

Rights, Faith and Policy: A public forum on migrant worker issues

March 27, 2017

REPORT

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RIGHTS, FAITH, AND POLICY:
**A PUBLIC FORUM ON
MIGRANT
WORKER
ISSUES**

Monday, March 27, 2017
9:30am - 4:00pm
PEI Farm Centre
420 University Avenue
Charlottetown

Be part of the growing movement in Canada for migrant workers rights by building protections and supports through community, workers' solidarity, and provincial policies.

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visit www.cooperinsitute.ca
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The poster features a stylized illustration of a woman in a yellow top speaking into a microphone, with silhouettes of other people behind her. The background is a gradient of yellow, orange, and red.

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Rights, Faith and Policy: A Public Forum on Migrant Workers' Issues

Monday, March 27, 2017

EXECUTIVE SUMMARY & RECOMMENDATIONS

SUMMARY

The forum proved to be an excellent opportunity for participants to increase their understanding of the situation of migrant workers in Prince Edward Island, and the barriers they face in realizing their rights as community members, workers and residents of this province. For much of the day participants were divided into three streams – policy, community solidarity and faith communities – to share information, identify challenges and develop ideas for actions to tackle those challenges and support migrant workers to have their rights recognized. After a day of listening and discussing, participants said they were leaving the forum feeling energized, grateful and inspired to take action.

RECOMMENDATIONS

Throughout the day it became clear that there were many issues to be addressed. People said they wanted to get involved. These recommendations emerged from the discussions:

- Organize an annual day of action & awareness, perhaps on May 1st (International Workers' Day)
- Involve more workers in the Migrant Workers Action Team
- Advocate for stronger legislation to regulate recruiters
- Keep track of workers who are applying for LMIA's – help workers find other work
- Call for a review of the Employment Standards Act, and ask for meaningful public consultation
- Share this report with all MLAs
- Meet with the Health Minister, to advocate for complete healthcare coverage for workers
- Establish a Maritimes-wide network on migrant worker rights
- Create opportunities to better understand legislation and policies and advocate for change

Federal Policy Recommendations

- Lower the fee and make the process faster for Labour Market Impact Assessments
- Remove the caps (number of migrant workers each employer is allowed to hire)
- Open Work Permits, not tied to one employer
- Give Seasonal Agricultural Workers Program (SAWP) workers access to Employment Insurance
- Access to permanent residency (through the Provincial Nominee Program)

Provincial Policy Recommendations

- Access to Permanent Residency
- Labour laws to cover agricultural workers
- Legislation that defines acceptable work and living space
- "Worker Recruitment and Protection Act" to address recruitment/fees
- Healthcare Coverage for all migrant workers as soon as they arrive
- Housing – regulations about how much can be charged, housing conditions and safety

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Chair – Ann Wheatley

Notes – Josie Baker

1. Welcome: Ann Wheatley welcomed everyone, and introduced Julie Pellissier Lush who in turn offered a welcome to the Mi'kmaq territory, on which we were gathered. Julie offered a song, the oldest Mi'kmaq song she knew, dating back to 1610. She also read one of her poems about the symbolism of the Mi'kmaq braid and how the strands represent heart, mind and soul, which bring such strength when woven together.

Ann reviewed the agenda, noting that after the panel discussion, much of the rest of the day would be spent in three discussion groups, focused on Policy, Faith Communities, and Community Solidarity. She thanked KAIROS, UFCW and CUPE for their generous support, which made it possible to bring three wonderful speakers to the Island for this event.

2. Panel Presentations: Ann introduced the panel moderator, Jesson Reyes, the Regional Coordinator of Migrante Canada in Ontario. Over the years, Jesson has worked closely with migrant families and overseas Filipino workers in distress. He has worked with the Canadian Council for Refugees as a Youth ambassador, forging links between migrant and refugee youths in the Greater Toronto Area where he works as a Settlement Worker.

Jesson introduced the panellists, Fay Faraday, Jennifer Henry and Jocelyn Romero.

a) Fay Faraday is a nationally recognized social justice lawyer, strategic adviser, policy consultant and academic whose work focuses on labour, human rights, and constitutional law. Representing unions, community organizations and coalitions, she has litigated numerous leading cases at the Supreme Court of Canada. She has worked with migrant workers since 1990. As a Metcalf Foundation Innovation Fellow, Fay has written three landmark reports addressing migrant worker rights, most recently *Canada's Choice: Decent Work or Entrenched Exploitation for Canada's Migrant Workers?* (2016).

Highlights of Fay's presentation:

- The focus of Canadian immigration policy has shifted over the past decade. Until 2006, permanent immigration exceeded temporary immigration. Then for the first time, temporary immigration took over and has far outstripped permanent immigration ever since then. In Canada there are currently more than 500,000 workers – encompassing workers of all skill levels - with temporary status.
- The same trends that exist nationally also are shown across the regions of Canada, including in Prince Edward Island. Here, temporary workers are mostly employed in low-wage, working class jobs.
- Why do we care?
 - We have a revolving working class of people without permanent status. We have no way to enforce their rights - they can't participate in our democratic institutions and there is widespread systemic and predictable abuse. It's a system that predictably leads to violations of migrant worker's rights.

- The federal government decides how many workers can come into Canada, which industries they can work in and who can stay permanently.
- Provincial governments also have an important role to play through the Provincial Nominee Program in deciding, who gets to stay, who has a right to access permanent residence.
 - Workers in occupations at skill levels 0, A, and B have various ways to access to PR through federal and provincial programs.
 - Workers in D and C skill levels don't necessarily have access to PR.
- Almost everything to do with enforcement of workers rights is within provincial jurisdiction.
- The recruitment cycle is a significant place of exploitation. Many workers have paid exorbitant fees to get a job in Canada – fees have risen, from \$3,000 in 2006 to \$9,000 or more today, for low-wage workers. These fees represent about 2 years worth of wages in their country of origin, so people have to borrow from moneylenders who can charge up to 80% - 100% interest.
 - They may pay part of the fee in their home country, and then they may have an agent in Canada who collects the rest of the fee.
 - Some workers have their passports held by their employers.
 - With the system of employer-tied work permits, workers are not very able to leave.
- This raises the question of whether it's recruitment or human trafficking. Workers who complain about human trafficking have no guaranteed protection and may be penalized.
- Some workers have their housing provided by employers. This is a way that workers can be charged more money, it can be used as a form of extortion. Workers are vulnerable to eviction and homelessness.
- Complaint-based systems don't work well.
 - The rate of non-compliance with employment standards has been found to be around 55% and more, so we know migrant workers aren't benefitting from minimum labour standards.
 - Employment rights are deeply eroded in practice.
 - Renewal of a work permit becomes a point of leverage for employers.
- Low-wage workers in PEI may qualify for permanent residency if they are able to access the *critical worker stream* of the PNP (Provincial Nominee Program). This depends on good relationships with employers.
- Key areas for provincial policies:
 - recruiter licensing
 - housing
 - employment standards enforcement
 - unjust dismissal protection
 - health and safety
 - access to settlement
 - access to permanent residency (PNP)

b) Jocelyn Romero is a migrant worker from the Philippines who has worked in the fishery industry in Prince Edward Island since May of 2016. She lives in O'Leary. She generously agreed to speak at the forum. These are her notes:

Ladies and gentlemen, as we all know, any skilled, critical worker from another country who is working temporarily in Canada is called a temporary foreign worker (TFW) or migrant worker. I am one of those thousands TFWs here in Canada.

Why did I accept this challenge? It is simply because I want to support my family. And I am looking for a better future. Based on my own experiences, working far from your family is really challenging, for Filipinos are known for being family oriented. It is not easy to be alone especially if you are sick. We are looking for the comfort of our loved ones but since we have our individual determination we have sacrificed that comfort for the betterment of everyone.

Before coming to Canada, I had lots of things in mind. I expected that there would be big buildings and huge establishments near in my workplace just like other cities in Canada. But as I touched down in PEI and saw the "urban" areas, it created a smile in my heart. Though the surroundings were very far from my expectations, it didn't disappoint me; instead, it brought me the feeling of being at home. Then, I was so excited to experience the ambiance especially the snowfall. When it came, at first yes, even my colleagues were excited too. Later on, most of us didn't feel like going out to play with snow . . . we were looking at it and loved wintertime. Snow is no longer extraordinary for us because it is within our reach.

Talking about the rules of the programs and laws in PEI, our employer is so supportive and followed the employment standards not only for the benefit of the company but also for us as their employees. They always make sure that we are in good health; they treat us well and keep us safe especially inside the production facility. They provide us a good shelter and internet in order for us to communicate our loved ones to at least lessen the homesickness.

Since 2016, South Shore Seafoods sponsored 16 of their migrant workers for the Provincial Nominee Program and their applications for permanent residency are now with the federal government and they will hopefully get the result before 2017 ends.

Most of us were hired directly and that means that we are lucky for we were not required to experience paying a lot of money just to get here. Or just to get the job .One more thing, aside from having a good employer, we are so blessed of having these supportive personnel from Cooper Institute: Ms Josie Baker and company, and Ms Rosalie and her mates from the PEI Association for Newcomers to Canada. Thank you so much for helping us, giving us some updates of the rules of the programs and laws of PEI, specifically the pilot program, the dismissal of the 4 year rule, the retention of the 180 days. We hope for the Cap rule to be removed, and no more agencies in hiring foreign workers especially here in PEI.

With regards to healthcare, the rule says that they will only give us the provincial health care if we have a work permit of 181 days or more. But many of us are in the program that gives us only a 180-day work permit, so we were not able to get a health card. We were worried every time we got sick because the consultation is very expensive. Since our employer has private health insurance for us, they reimburse us after we have paid for our medical expenses. We are all hoping that the government will hear us to please lower the residence requirements to access healthcare benefits.

On behalf of the PEI migrant workers, I would like to thank the committee who organized this forum, for giving us an opportunity to hear other migrant worker's experience and to be heard. Have a wonderful day, everyone.

c) **Jennifer Henry** serves as the Executive Director of KAIROS: Canadian Ecumenical Justice Initiatives, a role she took on in 2012. She has worked in ecumenical social justice for over 20 years. She currently serves on the Good Jobs Roundtable spearheaded by Unifor, the Primate's Commission on the Doctrine of Discovery, Reconciliation and Justice, and the Board of the Centre and Library of the Bible and Social Justice.

Here is Jennifer's presentation:

I speak, as a settler, as a migrant. The first part of my family to come to Turtle Island arrived in the early 1600s with the intention of building a new life. Others came in the late 1800s because of the Irish potato famine. The only difference between me and those who we call migrants today is a few centuries.

I speak as Executive Director of KAIROS, where almost 10 years ago, we made a choice to increase our focus on building relationships with migrant communities and dedicating advocacy to migrant worker issues. We became aware that while many of our church communities across the country were welcoming and advocating for refugees, migrant communities were often invisible to them.

We recently renewed this commitment to reconciliation with migrant and diaspora communities. That reconciliation word might feel like it doesn't quite fit, but as the rhetoric coming out of the United States is picked up by some Conservative leadership candidates - ugly words that intensify notions of us and them, between "real Canadians" and newcomers, migrant workers, and refugees - reconciliation may be exactly what is required. But first we need to stop the harm, end the language of injustice and racism, and the policies that violate fairness or welcome.

Faith communities actually have much in common in what compels us into the work of migrant justice. Each of three Abrahamic faith traditions - Jewish, Christian, Muslim - have a common origin story about welcome as a requirement of faith. The main character is Abraham - although it is his partner Sara and a slave who does most of the work - but that's for another day. Three figures appear at the door of Abraham's tent. Whether they are friend or enemy, he doesn't know, but he welcomes them, not in a "stingy" way, from what he has leftover, but generously, abundantly - he goes all out, even breaking the kosher rules. His decision to do so becomes a blessing to him - to him and Sara, quite tangibly, in the promise of a child. All three faiths would likely emphasize a sense of something sacred in the encounter - that the guests themselves were holy and that some transformative happened.

There are some **principles** here that are important:

- Welcome is required
- Generous rather than limited and partial welcome is the standard
- And common good is the goal - good for all transforms all.

What would living these principles mean for faith communities?

Sometimes in churches we get caught up in this idea of welcoming "the other" and what we offer is charitable - in the worst sense of the word. We offer from our leftovers, not from the best of who we are. We can get caught up in our role as the provider, and expect gratitude. We try to be "inclusive" but the idea is still that we own the church, and are graciously including people into a community that we define. Our welcome is conditional, and we remain the host, with all the power this expresses.

Instead, might we think of migrant workers as our neighbours, with human stories much like that of our ancestors? Might we acknowledge migrant workers as contributors to our economies and communities and consider sharing from a vision of mutuality? Might we offer care and tangible resources in as generous a way as possible, but also become advocates for fairness and economic justice, so that charitable provisions are less required? And might we recognize ourselves transformed, our churches and communities bettered by steps towards equality?

That's the call to faith communities, but what about provinces and nations? Here we know the same tendencies. We have the idea that we are extending the hand of welcome to "our" country to deserving migrants, "doing them a favour." That we "real Canadians" are *including* people, but in jobs we don't want, within borders we rigorously define. The welcome is conditional, as we hold all the power to accept, to decline, to renew. And what we provide - whether it's labour rights, health care, protection - is limited, partial. There are no democratic rights to help change us for the better. There is little recognition of contribution, of our economy's dependence on migrant workers, of our community's benefit from diversity. Little vision of what gestures towards equality and justice (paths to permanent residency) could bring to all of us.

I know I am talking principles here, and not specifics, but I think how we approach policy change for migrant workers is critical to getting it right in the end. I was struck the other day by a speech by Louise Arbour, prominent Canadian who has just been appointed to a special UN role on migration. She spoke of herself as an economic migrant, and said our first job is to change the conversation from "us and them", from migrants as burden - in my view, from charity to justice. Migration is human condition and dignity and rights are ways we express that humanness.

In the Christian church, we forget too often that our God is a migrant. Our God is undocumented. Early stories are of a God of the tent who sojourns with the people, in deep contrast with the settled and established gods of the empires. In another of our stories the child Jesus, comes into the world in the midst of his parents' journey, a journey to satisfy imperial demands. And at the youngest of ages he is forced to flee political violence. Our God is a migrant.

KAIROS then, is being faithful, when we stand in solidarity with migrant workers as they advocate for justice.

We are being faithful, being true to ourselves, when we work for human rights in countries like the Philippines or Colombia, so that people can freely chose what's best for their life, rather than being forced to migrate to feed their families.

We are being faithful when we seek better paths to permanent residency, open work permits, ratification of the International Convention on the Protection of the Rights of Migrant workers and their families.

We are being faithful when we reject conditional welcome, when we work to change structures that keep people out, when we practice radical hospitality, in concert with First peoples who are the original stewards of this land.

3. Questions and Comments:

1) Comment - recruitment costs are supposed to be paid by employers and should be considered normal business expenses. This is not explicitly set out by Employment Standards.

- Manitoba: has been the leader in protecting migrant worker rights. Any employer has to register with the employment standards branch. They need to be in compliance with the law with local workers before they can be allowed to hire migrant worker. Registration means that the provincial government knows where all migrant workers are located. Recruiters also need to register their entire recruitment chain, and their finances. They are liable for any illegal fees along the way, and have to pay a deposit for refunding workers, if they are found to have paid illegal fees. Employers must use registered recruiters. In Manitoba there is dedicated staff to investigate and make sure they are in compliance with the law. They found 60% of manufacturing plants were not in compliance. 95% sushi restaurants were not in compliance. The United Nations and the International Labour Organization cite the Manitoba legislation as the “gold standard”. However, workers still may not come forward to file a complaint, since they still have employer-tied work permits that limit their status and rights.

2) Comment – the Muslim Society sometimes receives emails complaining about violations of human rights – access to employment standards and illegal fees.

- Migrant workers are covered under the Workers Compensation Act. Under the SAWP, a single travel agency organizes flights, so injured workers are often put on a plane within 24 or 48 hours.

3) When was the Manitoba legislation brought in? And is there enough staff to ensure compliance?

- It was introduced in 2009-10. Like PEI, Manitoba depends on immigration to maintain the population and the economy. People often don't plan to go to Manitoba, so the province used the TFWP as an incentive for workers to stay there, referring to workers as future Canadians. Nova Scotia and Saskatchewan have passed similar legislation, but it is not yet clear if is effective in those provinces.

4) How many people are allowed to stay each year?

- Caps - Employers can have up to 20% of their workforce made up of migrant workers. 10% for employers who have not used the program before.

5) Are PEI migrant workers protected by all of the provincial labour laws? Is there any move towards providing these protections?

- Migrant workers are entitled to the same rights on paper, though some industries are exempt from this. Agriculture is usually exempted from the labour code. Migrant workers don't have the same experience of rights.

6) What possibilities exist for churches working for migrant justice community in PEI?

- We used to talk about “working on behalf of” and “solidarity with” and being a “voice for the voiceless.” But now it's about amplifying voices, and supporting. There is a critical role to engage in the democratic process to raise these issues with provincial and federal politicians. And find ways to be together that will turn into advocacy together.

4. Group Discussions:

For much of the rest of the day, participants divided into three groups.

- Provincial Policies, with presenter, Josie Baker
- Communities of Faith: Social Justice outreach with Migrant Workers, presenter, Richard Gallant
- Community Solidarity: the role of organizations and individuals, with presenters Wyanne Sandler (Breaking the Silence) and Jesson Reyes (Migrante Canada)

There were three facilitated group discussions separated by breaks for lunch and for mixing and mingling. The **first session** included introductions, a presentation about the topic and an open group discussion, sharing of experiences, questions and comments.

In the **second session** the discussion was facilitated using these three questions as a guide:

- *What are some gaps or challenges with regard to a) policy, b) social outreach from the faith community, or c) community solidarity?*
- *What is working in each instance, particularly in PEI?*
- *What are some effective approaches and/or opportunities?*

Recorders took notes and summarized the main points on flipchart paper that they then posted on the wall – at the break, participants from the other streams were able to read the notes, and see what was discussed in each of the other groups.

The focus of the third session was ***Building Towards Action – Next Steps***.

Reporting Back – at the end of the day, one person from each group presented a summary of that group's conversations, touching on each of the main questions (gaps or challenges, successes, opportunities and next steps). Here are the summaries (you can find more complete records of the group discussions in the appendices to this report):

a) Communities of Faith: Social Justice outreach with Migrant Workers

- Faith groups on PEI have power, and they need to use it to demand change
- Migrant workers are pretty invisible, so it's important to talk about bring the issues up
- The challenge is to encourage people to act beyond the Sunday morning service
- We all need to better understand the legislation and policies
- A group should speak to the Health Minister, and advocate for healthcare for workers as soon as they get to PEI
- Set up some kind of Maritimes-wide network on this issue
- Put a group together to do advocacy

b) Provincial Policies: the role of Provincial policies for migrant worker rights

Gaps and challenges

- Access to healthcare - 181 day requirement for coverage, and long processing times
- Tied (closed) work permits - they limit worker's rights
- Workers are not allowed to study when on work permits

Some things that are working:

- PNP access to PR
- Settlement services (worker assigned to migrant workers)

What we can do:

- Advocate for stronger legislation regulating recruiters
- Keep track of workers who are applying for LMIA's – help workers find other work
- Ask for a review of the Employment Standards Act, with meaningful consultation

Next steps:

- Report from this forum should include recommendations, identify provincial and federal policy issues, and include addresses for officials
- Meet with Minister of Health
- Share report with MLAs, including Peter Bevan Baker (who was present today)

c) Community Solidarity: the role of organizations and individuals

Gaps and challenges:

- Separation between communities, perpetuated by language, physical distance, lack of cultural understanding, work hours
- Racism and discrimination at the level of day to day interaction, as well as systemic (i.e., immigration policy)
- Lack of awareness about Migrant Workers or the Temporary Foreign Worker Program

What is working, particularly in PEI?

- Settlement Worker (PEIANC) for Temporary Workers
- Focus on advocacy and mobilization
- Involvement of Workers in action and events

Effective approaches and/or opportunities:

- Safe space for organizing and mobilization of Migrant Workers
- Cultural spaces, culturally relevant events
- Hold a day of action and awareness - May 1st, Labour Day, Human Rights Day (Dec 10)
- Op-Ed in to expose racism & discrimination
- Call out racism when you see it

Three Immediate Actions:

- Call people out when you see things that are racist, discriminatory, or not right
- Annual day of action/awareness, May 1st (International Workers Day) or Dec 18th (International Migrants Day) next year
- Get Workers more involved with Migrant Workers Action Team meetings

5. Evaluation and Closing, Thank-You

After a productive, engaging and interactive day, there were many people to thank – Raymond Yu, Marilyn Yap-Yu, Melanie and Rex Aballe for the fantastic food, Jesson Reyes, Fay Faraday, Jocelyn Romero, Jennifer Henry, Wyanne Sandler, Rick Gallant and Josie Baker for their presentations, the recorders and all of the participants who made the day what it was.

Appendix One: List of Forum Participants:

Aditya Vella	Janice Ryan	Nicole Williams (media)
Albert Juliano	Jayson Eric Belison	Paola Soto
Ann Wheatley	Jayzel Belison	Peter Bevan-Baker
Anne Mazer	Jennifer Henry	Raymundo Yu
Asoka Gunawardena	Jesson Reyes	Richard Gallant
Barbara Cairns	Jim Wicks	Rick Cameron
Bernie Conway	Jim Day (media)	Ricky Cabatbat
Bethe Cameron	Jimmy Mendoza	Robert Yeo
Betty Wilcox	Jocelyn Romero	Rosalie Blanchard
Bing Yiao	Josie Baker	Scott Herring
Charles McQuaid	Kate Liu	Shawn Shea
Connie Cruz	Keith MacPherson	Susil Sapkota
Cristina Garcia	Kendi Tarichia	Teresa Tu
David Daughton	Keri Locheed	Valerie MacPherson
Dionisio de Vera	Kim Critchley	Vallery Downe
Don Scott	Kristine Crisostomo	Vangie Broderick
Bernice Bell	Leo Garland	William Venci
Edith Perry	Lorne Cudmore	Wyanne Sandler
Emerlyn Badiola	Marie Burge	Yanira Greener
Ever Christine Reyno	Marilyn Yap-Yu	
Farida Chishti	Mario Zirone	
Fay Faraday	Mary Cowper-Smith	
Gary Doiron	Mary Ann Papaya	
Gelyn Jereza	Mary Princess Domingo	
Gilles Michaud	Melanie Aballe	
Gina Bajamunde	Melissa Juliano	
Hannah Gehrels	Michelle Jay	
James Lawrence Manla	Myrna Wicks	
Jane Ledwell	Najam Chishti	

Appendix Two: Detailed notes – Policy Discussion Group

1. Introductions:

Several groups were represented, including the Muslim Society of PEI, an immigrant with PNP program, migrant workers (7), PEI Advisory Council on the Status of Women, PEI Office of Immigration (Teresa), Cooper Institute, an MLA, Council of Canadians-PEI Chapter, PEI People First, Culture PEI, Cantonese Association, UPEI student and PEI Association of Newcomers to Canada.

2. Presentation by Josie Baker, Cooper Institute:

Josie started by framing the conversation with two questions: What existing policies affect migrant workers? What are the policy opportunities, provincially? She suggested people look up Cooper Institute's Policy Guide for Migrant Workers:

http://www.cooperinstitute.ca/content/page/projects_migrantworkers/

FEDERAL POLICY:

- Labour Market Impact Assessment (LMIA) – this is the process employers goes through to hire migrant workers – it's complicated.
 - It costs \$1000/worker for an LMIA. And it can take several months to process. So cost and processing time are major concern. Once an employer has a LMIA, then the worker can apply for a work permit.
 - Restrictions are the **caps**. Employer can hire migrant workers to make up, at most, 20% of their workforce. For employers who haven't hired migrant workers before, the cap is 10%.
- Work permits:
 - Are tied to one employer
 - Expire, and processing times are very long (right now it is up to 170 days)
- Employment Insurance
 - Workers under the Seasonal Agricultural Workers Program (SAWP) don't have access to EI

PROVINCIAL POLICY:

- Access to Permanent Residency - there is NO automatic process to get access to PR
- However, in PEI, workers DO have access to PR through the critical worker stream of the Provincial Nominee Program (PNP). This helps workers in working-class status to get PR.
- PEI funds a settlement worker to help (Rosalie at PEI Association for Newcomers to Canada).
- A lot of our concerns are around Labour Law - in PEI, agricultural workers are exempt from many labour laws, and many migrant works are agricultural workers
- We need legislation that defines what is an acceptable work and living space. There are no regulations around deductions for housing, transport or work equipment (such as boots and gloves).
- "Worker Recruitment and Protection Act". In PEI, there is NO legislation that prohibits workers from having to pay for getting work.

- Health care: Migrant workers can only get a health care card if they have a work permit for 180+1 days, but many workers come here on a 180-day work permit. AND, even workers who have a renewable permit, while they are waiting for the permit to be renewed, don't have healthcare coverage. Even when employers put them on private insurance, it's too much for workers to have to pay up front, and be reimbursed later.
- Housing regulations: workers are living in employer-provided housing, and there are no regulations around how much the employer is charging, and the housing conditions, and ensuring that the space is free from intimidation.

3. Discussion:

- Strengthening the labour laws and rental laws helps everyone in PEI, not just workers.
- We need stronger regulations around work place conditions. In PEI, labour laws do not address harassment in the workplace (unless it is from a client).
- Employment standards doesn't recognize power differential, and relies on reporting. This is a major gap. For example, if an employer isn't giving benefits associated with statutory holidays, no one is checking on this. If the employee reports that they didn't get that day off, they risk losing their job (or other harms).
- We need especially strong protections in place for employees because their permits are tied to one employer.
- Employers are legally required to supply health coverage, if the worker has a permit.
- There is a problem with the 180- day program and healthcare coverage in PEI. In Ontario, the provincial government has made arrangements so that SAWP workers have health coverage on the day that they arrive, with no waiting period. If taxes are deducted from the first day of work, healthcare coverage should be provided then as well. If workers have a 6-month permit, they are covered from Day One.
- Workers have access to Workers Compensation as long as their employers have paid up. Josie has never met a worker who has gone through the program. There is no standard intake procedure to tell workers about the WCB program.
- Workers are paying taxes at the same rate as everyone else. There is no system within the TFW that provides workers with information. This is a really important role for community groups. Often workers find out about their rights by accident, from a Canadian co-worker, or a community solidarity group. It's really important for workers to be engaged. And that we keep our provincial government accountable. In Manitoba, the government has meetings and interviews with every single employer hiring migrant workers. They make clear in concrete terms what their responsibilities are.
- Education is extremely important. What about the idea of an ombudsperson?
- Maybe we need exit interviews with both works and employers. But then workers wouldn't be safe to speak up.
- There is an International (UN) Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Canada has not signed. The only states that have signed the convention are states were migrant workers are from. But it is still useful as an advocacy tool. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

- Often the people who serve as interpreters (for language) are working with the employers or the recruiters. So there is a real concern that things are accurately being translated into English, and workers aren't free to talk for fear of the power differential.
- Advocating with provincial and federal government is a direct route that is quite good. There is a democratic deficit. But MLA's are concerned about their constituents and migrant workers can't vote. So those of us who can need to meet with their MLAs and tell them that we stand with migrant workers, and that there are migrant workers in their district.
- It's important to protect the right to unionize – this is an important tool. Employment standards are difficult to enforce. And it's important that unionizing comes in conjunction with rules limiting recruitment fees.
- Workers contribute to our economy, but we have few legal obligations towards them. How can we take away the incentive to employers or government to capitalize on the workers. Is there anything specific that we can do to (legal loopholes, etc, that we could tighten up) to take away these incentives?

Here are some links to some of Fay Faraday's publications:

Profiting from the Precarious (2014) provides an analysis of how abuse happens in transnational recruitment and has all the important information about what should go into provincial regulation of recruitment.

<http://metcalfoundation.com/stories/publications/profitting-from-the-precarious-how-recruitment-practices-exploit-migrant-workers/>

Canada's Choice (2016) provides an analysis of the changes that were made to the TFWP in 2014 and sets the context for what is happening/what to look out for in current discussions for reform.

<http://metcalfoundation.com/stories/publications/canadas-choice/>

Made in Canada (2012) provides a primer on how federal and provincial laws on labour migration interact (who regulates what) and what are the human rights norms that are supposed to guide our regulation of labour migration. The 2016 report is in many ways a sequel to *Made in Canada*.

<http://metcalfoundation.com/stories/publications/made-in-canada-how-the-law-constructs-migrant-workers-insecurity/>

Appendix 3: Detailed Notes from Faith Communities Discussion Group

The discussion began with Richard Gallant from Shediac, New Brunswick speaking of his church's experience with Migrant Workers.

- Many times we give a conditional welcome to others - they must meet certain conditions before we accept them.
- We should encourage & provide opportunities for workers to maintain their own culture, not force them to conform to our customs.
- Should proficiency in English/French be a requirement for staying in Canada?
- His church at the beginning did not make any effort to attract migrants, but over time, migrants came and felt welcomed and then came back with friends - they now have workers from Philippines, Jamaica, Tunisia - 30% of the members of his church are migrants.

The Interfaith Refugee Sponsorship Group centred at Trinity United Church in Charlottetown is an example of how to interact with refugees: the committee offers literacy training & socialization every Thursday morning for refugee women who are primary child carers.

The English/French literacy requirement for Canadian citizenship could be likened to the impossible literacy tests, administered after the Civil War as an attempt to keep blacks from voting.

It's hard for workers to adjust to the environment in our churches, the environment has to change if we want workers to feel welcome – how can we do this?

Faith communities must realize that they do have power to make changes in the world it is time to stand up and say enough is enough with regards to mistreatment and exploitation of migrants.

What impact does having employers within our congregations have? Can we use this relationship to benefit migrant workers?

How can faith communities support workers who stay during the winter when there is no work?

- Provide space for them to gather
- Organize social events
- Build relationships
- Provide transportation to events
- Encourage them to get involved in local Community Schools - ask local organizers to invite workers (and maybe teach courses at Community School)
- Invite workers to your home for lunch, to join family gatherings, go to social, sports events with you, go to Church etc.

We can change how we view migrant workers, to start to see them as “Future Canadians”.

How do we work with the Migrant Worker Community? Find the leaders – through them we can build trust in the community and then be able to work the community.

Gaps and Challenges:

- Visibility – for most of the Island, migrant workers are invisible
- How do we build relationships with the Migrant Worker Community?
- Age - faith community members are older and may not have similar interests to younger workers.
- Transportation is problem for workers
- Many in the Congregation do not see beyond charity – how do we get them to reach for Justice?
- Who are our partners? How do we build Inter-denominational support? How do we approach Christian Councils, Ministerials, Ecumenical organizations?
- How do we engage the media? When we call CBC about an event such as this we do not get as positive a reaction as a charitable event does.
- How do we have people relate outreach to spirituality?

What is working:

- The Interfaith Refugee Sponsorship Group
- The forum today and last year - very positive
- The Guardian and CBC are here today, also an MLA and Deputy Minister

Effective Approaches:

- Look at other models of International Solidarity - LAMP (Latin American Mission Project), BTS (Breaking the Silence), KAIROS, Farmers Helping Farmers
- Our MPs and MLAs are accessible – let's approach them.
- Exposure trips for Islanders to fish plants, meet migrant workers, many of us travel to the South for exposure trips why not one on PEI or in the Maritimes.
- Send a delegation to Manitoba to look at the conditions there.
- Basic workshop on the Issues
- Develop an action card for circulation in Churches, and a series of worship resources for Advent, Epiphany, Lent, etc. which emphasizes the issues of Migrant Workers.
- Utilize International Migrants Day, December 18th <http://www.un.org/en/events/migrantsday/>
- Use Agricultural Blessing, Thanksgiving, Graces to draw attention to the place of Migrant Workers in the food processing industry.
- Most of us are ancestrally related to Migrants build upon that relationship, reminding people of the challenges that our ancestors had during their migration.

Immediate Actions:

- Advocate on the Health Care Issue – every worker should have healthcare coverage. Set up a committee. Draft a letter to the Minister of Health and ask for a meeting.
- Advocate for the enforcement of law against recruiter fees
- Set up an Island/Maritime Face Book Page
- Develop Migrant Workers Solidarity Sunday Resources

Appendix Four: Detailed Notes from Community Solidarity Discussion Group

Facilitators: Jesson Reyes & Wyanne Sandler **Recorder:** Keri Locheed

Group Members: migrant workers, people from community groups, general community members.

Two questions for discussion – What is community solidarity? What’s happening in PEI?

- Solidarity is unity; we’re not alone in the experience of racism and discrimination. It’s a link where we can help one another. It is seeing we have the same needs and wants, that at heart we’re the same. Solidarity is attending an event like this today. There are different levels of solidarity – church, other community organizations, people to people. Refugees and workers are people, not just part of a special category or different than us. Solidarity is difficult; it’s hard to socialize [between host community and migrant workers]. And it’s tough when there’s physical separation.
- It’s about getting away from ‘us vs. them’ instead of ‘we’. Some think that way. We have to use ‘we’, see workers as fellow humans.
- PEI has a caring reputation, but it’s important to distinguish charity from solidarity.
- Solidarity would be me being included, seen and heard in community and government. As an immigrant, I feel unseen and excluded on PEI. That could improve if we create space for more visibility.
- Solidarity is when all communities come forward one step.
- Host community members could open up to Migrant Workers by reaching out to say hello when we see them.
- Solidarity is being solid, being one. We want to be involved in community. Today’s event may be the start.

Question: What could we improve on?

- More events like today.
- Solidarity is having awareness of privilege. Host communities have more power. We need to recognize the barriers for Newcomers and Migrant Workers. Recognize imbalance of power.
- Solidarity is understanding each other. With Temporary Foreign Workers, the conditions of the program are a barrier to integration. Long work hours, distance from other communities. Live-in Caregivers live in employers’ homes, complete many hours to get Permanent Resident status, which prevents them from connecting with others outside of work. Solidarity on PEI for Migrant Workers is a struggle, we are here talking, we need a deeper understanding. People don’t know you exist, issues aren’t known. More media coverage could facilitate connection & understanding.

Question: Is there a central place for workers to access information about PEI? There are websites with some information for Newcomers & Temporary Workers online through PEI Newcomers & Cooper Institute. Word of mouth has been one way to pass information about services. It would be good to know the number of Migrant Workers in each of PEI’s regions. Federal Government doesn’t say where Migrant Workers are located.

Wyenne talked about **Solidarity vs. Charity**, and solidarity as an understanding of shared goals and struggles. Solidarity exists between groups of Migrant Workers across areas of the world. Recognition of shared goals like improving working conditions, increasing diversity and inclusion helps everyone. Working across difference for shared purpose. It's about people, friendship. Food is powerful, maybe community dinners?

What's happening in PEI? How do we expand? Remember that a Newcomer is someone who usually has PR, is considered 'high-skilled' in terms of labour. Services for Newcomers don't always apply to Migrant Workers. We want to learn about the needs of Migrant Workers, questions Migrant Workers have. What is the Migrant Workers Action Team? How to Workers get involved?

Keri noted that the Migrant Workers Action Team works to address barriers faced by Migrant Workers on PEI, and to change policy at the provincial level to improve conditions for workers. To learn what the barriers are, the team has spent time connecting with Migrant Workers to hear about the issues at hand. We can work on increasing involvement of migrant workers in the team.

From a Migrant Worker perspective, we share a house, eat together, walk places. We can't always get the foods we need at the Co-op in our town, have to find a ride to Charlottetown. Because it's too expensive to travel home in the off-season, we stay on PEI even when there's no work.

Question for workers – What do you do when you aren't working? When we're off work, we go to church on Sundays, but otherwise stay at home and watch TV for 4 months. We're not allowed to take classes besides language courses (there's no access to academic institutions for Migrant Workers). We could teach language, but it would have to be for free. We don't save money; we send about 80% of it home. There are meeting groups for people new to Canada in the winter, for language learning and connection through the Newcomers Association.

Wyenne summed up: There's so much room for improvement in Canada's system. We are using solidarity to improve conditions here.

1) What are some gaps/challenges with regard to community solidarity?

- Isolation (distance, work hours, language, cultural)
- Lack of representation, not being seen
- Difficulties in connecting between groups
- Lack of public awareness or workers and programs
- Fear of new people – that they will take jobs from us, fear of the unknown
- Racism, biased immigration policy, stereotypes based on race, physical appearance.
- Fear of expressing what our [Migrant Workers] challenges are
- Systemic racism
- Lack of access to or communication about resources in the community

2) What is working, particularly in PEI?

- Community groups working with Migrant Workers (i.e. Cooper Institute)
- Conversation/language group (somewhat working anyway – workers busy and access is limited)
- Settlement Worker for Temporary Workers (PEIANC)
- Focus on advocacy for rights
- Access to government on PEI
- Politicization of Migrant Workers, more involvement

3) Identify some effective approaches and/or opportunities.

- Increase representation of Migrant Workers in media, public
- Zine by & for Migrant Workers
- Safe/neutral space for meetings, for organizing and mobilization of Migrant Workers
- Create cultural spaces (i.e., culturally-focused groups for drop in, sharing & connection)
- Publish ‘word of the day’ in relevant language to increase exposure/understanding of culture and language of others, within online newspaper, etc.
- Workers to hold cultural event, have a space at a cultural event
- Address issues on a specific day, ideas - May 1st, Labour Day, December 18th
- Call out racism when you see it
- Have an Op-Ed in a local newspaper exposing racism & discrimination, day-to-day and systemic
- Gather data

Building Towards Action – Next Steps

- Call people out when you see things that are racist, discriminatory, or not right
- Workers to speak up more and join events like today
- Annual day of action/awareness, May 1st (International Workers Day) or Dec 18th (International Migrants Day)
- Group chat (i.e., Skype) between Migrant Workers and other communities
- Get Workers more involved with Migrant Workers Action Team meetings
- Increase teamwork between minority groups
- Bust myths/stereotypes about Migrant Workers
- Have planning with Migrant Workers for initiating mobilization

Three Immediate Actions – chosen by group

- Call people out when you see things that are racist, discriminatory, or not right
- Annual day of action/awareness, May 1st or Dec 18th next year
- Get Workers more involved with Migrant Workers Action Team meetings

Appendix Five: Evaluation Summary

Most participants completed a written evaluation at the end of the day. Here is a short summary of how they answered questions about what they liked about the workshop, how they felt, what they learned, what they would like to know more about, what actions they will take as a result of the workshop and what they would like to do differently next time.

Today I liked:

There was much appreciation for the energy and participation of everyone in the room, including migrant workers. The fellowship. People liked that “great ideas for action” came out of the day. They appreciated meeting people of different cultures and hearing from migrant workers. They liked the process, including the panel discussion and the group work, and the presentation of detailed information, especially about policies and gaps in policy. People said they simply liked to be included. They appreciated the chance for interaction and conversation. And the food and coffee were good! They used words such as engaged, hopeful and enlightened, and enlivened by the energy and ideas in the room.

Today I felt:

Participants said they felt relaxed and secure during the day. It was reassuring to see and hear how much people cared about the situation of migrant workers. They were moved by what they heard, and inspired - energized to take action. There was a sense of happiness and gratitude for the opportunity to participate. They could feel a real willingness to learn, and to engage. There was a feeling that conversations were open and honest. There was some expression of sadness, frustration and helplessness in the face of discrimination and mistreatment of migrant workers.

Today I learned:

Participants said they learned that they have lots to learn, about the situation of migrant workers and policies such as healthcare and recruitment and the impact on peoples’ lives. Some said they learned the current system perpetuates control of workers, and makes getting permanent residency difficult. They learned that there are people who are caring, and passionate in defending the rights of migrant workers, and to a certain extent the forum helped some participants to recognize their own power to influence policy change. They learned the value of solidarity. They appreciated learning about the Manitoba legislation, because it offers some hope. Some specific learnings: there is a settlement worker in PEI, faith communities have an important role as allies. If we work together there is possibility that our voices will be heard.

I would like to know more about:

Participants said they would like more information about provincial laws (including the Manitoba legislation), policies and programs including monitoring, implementation and enforcement. They wanted to know more about where migrant workers are located in the Maritimes, and the employers they are working for. They wanted to learn more about migrant workers situations both here and at home, and what those workers see as priorities. They wanted to understand federal and provincial roles, and in particular what needs to be done to secure permanent residency. People also wanted to find ways to be helpful, offer welcome and hospitality. And they wanted to know how to influence policy-makers to address gaps in healthcare and other services for migrant workers.

Today, I decided I will:

Participants indicated they would work within their churches and church networks to connect with and support migrant workers, and extend a “radical welcome to migrant workers”. Some said they would become more informed, especially around policies such as healthcare and recruitment, and also to learn about other organizations working on the issues. There was a great interest in spreading the word, to friends and neighbours in the community. Some specific actions people said they would take on were to write letters to MLAs/MPs on the policy issues and to be part of organizing a day of action for workers, and to become part of the Migrant Worker Action Team, to continue to advocate for migrant workers, future Islanders. On a personal level, people said they would be more vocal against racism, fight back and call people out when they treat others badly.

For next time, let’s:

There was a clear desire to repeat this kind of forum, to invite and hear from employers and government policy-makers. People wanted to find ways to maintain our connections with migrant workers and to support them to be involved in actions aimed at improving policy and regulations. There were several suggestions having to do with format and logistics, for example including more fun exercises and opportunities for people to get to know one another, to consider holding a workshop outside of Charlottetown and finding space where people could hear better in the small groups.