



REPORT ON TEMPORARY FOREIGN WORKERS IN ALBERTA

The AFL Round Table on Temporary Foreign Workers

On November 18, 2010, the Alberta Federation of Labour gathered over 50 participants for a day-long workshop on temporary foreign workers (TFW). Participants included temporary foreign workers, representatives of local immigrant-serving agencies, community volunteers and representatives of trade unions who work with temporary foreign workers and policy experts on Canadian migration policy. The AFL's Temporary Foreign Worker Advocate also attended the session.

After initial remarks setting the context, participants were broken into several groups for focused discussion on a range of issues. These included:

- personal experiences as a temporary foreign worker or working alongside them;
- a discussion on permanent residency, a discussion on employment standards and the workplace environment;
- a discussion on recruiters and brokers; and
- a discussion on what needs to be done to create the Alberta we want.

What We Heard

Labour Brokers and Recruiters

Our workshop revealed ongoing issues related to TFW recruiters acting unscrupulously and without consequences in Alberta.

Illegal recruitment fees in the thousands of dollars, false promises of permanent residency, false charges for services, and false information given to temporary foreign workers are all commonplace in Alberta.

What is more, the federal government's revised policy with respect to Labour Market Opinions (LMOs) has created new opportunities for recruiters, agents, and brokers to exploit temporary foreign workers. Workers having to pay exorbitant fees to have their LMOs renewed are being kept in the dark about the status of their work permits (see below).

Alberta's record on investigations and prosecutions of unscrupulous recruiters leaves much to be desired. First, Alberta Employment and Immigration and Service Alberta have promised to strengthen the *Fair Trading Act*, but those changes have not materialized. Second, there appears to be little appetite for meaningful monitoring, enforcement, and prosecution under the laws we already have.

AFL workshop participants urged the government to take immediate steps to protect temporary foreign workers from exploitative recruiters, agents, lawyers, and brokers. Recommendations for action include adopting Manitoba's much more proactive legislative model (full details follow).

Labour Market Opinions – The Impact of Changes to Federal Policy

In 2008, the joint Parliamentary Committee on Immigration unanimously recommended that once temporary foreign workers were in Canada and were working, the renewal process to enable them to continue in their jobs should be made easier. Instead, the federal government made it increasingly difficult, if not impossible, for TFWs to continue in their jobs. We now see many TFWs being fired from jobs they have held for some time because the government is refusing to grant the employer a new “Labour Market Opinion” which is the official permission to continue to employ a temporary foreign worker.

The federal government made the Labour Market Opinion process more difficult in several ways. First, they significantly reduced the number of new permits issued. Second, they eliminated the expedited LMO process. Third, they eliminated the renewal process. There is now no difference between applying for a new TFW to come to Canada and applying to extend the LMO for a TFW that has been working for an employer. It is the third decision that has had the most unjust impact on temporary foreign workers. Those who have been here for years are being fired and sent back home, only to be replaced by someone new.

Changes to LMO Policies Result in Further Exploitation of TFWs in Canada

Our workshop revealed that many temporary foreign workers now avoid making employment standards or health and safety complaints because the new federal LMO policy puts them in an even more precarious position than they were previously. They cannot go to another workplace. They live in fear of their employer not being able to renew their LMO. Complaints about standards or safety are simply no longer an option, because they result in being fired. And being fired now results in a TFW being unable to get any another job. Temporary foreign workers are therefore left to suffer in silence.

At the same time that TFWs who have worked here for years are being fired, Canada saw the new entries of TFWs for 2009 at 178,478 – only a slight decrease compared to the new entries in 2008 of 192,281 TFWs.

Changes to LMO Policies and Increasing Inequality

Over and over again in the AFL workshop, we heard about wage disparities between TFWs and those living permanently in Canada. The wage gap is widening, indicating that TFWs really are a source of cheap labour and a way for employers to continue to depress overall wage costs. The federal government's new LMO policy, along with new restrictions on TFWs staying in Canada for only four years, keep TFW wages from rising over time and keep TFWs from getting “too comfortable” with respect to their rights in the workplace.

Shifting Norms of Legal and Illegal Work

In our workshops, we heard from agencies and temporary foreign workers themselves that the shift in federal LMO policies has meant that employers are increasingly lying to their TFW employees – saying that the immigration documentation is “in process” or is “complete,” even though employers are not even applying for LMOs or have been turned down. When a TFW is discovered to be working illegally in that situation, they get deported. The employer (or the recruiter) is not prosecuted.

We also heard that the new federal LMO process ushered in new ways for recruiters, agents and lawyers to exploit, lie to, and extort money from temporary foreign workers. In a number of cases, employers have required low skilled workers to pay thousands of dollars of their meagre salaries to recruiters or lawyers for LMO and work permit processing fees. If the TFWs do not comply and fork over thousands of dollars, they are told that they will be fired.

The Question of Permanent Residency

Our workshop dealt with the question of permanent residency and what kinds of changes should be made for temporary foreign workers to seek permanent residency.

The notion that temporary foreign workers should have access to a path to residency is based on at least three positions that were commonly held among all stakeholder groups at the AFL workshop.

First, the TFW program is now outpacing permanent immigration. While numbers of new permanent residents are essentially flat, the number of TFWs is increasing. Historically, Canada has maintained a policy of bringing in 1 per cent of population as new immigrants every year. However, the past decade has not seen those numbers rise above 0.8 per cent. This suggests there is room for more permanent residents in Canada.

Second, Canada's international reputation is as a place where restrictive and exploitative guest worker programs are not the norm – we are a country of immigrants and are internationally recognized as such. Movement away from those core values is an affront to who we are as a nation.

Third, a path to permanent residency recognizes the inherent worth of all migrants to Canada. Historically, most Canadians come from families of lower skilled immigrants – farmers, labourers, shopkeepers, construction workers, clerks, and other blue or pink-collar workers. It is unclear why this generation should be treated any differently. Especially since many of the labour market needs are for permanent low-skilled jobs.

However, changes to federal legislation move Canada backward from this path to permanent residency. Amendments to the TFW program, which go into effect on April 2, 2011, now truly entrench the concept of a totally expendable migrant low-skilled work force. The regulations state that a TFW who has worked a total of four years will be banned from working in Canada for a four-year period. This is clearly aimed at low-skilled workers since skilled workers have the opportunity to apply for Canadian Experience Class after two years work experience. Low-skilled workers have no such opportunity.

Immigration policy changes in mid-2009 resulted in permanent residency becoming available for some TFWs working in low-skilled jobs, but who had skilled-work backgrounds. If one had worked in Canada for one year – even as a low skilled worker – one could apply for permanent residency. The federal government closed off that path to permanent residency in June 2010.

Federal amendments set to take effect April 2, 2011 deny employers an LMO for a two-year period if they are found to have contravened the LMO agreements or provincial employment laws. Anecdotally, we heard at our workshop that this policy has already begun to be enforced. The changes, however, only really mean that it is the temporary foreign worker who pays the ultimate price for an employer who breaks the law. The TFW is denied continued employment with that employer with no, or very little, recourse to employment elsewhere. In our workshops, we repeatedly heard that new federal regulations have the effect of “making the victim pay,” rather than any constructive attempt to protect the rights of TFWs.

Advocacy and Services

Our workshop revealed significant frustrations with provincial services for temporary foreign workers. Staffing levels of the Employment Standards TFW audit team, for example, are consistently maintained well below the promised levels of 2008.

Staffing levels of the TFW Advisory Office have also declined and their job functions seem to be increasingly restrictive. That office was to have provided employment assistance for TFWs who need jobs as a result of lay-offs, abusive employers, etc., but the Advisory Office does nothing of the sort. This leaves people stranded and beholden to their employer – no matter how dire the circumstances.

AFL Recommendations to the Alberta Employment and Immigration Round Tables on Temporary Foreign Workers

Based on what we heard at the AFL day-long workshop on temporary foreign workers in Alberta, we offer the following recommendations aimed at reforming the program and re-establishing our province and country as a leader in human rights and a welcoming country for immigrants from all types of backgrounds.

- ***Recommendation #1: Amend the Fair Trade Act Immediately and Pressure the Federal Government to Tighten up its Legislation as Well***

Given that exploitation of temporary foreign workers by unscrupulous brokers, recruiters, and agents continues unchecked in Alberta, we recommend the following.

Provincial Government Changes: Recommendations for Immediate Action

1. The definition of “employment agency” should be broadened to include things like arranging

visas, settlement services, etc. Recruiters have been managing to avoid prosecution by saying that they are charging \$10,000 for things like "settlement services" (arranging visas, arranging Alberta Health, opening bank accounts, etc.) not for "recruitment."

2. Employment agencies and recruiters should have to register with Employment Standards, in addition to requiring all employers who hire TFWs to also register with Employment Standards (based on the "Manitoba Model," see below).
3. Charging fees to temporary foreign workers – either directly or indirectly. - must be fully prohibited. The prohibition must come with tough enforcement for non-compliance.
4. Agencies should have to provide security (like posting a bond) to protect job-seekers from financial harm. The Manitoba government has successfully implemented a program such as this and we believe that Alberta should also. In Manitoba, anyone registered to provide recruitment services – which include "settlement services" – must provide a surety of \$10,000.
5. The definition of "settlement services" must be expanded to include all services relating to accommodation, which would include buying furnishings for the housing arrangements made by the employer.

The Manitoba Model: Employment Standards, Enforcement and Inspections

Unlike Alberta, the government of Manitoba knows precisely where temporary foreign workers are employed, at what kinds of jobs, and what kinds of skill levels. This makes proactive enforcement, payroll inspection, monitoring of recruiter activity, status of work permits, and labour market needs monitoring much easier.

The government of Manitoba has this information at its fingertips because it maintains a rigorous monitoring policy that involves registration for any employer hiring temporary foreign workers and also a rigorous system for monitoring recruiters and brokers. For example:

1. All Manitoba employers wanting to recruit foreign workers are required to register with the Employment Standards Branch, Business Registration Unit. The immigration application of a foreign worker does not proceed unless the employer hiring them is registered.
2. When registering, employers are be required to provide information about their company, the types of positions they are recruiting and information about any third parties that will be involved in the recruitment process. Any third party used to recruit must be licensed as a foreign worker recruiter by the Employment Standards Branch.
3. Employers are responsible for paying any recruitment fees.
4. The names of all individuals or businesses holding a valid licence from Employment Standards are accessible to the public. Names are posted on the Employment Standards website at www.manitoba.ca/labour/standards.

Federal Government: Immediate Action in Enforcing the Immigration Act

The federal government does have the legislative wherewithal to come down hard on some unscrupulous recruiters, brokers and agents who exploit temporary foreign workers. The problem is they are not enforcing any of it. This leaves the province holding the bag.

The government of Alberta must demand that the federal government and Citizenship and Immigration Canada put the necessary resources into enforcing the relevant sections of the Immigration and Refugee Protection Act. For low-skilled workers, recruitment fees, placement fees or having to pay for their own transportation costs to Canada are a contravention of the Labour Market Opinion Agreement, which is a federal agreement. The federal government has a responsibility to enforce its own laws, but it appears it will not do so without prompting from the province. The government of Alberta should therefore be asking the federal government for action on this file.

- ***Recommendation #2: Move Away from Temporary Work and Toward Permanent Residency***

Temporary foreign workers are more than workers – they are human beings with a desire to put down roots in the community in which they work. If we adopt such a human-rights framework for how we view migration to our province, we arrive at the conclusion that those who come to Alberta and who want to pursue permanent residency should have that option.

Providing a path to residency cuts out much of the fear, misinformation, and opportunity for exploitation that temporary foreign workers currently face.

- **Immediately Increase the Total Number of TFWs Moving Through the AINP**

The Alberta Immigrant Nominee Program should be open to all temporary foreign workers regardless of skill level.

Current restrictions on AINP nominations create situations ripe for exploitation of TFWs. In some industries, employers are only allowed to nominate one TFW per worksite. This creates tension between TFWs, creates situations ripe for favouritism or situations where employers can ask TFWs to do “extra” work (such as personal errands, babysitting, or yard work) in order to earn a nomination for permanent residency. It also mitigates against Employment Standards or other complaints if employers are acting unscrupulously; the threat of revoking a permanent residency nomination can – and is – held over the temporary foreign worker's head in order to encourage compliance with unsafe or unjust working conditions.

- **Ask the Feds for an Agreement to Move More Low-Skilled Workers on to a Path to Residency**

Experts in the field of advocating for temporary foreign workers – those who have watched the program explode over the last few years – note that the provinces seem to be managing the nominee programs on their own, and each have their own way of doing things. This was identified as a significant weakness by the federal Auditor General, who raised red flags about patchwork immigration policies depending on provincial whims.

However, different provinces show that things can be done differently. For example, Alberta has a 5,000 cap on those eligible for the Provincial Nominee Program (PNP). Manitoba shares that same number – a 5,000 cap. The difference is that Manitoba only had 5,623 temporary foreign workers present in 2009. In other words, Manitoba is making the PNP available to all temporary foreign workers, simply because that is what they asked for.

If Alberta had the political will to commit administrative resources to processing more PNP applications, we would be able to immediately begin moving away from the social and economic pitfalls of circular migration, immediately begin to repair our international reputation, and immediately put unscrupulous brokers out of business – simply by opening up the PNP process.

- **Immediately Begin Decoupling the Nominee Program from an Employer-driven Process to a Citizenship and Human Rights-driven Process**

Linked to the above recommendation, TFWs should be able to access a PNP process on their own, without depending on employers.

- **Recommendation #3: *Make Sure Everyone in Alberta has the Human Rights Protections to Which they are Entitled***

- **Fix the Non-functional Government Advocate Office**

The government of Alberta's Temporary Foreign Worker Advisory Office is not fulfilling its duty to protect temporary foreign workers from exploitation. This is due to understaffing and a limited mandate.

The office should be provided with more staff to handle complaints and engage in advocacy on the full range of issues facing temporary foreign workers. It should have the wherewithal and expertise to deal with immigration-related matters, but also have the ability to be more useful to TFWs facing problems with civil issues, such as landlord-tenant or Employment Standards issues.

Given the geographic dispersion of temporary foreign workers in Alberta, advocate offices

need to be established in smaller centres so that services are available to TFWs where they live and isolation, fear, and exploitation due to misinformation and lack of support cease to be issues.

Finally, the government of Alberta's foreign worker office should be more responsive to reality. It needs to be able to provide employment advice to TFWs. Provide an advocate in every office whose job it is to help with Employment Standards education and complaints.

- ***Provide Employment Standards and Occupational Health and Safety (OH&S) Inspectors with the Wherewithal to Initiate Proactive, Unannounced, and Off-hours Inspections of Workplaces with Temporary Foreign Workers***

Due to the fact that temporary foreign workers are only permitted to work in Alberta for employers who hold a valid Labour Market Opinion, we should know where they are. This makes proactive inspections much easier for Employment Standards and Occupational Health and Safety officers. Proactive inspections would also be made easier if Alberta adopted Manitoba's employer registration system.

We also know the kinds of issues Alberta TFWs face with respect to hours and conditions of work, breaks, minimum wages, uniform deductions, and so on.

We also know, from years of TFW complaints, that there remain very serious issues related to housing. Under the law, employers with a valid LMO must provide adequate housing for TFWs. But some employers' version of "adequate" is six or eight people living in a two-bedroom, unfurnished apartment at \$400 rent each per month. Employment Standards should therefore be empowered to look into housing provisions for Alberta TFWs.

By empowering Employment Standards and OH&S inspectors to be proactive in the protection of TFW rights, government would be sending a powerful signal: they are not afraid to make sure the system is functioning the way they claim it should. If the Alberta Employment and Immigration is afraid of offending employer groups with such a proactive approach to TFW rights, they can take heart that legitimate employers who treat TFWs with dignity and respect have nothing to fear from such changes. In fact, these measures should be welcomed by scrupulous employers, as illegal practices give exploitative employers an unfair "competitive advantage."

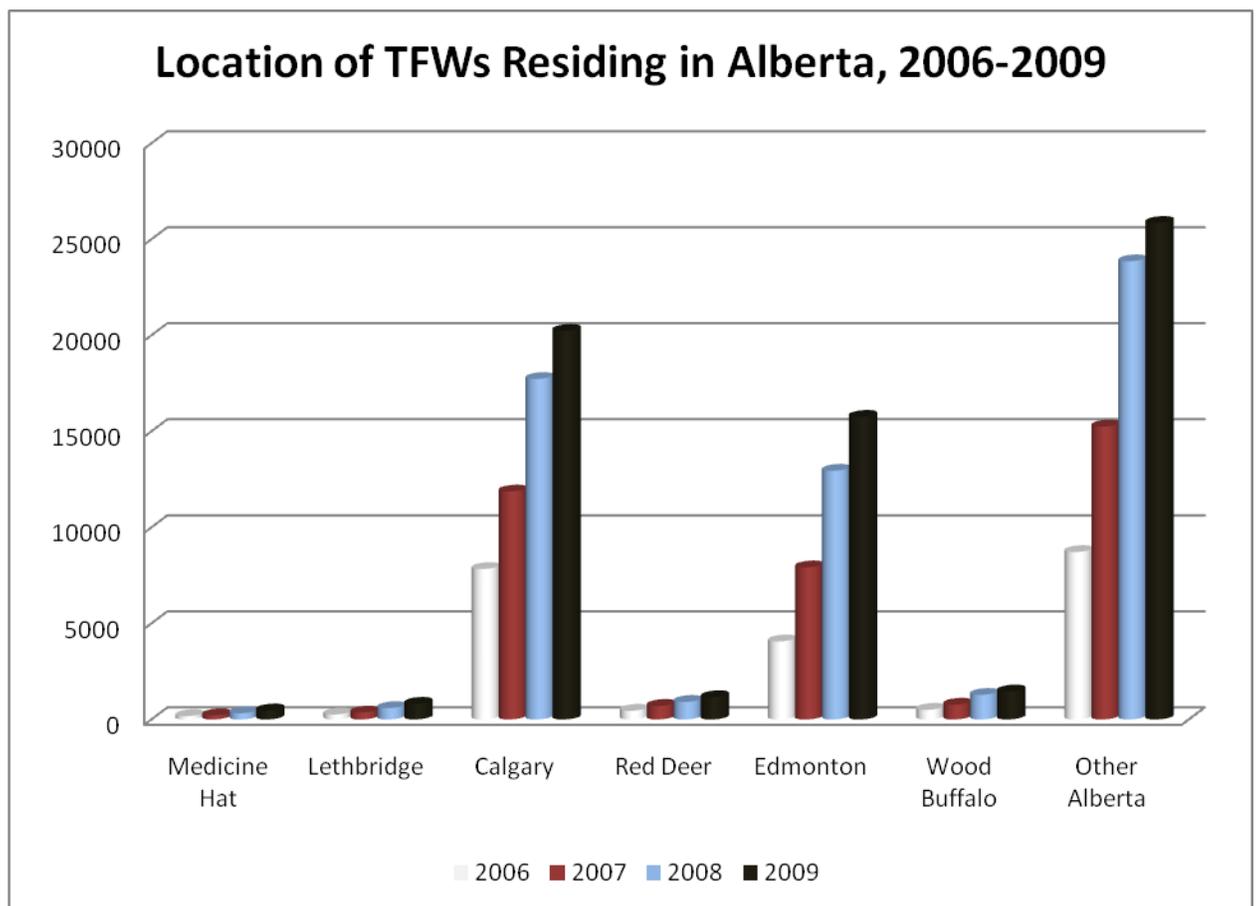
- ***Fully Fund Programs and Services Aimed Directly at Temporary Foreign Workers***

Temporary foreign workers do not have access to the same range of settlement services as immigrants or refugees. With tens of thousands of TFWs in Alberta, this means over 60,000 people living in our province who may not know their basic employment rights, how to access community services, how to access internet or phone home, how to contact police, fire, or ambulance, how to insure a vehicle, or even how to deal with an Alberta winter! All of these skills are part of adapting to life in Alberta and ensuring newcomers have access to these skills

is part of holding up our end of the human rights bargain.

Alberta has an ever-increasing number of TFWs living outside major centres. Services need to be provided in smaller centres in order to make sure services are reaching people in a grassroots, responsive way. Otherwise, TFWs living in isolation, with no supports and no recourse, is a recipe for rampant human rights abuses.

The largest group of TFWs in Alberta are those living outside the six major centres – Medicine Hat, Lethbridge, Calgary, Red Deer, Edmonton and Wood Buffalo. This has, in fact, been the case since 2006. In 2009, 25,852 Temporary Foreign Workers lived outside Alberta's 6 major centres, over 1 in 3.



- **Recommendation #4: All Immigration Programs Must Respect a Robust Human Rights Framework**

Migrant labourers are not just workers. They are not disposable, nor are they somehow lesser beings due to their country of origin or the work they perform. The people who leave their home, family, culture, and community and move halfway across the world to work in Alberta are human beings, and each human being has an inherent right to dignity, respect and equal opportunity.

A simple statement of inherent human rights beyond one's status as a labourer seems almost quaint and naive in a world where millions of migrant workers circulate around the globe, eking out a living in some of the most precarious, unjust work situations imaginable. But in Alberta and Canada, we expect our migration policies are consistent with international law and human rights conventions and norms. However, with the shift toward temporary work permits instead of permanent migration, many Albertans would be surprised to learn we are increasingly acting in direct contradiction to our stated values as a country and as a province.

Let's get back to basics. Is a legal framework – Alberta's *Fair Trade Act* – that allows brokers to extort thousands of dollars for illegal “services” from vulnerable, low-wage migrant workers consistent with respect for human rights? No. With over 60,000 temporary foreign workers in Alberta, and with several years' worth of evidence of employment standards violations and other abuses of TFWs, is having an office with three staff that is tasked with only “referrals” an adequate response to TFWs' need for advocacy and assistance? No. Is a revolving door of migrants – coming to Alberta to work in lower skilled occupations but then kicked out, despite the obvious need for more immigrants with a range of skills – consistent with any established, internationally recognized understanding of the rights of migrants? It is not.

Temporary foreign workers come to Alberta with the hope that they will be able to work hard, be treated with dignity in a country with an excellent international reputation, and build a better life for themselves and their families. Every day, tens of thousands of temporary foreign workers hold up their end of the bargain – they work hard, often long hours, and often at difficult jobs. What are we doing in return? What is our end of the bargain? And are we upholding it?

Our end of the bargain – as Albertans and Canadians – is that we respect the values we claim we've built our country on. Our end of the bargain is to treat people as human beings, with a full range of human rights, including a right to adequate shelter, a right to be free from abuse or discrimination, a right to a fair wage, and a right to live free of fear or exploitation.

If we make migration policies with a view to our international human-rights obligations, we arrive at very different conclusions than the current structure of the Temporary Foreign Worker Program in Alberta. Put bluntly, Alberta's current policies do not protect the rights of migrants, and the direction the federal government is pushing the TFW program is moving even further away from a basic understanding of human rights. It is up to Alberta to exercise leadership, put human rights front and centre, and build a community and an economy that we can all be proud of.

Background: What We Know About Temporary Foreign Workers in Alberta

Number of Temporary Foreign Workers in Alberta Hit an All-Time High in 2009

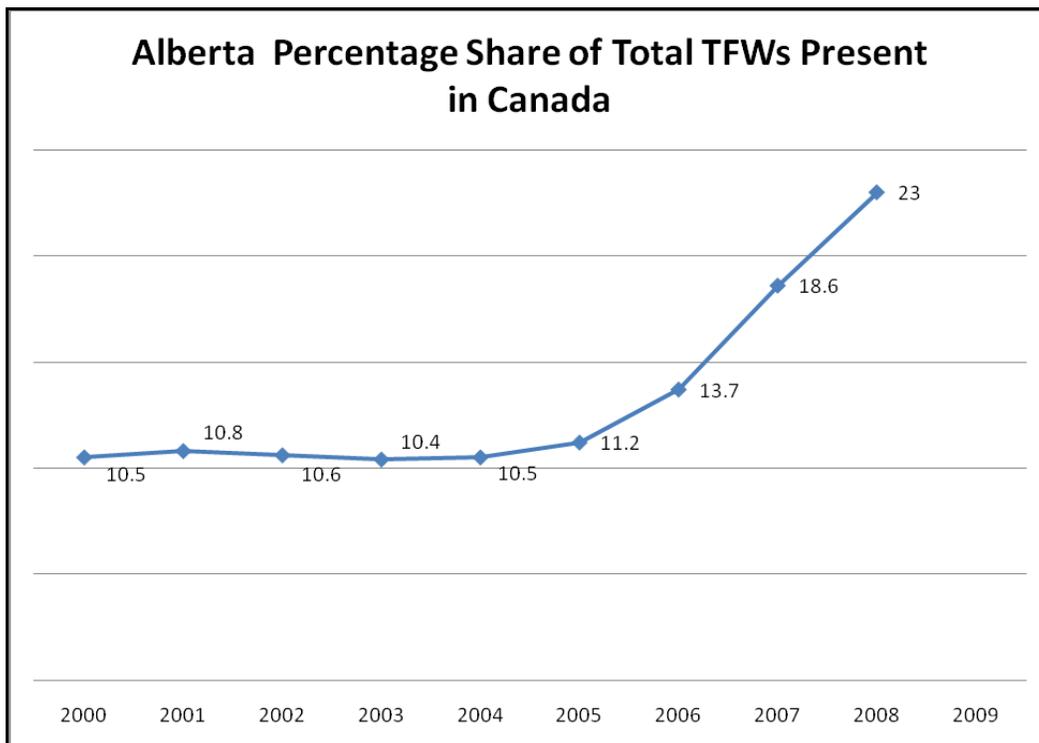
The total number of temporary foreign workers in Alberta grew again between 2008 and 2009, to over 65,748.

New entries to Alberta dropped from the historic 2008 high of 39,088 to 28,610 in 2009. However, the 2009 number of new entries is very close to the 2007 number – 29,366 – at the height of the oil-sands construction boom. It is notable that the 2009 and 2007 numbers are virtually identical, though the unemployment rates between the two years are vastly different, as is the rhetoric coming from the government of Alberta and industry about a so-called “labour shortage.” Alberta's December 2007 unemployment rate was 3.2 per cent; the December 2009 rate was 6.7 per cent.

At the same time, the recession meant fewer Labour Market Opinions were issued by the federal government. LMOs for the lowest skilled occupations dropped from 30,454 to 10,796 between 2008 and 2009. Intermediate and clerical LMOs also dropped significantly from 18,053 to 8,357.

Despite the recession, 67.4% of approved LMOs were for the lowest skilled occupations.

Alberta's share of all temporary foreign workers coming to Canada has also grown since the onset of the global economic recession. Since 2007, Alberta has gone from having 18 per cent of all TFWs in Canada to 23 per cent.



Unemployment in Alberta: The TFW Program is clearly not about Labour Shortages

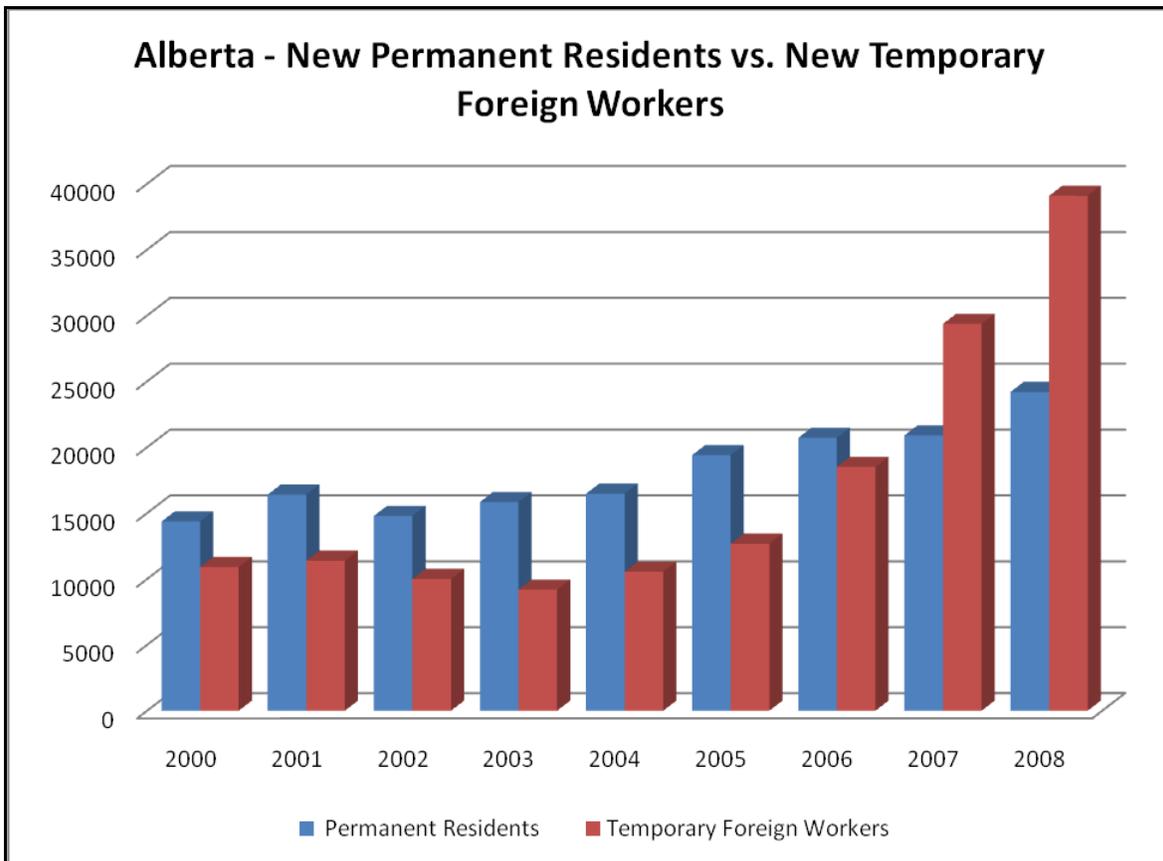
Alberta's TFW program continued at breakneck pace during the recession, with 2009's new arrivals closely matching pre-recession numbers. Furthermore, 40 per cent of Alberta's Labour Market Opinions were for low-skilled occupations, with another 22 per cent for unstated occupations. These data put to rest the claim made by government and employers that the TFW program, at least for the majority of those coming to Alberta as temporary workers, is in place to address a labour shortage.

Between December 2008 and December 2009, Alberta's overall unemployment rate went from 4.2 per cent to 6.7 per cent. Unemployment among youth skyrocketed, from 9 per cent to 12.9 per cent. Off-reserve aboriginal unemployment grew even more, from 9.4 per cent to 14.8 per cent. Canada-wide, unemployment among new immigrants increased to over 20 per cent.

Number of Low-Skilled Temporary Foreign Workers Increases but Immigration to Alberta Not Growing at Same Pace

Over the years that the temporary foreign worker program has become entrenched in Alberta, a notable trend is emerging. Alberta now has slower growth in new permanent residents via normal immigration channels than in new Temporary Foreign Workers coming to our province.

In 2007, the number of TFWs admitted to Alberta outpaced the number of immigrants for the first time, when more than 29,000 TFWs entered Alberta but only 20,898 permanent immigrants. The trend spiked in 2008, with 39,088 TFWs entering Alberta but only 24,199 immigrants. Despite the recession in 2009, 28,610 TFWs entered Alberta but only 27,017 immigrants.



This change signals two things: first, we are becoming a country of guest workers, a place where the pitfalls of circular migration, with all its attendant social and economic problems that Canada has heretofore avoided, are now commonplace. Cautionary tales from the United States and the European Union appear to have been wilfully ignored.

Second, the shift away from permanent residency to temporary work permits – especially for lower skilled people – shows that our immigration system, based as it is on a points system that heavily favours highly skilled applicants – is broken. It is up to the government of Alberta, as the province with the largest share of temporary foreign workers in Canada, to aggressively advocate for changes to this broken system. The fact that immigration is a matter of federal jurisdiction is an excuse. Provinces can – and do – lobby for changes to federal policies all the time. Given Alberta's interest in this file, anything less than national leadership in changes to temporary foreign worker policies is a cop-out and nothing more than passing the buck.

Skill Levels of TFWs in Alberta: Persistent Administrative Problems

The province of Alberta and the federal government continue to have no idea about – or at least refuse to report – the skill level of over one in five temporary foreign workers. The “unstated” category, at 22 per cent, is in fact the largest occupational category for Alberta's temporary foreign workers.

This is a persistent administrative problem. For at least six years, neither Alberta nor the federal

government have reported the occupational classification of approximately one in five temporary foreign workers. Canada wide, 32 per cent of temporary foreign workers had no occupational classification in 2009.

Labour Market Opinions Issued in Alberta – 2008 and 2009

While recognizing that not all approved positions will be filled, it remains noteworthy that in 2008, 67.4 per cent of the approved LMOs were for skill levels C and D, and in 2009 (despite the sharp increase in unemployment), 61.1 per cent of the approvals were for positions requiring C and D skill levels.

<i>Management Occupations and Skill Level (A - D)</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
O - Management Occupations	382	434	759	553
A - Professionals	2,240	2,113	2,923	1,875
B - Skilled and Technical	6,642	11,768	19,780	9,737
C - Intermediate and Clerical	5,873	11,835	18,053	8,347
D - Elemental and Labourers	4,385	15,235	30,454	10,796
<i>Alberta - Total</i>	19,522	41,385	71,969	31,308

We do know that 31,308 Labour Market Opinions were issued for Alberta in 2009.

We also know the percentage breakdown of new temporary foreign workers by occupational class. These data were supplied by Alberta's Ministry of Employment and Immigration, though they refused to disclose the total raw number of TFWs admitted to Alberta – the number on which their percentages are based. The Ministry claims that this information is “limited,” and referred the AFL to data published by the federal department of Citizenship and Immigration Canada. It is unknown whether the CIC numbers of total TFWs coming to Alberta in 2009 match the provincial numbers.

From Citizenship and Immigration Canada, we can glean that 28,610 new temporary foreign workers came to Alberta in 2009.

If we apply the provincial percentage breakdowns of entrants to Alberta (provided by the Department of Employment and Immigration) to the total number of new TFWs supplied by CIC, we arrive at the following:

Skilled Workers by National Occupational Classification (NOC)

NOC O – Management Occupations – 3.88% or 1,110 individuals

NOC A – Professionals – 17.17% or 4,912 individuals

NOC B – Skilled and Technical – 17.65% or 5,049 individuals

Semi and Low Skilled Workers by National Occupational Classification (NOC)

NOC C – Intermediate and Clerical – 19.34% or 5,533 individuals

NOC D – Elemental and Labourers – 20.16% of 5,767 individuals

Unstated Classification – 21.68% or 6,202 individuals

Quotes from the AFL Workshop on November 18, 2010

"It is a free-for-all for these recruiters. People are very desperate for permanent residency, which is what is driving the abuses. The TFWs will do whatever it takes to get PR. If that means being abused by brokers, so be it. Some of the agents are simply just not informed and so they make mistakes that cause TFWs to get into illegal situations ... but sometimes it is deliberate."

"We should get rid of the [TFW] program altogether by fixing the mainstream immigration system and scrapping this TFW system, because it is not fixable."

"For example, we are working with someone where the recruiter placed person in a job for \$8,000 that they didn't have an LMO for. The TFW got deported, and that's great for the recruiter. They can just go get another one and make another \$8,000."

"Nobody is overseeing what goes on with these recruiters, and certification doesn't prevent any of it. Corruption starts in the country of origin. There are many problems with misinformation, particularly related to permanent residency. Employers and recruiters hoard information and feed false information to TFWs to better control them."

"What needs to be done to make the Alberta we want...Well we should start with having a government that actually manages the economy and labour needs. We should have real enforcement and protections – real protection for foreign workers that are whistleblowers...and we need to take a look at MB example. Why reinvent the wheel?"

"More clear information needs to be available to TFWs at job fairs sponsored by the government. There need to be more communications with TFW. Better communication with employment agencies. The employer should be held accountable for what the recruiter does."

"We need an education campaign to correct misconceptions about TFWs. Who is coming here and the level of training...most people think people who are under-skilled are the only ones coming here. Also we need to document both good and bad practices. So people can hear about that, too. Finally, most important, PR [permanent residency] should be an option for all in this province."

"The main issue is that the AINP is employer-driven. If they don't like you, they don't nominate you. Delays in LMO extensions can leave you without status. Many temporary foreign workers feel they are a rented tool; they're just putting in time. Meanwhile, the goal posts change all the time. An English criterion has been made more difficult to achieve, experience levels have changed, and so on are changing all the time."

"This program has reduced labour standards. If you have a group of people who can be abused, this will lower standards for everyone. We see the repercussions in the new immigrant community. Statistics show it is new Canadians that are hardest hit by

recession. It is to the employer's advantage to keep the TFW rather than the permanent resident who has rights. So the layoffs hit the permanent residents."

"The TFW program creates conflicts, makes a bad image, makes pressure on community groups, and pressure on social structures."

"Oftentimes housing is tied to employment and it is substandard. This is another opportunity for employers to get more out of TFWs – piling them all in to one room, charging them exorbitant rates. Not all employers are bad. But still extremely easy to be bad."

"The fundamental issue is inequality in wages and living conditions. TFWs are unaware of their rights and afraid to exercise them. Another issue is fear of speaking out."

"New regulations [such as revoking an LMO if an employer contravenes Employment Standards] that are proposed will do little to address these problems. They are not proactive and don't involve monitoring. Punishments fall back on the employee, not the employer, because the consequence is not renewing the LMO. The TFW just has to go home."

"These new programs [TFW programs] have a deliberate disconnect – even disregard – for human rights. We are saying, we need you, we just don't want you to stay. We seem to be saying, come here to work. But we are going to assume that you are quite likely to be criminals, or security risks."

"Federally, we should be establishing – at the national level – a migrant workers commission – with the 3 different federal departments that are involved in this program. The federal Auditor General, in 2009, rebuked the TFW program as rife with quality problems, no controls, etc. ... So we clearly need some kind of arm's-length body that can do things like verify a bona fide labour shortage, make sure wages are in sync with national labour force, and ensure enforcement with teeth and power to make sure labour standards are met."