



Voice of the Temporary Foreign Worker in the Prairie Region: Temporary Foreign Worker Program Reform Considerations

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Introduction

Calgary Catholic Immigration Society (CCIS) has commissioned Pivotal Research Inc. (Pivotal Research) in 2023 to conduct immersive research with Temporary Foreign Workers (TFWs) in the Prairie Region (Alberta, Manitoba, and Saskatchewan) focused on gathering their experiences and perceptions of reform considerations for the TFW Program. This is especially so because in 2022, the federal government of Canada announced several amendments to the TFW Program, which were aimed at addressing the challenges TFWs might be facing while they are working temporarily in Canada.

Background

In September 2021 through to December 2021, Pivotal Research conducted policy research focused on TFWs in the Prairie provinces. This research project was co-sponsored by Alberta Association of Immigrant Serving Agencies (AAISA) and CCIS.

The policy research project culminated in a set of recommended actions for consideration, including the need to address current research gaps related to the experience of TFWs in the Prairie region. Among the top research gaps of note was the lack of direct engagement with TFWs to influence, guide or validate the TFW Program and policy reforms.

Research Methodology

The study engaged a total of 26 TFWs, through 4 focus groups and 10 in-depth one-on-one interviews.

Focus groups took place during a 14-day period in April (5-19 April, 2023) and engaged between 2 to 8 participants per focus group, with a total of 26 participants involved. Forty-eight (48) TFWs were contacted through email invitations requesting their participation.

Ten (10) Interviews were conducted to accommodate TFWs with limited proficiency in English, who felt more comfortable in a one-on-one setting.

To facilitate focus group and interview recruitment, service provider organizations who are participants of the CCIS-led Temporary Foreign Worker Prairie Region Project were requested to extend invitations to current or previous TFW clients. This was done to increase the level of trust of TFWs in this research project where they would receive an invitation to participate in the research from a familiar contact.

Incentives were offered for participation: \$50 for a 90-minute focus group and \$25 for a 30-minute interview.

Recruitment Challenges

The focus of this research study was on the TFWs for whom Labour Market Impact Assessment (LMIA) is required according to the TFW Program and who typically work for one employer, as required in the LMIA. Engagement of this specific TFW cohort was critical due to the higher likelihood of becoming vulnerable during their employment in Canada and the typical nature of their work which is in low- to mid-skill jobs.

Some TFWs who completed the recruitment screener in order to participate in the research did not accurately describe their status as a TFW who has arrived in the region through an LMIA process currently or in the five years prior. As such, focus groups also engaged TFWs who have arrived in Canada through an open work permit (as spouses of LMIA TFWs or as post-graduate work permit holders). The research team's decision was not to exclude such participants from focus group discussions as they offered insights from another unique perspective of temporary workers in Canada.

Another research limitation included the low show rate of research participants into the focus groups after accepting the invitation to participate. This could be due to various factors, including the variable nature of TFW work schedules, although the focus groups were scheduled in late evenings to accommodate most day-shift workers, and the reluctance of TFWs to participate in research that would require them to reveal negative experiences with their current employers due to fear of reprisal or adverse impact to their immigration status.

Data Collection and Analysis

Focus group and interview discussion guides were designed to gather feedback from TFW research participants on several amendments to the TFW Program promulgated in 2022¹:

Prohibition to Charge Workers Recruitment Fees - This amendment prohibits employers from charging/recovering fees for providing services related to an LMIA; employer compliance fees; and fees related to recruitment. Employers must make sure that recruiters acting on their behalf do not charge/recover such fees. Workers are still required to pay temporary visa, temporary resident permit and work permit fees.

Employment Agreement - An employer hiring an LMIA TFW through the TFW Program, they are required to present the TFW employee with an employment agreement that is signed on or before the first day of work.

Information Provision - The amendment requires the employer to provide TFW employees with up-to-date information about their rights in Canada on or before the first day of work and throughout their employment and in the worker's language of choice (either English or French, the two official languages of Canada).

Access to Healthcare - Employers who operate under both the TFW Program and the International Mobility Program (IMP) are required to provide access to health care services in cases where the TFW is injured or becomes ill at the workplace. Also, all TFW Program employers are required to obtain and pay for private health insurance that covers emergency medical care during the time the TFW employee is not covered by provincial or territorial health insurance system.

Open Work Permit for Family Members - On January 30, 2023, the federal government introduced a new policy allowing the spouses of TFWs to obtain open work permits.

¹ Source: (2022) Government of Canada strengthens protections for temporary foreign workers as new regulations come into force. Employment and Social Development Canada. <https://www.canada.ca/en/employment-social-development/news/2022/09/government-of-canada-strengthens-protections-for-temporary-foreign-workers-as-new-regulations-come-into-force.html>

Given the recency of the change, TFW participants who brought their families to Canada and took advantage of this opportunity, were asked to share their experiences.

Industry-Specific Work Permit – This research also engaged TFWs in providing their opinions on the most commonly suggested change to the TFW Program: industry-specific work permit (as opposed to employer-specific work permit) which would facilitate movement of TFWs from one employer to another within same industry.

Criteria of Good Employer – TFW research participants were asked to identify elements or criteria that defines a good employe from their perspective.



TFW Respondent Profile

TFWs who participated in focus groups and interviews come from various backgrounds both by origin and professional background.

Countries of origin of participants included: Philippines, India, Mexico, Nigeria, Uganda, Jamaica Trinidad and Tobago, UAE, Nepal, Ethiopia and others.

Job positions of TFWs included: warehouse worker, caregiver, junior grower, industrial butcher, welder, supermarket associate, construction worker, manager at fast-food establishment. Some TFWs have senior/managerial positions, such as chef manager, marketing coordinator, restaurant supervisor, retail sales supervisor, and assistant food service manager. Some TFW respondents work in corporations (Walmart, Tim Hortons, McDonald's), others in smaller private companies.

Some TFWs who have higher education and professional experience in their home countries currently work in lower-skilled positions in Canada. For example, civil engineer, accountant, government clerk working in Canada as sales associate, warehouse worker, or restaurant manager.

All TFW respondents arrived in Canada within the last 3 years (end of 2019-2023). Several TFWs came to Canada with their families (spouse and children).



TFW Program Experience

When asked about their overall experience with the TFW Program, participants shared a mix of positive and negative views.

Some TFWs shared that Canada is an attractive place to work and live in and has a positive reputation overseas. The TFW Program is providing the opportunity for TFWs to gain employment in Canada and experience unique elements of life in Canada, such as access to free health care (for a TFW who was diagnosed with cancer during her work tenure in Manitoba) and general adherence to worker rights and equity and inclusion principles by employers (for a TFW who has faced poor employment standards in their home country compared to positive treatment by employer in Alberta).

Some mentioned receiving support and guidance from organizations like CCIS (particularly regarding community and career information provided) and appreciated the assistance they received during their arrival in Canada. Some expressed gratitude to their employers for the support they provided as well.

The biggest challenge discussed was obtaining the status of permanent residency (PR) in Canada, particularly meeting the rigorous educational requirements for the PR pathway. Few were able to secure a provincial nomination and are in the process of obtaining PR.

TFW participants shared that they stay updated about the changes to the TFW Program by subscribing to the Immigration, Refugees and Citizenship Canada (IRCC) newsletter, following social media (Facebook and Instagram groups) and the news, watching thematic *YouTube* videos on immigration to Canada, and/or receiving information through the recruiter or immigration consultant they work with.

Positive Experience

Once recruited and situated with their employer in Canada, most TFWs had positive experiences with their employers. They expressed gratitude for the support that was provided to them on arrival.

Several shared that their employer assisted them and their family with smooth transition and getting settled, provided accommodation and flexible payment options to pay the airfare, allowed flexibility with requested time off and work scheduling, and encouraged TFWs to bring their family members or friends to work in Canada.

TFW Recruitment Fees

The TFW Program recently adopted a prohibition for employers to charge recruitment fees and for recruiters to charge fees to TFWs related to recruitment, such as fees for a job offer from a Canadian employer or finding a job for a TFW in Canada. TFWs are still required to pay visa and work permit fees.

While some of the interviewed TFWs arrived in Canada before the most recent changes to the TFW Program were made by the Federal government, it is clear that most of them are charged various fees by recruiters, including a fee for landing a job in Canada, which is not legal. Moreover, most of that TFWs shared that the consultant they worked with did not provide sufficient support or information about their job in Canada.

Most interviewed TFWs reported being dissatisfied with either high fees, lack of support provided when difficulties happened, or mismatched promises by recruiters and immigration consultants they seek when pursuing temporary work opportunities in Canada and the Prairie region.

Some TFWs expressed frustration with recruitment agencies charging high fees in their home countries. However, despite high fees, TFWs hire immigration consultants to ensure accuracy and higher success rate in the TFW Program application process due to their limited English proficiency and the fear of making mistakes that could lead to refusal.

Few TFWs mentioned applying directly for job positions in Canada through the Job bank (website used by Canadian government for employers to find temporary foreign workers), but one TFW shared that they still had to pay \$3,000 to a consultant that was identified by the employer who would facilitate the TFW Program application process.

Some who had positive experiences with consultants shared how they have received help not only with obtaining a temporary work permit to Canada but also getting help with sponsoring their family members or spouses and various aspects of settling down in Canada, including housing and transportation—sometimes for a nominal fee.

Only in some cases referenced during the research that recruiter's fees were covered by the sponsoring employers. In most cases, TFWs paid either the full recruiter's fee amount, or for certain services, such as finding the job and handling the paperwork. Some paid for their temporary worker visa and biometrics fees, which the sponsoring employer is not required to cover.

One interviewed TFW shared how a recruiter promised them a good job placement in Canada and charged a high fee, but the job he received did not provide him with the work hours promised in the employment contract, which prevented him from making enough money to cover the recruitment fee expenses he owed back to the recruiter. Moreover, the agency did not provide enough information about worker rights and working conditions. Another TFW had a similar experience, where the recruitment agency abroad did not provide clarity on work conditions or worker benefits.

Sources of Awareness and Trust Factors

TFWs typically searched online for recruitment agencies and immigration consultants to help them land a temporary job in Canada. Some found their consultant through advertisements on online search platforms, like Kijiji and Indeed; the consultant would contact them after reviewing their resume and offering their services of finding a job in Canada. Others mentioned seeing advertisements for jobs in Canada on a Chinese mobile chat application, WeChat, where they contacted a recruitment agency through one of the advertisements on that mobile application.

With regards to trust factors during the online search, TFWs trusted online reviews of agencies and one TFW mentioned checking the immigration consultant's registration with the Canadian government.



Information Sharing and Worker Rights

One of the recent changes to the TFW Program included the requirement that employers provide all TFWs with information about their rights in Canada.

When asked, almost all TFW participants said that their employer shared standard information with them about their worker rights in Canada. Some TFWs were provided with information about their worker rights, including the right to refuse unsafe working conditions and the right to report abuse or harassment, during orientation or the employee onboarding process. Information about calling a hotline for any worker issues was displayed by some businesses in a common area that is accessible to the TFW.

Others felt that despite receiving an employment contract, which included their worker rights, their rights were not explicitly discussed with them. As a result, some of the interviewed TFWs felt less confident to request a discussion with their employer about their worker rights or if they had a question or concern regarding a work-related shortcoming. The rest expressed confidence in bringing up questions regarding what is permissible and not with regards to their job.

With regards to learning about reporting employer wrongdoing, some TFWs shared that their employers explained to them how they can report a wrongdoing and provided them with a hotline number. Some, however, were not provided with such direct information or instructions, but later found this information within their employment contracts. In cases of employer abuse, some TFWs commonly said their employer did not provide them with information about their rights or how to report a wrongful action by employer.

One TFW highlighted that it is important to receive information about their rights from the government or organizations since employers may not have the interest in sharing all information with TFWs.



Employment Agreement

Another program change that was introduced last year is the requirement for employers to provide an offer of employment. The employment agreement must provide for employment in the same occupation, with the same wages and with the same working conditions as those set out in the offer of employment. The amendment further stipulated that the employment agreement must be drafted in the temporary foreign worker's choice of English or French, and it must be signed by both the employer and the temporary foreign worker. The goal of this amendment is to improve TFW's understanding of their wages and the work they will be performing.

TFWs discussed the value of receiving a written employment agreement from their employer in terms of providing clarity, defining duties, responsibilities, hours of work and time off, holidays, wages, sick leave and personal leave, and serving as a reference for working conditions and evidence in case of dispute. Several also emphasized the employment agreement as an important attachment to their permanent residency (PR)

application and its significance in terms of fostering understanding between employees and employers.

Most TFWs received an employment agreement or contract from their employer, but their experiences varied. Some were sent it online, before they arrived in Canada. Some felt the employment agreement was missing some important information, such as information and requirements about overtime work. One TFW shared that after moving to a different position within the same company in Alberta, their new employment agreement was not provided.



Access to Healthcare and Emergency Medical Care Coverage

One of the requirements for employers employing TFWs since last year is to provide TFW employees with private health insurance for emergency medical care. The amendment stipulates that all TFW Program employers must obtain and pay for private health insurance that covers emergency medical care during the period for which the TFW is not covered by their provincial or territorial health insurance system. The exception here is seasonal agricultural workers, where the agreement already includes health insurance. Employers are also required to make reasonable efforts to provide access to health care services when a TFW is injured or becomes ill at the workplace.

Not all TFWs engaged in this research were aware of the explicit requirements of their employer providing them with emergency medical care during the period preceding their eligibility for publicly-funded healthcare in the province where they work.

Also, there was misunderstanding or confusion regarding the difference between the temporary emergency medical care coverage they should be entitled to and access to private health insurance plans that some employers provide to their TFW employees to cover health care and medicine costs not covered through the provincial healthcare plan. In fact, many of those who were provided with private health insurance by their employers were uncertain of how to use it for themselves or for their children.

All TFWs, however, understood that they had access to free healthcare services once they obtained a provincial health card. Experience with that is clearer and positive where TFWs shared the role Prairie region businesses play in assisting them with applying for the provincial health card. They typically handled the application on their own or asked their friends or work colleagues for support in completing the application for the health card.

Some TFWs also shared that their employers assisted them with accessing health care services required to ensure they are healthy on the job. One TFW shared their positive experience with their employer's support when they got injured, including providing transportation to the hospital. They mentioned having a health spending account rather than private health insurance, which covers expenses not covered by their existing healthcare plan.

TFWs who shared cases of employer abuse, commonly reported not being provided private health insurance by their employers and not being provided guidance on how to use the provincial health care plan.

Among issues related to access to healthcare, some TFWs mentioned long waiting times for processing a health card or difficulty finding a family doctor. Since some were not provided healthcare for the waiting period, they suggested that employers extend health insurance to prevent TFWs from covering costs in case of medical need.



Reporting Employer Abuse and Strengthening Worksite Inspections

Other important changes with the TFW Program are making it easier for workers to flag any abuse by employers in the workplace, prohibiting reprisal by employers against workers, and making worksite inspections more strict and effective at detecting employer non-compliance and preventing abuse.

TFWs were asked about the steps they would take if their employer treated them unfairly or failed to meet certain requirements, such as providing them with an employment agreement. Most TFWs do not know or are not sure about the steps they would take. Those who were not sure stated that they would:

- Likely approach an immigrant-serving agency for support
- Asking their immigration consultant for guidance
- Seeking help from the IRCC office or labour organizations
- Addressing concerns with the company's human resources department or manager (suggested by TFWs employed in larger companies)
- Contacting police or 911
- Specific resources for reporting TFW abuse, such as provincial or federal hotlines and IRCC website, were only mentioned by one TFW

TFWs who felt more confident in their ability to change employers (mostly those employed in positions that are considered highly-skilled), noted that they would not hesitate to complain about their employer mistreatment and change employers.

Some participants were uncertain when asked what may prevent them from reporting a wrongdoing by their employer, others stated that if that were to happen to them, they would take the necessary steps to report either within company or to external organizations.

Among those who shared the stories of employer abuse or mistreatment (shared below), only a few took steps to file a complaint. The general sentiment among TFW participants is that they are hesitant to complain for fear of losing their status in Canada or not qualifying for PR in the future.

Cases of Employer Abuse

Most TFWs engaged had a positive relationship with their employer and felt they had recourse in cases of dissatisfaction on the job. However, several stories that were shared

mostly in one-on-one interviews are shared in this report to shed light on additional steps required to further strengthen the TFW Program from bad employers.

Long working hours, no days off

One TFW shared that his employer would assign him 14-15 hours work shifts without weekends for 2-3 months during the high summer season. When a TFW requested time off for a medical appointment, the employer denied as he did not have other employees to cover for him.

The TFW shared that he did not apply for an Open Work Permit for vulnerable foreign workers (he was on a closed work permit tied to one employer) as he was afraid of the instability that quitting this employer may bring him, especially given the fact that his current employer provided him with accommodation. As such, the interviewee took responsibility for not applying for the open work permit, acknowledging that if the employer mistreats them, it is their own fault for not pursuing available options.

Lack of working hours & pay

Another TFW had the opposite issue: his employer did not assign him sufficient number of hours of work as stipulated in the employment contract. Instead of 40 hours as stated in his contract, he was only assigned to work 6-12 hours per week.

Since he had to cover his rent, as well as immigration consultant fee and have enough money for groceries and other necessities, he tried bringing it up with his employer several times, and was promised more hours, but those promises did not materialize.

The TFW expressed frustration with his employer, questioning why he was hired if there were not enough hours for him to work. He also shared concern and stress over not meeting the minimum threshold of work hours worked to be eligible for a future PR application.

When he was finally assigned more hours, the tasks were not within his designated role, but were a combination of "odd jobs", such as cleaning. Similar to the previous case, the TFW abstained from complaining as he was afraid to lose his job and not have any other alternatives (the job was in a remote location in the province).

Unpaid training

Another interviewed TFW shared that their employer did not provide payment for a week's worth of training, according to their policy, and expected the TFW to come to the store even on non-scheduled days. Since conversations with the employer did not result in change, the TFW refused to come for unpaid training, which led to the employer firing her.

The TFW approached Alberta Labour Standards (ALS) and an IRCC representative, who advised her to apply for the open work permit for vulnerable TFWs. Initial applications were rejected (unpaid training and insufficient work hours were mentioned as reasons for application decline). The TFW applied again with the IRCC providing them with his pay slip for proof of insufficient work hours, but his application got rejected a second time.

Eventually the TFW was able to get the open work permit after she compiled and meticulously “numbered all the evidences”. She is now in the process of looking for another job.

She also decided to file a complaint with ALS and Alberta Human Rights Commission but was informed that the situation was not race or gender-related. She sought assistance from an immigrant-serving agency and received financial support for rent.



Open Work Permit for Family Members

TFWs who came with their families were asked to share their experience with obtaining the recently introduced open work permit for TFW family members.

Most TFWs did not have issues obtaining the work permit for their spouse, but many still decided to use the services of an immigration consultant due to fear of filing the application incorrectly.

In two cases, the employer assisted the TFW and their family with handling the necessary paperwork for both work permit and study permit for their son.

A few mentioned long waiting times (3-4 months) for the open work permit for their spouse and suggested improvements in processing timelines. Another issue and area of improvement shared was the misalignment between the open work permit for family members and study permit rules and requirements. One TFW reported that his son would like to work, but his study permit has restrictions which prevent him from working part-time.



TFW Vision of a Good Employer

When asked to describe their vision of a good employer, most TFWs discussed fair treatment of workers as a standard practice, followed by treating employees as equals, “like humans”, respecting them, appreciating them, and showing understanding of their needs, such as granting them time off when necessary.

A bad employer, on the other hand, takes advantage of workers' lack of knowledge, does not respect workers' rights, prioritizes monetary gains, and does not invest in worker training.

All the criteria that TFWs mentioned are summarized in 5 main criteria categories.



Employee Engagement & Culture

Good employers should facilitate a work culture that demonstrates encouragement and respect.

TFWs value a work culture in which they are treated equally to domestic workers, but are offered special supports, if needed; this also includes creating a safe working environment to ask questions and create mentoring opportunities.



Adherence to Laws and Temporary Foreign Worker Program Requirements

Good employers should provide safe work conditions, appropriate paperwork on employment (and must adhere to work contract), workplace rights and sufficient training, consistent full-time work hours (30-40 hours a week), must pay on time and treat employees fairly and with respect.

Several TFWs emphasized the importance of safety, such as a good employer should provide comprehensive training on equipment use, preventing accidents, and maintaining a safe working environment. Good employers should prioritize safety training before employees start working.

Due to some of the interviewed TFWs having negative experiences with their employers (such as inconsistency with job responsibilities in contract and the job they were assigned to do or very low number of hours assigned), they pointed out adherence to the requirements of the program as important as they need to fulfil the full-time hours requirement to apply for permanent residence in Canada.



Newcomer Settlement Support

Good employers should provide newcomer settlement supports and facilitate access to available supports, such as accommodation, transportation, necessities, and healthcare insurance.

Since many TFWs arrive to Canada without any connections or friends, they value if the employer offers them with support to help settle in, such as finding appropriate housing for them and their families, helping get to the grocery store if it is in a remote location, and explaining how to use healthcare insurance.



TFW Education & Professional Growth

Employers should provide TFWs with learning opportunities to expand their knowledge and skills and grow professionally.

While TFWs come to Canada to work temporarily, they appreciate it if employers treat them as more than just temporary workers who come and go. They are interested in upgrading their skills, learning new skills and becoming more competitive in the job market through additional courses, trainings or mentoring.



TFW Status and Permanent Settlement in Canada Support

Good employers should support TFWs in maintaining current TFW status through appropriate paperwork and processing and also supporting permanent settlement.

While the goal of the program is for TFWs to come to Canada to work temporarily and go back to their home countries, evidence shows that many (if not most) TFWs and TFW employers would like to find a pathway for them to stay in Canada as permanent residents. Depending on the program stream, employers can play a big role in facilitating TFW's permanent settlement in Canada, which is what many TFWs would like to get support with.

Other Criteria

Among other less mentioned criteria of a good employer, TFWs noted the following traits:

- Access to childcare support
- Online services (such as English classes, sessions on accessing healthcare, seminars on job-related topics to enhance understanding and performance),
- Access to benefits
- Supportive work environment
- Open communication
- Free access to programs for mental health
- Work flexibility
- Performance recognition
- Timely pay raises based on employees' skills and performance
- Access to health insurance coverage for the employee and their family
- Access to pension plan
- Fair termination policy
- Clear annual performance evaluation



Reform Considerations: Industry-Specific Work Permit

TFWs were asked to share their opinion on one of the most commonly suggested reform considerations to the TFW Program: the industry-specific work permit. Advocated for by many immigrant-serving organizations and researchers, industry-specific work permit would allow TFWs to change employers more easily within the same industry, thus giving TFWs more freedom and motivating employers to act according to the program requirements, if they want to retain their temporary workers.

Many TFWs expressed enthusiasm for this proposal, noting that it would reveal which employers value their services and potentially lead to better treatment of employees.

TFWs noted various caveats in this potential reform opportunity:

- The importance of strengthening the enforcement of non-disclosure agreements when a TFW is moving to a competitor business within the same industry as such requirement would persuade businesses to support this reform initiative;
- The risk of tying down a TFW within a certain industry, such as caregiving, when they might want to pursue career opportunities in another sector;
- The flexibility that this requirement would provide TFWs to pursue a secondary job that is not “under the table” (such as when the primary job has reduced hours due to low season or the need to earn additional income to supplement primary job).



TFW Program Improvement Suggestions

Consultation with Workers - Participants emphasized the importance of consulting and engaging with TFWs when making changes to the program. Lack of information and consultation can lead to misinformation and misunderstandings, which can adversely affect workers' expectations and well-being.

“There’s a real need to involve us in these decisions. It’s our lives and livelihoods at stake here. Consulting with us when changes are being considered would make a huge difference.”

Communication of Policy Changes - Participants expressed a desire for better communication from the government about major policy changes that affect TFWs. Some suggested that the government should inform both employees and employers about policy changes directly, either through the employer or through government channels, to ensure that everyone is aware of the new regulations.

“The government needs to do a better job at letting us know when things change. It’s frustrating to suddenly be faced with new rules that you know nothing about. They should communicate directly with us and the employers.”

Simplification of Renewal Process - TFWs mentioned that the process of renewing work permits, especially open work permits, should be made easier and less time-consuming. They discussed the challenges of waiting for permit renewals and expressed a preference for a smoother and quicker renewal process, especially when there are no major changes, such as switching employers.

“Renewing work permits shouldn't be such a hassle. It takes so much time and effort. Especially for open work permits, they should really make the process smoother and faster.”

More Work Opportunities - Among other suggestions for the TFW Program, one TFW emphasized the need for a more flexible work permit system, that would allow working for several employers simultaneously especially when they are receiving reduced work hours from their main employer.

“I'd love it if we could work for different employers without all the complications. Many of us want to earn extra for our families back home. A more flexible permit system would be a game-changer.”

Conclusion and Recommendations for CCIS

TFW Program and Employer Experience

Most TFWs engaged in this research study have had good experiences with their employers in the Prairie provinces, although the level of support and amount of information provided to them varies and is subjective. Most TFWs want fair treatment of workers as a standard practice, followed by treating employees as equals, “like humans”, respecting them, appreciating them, and showing genuine understanding of their needs. They shared stories where Prairie province employers met or exceeded these standards and where they fell short of them, not meeting the full requirements of the TFW Program.

Awareness of Worker Rights and Supports and Taking Action

Overall, TFWs express varying levels of awareness and experience regarding employment agreements, reporting abuse, and healthcare provisions. Some have positive experiences with their employers, while others are not fully aware of their rights and available resources.

Those TFWs who discussed negative experiences with their employers commonly reported not having active discussions with their employers about their rights, employment agreement or healthcare coverage. Further, only a few TFWs would take steps to report mistreatment due to fear of reprisal, such as not qualifying for permanent residence or the immense need for job stability.

Low Uptake of the Open Work Permit for Vulnerable Workers

While launching an Open Work Permit for vulnerable workers has provided TFWs who are experiencing negative experiences of worker abuse with an opportunity to exit toxic work environments, interviews with TFWs showed that not many of them have the knowledge and confidence to apply for such a work permit.

Since the primary goal for most is permanent residence in Canada, many are willing to put up with harsh working conditions until they reach the requirement to apply for the permanent residency pathway. Lack of awareness of this permit track is another factor for low uptake.

Support for Industry-Specific Work Permit

Most TFW research participants provided positive feedback on the potential of promulgating an industry-specific worker permit compared to the current employer-specific work permit. An industry-specific work permit would allow TFWs to change employers within an industry sector without the requirement of a Labour Market Impact Assessment.

Recommended Actions

CCIS, alongside its network of service provider organization network in the Prairie region, has a critical role to play driving advocacy to continuously improve the TFW Program provisions and requirements in support of TFWs who are part of the Prairie region immigration and settlement ecosystem.

Some considerations for program improvement advocacy and direct support that CCIS could implement include:

- **Continue Disseminating Worker Rights Information Directly to TFW Clients** to mitigate for employers who are not complying with new program requirements. CCIS could also advocate to government for the need for more standardized requirements and guidelines in sharing information by employers to TFWs about their worker rights. Within CCIS's Airport Reception Services and community outreach initiatives, providing information about worker rights remains the key focus of CCIS's work. However, recognizing the ongoing need for greater awareness, TFWs could further benefit from an expanded information-sharing effort.
- **Increase Awareness of the Open Work Permit for Vulnerable Workers** to increase uptake by tailoring information sessions to better suit the specific needs and concerns of TFWs, including one-on-one assistance. While CCIS regularly conducts information sessions on Open Work Permit for Vulnerable Workers, especially most recently with frontline staff, feedback from TFWs indicates a lingering hesitation to apply or uncertainty about the application process. As an alternate action to increasing awareness of the Open Work Permit for Vulnerable Workers is encouraging the provincial government through advocacy to strengthen worker protections and enforcement and conducting more frequent and comprehensive "surprise" worksite inspections to ensure that employers do not violate the program requirements.
- **Advocate for Industry-Specific Work Permit** - Support advocacy efforts for the Industry-Specific Work Permit, which TFW research participants generally support as it increases flexibility to move to other job opportunities within a specific industry sector band that is tied to their expertise.
- **Invest in Voice of the TFW Research** - Collaborate with other immigrant-serving agencies in the Prairie region to invest in Voice of the TFW research (survey or

qualitative), which would create a structured approach to gathering regular feedback on TFW experiences to continuously improve worker conditions and program requirements.

- **Focus on TFW-Champion Employer Recognition** - Create a TFW-champion employer recognition program which highlights key champion employer criteria and incents positive interactions and experiences between TFWs and their employers.

Appendix: Moderator Guide for Focus Groups and Interviews

Opening statement

Hello everyone and thank you so much for being here today. This focus group will last around 90 minutes and we will talk with you about your experience as temporary foreign workers in Canada.

This focus group is a part of a research project, which is conducted by Pivotal Research - a consulting company that is based in Edmonton, Alberta, and that was commissioned by CCIS - Calgary Catholic Immigration Society, a non-profit organization some of you may have heard of.

The results of this discussion will be used by CCIS to advocate for Temporary Foreign Workers like you and keep drawing government's attention to the issues and challenges that TFWs have in Canada.

Your data will remain fully confidential and will not be shared with anyone.

Your participation will not impact your immigration status or pending applications in any way. Everything you share today will be kept anonymous in our reporting.

If you are not comfortable answering a certain question - you do not have to. This discussion is solely to get to know your experience and challenges, to give you an opportunity to share your story, propose new changes or solutions, in order to improve experience of TFWs in the future.

- Rules and flow:
 1. No right or wrong answers and no experts here; all answers are valid
 2. Your role: share openly and fully
 3. Moderator role: manage time, hear from everyone, ask questions

Introduction (15 min)

1. **Tell us a bit about yourself.** [Moderator: listen for those with family members in Canada]
 - What type of work permit do you have - is it closed, connected to employer?
 - What country are you from?
 - How long have you been in Canada with your current employer?
 - Which city or town do you currently live and work in?
 - What occupation do you currently have or most recently had?
 - What program stream are you in - Seasonal Agricultural Worker, etc.?
2. **How has your experience with the program been so far? Generally positive or more negative?**

Open work permit for family members (10 min)

Please raise your hands if you came here with your family - partner, children.

How was your experience bringing family members here?

Probe:

- How was your experience setting up your kids at school?
- Getting an open work permit for your partner?

- Has someone you know used Open Work Permit for family members and what was their experience like?
- What pain points would this address for you?
- Was it easy or difficult to obtain this permit?
- What information was missing/not clear?
- What challenges have you or your family had?
- What do you think can be improved?

Amendments to the TFWP

Last year, in 2022, the federal government of Canada announced various changes to the TFW program, which are supposed to be improve the challenges Temporary Foreign Workers like you may have while they are in Canada.

We will share the changes with you, talk about your experience, and what it means for you.

Recruitment Fees (15 min)

I would like to start with your experience before you came to Canada.

One of the changes in the program is not allowing employers to charge recruitment fees and making sure that recruiters do not charge you fees related to recruitment, such as fees for Job Offer from Canadian employer or finding you a job in Canada. But, workers can still pay visa and work permit fees.

3. What do you think of this change? How does this relate to your experience when you came to Canada?

[Moderator note: listen for information gaps]

Probe:

- What fees did you have to pay and to whom?
- Do you think it's an important change and why?
- How did you decide if you could trust the recruiter or consultant?

Employer Experience (15 min)

Another change that was introduced last year is the requirement for employers to provide an offer of employment and information about worker rights.

Offer of employment includes the most important information about your position, the work you will be doing, hours, wages and working conditions and it needs to be signed.

Information about worker rights can include payment for overtime work and how to report unsafe working conditions.

4. Did employer provide you with employment agreement? Did you understand the wages and the work duties?

- What's the value in employment agreement for you?
- What is your experience with receiving it? [Moderator note: look to compare experience of recent versus TFWs who came to Canada earlier]
- Were you given the opportunity to ask questions?
- What information about worker rights was provided to you and was it clear?
- What was missing?
- Did you feel like you could ask questions about your worker rights?
- What do you think of this requirement?

Reporting abuse (10 min)

Another important change is making it easier for workers to report abuse by employer in the workplace and not allow reprisal by employers against workers if they file a complaint.

5. Do you know what to do if employer violates the employment agreement or your worker rights?

- Would you feel safe enough to report abuse if it were to happen at a workplace? What may prevent you from reporting?
- Do you know the actions you can take against abuse, where you can complain?

Probe:

- Have you heard about a federal/provincial hotline? Do you know how you contact someone to report a case of abuse? Do you know what cases you can be reporting on?

Access to Healthcare (10 min)

One of the requirements for employer since last year is also to provide private health insurance for emergency medical care (until a worker obtains provincial healthcare insurance) and make an effort to help workers get access to services, such as:

- ensuring that there is a phone available to the temporary foreign workers to call emergency services; or
- organizing, but not paying for, transportation to a hospital, clinic or doctor.

6. What do you think of this change? What was your experience like? How was it different?

Probe:

- Did employer provide these for you before you received your provincial health card? And if they didn't, what did you do to seek medical help?

- How do you think health insurance for TFWs could be improved? What would be your preference for health insurance?

Vision of Good Employer (15 min)

7. My next question is not about recent changes, but more about your vision of a good employer. We would like to know, based on your experience,

What actions can employer take or what supports would you like them to provide so that you could say: “this is a good employer, this place supports me and gives me what I need to work in a good and safe place without any issues in Canada”?

Probe:

- What is important to you in employer and why?
- What are the characteristics of a bad employer?

Industry-specific work permit (10 min)

One of the changes that is being suggested by researchers and non-profit organizations for the government to make an industry-specific work permit, instead of employer-specific permit. Industry specific permit would allow you to work for any employer in your industry, not just one specific employer.

8. **How do you feel about Industry-Specific Work Permit? What are your thoughts?**

Probe:

- Would that be useful for you? For other TFWs you know? Why?

Other suggestions & Conclusion (5 min)

1. **How do you think, what happens if the workers are not consulted by government when major policy changes are made?**
2. **Do you have any other suggestions on how to improve work conditions or TFWP in general?**

Thank you for your time.



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