

A Guide for Helping Temporary Foreign Workers in Prince Edward Island



Temporary Foreign Workers (TFWs) are employed in different workplaces and communities across PEI. TFWs work in many different jobs, including at farms, fish plants, food processing, fast food restaurants, seniors homes, and long haul truckers/ing businesses. Sometimes Islanders become concerned about the well-being of the workers in their workplace or in their community. It is hard for TFWs to get their rights and sometimes they will approach Canadians for help.

What are the different kinds of Temporary Foreign Workers?

There are different programs that have slightly different rules, and it is important to know which program applies to the temporary foreign workers you know.



Most of the TFWs working as farm labourers on PEI are in the ***Seasonal Agricultural Worker Program (SAWP)***. They are from Mexico or the Caribbean, and they have contracts that lasts from 3-8 months. In this program, they have to leave the country every year by Christmas.

Women who live in their employers' home and take care of children, adults with disabilities, or elderly people, are probably in the ***Live-in Caregiver Program***. Under this program the workers must live with their employer. These workers can apply for permanent residency after a few years of full time work, but the waiting period after that is at least another 2 years.



Other workers who come from many different countries and work in other jobs are either in the ***Stream for Lower Skilled Occupation*** or in a ***Higher Skilled Occupation***. These workers are allowed to stay in Canada for up to four years.



Try to figure out which program applies to the temporary foreign workers you know, and learn the rules of their program. Information is available on the HRSDC website:

www.hrsdc.gc.ca/eng/jobs/foreign_workers/

How are the rights of TFWs different than the rights of other workers?



TFWs are supposed to have the same rights and the same systems for complaint as all other workers. Often TFWs cannot get their rights. One of the biggest barriers is their **status**. Canadian workers have status as citizens of Canada. TFWs only have temporary status in the form of a **work permit that is linked to one employer**. This work permit can last from one month to two years. This means that they depend on their employer to have legal status in Canada. Changing jobs costs money and takes several months to apply for a new work permit. TFWs are not allowed to work without a work permit. For these reasons it is usually hard for TFWs to have access to their rights, or even to know what they are.

Invisible pressures on TFWs:

- ⇒ Many TFWs have paid a lot of money to a **recruiter** to arrange their job in Canada. By the time they arrive they are often in a lot of **debt**. Recruitment agents will sometimes continue to charge TFWs after they arrive for work.
- ⇒ Other workers may have to sign away their family's home as a **damage deposit** to guarantee that they will not find another job, not stay in Canada beyond their contract. They may also be ordered to have little contact with Canadians.
- ⇒ Farm workers depend on good reviews from their employers in order to be allowed to work in Canada the following year. This makes it less likely that they will complain when something is going wrong.
- ⇒ Another invisible issue that some TFWs face is **threats** against their family from thugs and gangs in their country of origin who know that they are making money in Canada. Employers usually do not know that their workers have these problems.



HOW CAN YOU HELP?

Most TFWs understand how vulnerable their status is and how easily they can be fired or sometimes deported. This means that they usually do not complain except in very bad situations. If a TFW comes to you for help, take their **complaints seriously**.

Look for Warning Signs of Abuse of TFWs – these include:

- ⇒ No health card AND no medical insurance from employer
- ⇒ Working at more than one workplace
- ⇒ Working without a work permit
- ⇒ Passports and other documents are kept by anyone other than the TFWs themselves
- ⇒ Untreated injuries/infections
- ⇒ Sexual harassment, exploitation, or sexual relationship with supervisors
- ⇒ Threats of deportation
- ⇒ Threats and demands from recruiters after arrival in Canada
- ⇒ Workers not allowed to leave their workplace/residence during days or time off

Enforcing Workplace Rights - Making Complaints:

Making a complaint is important, but still might result in a TFW being fired. A TFW who has been fired may be sent back to their home country, and it is very difficult to continue a complaint from there. If they stay in Canada after being fired, they cannot get another job without going through the process of getting a new work permit, and this takes months. Most TFWs in PEI live in housing controlled by their employer. If they leave their job they need to find a new place to live right away.

Tip: Make a “Paper Trail”:

If an employer or a recruiter is treating TFWs unfairly, it is a good idea to start to get records of what has happened. Write down the date and time of any incidents. Some workers have recorded conversations with their employers. Pictures, recorded times and days, and sound recordings can help if you need to report abuse.



Employment Standards Division of the department of Labour Relations

www.peiemploymentstandards.com

902-368-5550

This is the provincial department to contact if an employee is not paid what they are owed, are not paid overtime, or if there is any other issue related to pay and hours of work. The department requires that the employee try to solve the problem by talking directly to the employer first about it. If after talking with their employer the employee cannot resolve the problem, they can make an official complaint to Employment Standards by filling out a complaint form. Forms are available on the department website. This department has succeeded in achieving a settlement for TFWs on at least one occasion. Unfortunately, farm workers and domestic care workers are not included in most sections of the Employment Standards Act.



PEI Human Rights Commission

www.PEIhumanrights.ca

(902) 368-4180

1-800-237-5031 (PEI only)

Some situations of abuse of TFWs by employers could be addressed by filing a complaint with the Human Rights Commission. The “Grounds of Discrimination” that TFWs fall under would be “National or Ethnic Origin.” A complaint can include a variety of issues including intimidation, contract issues, housing conditions, unsafe work environments, and more. It is also important to know that a Canadian citizen can make a complaint for a worker or a group of workers. This could be useful if the TFWs do not have time off work or are fired or sent home before a decision is reached.



PEI Crime Stoppers

www.peicrimestoppers.com

1-800-222-8477 (TIPS)

** For more information about responding to Human Trafficking see the 2013 Human Trafficking Response Guide: www.gov.pe.ca/photos/sites/sss_htdocs/file/*

TFWs in abusive situations could often be considered victims of human trafficking*. Knowing some of the signs of human trafficking for the purpose of forced labour is important. If you suspect that TFWs are abused and controlled, you can contact the RCMP or leave an anonymous tip to crime stoppers. People who are victims of human trafficking can be given an open work permit. If you are helping someone who is a victim of human trafficking, it is very important to make it clear that they need to be given an open work permit.

For more information:

If you need more information about the program, or some support, these groups can give more information:



Cooper Institute

81 Prince Street, Charlottetown, PEI

Charlottetown, PEI

902-894-4573 or 1-877-432-8074

www.cooperinstitute.ca



The PEI Federation of Labour

326 Patterson Drive, Charlottetown, PEI

peifed@pei.aibn.com

www.peifl.ca

902-368-3068



United Food and Commercial Workers (UFCW) & Agricultural Workers Alliance (AWA)

www.awa-ata.ca

cwalsh@eastlink.ca



PEI Association of Newcomers to Canada

(employment division)

(902) 628-6009 ext. 209

www.peianc.com



These resources have been compiled by Cooper Institute to inform community members, service providers, and temporary foreign workers of the complaint process available in the case of abuse. For more information about the work of Cooper Institute, or about TFWs in PEI, contact us:

May 2013

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