

# Nova Scotia Federation of Labour



## Presentation to House of Commons Standing Committee on Immigration

Halifax, Nova Scotia  
April 16, 2008

Good morning and welcome to Nova Scotia. My name is Rick Clarke and I am the President of the Nova Scotia Federation of Labour.

The Federation is the single largest union organization in Nova Scotia. Unions affiliated with our federation represent in excess of 70,000 workers in the province, in both the public and private sectors; working in every aspect of Nova Scotia's economy.

The Federation speaks on behalf of and represents the interests of all organized and unorganized workers. It promotes decent wages and working conditions, improved health and safety laws and lobbies for fair taxes and strong social programs. It works for social equality, and to end racism and discrimination.

The Nova Scotia Federation of Labour was founded on a principle of justice and dignity for all and it will always be front and centre in the struggle for a just and fair society.

Our Federation, as with the other Federations of Labour, is a direct chartered body of the Canadian Labour Congress and together we collectively form a tight knit family of Labour organizations across Canada.

The Presidents of the Federations of Labour meet regularly to discuss issues of common interest and common concern; and it is one of those issues that bring us before you today – Undocumented and Temporary Workers.

Although the issue of temporary foreign workers may not seem to be as prominent a concern in Nova Scotia as it is in other provinces, such as in Alberta and Ontario, we can assure you that it is an ongoing and growing issue within this province.

The use or abuse of the temporary foreign worker program may not appear to be as high a profile matter here as elsewhere because of efforts by employers and both levels of government to maintain as low of a profile as possible; coupled with the fact that the volume of workers being brought in are small compared to say the oil sands.

However we wish to assure the Committee that the abuse of the program and of these workers is a concern and is a growing issue that we are working with in our Federation, and it is an issue that is gaining a public profile.

We are aware that you have received several presentations on this matter from various Labour groups and Federations already and do not wish to repeat all that you have already heard and we will therefore attempt to keep our presentation a bit more focused on the impact today and tomorrow if this fast tracking of this program is continued or escalated.

Having said this, we want to ensure that we share in the view and support the positions put forward in the many labour presentations made before you. Also, we understand the Canadian Labour Congress will be appearing before you in the near future and we wish to state that we fully support the position and presentation the CLC will be making on this very important Canadian, social and human rights issue.

The work of the Alberta Federation of Labour and the Six Month Report of the AFL's Temporary Worker Advocate speaks volumes of what is wrong with this program and why this program should not only not be expanded, but why it should be discontinued in favor of a true immigration strategy that meets the needs of the workplace and the hopes and dreams of these workers and their families.

We realize there is an on going debate on whether there is actually a skill shortage or if this program is in place to enable employers' easy access to workers at the lowest cost and with minimal benefits rather than through attracting workers with competitive wages and benefits.

The original concept of the program 'may' have supported the notion of a shortage of skilled workers, as it had originally been designed for professionals: engineers, accountants, professors or specialized technicians; in general those who are in a better position to take care of themselves in the labour market.

However, this all changed in 2006 with the unveiling of the federal government's now infamous list of "Occupations Under Pressure" where we now have scores of occupations on the lists; from the hospitality industry, such as hotel and restaurant workers, to the agriculture industry to manufacturing.

In fact, in this very hotel (The Prince George Hotel in Halifax) the Temporary Foreign Worker program has been used to fill housekeeping positions, something not readily approved in the past.

Previously employers could use the TWF program for only a narrow range of workers and only after proving they made every effort to find workers already residing in Canada to fill the positions were they granted the right to use the program.

Although there are some examples of the TFW program being used in Nova Scotia for skilled workers, some with fairly specialized skills, the majority of workers being brought in now fall into semi or low skill categories.

The use of TFW is not new to Nova Scotia or to me. Before becoming the President of the NSFL I had worked in and with the shipbuilding industry where we had experienced various skill shortages. Our employer had been allowed to seek workers off shore, after making every effort to fill the positions in Canada.

These workers were fully integrated into our workplace and communities, and contributed to our local economy. Many of these workers became new Canadians and brought their families over to be with them. Today some of these workers are among the more senior employees at the shipyard, while others went on to work for other employers. Others are now enjoying their retirement in Canada watching their grand children grow.

Unlike today's TFW program, this was an immigration program and strategy that worked. It met the short term needs and long term planning of an employer. It provided employment and future opportunities for these workers and the process or opportunity to become a new Canadian seemed a lot less burdensome than the current TFW program. And through the 'improvership program' that had been put in place by the employer and the union, the skills of these workers were passed on to younger entry level shipyard workers.

Today's TFW program is not an immigration program. It is not fair to the workers being brought in. It is not fair to our economy. It is not fair to those who are being bypassed because access to this program by employers is far too open. It takes away the responsibility of employers to plan and train for the future. And it undermines efforts to establish training and educational opportunities and programs for displaced workers and for youth at risk, amongst other groups. Further, the program as it now stands marginalizes temporary workers and creates a precarious work force without the full rights of other workers in this country and opens them to abuses by their employers.

What has been most galling about the changes to the Temporary Foreign Worker program is that these changes have been made without any public debate. No party ever ran on a platform of promising easy access to cheap exploitable foreign workers. There was never a debate in Parliament. Instead, it appears that the business community asked for changes to the program and those changes were made.

It is almost as if the employers in the business community that are not able to move their operations to lower-waged economies under the various free trade agreements are now the beneficiaries of the Temporary Foreign Worker program by being given the ability to bring temporary workers to Canada where they can be exploited with low wages and poor working conditions.

## Immigration Amendments in C-50, the Budget Implementation Bill

The Nova Scotia Federation of Labour, along others in the labour movement in Canada, is very concerned about the proposed changes to the Immigration and Refugee Protection Act (IRPA) which are contained within the Budget Implementation Bill (Bill C-50).

Having major changes to the Immigration Act (IRPA) contained within a financial bill such as the Budget Implementation Bill (C-50) is a back door way of making changes to Canada's immigration system without proper consultations with appropriate bodies, including this House Standing Committee on Immigration.

The proposed changes to the Immigration Act contained within Bill C-50:

- Give major new powers to the Minister of Immigration and Citizenship to control the types of applications it accepts, impose quotas, and dispose of immigration applications; (clause 118)
- Puts limits on the Humanitarian and Compassionate category, which currently is the only channel for many who encounter challenges in the process of pursuing family reunification. (clause 117)
- Gives the Minister the power to deny visas to those who meet all current immigration criteria. (clause 116)
- Further supports the current policy shift whereby immigrants are increasingly being understood and treated as “economic units” to be brought here through temporary visa arrangements instead of through permanent residency programs.

Now more than ever, we must insist on the notion of immigration to Canada as one being based on building citizenship. That is: inclusion, human rights, permanent residency and family reunification - and not only a response to perceived labour market “needs” as defined by employers. Further, Canada's economic needs should not compromise Canada's historic vision to build this country through the settlement and integration of immigrants as full and equal participants in society.

To date the determination of labour market “needs” (as demonstrated within the 'Occupations under Pressure List', etc.) are being made without labour union participation. The labour movement and our unions are well-placed to be able to provide information on areas of labour market shortfalls, as well as recommendations on how to address these shortfalls in ways that do not create large pools of precarious workers who are left vulnerable to abuses.

The changes to IRPA which are proposed within Bill C-50 are of such significance and importance that they should not be buried within a Budget Implementation Bill. Bill C-50 should be split to remove all changes to the immigration system so that a proper debate specifically on those proposed amendments can take place.

## Recommendations from the Nova Scotia Federation of Labour

- The Temporary Foreign Worker program should be frozen and returned to its historic (pre-2002) purpose and process until a real public debate can be conducted. Employers should be restricted by all levels of government to ensure that temporary foreign workers are used only as a last resort where real work shortages exist.
- Where Temporary Foreign Worker programs are utilized, these workers should have the same rights as any Canadian worker. In particular, these workers should have a right to fair wages and a safe workplace, the right to join a union and the right to remain in Canada and apply to be citizens – independent of the wishes of the employer that brought them here. Additionally, all workers employed within Canada should be afforded the rights of permanent immigrants.
- Labour unions must be consulted and given the opportunity to fully participate in determining labour market “needs” as well as in finding solutions to meeting labour market shortages.
- Employers should not have the ability to choose the country of origin of workers that they intend to bring in under the Temporary Foreign Workers Program, or through any other employment program. Employers should not have the ability to discriminate by country of origin or nationality when hiring any worker.
- Introduce a full and inclusive regularization program to give all workers on Temporary Visas as well as other non-status people living in Canada the opportunity to acquire permanent residency. Without such a program, non-status people and Temporary Foreign Workers are left vulnerable to abuse and exploitation.
- Workers who enter Canada, under Temporary Foreign Worker visas or any other program should have the opportunity to apply immediately upon entry in this country for permanent immigration status.
- Policy options should be utilized to ensure that the huge numbers of displaced workers from the manufacturing and resource sectors are re-tooled and re-deployed to relevant areas where skill transfer and application is viable. Additionally, comprehensive job training programs need to be implemented in order to re-train these workers, as well as workers from other demographics (such as a large aboriginal labour force, newly-landed immigrants, people with disabilities, women and youth who are under-utilized within the labour market).

- The federal government should fund an arm's-length Temporary Foreign Worker Advocate office in each province to assist TFW's with work-related and immigration complaints. Services provided by this Advocate office should be provided at no cost to TFW's, and these Advocate offices should be established with collaboration from the trade union movement.
- Split the Budget Implementation Bill (Bill C-50) to remove all changes to the Immigration and Refugee Protection Act (IRPA) in order to allow a separate debate on those proposed changes.