious status in Canada combined with a lack of access to legal aid and other support programs, Temporary Foreign Workers have limited options for legal recourse and support. When workers are housed by their employer, as many female workers are, loss of employment means homelessness and/or repatriation.

Temporary Foreign Workers in Prince Edward Island

Although some other provinces have created legislation regarding the Temporary Foreign Worker Program in their provinces, PEI has not done so. As the Temporary Foreign Worker Program is a federal program, it has continued to grow unchecked. The PEI government expects the number of temporary foreign workers to grow to several thousand in the next few years, while remaining ignorant of how many temporary foreign workers are currently in the province, their place of employment, or their housing.

There is one exception to this. The SAWP program requires that the accommodations for Mexican workers in PEI be inspected by an environmental health officer. As such, the Department of Health and Wellness is unique in their knowledge of how many workers are expected, who employs them, and where they are housed. They also conduct inspections of accommodations for significant numbers of pilot project workers when required by the local HRSDC for an LMO application. When complaints are received, the department of Health and Wellness and the Department of Community Services, Seniors and Labour contact the employers to advise them of the complaint. They may then advise them of the date of the upcoming inspections.

Proactive policy is needed on the provincial level to become informed of where temporary foreign workers are employed, and to ensure that the rights of temporary foreign workers are protected.

Provincial Trends

Table 4: The skill classification of the jobs being filled by temporary foreign workers in PEI. Categories "C" and "D" are considered to be "low skill."

Prince Edward Island					
Management Occupations and Skill Level (A - D)	2007	2008	2009	2010	2011
0 - Management Occupations	10	0	0	10	15
A - Professionals	40	75	50	50	50
B - Skilled and Technical	65	50	55	80	95
C - Intermediate and Clerical	105	210	510	675	525
D - Elemental and Labourers	160	235	155	180	170
Prince Edward Island - Total	375	575	775	980	850

Impact on Local Employment

Why hire foreign workers when there is unemployment in PEI? This is a recurring question. The answer is complicated.

Employers of temporary foreign workers say that in order to stay in operation they need a reliable workforce, and they are not able to find enough workers in PEI. Many of the jobs hiring temporary foreign workers are of low quality and usually do not offer enough money or job security for local workers who also have family and community responsibilities. Minimum wage positions do not provide a livable income to Islanders. Many jobs that have traditionally been the domain of students and youth are now increasingly occupied by temporary foreign workers.

Better wages, transportation, childcare, or accommodations for workers employed on a seasonal basis would make these jobs more practical for local workers. Temporary foreign workers do intensive work to support their families back home. Temporary foreign workers prioritize earning and saving money over everything – including their health. Employers benefit from this commitment.

Many jobs done by temporary foreign workers are also located in isolated areas of the province. Travel to and from these locations on a daily basis is not practical for most islanders, and results in a lower quality of life. If these jobs are to be accessible and attractive to Islanders, improvements are needed: public transportation in rural PEI, accessible child and elder care, and in the case of seasonal jobs, local, affordable, safe, and healthy accommodations.

In some cases, there is insufficient effort to recruit local workers, and no human resources strategy to recruit local workers. Due to their vulnerability and the resulting motivation, foreign workers are found to be more reliable and harder working, and for this reason some employers may conduct only token recruitment among local workers in order to qualify for an LMO.

Worker Vulnerability

By law, temporary foreign workers have the same rights as Canadian workers, but in practice this is not the case. Language skills, which also contribute to a lack of knowledge of labour standards and occupational health and safety regulations, are effective barriers to workers exercising their labour rights. Also, PEI's labour laws do not protect temporary foreign workers from dismissal and repatriation. Seasonal workers of all kinds are most in danger of unfair repatriation. This has been a documented problem for SAWP workers in other Canadian provinces.³⁴ In PEI's well publicized case regarding Mariner Seafoods in Montague, when 11 Thai workers complained about unfair deductions in their pay, they were immediately fired and forced out of their housing.³⁵ Most temporary foreign workers are similarly housed by their employer, and are at risk of similar treatment.

Many temporary foreign workers are in heavy debt when they arrive in Canada, which increases their vulnerability. Most workers have paid anywhere between one and ten thousand dollars to recruitment agencies, and incur other expenses related to medical exams and travel before they leave home. Many fish plant workers have to pay large security deposits to ensure good behaviour and their return to their home country after their contract is completed. This money is often borrowed from family and friends. In addition to paying off these debts they must also send money home to support their families and pay their bills in Canada. For non-seasonal workers who are in debt to family back home, leaving Canada is not an option. Temporary foreign workers in debt to recruiters have been aptly identified as indentured labourers.³⁶

In some cases employers are well known to have abusive labour practices, and so local workers will avoid these employers. A poor reputation in the local community serves to ease employers' access to temporary foreign workers through the LMO process.

Leaving a bad employment situation is more difficult for temporary foreign workers than for Canadian workers. As many of them are housed by their employers and do not have access to social or family support while they are between jobs. Also, their employer-specific work permits mean that finding a new employer requires that a new employer complete the LMO process, and that they must apply for a new work permit – a process that takes months. Given that leaving employment would generally leave temporary foreign workers without housing or a source of income, switching employers is a risky endeavor.

Gender Issues in PEI

Like workers in other provinces, female temporary foreign workers in PEI are at greater risk of sexual harassment and assault than male workers. Although there are not high numbers of Live-in Caregivers in PEI, in light of the national trends, their well-being is still a matter of concern. There are, however, high numbers of women hired as temporary foreign workers by fishplants. The national concerns regarding the systemic vulnerability created by the Live-in Caregiver Program are of even more concern for fish plant workers. Unlike Live-in Caregivers, most Pilot Program workers in seasonal fish plants are employed on a seasonal basis. They are not eligible for programs that lead to permanent residency.

Most female fishplant workers have completed a post-secondary educational program and in many cases they hold a university degree. The national trend of female temporary foreign workers being overqualified for their work proves to be true in PEI.

The majority of temporary foreign workers hired by PEI fish plants are women, with some fishplants hiring exclusively women. In all cases, housing is provided by the employer, in some instances even in the plant itself. At least one of PEI's fishplants is known to have hired exclusively non-english-speaking young asian mothers who had recently given birth – a demographic recruited

explicitly for vulnerability and compliance. There are also unconfirmed reports coercive relationships between Canadian male work supervisors and the female migrant fishplant workers they are supervising.

Backlash from Islanders

Temporary foreign workers are also sometimes the target of frustration by Canadian co-workers. In all sectors that employ temporary foreign workers there are instances of employers reducing the hours of Canadian workers, and giving more hours to foreign workers. Temporary foreign workers are motivated by debt and family need to work as long and as hard as possible. When Canadian workers have their hours reduced, and can't earn a livable wage, it is often the foreign workers who bear the brunt of their frustration, not the employer.

Canadian workers and community members sometimes confuse temporary foreign workers with affluent newcomers of the same race, and resent their growing presence in the community. Racist attitudes serve to further marginalize these workers. False rumours that the wages of these workers are subsidized by the government spark animosity between Canadian and foreign workers in the work place.

Policy Change Needed for Seasonal Workers under both the Pilot Project and SAWP

The use of "temporary" labour as a long-term solution to chronic labour shortages in agriculture and fisheries does little to benefit rural PEI. Rural communities have a high rate of de-development and out-migration, an aging population, and rural schools face declining enrollment. The temporary workers in the SAWP and Pilot Project live and work in rural PEI for up to eight and ten months each year. Although there are some economic benefits to the local rental properties and grocers, these workers save every penny they can in order to support their families back home. This means that the wages paid by local employers are sent overseas, and are not fully contributing to the local economy.

The need to send money home to support family takes top priority. It is not unusual for these workers to become under-nourished because they prioritize saving money over buying nutritious food. In some communities, migrant workers are regularly given food donations by community members, farmers, fishers, and church groups. PEI's food industry has come to rely upon these workers, and the prevalence of food insecurity among them is bitterly ironic. This phenomenon raises questions about local and international food security.

Some seasonal workers are content with the seasonal nature of their employment in Canada; however others would like to settle with their families in rural communities in PEI. These foreign workers return to rural PEI year after year and effectively become a part of local communities.

Rural communities have also identified a need for young settlers. They recognize that many of the seasonal foreign workers they know have been working hard in their communities for several years to support young children that they have left behind. Access to permanent resident status and Canadian citizenship for the workers, their children, spouse, and other close family members would benefit rural communities economically, culturally, and socially. It would ensure the viability of rural schools, and the ongoing livability of rural areas. Unlike the more affluent newcomers, many of whom may tend to migrate to larger urban centres, these workers are seeking a quiet life with their families, are accustomed to physical labour, and have a great deal to offer rural PEI.

Although non-seasonal workers are sometimes eligible to apply for permanent residency through the Provincial Nominee Program, other paths to permanent residency are needed to reduce human rights abuses. The temporary status of workers means a host of vulnerabilities that serve to

prevent workers from leaving abusive living/working conditions, participating in educational programs, accessing settlement services, and access to justice following labour violations. As many temporary foreign workers are overqualified for their positions, the years they spend in PEI working for minimum wage results in substantial skill loss.

Recent Developments

The 2012 Federal Budget includes several general statements about changes to the Temporary Foreign Worker Program³⁷. The budget document suggests that changes will be made to reduce the paper burden on employers, ensure businesses are looking to the domestic labour force before hiring foreign workers, align the program with demands of the labour market, and create a link between the Employment Insurance program and the Temporary Foreign Worker Program.

The general statements in the budget give notice that changes are coming, but what these changes will be is unclear. Recent statements by Members of Parliament are starting to shed light on what may be in store.

On April 19th, 2012 Immigration Minister Jason Kenney made a speech to the Halifax Chamber of Commerce suggesting that EI recipients could be pushed into accepting jobs otherwise occupied by temporary foreign workers³⁸. Subsequent statements have indicated that EI recipients could be obligated to take minimum wage service positions up to an hour's commute from their home, or to relocate to accept higher-skilled positions. The details of the coming changes to the EI program are not yet available, and the impacts of such changes are hard to imagine.

Some further and more troubling changes were announced on April 25th when Human Resources Minister Diane Finley announced that employers will now be permitted to pay temporary foreign workers up to 15% less than the industry standard paid to Canadians, although not less than the minimum wage³⁹. There are several other details that apply only to the high-skill classifications of temporary foreign workers, including creating easier access to LMOs for employers.

Both of these announcements indicate coming changes in Canada's Temporary Foreign Worker Program, and more announcements can be expected in the coming months.

Recommendations for Policy:

that the Government of Prince Edward Island institute a Worker Recruitment and Protection Act based on the Nova Scotia and Manitoba models which include:

- a registration system for individuals and companies who wish to employ temporary foreign workers
- a licensing regime for individuals and companies who wish to provide recruitment services for the employment of temporary foreign workers
- a system for proactive provincial inspection and investigation to eliminate exploitation
- a requirement that foreign workers be paid an equal wage to their Canadian co-workers.

that the Government of Prince Edward Island appoint full-time staff responsible for ensuring the well being of temporary foreign workers in PEI who:

- establish a presence in each region
- offer language support and facilitate access to basic services
- conduct ongoing inspections of living and working conditions and payroll deductions.

that the Government of Prince Edward Island pressure the Canadian Immigration authorities to provide clear and accessible paths to permanent residency for temporary foreign workers

that the Government of Prince Edward Island address the shortage of available local workers by improving legislation and regulations of labour conditions for seasonal workers, removing overtime exemptions, developing a worker transportation system, and creating more accessible child/elder care facilities for rural workers.

that the Government of Prince Edward Island support community organizations which are willing and able to work with temporary foreign workers to improve their living and working conditions and facilitate the process of immigration.

APPENDIX A: PEI Employers Granted LMOs in 2010

January 1, 2010 - December 1, 2010

List of Employers who were granted positions on confirmed labour market opinions for temporary foreign workers for Prince Edward Island (excluding the Seasonal Agricultural Worker Program).

Organization Name	Number of Positions
Andrews of Charlottetown	2
Andrews of Summerside	2
Atlantic Aqua Farms Partnership	10
Basset Enterprises	3
Beach Point Processing Company	41
Brown Bros. Ent.	1
Bulk Carriers (P.E.I.) Limited	36
Confederation Cove Mussel Company Ltd.	4
Eastern Exporters Limited	3
Garden Home	9
[REDACTED]	1
Lakeview Flag Operating Ltd. o/a Lakeview Inns & Suites	5
Lawmark Ltd.	1
Maplehill Farm	1
Mariner Seafoods Inc	120
Mid Isle Farms Inc.	8
Minigoo Fisheries Inc.	2
New London Village Pottery	1
Nobra Holsteins Inc	2
[REDACTED]	1
Ocean Choice PEI Inc.	218
PEI Mussel King Inc.	11
PEI Select Tours	1
Parkhill Place	2
Prince Edward Tours Inc.	3
Seafood 2000 Ltd.	54
Seafood Express (PEI) Ltd.	36
South Shore Seafoods Ltd	39
Study Abroad Canada	1
Subway – PEI	8
Testori Americas Corporation	17
United Janitorial Inc.	1
[REDACTED] o/a Full Service Cleaning.Ca	1
Total	645

This information was released following a request submitted under the *Access to Information Act*. Some portions of the document were not released due to subsection 19(1) of the act as they contain personal information as defined in section 3 of the Privacy Act.

List of Employers who were granted positions on confirmed labour market opinions for temporary foreign workers for the 2010 season of the Seasonal Agricultural Worker Program.

Organization Name	Number of Positions
Brookfield Gardens Inc.	8
Cackleberry Farms Ltd.	13
[REDACTED]	2
Eastern Exporters Limited	12
Eastern Farms Ltd.	8
Goodall Farms	5
Jewell's Produce	8
Jewell's of PEI Inc.	3
[REDACTED]	6
[REDACTED] & Sons	6
Van Diepen Produce	17
Vanco Farms Ltd	48
Westech Agri Services	53
Total	189

This information was released following a request submitted under the *Access to Information Act*. Some portions of the document were not released due to subsection 19(1) of the act as they contain personal information as defined in section 3 of the Privacy Act.

APPENDIX B: PEI Employers Granted LMOs in 2011

List of Employers who were granted positions on confirmed labour market opinions for temporary foreign workers for Prince Edward Island in 2011 (excluding the Seasonal Agricultural Worker Program).

Organization Name	Number of Positions
Seafood 2000 Ltd.	90
Beachpoint Processing Company	76
South Shore Seafoods Ltd.	70
Seafood Express (PEI) Ltd.	31
Red Cove	30
Bulk Carriers (P.E.I.) Limited	27
Garden Home	26
PEI Mussel Farms Inc.	16
Andrews of Charlottetown	13
PEI Mussel King Inc.	13
By the Water Shellfish	10
Whisperwood Villa	10
Belle River Enterprises Ltd.	6
Eastern Exporters Limited	6
Parkhill Place	6
NexGen Restaurants III Ltd. o/a Burger King	5
Confederation Cove Mussel Company	4
Canada's Best Value Inn and Suites	2
Holiday Inn Express 7 Suites	2
Homegrown Family Farm Corp.	2
J&C Ventures	2
McDonalds Restaurant	2
Ocean Choice PEI Inc.	2
BJs Truck Centre Inc.	1
Maplehill Farm	1
New London Village Pottery	1
PEI Select Tours Inc	1
Prince Edward Tours Inc.	1
Testori Americas Corporation	1
The Travel Store	1
Top Dog Manufacturing	1
Vanco Farms	1
Total	460

This information was released following a request submitted under the *Access to Information Act*.

List of Employers who were granted positions on confirmed labour market opinions for temporary foreign workers for the 2011 season of the Seasonal Agricultural Worker Program.

Organization Name	Number of Positions
Vanco Farms Ltd	61
Westech Agri Services	59
Van Diepen Produce	21
Productions Vegkiss PEI Inc.	18
Brookfield Gardens Inc.	10
Cackleberry Farms Ltd.	10
Jewell's Produce	9
Jewell's of PEI Inc.	8
Eastern Exporters Limited	6
Eastern Farms Ltd.	6
Martin Visser & Sons	6
[REDACTED]	5
Goodall Farms	5
[REDACTED]	4
The Berry Patch	2
Total	230

This information was released following a request submitted under the *Access to Information Act*. Some portions of the document were not released due to subsection 19(1) of the act as they contain personal information as defined in section 3 of the Privacy Act.

Endnotes

¹ The "Pilot Project for Occupations Requiring Lower Levels of Formal Training" is often referred to as the "low skill program" by program administrators and employers. As "low skill" has been identified as offensive to local and foreign workers, the term "Pilot project" is used.

² Recent announcements have indicated that employers can now pay foreign workers up to 15% less than local workers.

³ "Agreement For The Employment In Canada Of Seasonal Agricultural Workers From Mexico - 2012." *Human Resources and Skills Development Canada: Temporary Foreign Worker Program*. N.p., 13 Jan 2012. Web. 5 Apr 2012. <http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/contracts-forms/sawpmc2012.shtml>.

⁴ . "Labour Relations Board to examine alleged migrant workers' blacklisting ." *Vancouver Sun*. N.p., 2012. Web. 5 Apr 2012.

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⁷ Canada, Human Resources and Skills Development, "Table 9 (Annual)." *Temporary Foreign Worker Program: Labour Market Opinion (LMO) Statistics*. October, 2010 & February 2012 <http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/stats/annual/table9a.shtml>.

⁸ http://www.gov.pe.ca/photos/original/doh_farmwrkergl.pdf

⁹ Kryk, Jason. "Canada's migrant farm worker system - what works and what's lacking." . CBC, 2012. Web. 5 Apr 2012. <<http://www.cbc.ca/m/rich/news/story/2012/02/07/f-migrant-workers-rules.html>>.

¹⁰ ibid

¹¹ (Gibb, 94)

¹² Faraday, Fay. *Made in Canada: How the Law Constructs Migrant Workers' Insecurity*. Toronto: Metcalf Foundation, 2012. Web.

¹³ (Faraday, 77)

¹⁴ http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/stats/annual/table7a.shtml
http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/stats/annual/table7a.shtml

¹⁵ hereafter referred to as the 'Pilot project'

¹⁶ (Hennebry, 4-5)

¹⁷ Depending on their job, and the length of contract the employer gives them, some of them may be eligible for PEI's Provincial Nominee Program in the Critical Worker Stream of the Labour impact Category

¹⁸ (Faraday, 61)

¹⁹ (ibid)

²⁰ The number of Pilot project workers in PEI in 2006 was 125. This shows a more dramatic increase than is otherwise evident from these numbers.

²¹ Canada, Human Resources and Skills Development, "Table 8 (Annual)." *Temporary Foreign Worker Program: Labour Market Opinion (LMO) Statistics*. March, 2012

<http://www.rhdcc-hrsdc.gc.ca/eng/workplaceskills/foreign_workers/stats/annual/table8a.shtml>

²² <http://www.gov.pe.ca/immigration/index.php3?number=1037607&lang=E>

²³ **Eastern Graphic** "Bonnell denies he cheated Thai workers." December 1st, 2012

²⁴ (Faraday, 100)

²⁵ Carpentier, Marie. Quebec. Commission des droits de la personne et des droits de la jeunesse. *Systemic Discrimination Against Migrant Workers: Summary*. 2011. Web.
<http://www2.cdpedj.qc.ca/en/publications/Documents/Opinion_migrant_workers_summary.pdf>.

²⁶ Ibid 18

²⁷ Ibid 19

²⁸ Binford, Leigh. "From Fields of Power to Fields of Sweat: the dual process of constructing temporary migrant labour in Mexico and Canada." *Third World Quarterly*. 30.3 (2009): 503-17. Print.

²⁹ (Faraday, 100)

³⁰ Gibb, Heather. "Missing from Temporary Foreign Worker Programs: Gender-sensitive Approaches." *Canadian Issues: Temporary Foreign Workers*. Spring 2010 (2010): 94-95. Web. 3 Oct. 2012.

³¹ Thomas, Derrick. Canada. Statistics Canada. *Foreign nationals working temporarily in Canada*. 2010. Web.

³² Canadian Council for Refugees, . "Immigration Policy Shifts: From Nation Building to Temporary Migration." *Canadian Issues: Temporary Foreign Workers*. Spring 2010 (2010): 90-93. Web. 3 Oct. 2012.

³³ (Gibb, 94)

³⁴ (Hennebry, 14)

³⁵ **Eastern Graphic** "Bonnell denies he cheated Thai workers." December 1st, 2012

³⁶ UFCW. *The Status of Migrant Workers in Canada 2010-2011*. Rexdale: UFCW, 2011. Web.
<http://www.ufcw.ca/templates/ufcwcanada/images/awa/publications/UFCW-Status_of_MF_Workers_2010-2011_EN.pdf>.

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³⁸ "EI recipients may face bigger push into seasonal jobs." CBC. 19 04 2012: n. page. Web. 11 May. 2012. <<http://www.cbc.ca/news/canada/nova-scotia/story/2012/04/19/ns-jason-kenney-ei.html>>.

³⁹ Fitzpatrick, Meagan. "Temporary foreign worker program speeds up." CBC. 25 04 2012: n. page. Web. 11 May. 2012.