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# Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick



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MADHU VERMA  
MIGRANT JUSTICE CENTRE



# Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick

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## **Report Authors**

Raluca Bejan, Dalhousie University  
Kristi Allain, St. Thomas University  
Tracy Glynn, St. Thomas University  
Paola Soto Flores, Cooper Institute

## **Research Support**

Ann Wheatley, Cooper Institute  
Aditya Rao, Madhu Verma Migrant Justice Centre  
Roland Moreno, Filipino-Canadian CommUNITY of New Brunswick  
Eliza MacLauchlan, Cooper Institute  
Ryan MacRae, Cooper Institute

## **Report Layout and Design**

Ioan Cocan

## **Migrant Workers in the Canadian Maritimes**

[tfwmaritimes.ca](http://tfwmaritimes.ca)

**Migrant Workers in the Canadian Maritimes** is a research and knowledge dissemination platform coordinated between Dalhousie University (Halifax, Nova Scotia), St. Thomas University (Fredericton, New Brunswick), Cooper Institute (Charlottetown, Prince Edward Island) and the Madhu Verma Migrant Justice Centre (Fredericton, New Brunswick).

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# Executive Summary

This report is the second in a series of community-based research projects undertaken by the **Migrant Workers in the Canadian Maritimes** partnership. It draws on desk research and qualitative interview data conducted with 15 temporary foreign workers who arrived in New Brunswick after the start of the COVID-19 pandemic in 2020. Interviews took place between October 2020 and December 2021.

Our first report, *Safe at Work, Unsafe at Home: COVID-19 and Temporary Foreign Workers in Prince Edward Island*, published in June 2021, revealed some of the challenges workers faced throughout the pandemic. Migrant workers described overcrowded housing as a severe and ongoing issue, and recounted workplace safety violations, long workdays with no overtime pay, lack of paid sick days, and reluctance to complain out of fear of being fired. Workers were made vulnerable by these conditions, which exacerbated the already existent power imbalance between them and their employers in Prince Edward Island.

Our partnership has continued to explore how COVID-19 has affected the health and safety of temporary foreign workers in New Brunswick, another Maritime province reliant on foreign labour, especially in the seafood processing industry. This report documents the social impact of COVID-19 on temporary foreign workers and includes policy recommendations to improve the working conditions of migrant workers in New Brunswick.

# Key Findings

## Exploitative and poorly regulated recruitment practices

To secure working contracts, participants paid high recruitment fees, ranging between \$1,000 to \$2,000. With wages of \$13 per hour, some participants only earned \$300 a week. A recruitment fee of \$1,000 per month can represent almost a month's salary. One participant mentioned paying \$11,000 for their New Brunswick contract.

## Unsuitable, expensive and crowded housing

Participants paid an average of \$300 per month for lodging. Some accommodations housed up to 20 people. Employers imposed strict rules at workers' homes, including limitations on noise and visitors. Privacy was an issue. Participants spoke of overcrowding and said they had limited space to refrigerate and cook food. Participants also reported dirty accommodations, no internet access, low water pressure, and low temperatures.

Employers sometimes moved workers to different houses with little notice or explanation. Such "relocations" can be considered illegal evictions if the employer/landlord does not have the agreement of the tenant or is not following the province's Residential Tenancies Act. Moreover, accommodations were sometimes remote. Most participants could not easily access supermarkets and had to rely on expensive modes of transportation to shop.

## Precarious, unpredictable, and dangerous labour conditions

Abuse and harassment. Unprofessional supervision and favouritism. Lack of health and safety training. Infrequent regulatory inspections. Long hours. Few breaks. Unpredictable workloads, dependent on seasons and weather conditions. Temporary foreign workers in seafood processing described unfair and dangerous working conditions in these ways. Their work took physical strength, was tiring on the body, and required a high level of concentration to maintain safety.

Workers were afraid to report employer abuse and were widely unaware of supports available to them if they encountered a problem. Employers used deportation as a threat to thwart complaints before they developed. Threats represent a form of harassment and bullying, and are therefore an occupational health and safety violation. Most workers felt safe at work, although they were unable to identify specific training components. Some mentioned they were not trained at all.

## Limited access to health care

Most workers had employer-provided private health insurance, yet they lacked an understanding of how it worked and what was covered. Information about health care for temporary foreign workers is difficult to find on the Government of New Brunswick website. In addition, employers did not explain insurance coverage, and workers reported that employers and their supervisors often dissuaded them from accessing the system. Workers were afraid to access health care and take sick leave. They reasoned that illness would jeopardize their status in the country and would impact the potential renewal of their contracts and procurement of future contracts.

## Further challenges owing to the COVID-19 pandemic

COVID-19 posed further challenges associated with participants' status as temporary workers and their arrival in Canada during the pandemic. Workers had to rely on charter flights and encountered scheduling challenges posed by the mandatory quarantine periods.

Most workers believed that their employers took the COVID-19 public health guidelines seriously at work, yet the same guidelines were rarely implemented at home or during their travel to work. Participants found that employers weaponized COVID-19 to increase their surveillance.

## Xenophobia and unfair treatment at work and in the community

Temporary foreign workers felt like outsiders in their host communities. Workers were treated differently than their Canadian counterparts at work and in the community. Many mentioned instances of racism and xenophobia. Migrant workers were aware that Canadians do not want to work in fish plants and that employers are benefiting from not being duty-bound to provide the same workplace protections that they offer to local workers.

# Recommendations

## The Government of Canada must:

1. **Grant permanent residency on arrival to temporary foreign workers** so they can access the rights, benefits and services available to permanent residents and citizens.
2. **Abolish employer-specific work permits and provide temporary foreign workers with open work permits** that would allow them to change employers more easily, and to leave abusive or otherwise unsatisfactory situations.
3. **Establish minimum labour practice standards for provinces participating in the TFWP.** These standards must include the establishment of a regulatory regime for recruiters of foreign workers and the removal of the barriers that prevent temporary foreign workers from joining unions.
4. **Ensure temporary foreign workers have access to safe, affordable and dignified housing** by creating, monitoring and enforcing guidelines to improve their accommodations.
5. **Ensure that all temporary foreign workers can access employment insurance benefits.**
6. **Create bilateral agreements with the sending countries of migrant workers arriving through the low-wage stream of the TFWP** so that the rights of the workers are protected.

## The Government of New Brunswick must:

1. **Strengthen the *Employment Standards Act* to protect temporary foreign workers from abuse by employers and recruiters.** This includes making the registry of employers of temporary foreign workers accessible to the public, publishing the names of employers who have been found to violate the Act, regulating the recruitment of temporary foreign workers through a licensing regime, conducting proactive and regular workplace inspections, and introducing non-compliance fines.
2. **Implement employment reforms to protect all low-wage workers in the TFWP.** These must include increases in minimum wage, paid sick days and overtime pay, and the elimination of pay deductions for uniforms and any other equipment required for work.
3. **Remove the barriers to unionization so workers can organize and confront employer abuses.** These include providing information to workers about the right to join a union; making card-check certification legal; outlawing contract flipping and the use of scab labour; and stiffening penalties on employers who prevent workers from joining a union.
4. **Implement housing reforms to protect the health and safety of temporary foreign workers.** These must include proactive and regular inspections of employer-provided residences, safe and accessible complaint processes for workers and their representatives, and investments in public housing and safe public transportation to work sites.

5. **Provide access to public health care insurance to all temporary foreign workers upon arrival in the province** and share accessible information about Medicare coverage.
6. **Provide legal aid support to temporary foreign workers so they can report workplace abuse** and file immigration applications, including applications for open work permits.

## List of Abbreviations

**ESDC**            **Employment and Social Development Canada.** ESDC is the federal government department responsible for issuing Labour Market Impact Assessments. These assessments allow employers to hire temporary foreign workers.

**IRCC**            **Immigration, Refugees and Citizenship Canada.** IRCC is the federal government department responsible for Canadian immigration, refugees to Canada, and Canadian citizenship. IRCC is also responsible for issuing work permits to temporary foreign workers and recording changes to their residency statuses.

**LMIA**            **Labour Market Impact Assessment.** Employers of temporary foreign workers generally need a LMIA before they can hire a temporary foreign worker. The LMIA confirms there is a need for a temporary foreign worker and that no Canadians or permanent residents are available to fill the job.



# Introduction

Cross-border travel to Canada was restricted in mid-March 2020, when COVID-19 began spreading. The state implemented an air travel ban on foreign nationals on March 18, 2020 (Public Safety Canada, 2021). The federal government exempted temporary foreign workers from this ban and allowed them into the country to work on farms and in seafood plants (IRCC, 2020). The federal government asked employers to facilitate self-isolation for workers in accordance with public health guidelines by providing housing that respected the two-metre social distancing rules, offering adequate sanitation supplies (i.e., soap), and ensuring that those requiring isolation were separated from others, particularly those with chronic medical conditions (ESDC, n.d.).

New Brunswick, unlike most other provinces, banned the entry of temporary foreign workers on April 28, 2020 (Poitras, 2020). Premier Blaine Higgs evoked the health and safety risks to the national resident population to justify this decision, calling on residents and migrant workers already in the province to fill the vacancies across the agri-seafood industry (Poitras, 2020). The Government of New Brunswick's decision to ban the entry of temporary foreign workers was made on nationalistic grounds, aimed at prioritizing the safety of New Brunswickers and protecting them from foreigners who were understood to be carrying the virus (Bejan, 2020a; Bejan, 2020b). However, this decision had the unintended consequence of protecting migrant workers from the exploitation that would occur during the COVID-19 pandemic.

Various stakeholders raised questions about the losses anticipated from curtailed access to migrant labour in New Brunswick, given the contribution of the migrant workforce to the economic growth in the province and economic uncertainty in the sector following the monetary investments already injected for the agricultural season. As a result of industry pressure, the province quickly re-opened to migrant labour on May 29, 2020, for the upcoming agricultural and seafood processing seasons (“Temporary foreign workers,” 2020).

The provincial and federal governments deemed migrant workers an essential part of the New Brunswick workforce. Yet important questions arose about workers' health and safety during the pandemic. What happened if a worker fell sick? What recourse did workers have in cases of workplace abuse? How did inadequate housing affect workers' health and safety? And what steps were taken to protect workers from the potential community spread of COVID-19?

This report aims to answer these questions by documenting the experiences of temporary foreign workers in the seafood sector and examining the social impact of COVID-19 on the occupational and living conditions of migrant workers in New Brunswick. While workers have the right to refuse unsafe work, their concerns outlined in this report point to the violation of such rights.

# Context

Popular representations of the Canadian Maritimes show sandy beaches, lush farmlands, lighthouses, and scenic fishing villages where stacked lobster cages make picture-perfect postcards. Yet the experiences of migrant workers coming from abroad to work on farms and in seafood processing plants point to a much harsher reality.

Established in 1973, the Temporary Foreign Worker Program (TFWP) was developed to address Canada's labour market needs. It initially targeted highly skilled workers such as academics, engineers, and business executives, but quickly evolved to include a low-wage stream for positions in agriculture and seafood processing.

The Maritime provinces embraced the TFWP later than other Canadian provinces. Nowadays, however, seafood plants in the region rely heavily on temporary foreign workers, claiming locals are not interested in working in the industry (Thomas & Belkhodja, 2014). The sector is indeed unattractive to local workers due to long hours, poor pay, and unpredictable layoffs (Knott & Neiss, 2017; Marschke et al., 2018).

Access to a pool of cheap labour through the TFWP facilitated the transition of a sector rife with family-owned fisheries to one dominated by multinational corporations competing on the global market (Knott, 2016; Knott & Neis, 2017). Many New Brunswick seafood processing plants that rely on temporary foreign workers are owned by corporations who export their products globally. Yet these corporations describe themselves as family-based and Atlantic Canadian. Meanwhile, migrants and migrant-sending countries are competing for access to international labour markets (McAreavey, 2019). Sending countries pitch bilateral arrangements to formalize access to overseas labour markets while receiving countries, such as Canada, continue to prioritize migrants based on their potential economic contribution to the country (McAreavey, 2019).

In 2022, New Brunswick became the top destination for temporary foreign workers in the Maritimes and the fifth in the country, after Québec, Ontario, Alberta, and British Columbia. Record-breaking numbers of temporary foreign workers entered New Brunswick in 2019 (1,685) and 2021 (2,420) (IRCC, 2022a). In 2022, an estimated 3,670 temporary foreign workers entered the province, over 1,000 more than the year before (IRCC, 2022a). Of these workers, more than half were found in the fish and seafood processing sector: 2,085 were classified as fish and seafood plant workers and another 295 as labourers in fish and seafood processing; 335 were classified as general farm workers; 215 were classified as transport truck drivers and 130 were classified as cooks. The other occupational classifications were excluded because they represented fewer than 60 temporary foreign workers (IRCC, 2022a).

Last year, the Government of Canada announced changes to the TFWP in response to growing labour shortages during the pandemic (ESDC, 2022a). The government eliminated caps on the number of temporary foreign workers in seasonal industries, such as fishing and seafood processing, and increased work contracts, up to 260 days from the initial 180 days (ESDC, 2022a). These changes will likely translate into a growth in the number of temporary foreign workers in New Brunswick's seasonal industries.

In November 2022, the federal government launched an express entry pathway for permanent residency for several high-skilled temporary foreign workers, including nurse aides, dental assistants, transport truck drivers and by-law enforcement staff (IRCC, 2022b). Yet the only significant group of workers in New Brunswick benefiting from this change are transport truck drivers (IRCC .2022b). Truck drivers represent only 5.86% of temporary foreign workers currently in the province (IRCC, 2022a). So far, all other migrant workers have been denied access to this more immediate pathway to permanent status.

## Conditions of Work Housing and Health Care: A Trifecta of Migrant Worker Policy Catch-Up During COVID

The TFWP has long been criticized for subjecting “captive” workers (Knott, 2016) to exploitation. Low-wage temporary foreign workers typically hold work permits that last a limited time and are tied to one employer. Seafood plant employers are often also their employees’ landlord or have close relationships with the landlord. Workers lack entitlements to health care, settlement services and state benefits that generally come attached with permanent residency and citizenship (Bejan, 2020a, 2020b; Bejan & Boatcă, 2021; Marsden, 2014; Weiler, 2020).

Our partnership’s research in Prince Edward Island found migrants were made vulnerable during the pandemic as they worked to keep the seafood and farming industries thriving during the 2020 season. Workers’ precarious living and occupational conditions – long work hours, crowded living spaces, fear of being fired – existed before COVID-19, yet they became more acute during the pandemic (Bejan & Allain, 2021; Bejan et al., 2021a, b).

### Conditions of Work:

During COVID-19, migrant workers across Canada reported threats and violence from employers and stated that they lacked knowledge of how to file complaints when their rights were violated (Caxaj et al., 2022a). The Migrant Workers Alliance for Change (2020) reported more than 1,100 complaints from migrant agricultural workers in Canada between March and May 2020. The nature of these complaints included excessive increases in workload, threats from employers to withhold wages for unmet production targets, and denial of overtime pay (Landry et al., 2021). Before the pandemic, migrant workers employed in the Atlantic seafood processing industry were already reporting that their jobs were dangerous and that they had nowhere to complain (Knott & Marschke, 2020). Complaint-based monitoring and loose enforcement of employment standards fail to catch the abuse experienced by temporary foreign workers (Casey et al., 2019; Ellermann & Gorokhovskaia, 2020).

Unlike other provinces, New Brunswick does not have specific legislation to protect temporary foreign workers. Instead, temporary foreign worker protections fall under the province’s *Employment Standards Act*. A shortcoming of this legislation is the lack of a public disclosure requirement for employers and recruiters of temporary foreign workers. This omission facilitates unscrupulous practices, such as illegal recruitment fees, and makes monitoring and enforcing regulations difficult (Stasiulis, 2020).

Employment standards in New Brunswick require serious reforms to protect workers. Minimum wage in New Brunswick is low, at \$13.75 an hour (Government of New Brunswick, 2022). On April 1, 2023, minimum wage will increase to \$14.75, but will still be below the living wage rates estimated for Fredericton (\$23.45), Saint John (\$21.60), and the smaller city of Bathurst (\$19.20) (Human Development Council, 2022). After 90 days of employment, workers get five unpaid sick leave days in a calendar year and three unpaid days of leave in a calendar year for family responsibilities. Overtime wages are based on minimum wage rates after 44 hours worked per week – even if a worker earns more than the minimum wage (Government of New Brunswick, 2022).

Recent reports of temporary foreign workers in New Brunswick being forced to turn to food banks revealed a new level of precarity for migrant workers (“Des travailleurs étrangers,” 2022). Seventy-nine workers who were temporarily laid off emptied the shelves of a food bank in the town of Richibucto (“Des travailleurs étrangers,” 2022). At the time, lobster fishers were refusing to sell their lobster to the plants due to low prices set by fish brokers (Lapointe, 2022). When the plants temporarily shut down, domestic workers immediately obtained employment insurance (EI) benefits, while temporary foreign workers could not. Despite having paid into the EI program, they had not accumulated the required number of hours. Furthermore, the workers in this case had closed work permits, tying them to one employer. As a result, they were unable to work elsewhere unless they secured open permits – something that involves a complicated application process and is available only to workers who can prove they have experienced workplace abuse.

In 2022, the Madhu Verma Migrant Justice Centre, the Migrant Workers Alliance for Change, and the Filipino-Canadian CommUNITY of New Brunswick assisted more than a dozen workers with open work permit applications after the workers reported being unjustly fired for complaining about working conditions or violations of their work contracts. Without provincial legal aid for migrant workers, organizations are often scrambling to assist workers needing help with open work permits or labour complaints. Unlike the neighbouring province of Prince Edward Island, which provides employment standards guides for migrant workers in ten languages (Government of Prince Edward Island, 2022), New Brunswick’s Employment Standards office does not circulate materials about worker protections or worker complaints in languages other than English and French. Many of the workers assisted by community organizations in 2022 ended up leaving the province for better employment opportunities and support in Ontario.

## Housing

During the COVID-19 pandemic, migrant workers across Canada reported living in overcrowded, unsuitable conditions, with mold, pest infestations, insufficient heating and cooling, and inadequate access to clean drinking water, lavatory facilities, showers, and handwashing stations (Bejan et al., 2021b; Caxaj & Weiler, 2022). Such living conditions create fertile grounds for the spread of viruses and worsen pre-existing health conditions (Cole et al., 2019; Weerasinghe, 2020). These living conditions caused workers great anxiety during the pandemic (Caxaj & Weiler, 2022; Gaitens et al., 2021), especially for those working without proper field sanitation or personal protective equipment (Haley et al., 2020).

Inadequate living conditions were an issue before the pandemic. For example, migrant workers living in overcrowded bunkhouses at farm sites in Nova Scotia reported excessive wait times to use shared washrooms and kitchens, in some cases sacrificing sleep to take their turns (Horgan & Liinamaa, 2012). The pandemic exacerbated these conditions (Basok & George, 2021; Caxaj & Weiler, 2022; Helps et al., 2021).

Temporary foreign workers have been experiencing New Brunswick's housing crisis. Vacancy rates are near zero in communities where migrant workers are settling, such as Miramichi (Jones, 2022). Due to housing shortages, seafood plants have been forced to provide housing for their workers. Bolero Shellfish Processing, an employer of temporary foreign workers for five years on the Acadian Peninsula, converted an old school into apartments to house their workers in 2022, after the company doubled its workforce from the previous year ("L'immigration," 2022). An already captive workforce is increasingly being forced to contend with the possibility of more exploitation when there is nowhere for them to live but in dwellings owned or managed by their employers.

New Brunswick is already known for poor tenant protections, as local tenants find it hard to pay rent and navigate the Residential Tenancies Tribunal system (Jones, 2022). When their employer is also their landlord, migrant workers are especially vulnerable. With the New Brunswick government lifting the cap limiting rent increases greater than 3.8% at the end of 2022, it is likely low-wage migrant workers will see rent increases taking a greater portion of their pay.

## Health Care

The Public Health Agency of Canada (2020) flagged various risk factors that put migrant workers in danger of contracting COVID-19. These include working with large numbers of people, living in group settings, and facing barriers to accessing health care. Migrant workers in Canadian agriculture and seafood processing should have been a priority group for public protection (Arora et al., 2021; Chen, 2020), yet they were continually shut out of the public health care system (Bryant et al., 2020).

Temporary foreign workers to Canada had little access to COVID-19 testing and COVID-related health care compared to Canadian citizens (Statistics Canada, 2021). One of the largest COVID-19 outbreaks in Canada occurred at Alberta's Cargill meat-packing plant, staffed largely by temporary foreign workers (Alcaraz et al., 2022; Doyle, 2020). In Ontario, nine agricultural migrant workers died of the virus between January 2020 and June 2021 (Caxaj et al., 2022b). A review of the coroner's files in Ontario during this period found workers were afraid to access health care, feared reprisals from employers, and had difficulties navigating the health care system. It appears that the employers – not health care professionals – were monitoring COVID-19 symptoms on high-risk farms. The review linked these factors to the heightened risk of migrant workers dying from COVID (Caxaj et al., 2022c).

In New Brunswick, temporary foreign workers who are planning to stay in the province for less than one year are not eligible for public health insurance. Those employed in seafood plants hold six or eight-month work permits; therefore, they are unable to access public health care insurance (Government of New Brunswick, 2011). When we contacted the Medicare branch of Service New Brunswick, we were told temporary foreign workers can apply for a Medicare card and that approvals follow a case-by-case basis. Employers are responsible for providing private health insurance at no cost to the worker until they are eligible for public health insurance (Government of New Brunswick, 2011). The kinds of coverage available depend on the plan deemed most appropriate by the employer. In March 2020, Ontario's government announced a temporary suspension of the three-month waiting period for those not yet covered by the Ontario Health Insurance Plan as a COVID-19 measure (Ontario Ministry of Health, 2020). This directive indirectly ended up including temporary foreign workers. Migrant health advocates are demanding that such measures be made permanent (Rodriguez & Glynn, 2022). New Brunswick did not offer similar access to health care for temporary foreign workers when it lifted the ban on their entry to the province.

Navigating an under-resourced health care system is difficult for temporary foreign workers. In New Brunswick, at least three patients died in hospital waiting rooms in 2022 (MacKinnon, 2022). Emergency rooms and hospitals are closing for weekends or permanently due to understaffing. While migrants are deemed “essential workers” (Isaac & Elrick, 2021; Macklin, 2022), they are also regarded as a threat to public health and thus undeserving of public health supports (Chen, 2020; Tungohan & Careless, 2022).

Granting the option of permanent residency on arrival to temporary foreign workers and making work permits open and untethered to employers would simplify immigration routes for workers and ensure their rights, including access to publicly-funded health care, are respected.

# Methodology

This study used desk research and interview data collection.

As part of our desk research, we obtained from Immigration, Refugee and Citizenship Canada (IRCC) and Employment and Social Development Canada (ESDC) the number of temporary foreign worker entries in the province by sector, occupational classification, type of visa, and type of work permit. We also submitted several information requests to WorkSafe NB on workplace inspections and to the New Brunswick Department of Justice and Public Safety on inspections of employer-provided housing.

Since the Government of New Brunswick does not make its registry of employers and recruiters of temporary foreign workers publicly available, we had to use ESDC's list of New Brunswick employers with positive Labour Market Impact Assessments (LMIAs) for 2020 and 2021 to request information on workplace and housing inspections of temporary foreign workers.

As part of our data collection, we conducted 15 interviews with temporary foreign workers in New Brunswick between October 2020 and December 2021. Fourteen of these workers were employed in the seafood processing sector and one worker was employed as a mushroom picker.

Interviews were conducted in Spanish or English, over the WhatsApp phone application. Some participants were interviewed after they returned to their home countries, while others were interviewed while still in Canada. Interview data was collected and analyzed anonymously.

Participants were asked about their recruitment to Canada and about their occupational conditions during COVID-19, such as social distancing measures, self-isolation, and quarantine periods. Participants were also asked about health and safety protocols related to COVID-19 when travelling to Canada as well as at work. They were also asked about the management of potential infections. Interviews lasted approximately one hour each. They were transcribed verbatim. Spanish interviews were first transcribed in Spanish and then translated into English.

Transcripts were coded in NVivo, Version 12. The analysis was conducted thematically and centered around answers to the research questions.

## Demographics

All participants in this sample entered the province through the low-wage stream of the TFWP. None of the participants had status as permanent residents when they were interviewed. However, 13 of the 15 participants hoped to one day obtain permanent residency and move themselves and their families to Canada. One participant was in the process of applying for permanent residency. Of the two who expressed reluctance about immigrating to Canada, one explained that they had a young child who was not ready to make the move. The other stated, *“Simply, I come to work, save my money, and give to my family. To live better in Mexico.”* The participant further clarified that although he liked Canada, cultural differences between the nations meant that he preferred his home country.

Most participants were Mexican nationals (13) and two were Filipino. They had various levels of education. Some had completed elementary school (1), high school (3), or university (4). Seven had some university or college training and one participant had a graduate degree. Our sample was of mixed gender, although participants were not asked to report on gender, race, or other identifiable information to maintain anonymity.

All but three workers spoke and understood English at a basic level, with some capacity to understand and to make themselves understood. One worker did not speak English at all and two were fluent English speakers. Two workers commented that their English had improved during their time in Canada, with one worker actively studying the language. Two others said that time constraints and working primarily with Spanish speakers limited their English language acquisition. They assessed their language level to be the same as when they first arrived. Comments from many others suggested that this was the case for them as well.

Even though many migrants worked in primarily French-speaking parts of the province, only one mentioned their proficiency in French, commenting that they did not speak it well. This person, however, was studying the language in the hopes of improving.

Familial situations were diverse. Three of the workers in our sample were single, one was estranged, and six others were partnered. The remaining workers did not comment on their relationship status. Two referred to themselves as single parents. Ten had children they were supporting at home. Two participants commented that they were working to support their parents. Only one participant mentioned that they were not supporting dependents. Eleven workers were regularly sending money back to family members in their country of origin.



# Workers' Trajectories

Participants' histories of coming to Canada, and to New Brunswick in particular, varied. Workers' time in Canada ranged from one to five seasons, with most (12) having worked one to three seasons in Canada. Four workers had spent some time as temporary foreign workers in other Canadian provinces, such as Alberta, Nova Scotia, Ontario, and Québec.

Their primary reason for pursuing work in Canada was financial need. People came to make money and send money home. Even those with university-level education stated that they had a hard time finding a well-paying job in their home country.

Six participants had friends and family in Canada – acquaintances they knew from the same recruitment company, friends from their hometown, or relatives. One participant mentioned the importance of having their immediate family present for moral support:

*I feel good because I have my family here. My boyfriend and my sister-in-law. We are always together and we support each other. Since I'm with my family, I don't feel [sad or depressed]. I feel good, I feel comfortable.*

Three workers mentioned they did not know anyone in the country. One person shared their feelings of loneliness, saying, *"I am telling myself, 'What are you coming here to do' and then, I also felt far from my family, without a friend, without an acquaintance, without anyone, that is, practically, I felt alone."*

The remaining six workers did not comment on the matter.

Participants also mentioned missing their home and families:

*Simply, that we are far from home, and away from the family. . . . That's the hardest thing. Being away from family, that is, returning home and not seeing your family.*

Another worker commented:

*The bad part is the family, you miss them. Your heart leaves you when you speak with them. They say to you, "Daddy, come back now, what's there. Forget about the money, come back, we need you." I get a frog in my throat; I just stay quiet.*

## Portrait of the Job

Fourteen migrants in our sample worked in plants processing lobster and crab. Their tasks included cleaning, extracting, weighing, and grinding meat, as well as cutting, sizing, packing, sealing, labelling, cooking, and freezing lobsters and crabs.

Most workers changed activities as the company required. For instance, some worked with crab during crab season and later switched to lobster when the lobster season began.

The two main types of work performed by participants were the “raw” and “cooked” processes. The raw process involves the use of a cold high-pressure chamber to remove a variety of meat (i.e., tails, legs) from the lobster shell; hence, the meat is packed in its raw form. Lobster meat can also be processed as cooked and brought to consumers ready to thaw and eat. Participants explained that their preference was to work in raw processing. In fact, managers often seemed to move workers from raw processing to cooking as a form of punishment.

Workers detailed that the faster they worked, the more money they made, as bonus payments were distributed by weight:

*When I work in the ringer, I work with the machine, I put the legs in between the machine and the machine does the job, so the shell kind of separates and takes out the meat while the shell goes to the garbage. I [must] do that faster and fast[er] to have this bonus, the extra payment for the weight. If I have heavy meat, I will earn an extra bonus.*

Others, however, felt uncomfortable with such a fast-paced environment, preferring to work longer hours for additional pay rather than tiring themselves to earn weight bonuses.

Work was dependent on fishing loads, which were themselves dependent on weather. Storms and wind impeded lobstering. If there was no catch, there was no work. Therefore, migrant workers' shifts varied from two to four hours a day during slow periods, to up to ten or even twelve hours a day during busy times. Work shifts would generally start at 7:30 am, lasting until anywhere from 4:00 to 7:00 pm. Participants took free days only when there was no work. Shifts also seemed to rotate every few weeks, with participants also working during the night.

Workers were paid on a weekly basis, most via direct deposit. Few mentioned getting paid through bank checks. Hourly wages varied from \$13 to \$15 per hour. Those working two consecutive years reported that their hourly wage went up from 2020 to 2021. Yet this increase seemed to only apply to those with seniority:

*The first time they paid us \$13. Last year, they raised it, because, well, from what I understood, it was help for the pandemic. They were going to give us \$2 more per hour. Yes. They started to pay us \$15. But only [for] the people that worked here. The new people, for example, my wife, who started working last year. . . . I earned \$15 and she earned \$13.*

Overtime pay varied between \$17 to \$18.25 per hour. It was generally paid starting in the ninth hour of daily work and after 44 hours per week. These rates do not reflect current (2023) provincial wage rates in New Brunswick, as recruitment in our sample concluded in December 2021. Minimum wage rates in New Brunswick increased in October 2022 to \$13.75 per hour, with the overtime rate now set at \$20.63 (Government of New Brunswick, 2022c).

One participant detailed that their employer did not pay them overtime but instead provided a \$1 bonus per hour. For instance, for 50 hours of additional work per week, the worker would get a cheque for \$50.

Generally, employees were granted three breaks throughout the day. These were ten minutes long, except for the half-hour lunch break. However, workers had to wash their hands and put on their caps and gloves prior to starting work again, minimizing their break time. This meant that ten minutes was too short, only allowing workers to use the washroom or drink some water. Those with longer breaks (15 minutes) had them twice a day. Only one participant mentioned a one-hour break for lunch.

Migrants all worked in large companies that employed over 100 workers. Participants said that most of their colleagues were of Mexican nationality, with about a tenth of Filipino nationality and another tenth of Canadian origin. Participants also mentioned colleagues from China, India, and Vietnam. Several participants seemed appreciative of the friendships they formed with migrants from other countries, with one worker stating that *“it was very pleasant to meet people of other races.”*

Asked what they liked about the job, participants appreciated learning new things at work, gaining occupational experience, learning English, and making new friends.

# Findings

## Exploitative and Poorly Regulated Recruitment Practices

Most migrant workers in the seafood processing sector enter Canada through the low-wage stream of the TFW program. They generally have contracts lasting six months, as seafood processing is considered seasonal work and until recently, the federal government capped the number of days for seasonal work at 180 per year. It was only in April 2022 that the Government of Canada raised the seasonal work cap to 260 days (ESDC, 2022a). All our participants had entered in 2020 and 2021, and therefore had work contracts set at around 180 days. Only one person in the sample had a two-year work permit.

All migrant workers in our sample were provided with a copy of their employment contract in English. Spanish speakers were also provided a copy of their contract in Spanish. All workers had possession of their personal documents, such as passports. However, workers seemed unclear about the specific details of their contracts and recruitment. One person attributed this to their lack of English proficiency:

*I was not well informed due to the lack of language. I did not speak the language, so even though the company gave us information, I did not understand it. And the people who were commissioned to explain to us, they were not clear.*

Another person commented that no job information was provided to them besides their job title.

Recruitment of workers under the low-wage stream of the TFWP tends to be loosely regulated by the Canadian government. It exists outside of a foreign policy framework of bilateral agreements between Canada and migrants' sending countries, such as those on which the Seasonal Agricultural Worker Program (SAWP) is based. The lack of regulations invites discretionary power and paves the way for third-party intermediary actors. As a result, most of our participants had

used intermediaries for recruitment purposes.

Eight participants paid high recruitment fees to secure their contracts. For most, fees ranged between CA\$1,000 and \$2,000, with one person paying \$11,000 to secure a working contract in New Brunswick. With \$13 hourly wages, some participants earned approximately \$300 a week, making a contract fee of \$1,000 worth almost a month's salary. Other required fees, such as the biometric tax or the processing of the Electronic Travel Authorization (eTA) form, resulted in expenses totaling a maximum of \$250.

Two workers paid a much higher fee (approx. \$1,000–\$1,350) to recruiters in the first year of their contract, and lower amounts (approx. \$500–\$750) for the following seasons. One worker explained that recruiters provided these incentives to conceal unorthodox recruitment practices.

Frequently, participants borrowed money for recruitment and had to pay this back with interest:

*I borrowed, yes. And I had to pay it with interest while I was working there. It was not a very good experience the first year, because all that money that I owed I had to send back so that my children could eat.*

One worker recounted that Canadian recruiters did selection interviews in their home community:

*A recruiter from Canada came to do interviews here, which is a port close to my town. She came to do the paperwork. She charged me a bit of money. She charged me 17,500 Mexican pesos [CA\$1,070]. I think that's what I paid the first time, because I've been there twice. So, for me to go, I had to borrow a lot of money to be able to leave some for my children to eat here and to be able to pay for my paperwork.*

Another explained that they were selected in their hometown by a local recruiter who had a legal contact in Moncton, New Brunswick. A third worker spoke about going to the employer directly and explaining that they were being charged. In this instance, the employer helped the worker with their paperwork so they could avoid paying recruitment fees:

*[The recruiter] communicated with us, because she made a WhatsApp group for the people that were going to that company. And she communicated with us, telling us that we were going to come back the next year for the next season with her. She was going to give us a spot for only \$750. It was going to be a thousand, I think \$1,350 or something like that, almost double. In that season, it was a season that was very low, there was hardly any work.*

*I said [to myself], “What am I going to do? I must repay the money that I borrowed to come here, and I hardly worked during the season.” And then, I have to get more money to come back. I said, “No, it doesn’t work for me.” So we communicated with the boss, and the boss, in that moment, also thought it was bad. He said, “Let’s do something, I’m going to help you, I’m going to bring you here, because if it doesn’t work for you, I also understand.” And after that, we said no more with that immigration agency. And a person [from] the company helped us to do our paperwork.*

Employers of temporary foreign workers in the low-wage stream are responsible for worker recruitment fees, return airfare, and housing, as well as health insurance coordination and provincial worker compensation registration (ESDC, 2023). However, migrant workers are often recruited through private recruiting agencies that offer various services, including screening, hiring, transportation arrangements, translation, and assistance with work permit applications.

Workers mentioned having to pay additional travel expenses. For example, one worker stated that their flight to Canada was only covered from a larger city in Mexico and not from their community of residence, saying, “We paid for our tickets to [city name].”

Another participant explained that when someone they knew returned home due to health issues, their return flight was not covered:

*She had some health problems and had to return, and they did not support her. I even think she had to buy her return flight. When we finished the contract, they came and picked us up at the house and took us to the airport, but not with this lady. She was in the house where I was, and they kind of le[ft] her on her own. She had to take a taxi from the house to the airport and she paid for her return flight.*

Two workers described having money deducted from their paycheque for work clothes (i.e., boots, uniform, and aprons). One worker stated that they were forced to use laundry services and that these services were deducted from their pay:

*I had to pay for everything. I had to buy my boots. I had to buy my uniforms, and I had to wash them myself. And when they no longer allowed us to wash them, they charged us \$9 each week to wash them. They made an agreement with a laundry [service] and we paid for the service.*

One worker stated they would have liked to have more recruitment opportunities through their national institutions, like Mexico's Ministry of Labour and Social Welfare or its National Employment Service, the same body that facilitates recruitment for the SAWP (Consulado General de México en Montreal, n.d.). Through the SAWP stream of the TFWP, workers keep more money in their pockets, as they are not charged recruitment fees.

All temporary foreign workers interviewed had employer-specific work permits. Two participants suggested that they wanted open work permits that would allow them to change employers and avoid potentially abusive situations if needed.

We asked various New Brunswick government departments and agencies for information about workplace inspections and investigations at sites where employers had positive LMAs (i.e., they were allowed to hire temporary foreign workers). WorkSafe NB is responsible for conducting planned and spontaneous inspections (WorkSafe NB, 2022b). The agency also conducts investigations to determine the causes of problems identified during inspections. Investigators are further tasked with identifying preventive actions (WorkSafe NB, 2022a).

Based on the results from our information requests, in 2020, WorkSafe NB conducted 33 inspections at 17 workplaces with temporary foreign workers. These inspections resulted in WorkSafe NB conducting 13 investigations and issuing nine orders for compliance. The government did not provide further information on the nature of the orders, even though we requested this information. More than half of the nine employers inspected were seafood plants. The nature of violations involved employers not following COVID-19 safety protocols.

Employers were told to establish an operational health and safety plan, post visible signage (e.g., two-metre distancing, face covering, passive screening) and ensure workers were following distancing and masking protocols. Employers were warned that the consequences of not following the mandatory order included fines of up to \$10,200 for failure to comply with Section 24 of the *Emergency Measures Act*. Employers were also told that being convicted of breaching the order meant that they could be liable for a fine of up to \$250,000, and/or risk imprisonment of up to six months under Section 47(1) of the *Occupational Health and Safety Act*. In one of the cases documented by WorkSafe NB, an elderly seafood plant worker fearing she would be exposed to COVID-19 at work had to file a complaint against her employer to get the proper safety protocols put into place.

Other inspections and investigations in 2020 included site visits after accidents or injuries at seafood plants and forestry sites. In one case, J.D. Irving, a notable employer of TFWs, had a logging truck driver come into close contact with a power line. In a follow-up investigation, the inspector noted that "subsequent questioning and discussion led to the determination that despite the worker being an employee of JDI, due to immigration requirements, the vehicle and the subsequent repairs to ensure compliance are the responsibility of Daynes Transport [the truck transporting company]". In another case documented by WorkSafe NB, a member of the public called on behalf of temporary foreign workers at a farm in southern New Brunswick, stating there were issues with hours of work, overtime pay and housing. The inspector noted the issues "fall under labour standards or the agency responsible for their work contract. The only WorkSafe NB issue was having enough breaks. At this point the workers do not want WorkSafe NB to contact employer for break time."

In 2021, WorkSafe NB conducted 73 inspections of 15 workplaces, which resulted in 16 investigations, 21 orders and one stop work order at the Jolly Farmer. Of the employers inspected, only two were seafood companies: 11656520 Canada Inc. and Baie Ste. Anne Seafoods. Despite our requests for

information about the nature of the violations, the province did not disclose this information. It seems quite likely that numerous workplace safety violations are going unreported due to the lack of a robust investigation system.

## Housing: Unsuitable, Expensive and Crowded

Rents varied from \$60 to \$84 weekly, with most workers paying roughly \$150 bi-weekly. It was common for participants to live with as many as 10 to 20 other workers. Landlords made a rental income of \$1,500 biweekly for houses of 10 workers, and \$3,000 for houses of 20 workers. Two participants paid \$750 per month for their own apartments. Housing costs were generally deducted from participants' paycheques. In these cases, the employer was also the landlord, and was able to capitalize financially by housing large numbers of workers in one dwelling.

Some employers did not charge rent when the season was slow and there was no work. Others adjusted the rent according to migrants' workload. As such, rent would sometimes be lowered to approximately \$60 per week during slow periods. Other employers set benchmarks for rent; if workers worked less than 30 hours, they would not deduct rent from their pay.

As per the ESDC guidelines for low-wage positions, employers must provide suitable and affordable housing or ensure that it is available for the temporary foreign workers they employ (ESDC, 2023). Despite such regulations, one participant reported finding her accommodation on Kijiji.

Employers, who were also landlords, imposed strict living rules in workers' homes, including noise restrictions. Most workers could not host visitors. When visitors were allowed, they were often prohibited from bringing in food. Employers attempted to police workers' behaviour outside of work:

*On one occasion I said to my supervisor, "Why do you get bothered if we have our gatherings in our homes? We pay rent and apart from that we don't miss our work." If I fall asleep at two in the morning, but I'm up for work at six in the morning, ready to work? And for that they scolded us, and they told us, "If we find out again that you had a party, we are going to return you to Mexico."*

One worker explained that when married employees lived separately, they were sometimes prohibited from visiting each other. Employers used pandemic health and safety concerns to justify these restrictions, even though spouses were following the same health and safety rules at work and at home.



Management and employers often appeared to violate the privacy of workers under the guise of enforcing housing rules:

*We had a . . . supervisor and they were very overbearing. They came to the house and just got in. They entered whenever they wanted, and even though we paid rent, there was no privacy.*

Workers reported overcrowded housing conditions. For example, accommodation arrangements included homes with up to twenty residents total, and between two to four residents in each room.

Issues connected to this overcrowding included lack of refrigerating space (leading to food spoilage), limited access to the stove, and difficulties with food preparation:

*I had my part of the refrigerator, because if we split it into fifteen, I had a small part of the refrigerator. I tried not to buy many groceries. I bought an apple, about three pears, about two oranges. That was the only thing I could have in my fridge if I wanted to avoid problems with other people. The same with the bathroom when it was time to take a bath. I always arrived in the afternoon, and since I [would] arrive smelling of shellfish, I [would] take a bath as soon as I arrived. I took advantage of the fact that everyone was cooking, and I quickly took a shower so that the bathroom would be emptied quickly.*

Overcrowding took a toll on participants' mental health. As one worker commented:

*Housing conditions are often not adequate. We are talking about rusty kitchen utensils, frying pans of low quality, we are talking about a four-burner stove to cook [for] 10 people. You must share a room, even sometimes in bunk beds with five or six other people, etc., so that kind of conditions are complicated for the mental health of a person. You sacrifice your privacy, you sacrifice your comfort, you sacrifice everything. It is complicated to sleep late because the kitchen is busy and you wake up early, that is, you sacrifice even your sleep. All this is a hotbed, a very high stress for the workers.*

The New Brunswick Department of Justice and Public Safety does not conduct regular inspections of employer-provided housing for low-wage migrant workers. Our information request filed with the Department of Justice and Public Safety for a list of employers of temporary foreign workers uncovered 57 inspections completed in 2020. Out of these, four locations had code violations. The violations involved sleeping quarters outside designated areas, lack of fire extinguishers, non-functioning smoke detectors, and the use of plug-in electric heaters. In 2021, the Department of Justice and Public Safety conducted 47 inspections and found one violation. The nature of this violation was that the building “was in major disrepair; the physical condition and cleanliness was not acceptable.” The outcome involved the employer having to find new housing for their temporary foreign workers.

It is unclear, however, if the employers committing these violations were housing SAWP workers or low-wage seafood processing workers. It is similarly unclear if the province inspects employer-provided housing for all workers in the TFWP (i.e., both those arriving through the low-wage stream and the SAWP). In Prince Edward Island, for example, provincial bodies only inspect SAWP accommodations. We contacted the New Brunswick Department of Justice and Public Safety several times and talked with various employees, yet we could not get a straightforward answer as to what type of temporary foreign worker accommodations were regularly inspected.

Accommodations were also unsuitable for workers because they lacked internet access, forcing residents to rely on mobile data. Some were not suitable because of low water pressure and limited access to hot water. One participant stated that when her roommates complained to employers about a lack of hot water, they were sent home.

Housing arrangements often changed due to proximity to work or familial considerations. For example, couples were moved to dwellings where only couples were housed. Other arrangements changed without notice or justification. Often gender considerations were ignored, and so was the quality of the housing stock. As detailed by one participant:

*They changed me to a new house on three occasions. The system was very messy. At one point I ended up in a house full of men. Then they changed me to an apartment where they put four of us in two bunk beds. They changed me again and we were four in each room, but the rooms were very small. We were 20 in the house. There were five bathrooms with five showers, and we paid \$84 per week. There was no internet. The windows didn't have blinds. There was no privacy.*

One participant recounted being moved out of the company housing into a cheaper place in very bad condition:

*This house was unfurnished, it did not have a bed, it did not have a microwave, it did not have a sofa, it was very dirty, it had nothing.*

Workers experienced soiled accommodations, lack of cleaning supplies, and poor kitchen conditions. One participant detailed that they had to purchase their own supplies to clean their house. Another participant explained that when they asked for new pots to replace rusty ones, they were told to purchase them from the supermarket. Some also shared how difficult it was to keep their house and rooms clean when they had to share premises with several people, each with different housekeeping routines. Complaining about these living standards created tensions in the household and a difficult living environment overall.

Housing was not just unsuitable; it was almost unlivable:

*I never furnished [the apartment]. I slept on the floor. Well, I bought a microwave because I needed it. I bought secondhand, I bought it there, but I never furnished anything. [I slept] on the floor, just like that. [I] bought some blankets. A friend gave me a blanket and I bought another one and that's how I stayed.*

In this case, the employer knew that the house was unfit for anyone to live in:

*Two weeks before I returned [to Mexico] my boss told me that the building was going to be demolished, because it was also old, very old. I didn't know what to do. I told him that this was going to be the last thing that he did to me out of everything he had done to me. . . . I told him that I wanted to see him there at Service Canada. Then he owned another very nice new building and he told me that he would give me two weeks to live there. I could live there, and he was not going to charge me rent as long as I didn't say anything.*

Accommodations were between a seven and twenty-minute drive from participants' workplace. Some employers lent cars to the workers so they could drive themselves to work. Others were transported to work in a company bus. However, short bus rides were extended by frequent stops. One participant explained that they needed to allocate roughly one hour for the trip from home to work:

*[The trip should have taken] about 15 minutes by bus. But we had to get up about two-and-a-half hours before our work because the bus began to pick up the other colleagues who lived a little further away. . . . For example, if you would [start] at 6:00 you had to wake up at 4:00 in the morning so they could pick you up at 5:00.*

Another worker commented:

*There was only one driver for everything. There were nine houses with Filipinos and Mexicans spread over different places. Imagine, they came for us at 4 am and we had to ride the bus for up to two hours to get to the plant in the morning or get back home in the evening.*

Similar commuting problems were encountered when leaving work:

*At work there is only one vehicle that transports everyone from the company. We regularly wait until they take the first ones. We all leave at the same time from shifts, but there are some who leave earlier, I don't know . . . or the truck fills up because we are too many people and people always must commute seated. No one can go standing as [it] regularly happens in Mexico. And the vehicle must take [those people] first and then come back for the rest. We wait for the bus to come back, and it's a bit tiring because we just want to get home to rest.*

Another participant reasoned that the main issue was the lack of transport vehicles:

*The company only has one school bus. One bus for how many people did I say worked there? I feel around 180, I think. Between Canadians, Filipinos, Mexicans. And well, one bus it can take, 44 [people] I think, well that isn't enough. And each week we have a specific day to do shopping. And the school bus must make various trips. And many times, for example, I'll say, "Hey, it's my turn, why don't you drive me to my house if I live close by?" And, well, it's not like in Mexico, right, where everyone gets in that can fit in the van. Or like in Latin America, no.*

One participant mentioned that the use of a shuttle van to get to work was deducted from their pay at a cost of \$35 per week for home-to-work transportation.

Another participant mentioned they walked to work, as it took only ten minutes. The company bus only picked up their crew in poor weather conditions. The participant explained that their neighbors sometimes lent them bikes so they could get to work more quickly.

As many of these accommodations were rural or remote, participants recounted that accessing food stores and supermarkets was challenging. This was exacerbated by the lack of transportation. As a result, workers frequently paid for costly cabs or insisted on being taken to the store by their employers:

*Every month we had to beg them to take us grocery shopping because where we lived it was very expensive. We had to beg them to take us to Walmart or we had to divide the cost of a taxi between a bunch of us, but it was still expensive.*

Employers generally scheduled transportation for grocery shopping only once a week:

*To do the grocery shopping every week, the same company bus took us to . . . one of the closest stores, and took us there in groups. For example, the truck had a capacity for 40 people and they took 20 of us to do the shopping today, and 20 for example, tomorrow. We only went once a week, and they told us the time and day.*

Shopping trips lasted one to two hours. In some cases, those unable to complete their shopping within an hour were left to find their own way back home:

*Normally [we shop] on Thursday. We leave at 6 pm in the evening. The driver tells us we have one hour to do our shopping. How are we going to take just one hour to shop? By the time, you enter, grab your cart, look around for the things you're going to buy, or to say, there's not enough time. . . . And many times, you go out, and the van isn't there. They left you there. And you must get a taxi to your home.*

Living far from the community also meant that workers were isolated and confined to staying at home when they were not working. If they wanted to go out to town on their day off, they once again had to take a cab.

# “The Machine Will Eat Your Fingers”: The Precarious Work of Seafood Processing

Abuse and harassment. Unprofessional supervision and favouritism. Lack of health and safety training. Infrequent inspections. Unfair and dangerous working conditions. Fear of repercussions for whistle-blowers. These are some of the characteristics of the seafood processing industry employing migrant workers in New Brunswick.

Nine participants shared accounts of employers verbally harassing workers. Yelling made workers uncomfortable, stressed, and fearful. Participants detailed an atmosphere of general abuse:

*When [the employer] enters, you can feel the bad vibes that come in. My co-workers feel terrorized. He's never scolded me. . . . I'll tell you, I do my work good, I try to do that. But the new people, they get intimidated, and I've seen that he scolds them. The people will start to cry, and things like that. But yes, he doesn't treat people well.*

Another worker commented:

*The atmosphere was very tense. Offensive. The man yelled at me in front of everyone several times. One time I ran out of the company, crying because I couldn't [deal] with so much shame and humiliation.*

Even if workers were not directly threatened or yelled at, they were fearful that their work would not meet the employers' standards and that they would be reprimanded as a result:

*The bad thing is the constant pressure, [the] psychological harassment. Yelling from the boss, so people who do not know the language and cannot defend themselves are afraid to raise their voice to the boss.*

This “power tripping,” as it was described by one participant, was not only practiced by the employers but also by management and supervisors. Workers frequently perceived their supervisors as abusive, with one participant explaining, *“I felt like a lot of pressure from the supervisor and the quality control lady. I felt a lot of pressure and they always told me, how do you do this and that you [must] do this [and that].”* When relationships between employees and management broke down, the top-down abuse of power affected workers’ agency. One participant told of how they were reassigned from raw to cooked processing because management suspected that they were pregnant. Another detailed how their supervisor would continually miscount their lobster weight to avoid paying them their bonuses:

*Sometimes we didn’t know if they actually weighed our product or how it was, because the person in charge of weighing always said . . . the machine doesn’t work, or the machine didn’t weigh so many pallets. So sometimes I was dissatisfied with the supervisor, but I would also put up with that.*

In most of the seafood plants, the supervisors were also immigrants, often from Mexico or the Philippines. Several participants mentioned the exploitative nature of their relationships with their supervising co-nationals, particularly because these supervisors felt the need to please their employers. As one participant stated, the supervisor’s job depended on employer perceptions, which made work *“an extreme unhealthy competition so to speak and . . . this hotbed . . . encourages the exploitation of us as workers.”*

Another worker mentioned having their breaks monitored by management. This forced them to reduce break times to impress management and show their productivity. Another person stated that their break time was deducted from their paycheque. For instance, *“If I went to the bathroom, they deducted [from the paycheque] the time I was in the bathroom.”*

Workers also described favouritism. Six participants mentioned instances of nepotism and preferential treatment at work, especially in the distribution of bonuses or the assignment of scheduled hours, with one participant stating, *“They gave more hours to the people they preferred and neglected the rest of us.”*

One person detailed the specifics of a romantic relationship between a supervisor and a Mexican worker, leading to preferential treatment for that worker. Favouritism also played a role in housing assignments. One participant described this gendered process:

*The manager makes it so the prettier women, the more beautiful women are given the better [more centrally located] houses, where is one or two supermarkets, a pizzeria, [or] ice cream. There is more to go out. If . . . I [need] sugar for my coffee, for example, I just go for a walk to buy it. In comparison, where we live, my neighbours are 200–300 metres away, each of them. And if I want sugar for my coffee, I’ll have to wait until the next week when I’m taken to do my shopping.*

Participants also explained that employers and supervisors sometimes punished them for events in their private life, such as romantic relationships with other workers:

*I was in a relationship with a boy from that group and the supervisor started to show animosity towards me for that reason. She did everything to make me leave. She changed me to another area, isolated me, she took me out on hours that were different to my boyfriend's so we wouldn't coincide. It really affected me. I was fine with the boy, but she kept harassing me. She moved me around and I was getting tired. She wanted me gone. I am a hard worker, but she yelled at me and made me look bad everywhere. It was a difficult time.*

Some employers harassed workers into working overtime. If workers refused, management “would investigate you or go to your house or watch you, ask you where you were or what you were doing, it was exhausting.” Another participant commented that it “was practically being like a modern slave.”

Participants shared that they were fearful to launch complaints. Workers were widely unaware of supports available to them if they encountered a problem with their employer or their work situation broadly. Some workers believed that the employer themselves would be a good resource. One worker mentioned the local police department. Another mentioned friends. Three workers mentioned Service Canada. However, without embassy offices in the region, workers seemed unsure of where to access the best resources when needed. In the words of one worker: “I don't know [who I'd go to for help] because . . . in NB [New Brunswick] we didn't get any information.”

For workers who were aware of Service Canada, one mentioned they would not actually access the agency. Unfamiliarity with how the complaint process worked made them hesitant to complain.

*I felt unprotected. I wouldn't know how . . . well, I know there is Service Canada, but I wouldn't know who to contact. Also, because I don't speak the language one hundred percent, I feel insecure.*

Being tied to the employer contributed to workers' unwillingness to make complaints. As one worker remarked:

*Many people are on closed work permits and that makes them afraid to speak out for fear that next year they will be punished by not bringing them in. [As] the quality of life of families and of many people depends on this work, we all put up with shouting and humiliation, the bad work environment, the harassment of both your personal life, your private life.*



At the same time, appeals to Service Canada were used as a threat by workers to leverage some power in their relationship with their employers:

*Back then, when the man treated me badly, when he yelled at me. . . . The man was very scared that I would report him, and that I would tell all the details of what happened. In fact, from that day he stopped doing things like that for a few months because he was scared. I told him that I had already filed the report with Service Canada, which I never did, because I was scared to. But all those months until I finished working, he never did anything to the people.*

Seven participants mentioned that employers used the threat of deportation as an intimidation technique. One person explained that they were sure they would be sent back home if they raised their voice to complain, thinking, *“Oh, well, when something happens to me, I will not be able to protest, because if I do, they will send me straight back to Mexico.”*

Another person commented:

*Some girls complained about [not having water] and they were sent back home. [After that] nobody wanted to complain for fear of getting returned. I was also scared. We couldn't say anything. They threatened us with returning us to Mexico all the time. They limited our contact with other people and they threatened with returning us to Mexico. There was no space for complaints.*

Co-workers advised one another to keep quiet about instances of abuse:

*Among colleagues they always told us that we should be aware that as soon as we complained about this, it would cost us the job. That is, the following season we would no longer be hired.*

Workers who work on seasonal or short-term contracts are especially conscious about not causing trouble at work because it may preclude them from being hired again by their employer.

One worker, in Mexico at the time of our interview, worked in New Brunswick in 2020 but was not called back in 2021 for the following season:

*I [asked] him, why didn't he hire me? What did I do wrong? And he really didn't want to hire me. I would ask him for an explanation, I would tell him "Boss, why can't I be here? Why can't I be part of your team this season if I actually do my job?" And he didn't want to give me an explanation. He just told me that this year he didn't require my services. I don't know why they didn't hire me again. I liked the job because I can do it. I am very responsible both in my work and in my home. Unfortunately, I couldn't find another job opportunity there. I wanted to go back. I insisted to my boss, "Please, give me the opportunity to go back there." I want to go back because, financially, we lived very well. . . . It hurt me a lot not to be able to return. Because I did everything possible to return. Always I fulfilled my hours. I was daily in my work at 100%. I never missed a day, I can show my record, I never missed. I worked, what was it, 300 days, 300 hours? 300 hours I worked them all.*

It was not only that workers were afraid that they would be unable to return to New Brunswick. One participant detailed that their employer threatened to limit their future entry to other Maritime provinces as well:

*He said he would put himself in charge of informing the other owners in the Atlantic coast, North-Atlantic coast. He said that the majority of the employers from here, the fish plants and seafood plants, they're all family, here in New Brunswick, Nova Scotia and Prince Edward Island. He said, "If someone applies, I will tell them myself to not give work to them."*

One participant asserted that employers should clearly inform them of their rights and provide them with contact information about where to address complaints and access translation services for support:

*I would like it to be clear that when someone who is a victim of some kind of abuse [is] not informed about their rights as an employee. I would like that all the information delivered to people in Spanish and that the telephone numbers where complaints can be made and all that. . . . Also had someone who could translate in that moment. Because there were some people who wanted to file a complaint, but they weren't bilingual, so they couldn't do it, and they were afraid to do it because they could not make themselves understood. The language is a very, very important barrier.*

Nine participants considered their work to be challenging. They commented that work could be dangerous, involve physical strength, fatigue the body, and require a high level of concentration to maintain safety. One participant shared in detail the hazards involved in processing lobster meat:

*It's very heavy. You are standing for ten hours. Maybe the work is not so heavy with your hands, but it is very heavy having to support your weight all day without being able to move. The workplace is practically 40 cm by 40 cm. It's very small. You can't even turn around because, for example, you have a machine that extracts meat and if you make a mistake and you don't do it right, well, it can cut your finger. So, no. You can't even turn around and you can't settle on one side or the other...it's heavy.*

Another worker stated:

*If you fall asleep there, the machine will eat your fingers. You need to be careful.*

Asked about health and safety, most participants stated that they felt safe at work, despite being unable to identify specific elements of their occupational training. Some mentioned they received a piece of paper containing company rules. Others mentioned having a company tour prior to beginning work. Some stated they were trained on health and safety but were unable to provide clear examples of what they learned. Others mentioned that they were trained directly on the job for a few hours by a colleague or supervisor. They were then asked to sign a paper listing the risks of the job and stating they were trained in the techniques employed to remove the lobster meat. One person mentioned they were never trained on the lobster processing machine:

*There is a machine called "ringers" where the lobster meat is extracted from the lobster legs. This machine, well, if we don't know how to use it, if we're not focused on what we're doing, it can even cut off a finger. When I got into that machine, the truth is that no one explained to me how or what could happen or how things were done. Well, they did told me, "You have to do this," but they didn't explain to me the risks. Later I found out that a colleague had gotten her finger stuck and she couldn't even move it anymore. She had lost the mobility of that finger.*

Another participant explained that they were only trained for a couple of minutes and that they were afraid to use the machine:

*The only machine that I hadn't use [before] was the "rollers" machines. These machines are very dangerous, because they are like gears, where the lobster legs get inserted, and they suck the meat inside the lobster and separate the shell. With this machine there had already been many accidents of people who have lost their fingers. When they asked me to work there, I told them that I needed to be trained because I had no idea how it worked. I was afraid, but I also wanted to learn. I told her that I couldn't be very fast on this machine, because I needed to learn and I needed to feel confident. So a person came and in two minutes [they] explained to me how it worked and then [they] made me sign a document saying that I had already received training. He gave me the document first in English, so I was left with doubts because in English the document said that I had already received training. I thought I had not understood. So, I asked him if he could give me that document in Spanish. Then this person gives me the document in Spanish and yes, in Spanish he said that [I] had already received training.*

Three participants stated that they had not been trained at all.

Some participants equated health and safety training with the provision of information related to COVID-19. Health and safety in this case were interpreted as synonymous with public health protocols. One person mentioned that they had gotten their work safety information from the posters hung on the company's walls.

Boredom and monotony were also identified as challenges of the job. Two participants explained that their shifts were long, repetitive and boring. Combined with instances of harassment and verbal abuse, these jobs seemed to be taxing workers' physical and mental health. As one worker stated, *"I cried because I was very tired because I was standing all day . . . but now, I'm used to it. I'm fine. I'm fine."*

Four participants commented on the long hours involved in their work, which generally averaged ten hours each day. One participant mentioned some of their colleagues working twelve to fourteen hours daily. Ten hours was a long shift, especially if workers had to stand and process lobster for most of this time. One person mentioned that they regularly worked until midnight and then began their next nine-hour shift at 7:00 am. Working late often meant that workers were unable to grocery shop or send money home, as the grocery store and post office were closed by the time they finished working. Another worker commented that such long hours negatively impacted their sleep.

One person mentioned that although their work hours were long, they did not perceive this as a problem, as they had travelled to Canada in order to work.

Sundays were generally designated as days off. Sometimes, however, workers were called to work on Sundays. One worker felt on call all the time, commenting, *"The problem sometimes is that . . . our employer, for example, they just call us anytime they want."*

Five participants assessed their wages as being too low, considering the danger and fatigue associated with their job.

Eight participants commented on the seasonal variance in lobster work. There was little work and their pay suffered during the low season:

*The bad thing is that sometimes the product is scarce. Sometimes we work two hours a day or sometimes there are closures. We work with a single product, which is nothing more than lobster. So that's the only thing I don't like. That work is scarce, and therefore, our income is scarce, and we can't send to Mexico even a minimum amount.*

December was the slowest time, with participants often working only two hours a day. One person mentioned that they had only completed one week's worth of hours in December.

Another mentioned that work shifts often changed without much notice:

*I had the surprise that from one day to the next they changed my shifts from day to night without any extra payment and without any notice. From one day to the next they said, "Tomorrow you show up for work at night and then tomorrow you show up for work on the day shift again."*

Another participant commented that their contract did not indicate that their hours would be affected by seasonal variance; however, they were unable to complete the hours stipulated in their contract.

Nine participants mentioned their workplaces had been inspected. However, only six participants saw these inspections. No one we interviewed was able to name the government agency inspecting the sites. The workers saw their supervisor talking with someone, but they did not know who these people represented. One worker mentioned that the inspections were most likely about product quality control, food safety, or hygiene, and not about working conditions, as regulators were seen taking samples for laboratory testing.

## "It's Not a Good Idea to Get Sick": Limited Access to Health Care

Ten workers in our sample discussed their health insurance. Out of these, all but two confirmed that they were insured either through a private provider (i.e., Blue Cross) or through New Brunswick Medicare. Workers, however, struggled to access care. They lacked an understanding of how

healthcare worked and what their insurance covered. They commented that they received a card but often had little or no instruction about how to use it:

*They only give us the card with the number, the insurance number, and that's all. And up until now, they haven't told us, okay look, here's a binder where you find all the information about what is covered in your insurance.*

Another worker commented:

*Yes, they gave us insurance from the province. I don't know exactly what was covered by this insurance because they only gave us a little card and told us this is like your insurance number in case you get sick. But they told us that if we had a headache or something or if we felt bad, we first turn to . . . the supervisor who spoke Spanish, and [they] would tell us what to do.*

And another remarked that they were told their insurance did not cover certain conditions, such as toothaches. One worker wondered aloud if prenatal care was covered as part of their insurance package.

It appeared that employers also screened potential workers for preexisting health conditions. One worker explained that they were asked to sign a confidentiality agreement where they had to state that they did not have any long-standing health issues:

*Something around confidentiality. They wanted to find out if we were on dialysis, if we had problems with our kidneys, if we were diabetics, or another type of sickness.*

When supervisors acted as the mediator for healthcare, workers' ability to access medical services and treatment was limited. As most workers lived in remote areas, they were dependent on their employers for travel to and from health clinics or hospitals. Some participants reported that employers offered initial health assessments and determined themselves if that worker needed to access care. One participant explained that the employers and their supervisors often dissuaded workers from accessing the system. They were told that it would be costly for the workers and time consuming for staff:

*[If] you reported that you felt bad and [the employer] told you, “Look, it’s very difficult to take you to a medical center and they are going to charge you for this, and it is very difficult that they reimburse you.” This was the most negative thing I saw at work.*

Likewise, another worker commented:

*Well, they gave us a card that we can go [with] to the hospital, but the company’s human resources told us that it’s always full and that . . . well, normally they don’t provide care unless it’s very, very serious. So no, it’s not a good idea to get sick.*

Two workers reported that working in lobster processing plants produced its own health risks: *“Now in my work, many people are very vulnerable. . . . They get sick at work because the lobster is very toxic. So many people can’t breathe.”* They commented that the employer themselves provided an evaluation of workers’ illnesses and frequently left workers at home to recover, providing them with no access to treatment and no pay as they convalesced.

Another participant discussed their fears about accessing medical care, as they described a situation with a colleague who had become ill from a lobster allergy:

*We actually had to call an ambulance once. We didn’t know how we did it, because they spoke only English, but a colleague was having tachycardia due to the smell of the lobster, because, when American lobster arrives, the smell is very strong. . . . We got scolded because we called the ambulance. We got reprimanded.*

The challenges were great for those with serious health issues. Illness appeared to jeopardize their status in the country and could result in the non-renewal of contracts for subsequent years. One worker who fell seriously ill shortly after arriving at work commented that although they had Medicare at the time of their illness, the company did not renew their work visa. As a result, the Government of New Brunswick extended this worker’s medical coverage. However, the extension ran out before the worker learned whether they had received permanent residency. In the meantime, they had to pay to access costly, routine medical care. The participant commented that obtaining work with a serious health condition and routine treatment was challenging:

*Some of the compan[ies], if they, they will know me that I am a . . . patient, they will not hire me because of my situation. . . . At least if I get a job and they will give me a LMIA, at least I can recover my Medicare also.*

Nine workers commented on sick leave. They reported different understandings of what would happen when a worker fell ill and could not work. One stated that they were granted seven to fourteen days of sick leave, two were unsure of the process, and six reported that they could take time off but that it was always unpaid.

Many workers were expected to shoulder the costs of their illnesses. As one worker commented, *“Even in the contract it clearly stated that you didn’t have days off. Not even in case of illness.”* Another remarked, *“There have been accidents at work, and they don’t get paid.”*

The effect of unpaid sick leave meant that there was pressure to work while ill in order to avoid being sent home, and in order to get a contract renewal for the following season:

*Many people are sick and go to work because if you miss a day of work despite being sick, your employer may take it badly and may not hire you the next year. Then [they] endure pains. In fact, a year ago a person got sick, and the solution was to return [them] to Mexico.*

## The Working Toll of the COVID-19 Pandemic

Some workers expressed concerns about the impacts of the pandemic beginning right with their entry to Canada. As one worker remarked, *“Well, we were not even sure that we would make the trip because they were not allowing us to enter Canada because of the pandemic. So, well, we didn’t have anything for sure.”* The worker expressed how they were expected to adjust to a changing dynamic, continuing, *“From one day to the next, they said a flight was going to come, a private flight for essential workers, and it was coming that same week.”*

Many workers had to travel far from their homes to catch charter flights, as borders closed and commercial flights were unavailable. One worker remarked that their trip from their home community to Canada, *“was [a] little complicated with COVID to tell the truth.”* One worker described a bus ride of more than 23 hours and a night without accommodation.



Another explained:

*Departures were affected because I had to take the flight in Aguascalientes. Aguascalientes is about three or four hours from [hometown] and there are direct buses from [hometown] to Aguascalientes in normal times, but because of the pandemic, that route was canceled, so I had to travel from [hometown] to [another community] and from [that community] to Aguascalientes. I spent more than six hours . . . [to] catch the plane. And then on the plane, well, we still had to wait for a long time.*

One worker recounted that with COVID, flight cancelations were common, making it hard to schedule their trip to Canada. This worker missed a month of work due to scheduling challenges.

Most workers explained they required a negative COVID-19 test to travel. For two workers, these tests came back positive, necessitating isolation and lengthy delays before beginning their travel.

Although there was no social distancing on the planes, workers were given masks and hand sanitizer for protection.

Once in Canada, workers were required to stay in hotel quarantine for fourteen days, with one worker stating that they were also required to isolate for three days in the Canadian city where they landed. Workers explained that they were paid a limited salary during their isolation period, and some were asked to review work materials over this time. Their compensation was less than what they would have made if they had been working.

Workers sometimes isolated individually or in pairs and were not allowed outside their hotel rooms during quarantine. More than one worker expressed concern about not having access to fresh air, as some hotels did not have balconies or windows that opened to the outside:

*As soon as we arrived . . . they were calling us by name to tell us who [we] shared [a room] with. We arrived, we gave our name, and they told us, "You're staying with so-and-so." They spoke with the other person, they put us in the elevator, we left the elevator, then there was the door to our room. Then we entered the room, and it was the only thing I knew. From there, well, we couldn't leave the room for fourteen days. They would bring us food and what we needed to the door. They would knock on our door to tell us that the food was already there, we opened to pick it up, and we closed again.*

Many workers found the hotel food to be an adjustment from what they were eating at home. One worker commented, "*I suffered [during] the quarantine because I am addicted to chili, to spicy food.*" Another stated, "*The food was very boring.*" However, aside from the food, no worker complained about the amenities associated with the isolation period.

Some workers did express that it was challenging to communicate with hotel staff, as the participants did not speak English or French.

Employers had some COVID-19 protocols in place once workers left quarantine and began working in the fish plants. Workers described having their temperatures taken regularly and the implementation of masking and hand sanitizing. One worker mentioned that plexiglass was used to separate workers from one another during breaks. Often workers stated that masks and sanitizer were provided by the company at no cost.

Most - but not all - workers believed that their employers took the COVID-19 pandemic seriously and commented that they felt safe at work. Some mentioned that this process seemed largely performative, as they were unable to socially distance in their homes or on their way to work. As one worker described:

*Safety measures were contradictory. On the one hand they asked us to use gloves and a face mask, but on the other we were very crowded at work. There was no space between us. No social distancing. There were no infected people this year. They didn't give us any directions [if there had been]. The company only cared about our productivity, that we worked, not that we kept safe.*

Despite employers providing masks and sanitization supplies at work, several workers commented that these items were not provided at home. Workers were told to purchase their own cleaning supplies out of pocket. As one participant explained:

*We had to buy all the cleaning supplies such as bleach, disinfectant, sanitizing towels, hand gel, etc., absolutely all of that was out of our pocket to keep common areas such as the main table, sink, etc. disinfected.*

Several participants explained that the COVID-19 pandemic increased their employer's surveillance, even when they were not actually working. Employers placed limits on what the workers could do after hours and who they could spend their time with. These employees expressed that they were perceived as a threat to the safety of the workplace for participating in what for non-temporary workers were the regular rhythms of life: running errands, grocery shopping, and visiting with friends and family.

*In the pandemic . . . there was an excessive control of going out. . . . If you took a cab to go shopping in the city, this represented a danger. . . . In fact, a lot of people were fired for doing that because they were going to do their shopping or they were going to send money or they were just going into town.*

*You were even forbidden to meet with people who were not from the company. . . . The company was in absolute control, over every worker. . . . You couldn't leave your house because . . . this represented a danger for the company and it was a total prohibition, even if you took all the necessary measures such as mouth masks, gels, etc., you were forbidden even to go out to see other relatives or to go to do groceries to the city.*

Workers were often unclear about protocols for COVID-19 infections. Although some workers understood company policy pertaining to positive COVID tests (“we would have been quarantined”), the majority of the workers interviewed had no idea what would have happened if they tested positive. In the words of one worker, “In that aspect they did not give us information. . . . They never told us if you test positive we will cure you or we will return you. No, no, no, they never gave us that information.” One worker speculated, based on the experiences of an ill colleague, that if they had contracted COVID, “I would have been returned home [by my employer].”

And even those who knew about their employers’ quarantine requirements were unclear if they would be compensated during that time.

## The “People out of Place”: National Dynamics at Play

There was a sense amongst the participants that differentiations were made at work on national lines. Temporary foreign workers were made into “people out of place” (Sharma, 2020), or outsiders to the Canadian nation. One participant explained that they were treated differently by management because they were a Mexican national:

*He [the owner] didn't like us as Mexicans. Even when we did it the same as the Canadians or better than the Canadians or the Filipinos. . . . The man always addressed us Mexicans, as we did not do well, although we had better results than them.*

Another participant described how the Canadian workers took up breakroom space in assigned cubicles at lunch, with little space left for the Mexican workers.

Employers may see workers’ foreignness as justification for their mistreatment, placing on them “superhuman demands: work, work, work and faster, and faster, and faster, and you don’t rest a minute and [they] control the work constantly and [they] prohibit you even to go out to the bathroom.”

Workers also accepted discriminatory treatment at the hands of Canadians outside of work. For instance, when bus drivers refused to wait for the workers to finish their food shopping, workers did not complain because the bus driver was Canadian. They reasoned that if they were to upset a Canadian, they would risk their ability to return the next season.

Knowledge of company matters was also disseminated on national lines. Canadians seemed to have been the first employees to know about any changes in workloads, for example:

*The company, they never tell us if there will be work tomorrow. Or they tell us late in the night, but the ones who always know, are the Canadians. They always tell them, "There is no work tomorrow, but don't say anything, don't tell any of the Mexicans." I don't know why they do that. I feel its discrimination. They don't take us into account.*

One participant felt strongly about the benefits of working in a company predominantly employing Canadians. This participant mentioned their former job in Québec, where immigrants were offered the same occupational protections as Canadian workers. The worker attributed this treatment to the fact that most employees were Canadians, hence the migrant workers were too few to invite a generalized discriminatory treatment.

Migrant workers were aware that Canadian citizens and residents were unwilling to do their jobs. As one participant stated:

*Canadians themselves do not want to do [this work]. Because [when] they asked me where I worked, and I would answer, "With the lobster." "Ah okay" [would be the answer]. Canadian people kind of see it as a lowly job. Like, you work in the lobster? Like it was slave labour. A lot of local Canadians they don't see it as a good job.*

Therefore, migrants felt they need better remuneration and better housing conditions to compensate for their efforts. As one participant stated:

*"For it to really be worth leaving our family, because we are leaving everything, we leave family, we leave children, we leave our country, to go do a job that unfortunately they don't want to do. . . . I would like the conditions to be a better salary and even a lower cost for housing."*

Another participant added:

*They pay us . . . the minimum wage, the lowest you can afford. I would recommend . . . because we're doing the work that a lot of Canadians don't want to do, well, be fair with the payment. I will not say that they have to pay us the same as some Canadians, but well, come closer, right? Because we're doing a job they don't want to do, so if we don't come, your company is going to lose.*

Workers knew that employers were benefiting from this exploitative relation, particularly as they were not obligated to provide to the migrants the same benefits and rights provided to Canadians:

*Your company benefits from us coming because it pays the minimum. Mexicans, Filipinos whatever, but foreigners. Then it benefits because we cannot receive the same benefits. We are doing your job, you are giving us work and we are grateful. We appreciate the jobs you provide, but we would also like it to be more equitable. Where overtime and things like that are paid as it should be, right? I do not say . . . the same as a Canadian or as a resident, but well, closer, right? We are not coming to play or get lazy, no, we come to work. Do the work that the local Canadians themselves do not want to do more than anything.*

However, better pay and better occupational conditions were reserved for Canadian workers, as detailed by one participant:

*As an immigrant you get there and hear that Canadians are making \$18 or \$20, I don't know how many dollars and you say, "Hey, but why I get so little if we do the same job?" Or sometimes we do more work. Because honestly, we do more work than local people. Local people, if they don't want to [work] they don't [work]. I imagine they feel protected by Canadian law because [they] have the right to choose.*

Ethno-national dynamics came into play when non-Canadian supervisors favoured their co-nationals:

*If the supervisor was Filipino, for example, then he had a preference for Filipino women, right? He would put them in jobs that were less heavy or would help them at work. Not because I was a temporary worker, but because of my nationality.*

The work settings run by co-ethnic supervisors were generally seen to be more abusive than those run by Canadians:

*I saw the difference [when] they were mostly Canadians compared to when you work in a company where there are more Mexicans, where there is a lot of pressure, the bosses are Mexican, the environment right? The work environment is very heavy and it is practically two totally different mentalities where excessive productivity is rewarded to the point of slavery, in comparison to a person who is happy to do his job without any pressure.*

Someone explained that their co-ethnic supervisors had internalized the rich-nation/poor-nation ideological difference and therefore asked the most out of the foreign workers. Co-ethnic supervisors knew that workers were replaceable, in dire need of money, and expected people to work as often as they were asked:

*[If they are from the] same country, Latin American countries, especially in Mexico, [they] are aware of the culture, of the economy and how things move in countries like Mexico. They have experienced the lack of opportunities, the lack of employment, the lack of many things that these countries have. So this is used as a means of coercion, as a means of pressure to demand the maximum. It is like saying that you are here in Canada and you are privileged to be doing this work and if I fire you tomorrow we can hire another person. There are thousands of people behind you wanting to come, so make it faster and faster.*

Employer implementation of stringent COVID-19 health and safety protocols for migrant workers was also interpreted as reflective of national distinctions. Workers felt they were protected not because they were worthy of protection but so they would not become a risk to Canadians, their companies, and their workers. Therefore, Canadians' everyday lives were not restricted while Mexican and Filipino workers were closely monitored:

*When a Canadian went out or went shopping or went with his family nothing happened, absolutely nothing. They could go out shopping, go and do their groceries, etc. But a Mexican could not do that because yes, there was a problem with a Mexican but not with a Canadian, so it's kind of like discrimination.*

Overall, six participants stated they encountered discrimination at work. Three participants complained about instances of racism and xenophobia in the community.

In one instance, a participant stated that while shopping at a food store, someone addressed rude comments about them not speaking English, saying, *“You come to my city, the one who [must] speak English is you. It is not me who has to speak Spanish.”* The worker felt this behaviour was unjustified, especially as they were buying things at the store and directly contributing to the local economy.

In another instance, someone cursed at workers on the street. A participant mentioned some youth in the community yelling that migrants had brought in the COVID-19 virus.

One participant described in detail a xenophobic encounter in the local community:

*We were walking on the sidewalk and a vehicle stopped and started saying those things like, what are we doing here, that we don't belong here. And also, at Dollarama, a man stopped and extended his arms and he didn't want to let us pass. He wanted us to go around, and only because he wanted. And I said, “Why?” “Only because I want you to, don't pass here, go around.” He wouldn't let me. And with all the strength, I took off my backpack, I said, “I'm going to hit him, sorry for my words.” And my wife said, “No, no, no because you're going to have problems, they're going to deport you, things like that.” When the man saw that I took off my backpack, he lowered his arms. He said, “Damn Mexicans, what are they doing here!”*

# Conclusion

Migrant workers in New Brunswick's seafood processing plants face challenging occupational and living conditions. They also face high recruitment fees, an unreliable state protection system with infrequent and inadequate workplace and housing inspections, uncertainty over the renewal of their contracts, high rents, overcrowded housing, inadequate healthcare coverage and provision, unclear COVID-19 infection protocols, xenophobia, and racism.

When programs for recruiting a mobile labour force exist outside bilateral state-to-state institutional frameworks, the lack of regulation invites worker abuse. For example, workers in New Brunswick paid high fees to third-party recruiters, even though federal guidelines for the low-skill stream of the TFWP clearly state that temporary foreign workers are not to be charged recruitment fees (ESDC, 2022b). Federal guidelines state that immigration consultants and paralegals can assist employers with recruitment; however, their fees are to be paid by the employers (ESDC, 2022b). *New Brunswick's Employment Standards Act* also prohibits employers from recovering recruitment costs from the workers. Yet there is little monitoring in place to ensure these rules are implemented. Moreover, the Government of Canada has no jurisdiction over recruitment practices in the sending country.

Canadian employers alone dictate the terms of workers' protections without input or agreement from the sending nations. This contrasts with the SAWP, which allows Canadian employers to hire temporary agricultural workers from Mexico and the Caribbean under bilateral state-to-state agreements. In these instances, the sending states actively participate in recruiting and selecting workers - assisting workers with preparing their documents, maintaining a pool of qualified



workers, and providing representatives to support workers once they are in Canada (ESDC, 2022c). This process eliminates the need for third-party consultants, who often take advantage of such situations and charge workers exorbitant fees. In Mexico, for example, workers' recruitment through SAWP is administered by the Ministry of Labour and Social Welfare through the National Employment Service. Workers are not charged any fees. With the low-wage stream program, however, workers are on their own when making their way to Canada. Often in desperate financial situations, they do whatever they can to secure a work contract.

To limit exploitative recruitment, the Canadian state should negotiate the details of the low-wage program within a framework of bilateral agreements. The low-wage program is devoid of regulatory protocols; employers are not required to arrange and pay for workers' transportation to Canada, to provide suitable housing, nor to abide by delimited occupancy thresholds. There are similarly no specific requirements to ensure that housing accommodations for low-wage migrant workers are inspected by provincial or municipal regulatory bodies. Inspections appear to be conducted mainly of the accommodations housing SAWP workers. State-to-state bilateral agreements are needed so the sending country can also protect its citizens. Such agreements could force the Canadian state to implement robust regulations.

Workers know that being tied to their employers puts them in vulnerable positions. Therefore, they do not publicly express their concerns. This dependency on their employers makes workers prone to accept harassment and verbal abuse. Workers rationalized these conditions as a sacrifice enabling them to provide for their families. Open work permits are needed so workers can freely change employers without losing access to other employment positions.

Governmental policies at all levels need to place workers' safety first. Most workers indicated they felt safe at work, but confused COVID-19 public health regulations with occupational safety and could not identify specific training modules offered by their employers, demonstrating that health and safety training was vague or possibly non-existent. Most workers stated that inspections were conducted, yet they rarely witnessed these inspections, indicating that they were relying merely on a presumption of safety.

Workers did use the threat of complaint, especially to Service Canada, as an ace up their sleeve when threatened by their employer. Yet the question remains – why do workers continue to feel uncomfortable contacting the Government of Canada for support? What then can the government do to mitigate this hesitancy and ensure that it can offer the workers needed protections?

Housing conditions were poor. Landlords used exploitative practices that violated workers' human rights, safety, and security, like changing the amount of rent collected, forcing workers to change houses repeatedly, and asking strangers to share bunk beds during a pandemic, when people should have been socially distant. These issues occurred not only with employer-landlords capitalizing on private housing stock, but also with others in the private sector. For example, workers were coerced to use private laundry services and had the costs deducted from their pay.

Similar to our findings from Prince Edward Island, housing arrangements lacked universal standards. Some migrant workers were lucky enough to have their own rooms. Others shared their accommodations, with up to four people in a room and up to twenty people in a house. It was the employers who determined workers' housing arrangements.

The low-wage worker stream, through which most of the seafood processing workers arrive, is regulated at the federal level. The Government of Canada outlines general guidelines for housing, including the requirement that employers provide or ensure the availability of housing that is

suitable (i.e., not in need of major repairs) and affordable (i.e., not costing more than 30% of workers' wages) (ESDC, 2022c). However, the government does not provide exact standards for the number of people housed in a dwelling. Without specific terms of reference, employers and landlords are free to fill their houses in ways that best suit their financial interests.

When government housing regulations only address issues of major repairs (i.e., electrical, plumbing, and structural), the livability of the premises is disregarded. Some participants lived without hot water, access to internet, or sufficient cooking facilities.

Even when government agencies do offer protective guidelines, they frequently fail to enforce them. For example, the government states that employers must ensure that workers are not charged recruitment fees by employers or third-party recruiters and that employers must pay for workers' transportation from and to their country of origin (ESDC, 2022b). Yet some workers paid high recruitment fees of up to \$2,000, and others detailed an instance of someone not having their return flight covered.

Employers are also required to offer workers a basic health insurance plan. However, the government could expand this requirement to include comprehensive health plans. Workers would be better protected in such cases and there would be less ambiguity in terms of what was being covered, as a comprehensive plan would include coverage for more complicated health issues and prescription drugs. Providing public health care to temporary foreign workers on arrival is still considered the best way to ensure equal and comprehensive health care access for workers.

Working in a climate where controlling and abusive management tactics were common led some participants to discipline themselves by reducing their break times in order to demonstrate that they were good, productive workers, worthy of returning the next season.

The variations in hourly wages and overtime rates demonstrated that workers' pay was a matter of employer discretion. A higher minimum wage in New Brunswick is needed to increase the wages of temporary foreign workers, as most employers use the minimum wage rate as the benchmark for migrants' wages.

Even though temporary foreign workers are an indispensable part of the seafood processing industry, our research found that employers treated workers as if they were doing them a favour by employing them.

Yet without temporary foreign workers, the seafood processing industry would simply be unprofitable. Canada's fish and seafood exports were worth \$8.79 billion in 2021 (Fisheries and Oceans Canada, 2022). This number encompassed a 36% increase since 2020 and an 18% increase since 2019 (Fisheries and Oceans Canada, 2022). Economic estimates between 2014 and 2018 (the most recent years for which source data is available) estimate that fishing and seafood processing constituted 32.2% of Canada's GDP in the marine sector (Ganter et al., 2021). These numbers are dependent on foreign temporary labour.

Both Canada and the industry capitalize on migrant labour. Yet migrants are not simply commodities on the labour market. As they have essential roles for the industry and its profitability, they deserve to have their needs, wants and rights as workers met. The Canadian state has an obligation to ensure safe and dignified working and living conditions for temporary foreign workers.

# Recommendations

The Canadian federal and provincial governments share responsibility for temporary foreign workers.

The federal government administers workers' recruitment through ESDC and IRCC. The ESDC either approves or rejects an employer's application for workers through a LMIA.

The province regulates workers' occupational and housing conditions as well as healthcare.

The struggles of temporary foreign workers in New Brunswick have been the subject of recent news stories. Temporary foreign workers reported having to use food banks after their lobster plant shut down for six weeks ("Des travailleurs étrangers," 2022) and Mexican migrant workers working in New Brunswick's farms discussed difficulties integrating due to not being able to speak English or French (Delattre, 2022).

In 2022, the Madhu Verma Migrant Justice Centre formed to support the growing number of temporary foreign workers and others with precarious immigration status in New Brunswick. Migrants served by the centre reported wage theft, discrimination, and the need for emergency assistance with housing and health care.

It is within such a context that this report aims to inform and support the adoption and implementation of a set of recommendations in New Brunswick. It is our hope that these findings will both contribute to the body of information on migrant workers in this province and support community actors - such as the Madhu Verma Migrant Justice Centre and the Filipino-Canadian COMMUNITY of New Brunswick - in their advocacy for temporary foreign workers.

# The federal government must:

## 1. Grant permanent residency on arrival

The Government of Canada must grant permanent residency to temporary foreign workers upon arrival in Canada. The precarious situation of temporary foreign workers in New Brunswick has been made worse by the pandemic, which has exacerbated existing issues with health, safety, and living conditions. Migrant workers are essential workers and permanent residency on arrival would ensure their access to healthcare and social services, as well as to the legislative protections already available to permanent residents and citizens.

## 2. Provide open work permits

The Government of Canada must abolish employer-specific work permits and provide open work permits to temporary foreign workers so they can switch employers. Work permits that tie a worker to a single employer create vulnerability. Workers are fearful of making a complaint when their rights are being violated or their safety is at risk. Open work permits would diminish the power employers have over workers.

## 3. Require provinces to meet labour practice standards

The Government of Canada should establish labour practice standards that provinces must meet in order to participate in the TFWP. These standards must include the establishment of a regulatory regime for recruiters of foreign workers and the removal of barriers to union membership for temporary foreign workers.

## 4. Ensure all workers have access to safe, affordable, and dignified housing

The Government of Canada must create, monitor, and enforce guidelines to improve accommodations for temporary foreign workers so that every worker is housed with privacy, dignity, and security.

## 5. Grant access to EI to all temporary foreign workers

The Government of Canada must grant temporary foreign workers, including those with employer-specific work permits, full access to EI benefits. The government must make the process of applying for EI fully accessible to all workers by providing clear information and interpretation services when necessary.

## 6. Create bilateral agreements with migrant-sending countries

The Government of Canada must forge bilateral agreements with countries sending migrants through the low-wage stream of the TFWP. This will better ensure that the rights of migrant workers are protected. These agreements must be forged following consultation with migrant workers, organizations representing migrant workers, and labour unions.

# The New Brunswick government must:

## 1. Strengthen the *Employment Standards Act* to protect temporary foreign workers from abuse

The Government of New Brunswick must amend the *Employment Standards Act* to protect temporary foreign workers from abuse by employers and recruiters in the following ways:

- a. Make public the registry of employers and recruiters of temporary foreign workers. A public registry would improve the ability of community organizations to offer services to the workers and minimize workers' vulnerability by increasing their visibility in the community.
- b. Conduct proactive and regular work site inspections and investigations to ensure employers provide safe working conditions, adequate rest periods, and days off. The government must also institute sufficient penalties to deter non-compliance.
- c. Create accessible and safe channels for migrant workers or their representatives to report workplace safety problems. Temporary foreign workers often hesitate to speak up out of fear of negative repercussions that would affect their immigration status. A complaints-based system thus does little to protect workers' rights.

## 2. Implement employment reforms that protect all low-wage workers

The Government of New Brunswick must address the crisis affecting low-income earners, including temporary foreign workers, in the following ways:

- a. Increase the provincial minimum wage rate, which is now \$13.75/hour and will be \$14.75/hour on April 1, 2023, to the New Brunswick living wage, which is estimated to be between \$19.20 and \$23.45/hour, depending on where one lives (Human Development Council, 2022).
- b. Extend sick leave to include ten paid sick days every year as recommended by labour unions, eliminate the waiting periods for eligibility for paid sick days, and eliminate the need for physician certificates, since workers have inadequate access to physicians, hospitals, and health clinics.
- c. Pay overtime wages based on the worker's wage and not the minimum wage after 44 hours worked per week.
- d. Eliminate deductions from workers' pay for uniforms and other mandated equipment.

## 3. Remove barriers to unionization

The province should remove the barriers to unionization so that it is easier for workers to organize and confront employer abuses. For example, the province could make it clear that all workers – including temporary foreign workers – have the right to join a union; make card-

check certification legal; outlaw contract flipping and the use of scab labour; and stiffen penalties on employers who attempt to prevent workers from joining a union.

#### **4. Implement housing reforms to protect the health and safety of temporary foreign workers**

The Government of New Brunswick must:

- a. Require the inspection of employer-provided housing of all temporary foreign workers on a proactive, unannounced, continuous, and thorough basis. Living conditions can quickly change and deteriorate. At minimum, mandatory mid-season housing inspections are needed.
- b. Create a safe, confidential, and clear complaint process for temporary foreign workers to report overcrowding, unsafe, or poorly equipped living conditions. New Brunswick's seafood plant workers are living in housing stock that is part of the regular rental market. When their employer is their landlord, such a relationship makes it difficult for workers to file a formal complaint in cases of inadequate, unsafe, or overcrowded conditions.
- c. Invest in public housing and safe public transportation to promote inclusion and access to community services, while reducing reliance on employers.

#### **5. Provide immediate access to public health care to all temporary foreign workers upon arrival**

The Government of New Brunswick must provide Medicare coverage to all temporary foreign workers upon arrival in the province. This includes eliminating waiting periods for Medicare. The Government of New Brunswick must also provide accessible information about what Medicare covers.

#### **6. Provide legal aid to temporary foreign workers**

There is no legal aid for temporary foreign workers in New Brunswick. The Government of New Brunswick must provide legal aid services to temporary foreign workers. Using funds from ESDC, labour unions, and various individuals, the Madhu Verma Migrant Justice Centre was able to financially support legal services for more than a dozen temporary foreign workers in 2022. However, ESDC's new round of funding for community-based migrant services in 2023 has discontinued support for legal services and emergency services such as housing and food.

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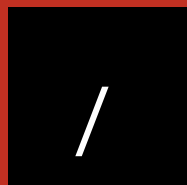
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