

STRENGTHENING WORKER UNITY & INCLUSION:

A Unifor Guide for Supporting
Migrant Worker Members





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Introduction

Over the last twenty years, we have seen a rapid acceleration in the number of temporary migrant workers to Canada. While we traditionally associate migrant workers with programs such as the Seasonal Agricultural Worker Program or the Temporary Foreign Worker Program, other categories, such as those arriving under the International Mobility Program, or as international students, have now eclipsed those programs in terms of total numbers.

This increase is part of the larger shift in Canadian immigration policy that has moved from permanent to temporary immigration, as well as the overall shift in our labour market towards precarious work. In other words, employers have increasingly demanded access to a flexible, 'just in time' workforce who are easily disposable when no longer needed (or who can be easily let go when workers begin demanding better wages and working conditions). Meanwhile a workers' lack of permanent immigration status leaves them vulnerable to exploitation.

The increase in migrant workers to Canada has resulted in a greater number of migrants working in Unifor represented sectors and workplaces, including in agricultural and food processing, health care, hospitality, retail, transportation and more. Many are arriving through the Temporary Foreign Worker Program (TFWP), while others may be international students who are working part-time during the school year or after graduation. We have even encountered workers who may have lost their immigration status in Canada (i.e. undocumented) and some refugee claimants who are in-between status, while continuing to work. Regardless of how they arrived or their status, they are nonetheless, Unifor members.

Unfortunately, these programs have often been associated with worker abuse and exploitation at the hands of unscrupulous employers. In fact, a [United Nations report](#) in 2024, described Canada's Temporary Foreign Worker Program as a 'breeding ground for contemporary forms of slavery'. This is because workers often do not have access to the same rights, privileges or public programs and services compared to permanent residents or Canadian citizens, giving employers far greater power over them. This can be due to either their temporary immigration status in Canada, an overall lack of knowledge of worker rights, and the fact that some federal migrant worker programs tie work permits to a single employer.

In response, many labour unions across Canada have been working to identify ways we can work in solidarity with migrant worker communities and support migrant justice movements. To do this, we must also determine how to best represent the unique needs of migrant worker union members – both within our union and at the bargaining table. Immigration policy and denial of permanent residency are strategies used by employers and government to pit workers against each other. Unions cannot allow our workplaces to be divided between migrant and non-migrant members. As we know, divisions only serve to benefit employers and the easiest way to end this division is to ensure that all workers in Canada have permanent resident status. As a union, we can push employers to ensure status for all workers.

Unifor has long been an advocate for the rights of migrant workers in Canada, recognizing the critical economic contributions they make to our workplaces and communities. We have supported efforts and worked in solidarity with allies and migrant worker groups calling for policies such as open work permits and access to social programs and supports such as health care, Employment Insurance, family reunification, and more. To ensure that all migrants have equal access to rights and protections, we have also supported the national Status for All campaign, through the Migrant Rights Network, which recognizes that the lack of full immigration status is what leaves migrants vulnerable to abuse and exploitation in the first place.

However, we have also been clear that we oppose any and all attempts by employers who deliberately abuse any program that undermines job security for our members, reduces access to employment opportunities for local community members, or erodes wages and working conditions. Employers cannot simply fall behind the excuse of 'labour shortages', while doing nothing to improve wages and working conditions to attract local workers.

The goals of this guide are to:

- Act as a resource for Unifor national staff representatives and Local Unions working with or welcoming migrant worker members;
- Offer a broad overview of the main federal migrant worker programs in Canada;
- Highlight key considerations when employers are recruiting migrant workers;
- Present strategies to enhance inclusion for migrant workers within the union; and
- Emphasize the union's role as the first line of defense for migrant workers, ensuring their rights are protected and they are treated fairly and with dignity.

It is important to note that Canadian immigration rules and regulations governing migrant worker programs are often complex and are constantly changing depending on the political and economic climate (in developing this guide, Federal policies have changed at least three times!). Staying up to date with these regulations can be a full-time job in and of itself.

Nevertheless, we will strive to update this guide on a periodic basis to ensure that Reps and Locals have the most accurate information they need to support our migrant worker members. Issues involving specific workers and workplaces can often be unique, with various factors to consider. Rest assured that resources are available to assist you, from our various National departments to migrant worker partner organizations across the country who we can lean on for additional assistance or guidance.



Migrant Worker Programs in Canada

Broadly speaking, there are a few key federal migrant worker programs in Canada, each with their own rules regarding how employers can access workers, as well as rules outlining work permit restrictions. The main streams are:

- International Mobility Program (1,263,145 valid permits on December 31, 2024)
- International Study Permit Program (996,375 valid permits on December 31, 2024)
- Refugee claimants (272,440 pending claims in-Canada on December 31, 2024)
- Temporary Foreign Workers Program (236,130 valid permits on December 31, 2024)

An additional category are undocumented people – those who have entered Canada through one of the above streams, or visitor's visa, and have remained in Canada once those documents have expired. It is estimated that there are approximately 500,000 undocumented people in Canada.

Here is some more information about these workers that you may come across at the workplace or in the community.

TFWP Streams	Who Are They? (How to Identify)	Employer Rules to Hire	Common Problems	Questions to Ask
International Mobility Program (IMP)	Workers with open (and in a few limited cases employer-specific) work permits. This includes international students who have graduated in Canada, or spouses of other temporary migrants (i.e. spouses of international students, graduated students, refugee claimants, etc.). This also includes workers coming through various free trade agreements, such as CUSMA, as well as intra-company transfers.	They are mostly on open work permits, which means employers can and do hire them like any other worker. There are a few limited employer restricted permits where the employer must seek permission from the federal government before hiring them.	Workers may fear speaking out; difficulty changing jobs if work permit is employer-specific. Currently, the most pressing issue for these workers is their expiring work permits and they cannot apply for permanent residency due to recent immigration rule changes. When their permits expire, their employment is terminated.	- Is the Employer's name listed on the work permit? (if no, then it is an open work permit) - When is their permit expiring? - How are they trying to secure permanent residency? - Has the Employer asked the worker to work differently in return for a promise of supporting their permanent residency application?
International Students	Usually working part-time (24 hrs/week) during school or full-time during breaks; may also be working full time while on co-op placement	Like IMP workers, they are on open work permits (through their study permit) and can be hired like any other worker.	24-hours per week is too few to make ends meet especially with high tuition and housing costs. In some cases, students work more, often for cash, which employers may exploit. In other cases, employers use the 24-hour work restriction to reduce shifts or undertake constructive dismissals. Many students are unable to renew or extend study permits because of recent rule changes and are worried about getting permanent residency after graduation.	- Is the student currently enrolled in school? - How many hours are they working? - Do they plan on applying for a Post-Graduate Work Permit or Permanent Residency? - Is the employer coercing the worker in any way?

Undocumented People	Expired work or study or tourist visas or denied refugee claimants.	Often employed in the informal economy or through temporary help agencies. In some cases, employers are not aware of expired work permits and so workers continue to stay there.	If the Employer knows a worker is undocumented, they may be paid lower wages or face greater harassment. If the Employer does not know, and finds out, they may be terminated.	- Is the worker currently able to renew their immigration papers? - Do they want help applying for permanent residency? - Is the worker feeling safe at work?
Refugee Claimants	May identify as a refugee or asylum seeker.	As with most IMP and students, they have open work permits and can be hired like any other worker.	Going through a complicated, multi-year refugee process before they are approved or denied. They are often waiting for a hearing or a decision or an appeal. Work permit may become expired repeatedly during this time and needs to be renewed. Long processing times and very high lawyer fees increases vulnerability.	- Do they have a refugee claim in process? - Do they have a work permit? - When are their refugee hearings? - Do they need any support with their refugee process?
Temporary Foreign Worker Program (TFWP)	Permits are employer-specific, time and work limited, often labelled "Labour Market Impact Assessment (LMIA) Approved" or "TFWP". The majority of TFWPs are in agriculture or domestic work which is largely non-unionized.	Employers must get a positive LMIA and follow strict rules (housing, wages, hours, etc.) including regular renewals. Additional details below.	A worker cannot leave an employer easily. Risks include employer retaliation; unsafe housing; denied healthcare or access to permanent residency.	- Is the Employer's name listed on their work permit? - Do they live in employer-provided housing? - Are they paid correctly? - When is their work permit expiring?

Additional information about the Temporary Foreign Workers Program (TFWP)

The TFWP is the smallest part of the temporary immigration system. What is distinct about the TFWP is that the employer must apply for an LMIA or Labour Market Impact Assessment prior to hiring someone from the TFWP program.

Temporary migrant worker programs in Canada are administered by Employment and Social Development Canada (ESDC) while work permits/visas are issued by Immigration, Refugees and Citizenship Canada (IRCC).

The following are some of the main streams that fall under the broader "Temporary Foreign Workers Program" (TFWP) in which migrant workers in Unifor represented workplaces may arrive under.



Fig 1. Overview of key streams under the Federal Temporary Foreign Worker Program (TFWP)

TFWP Streams	Description
High-wage stream	Consists of employment positions where the wage offered is higher than the provincial or territorial median hourly wage Requires positive LMIA Employer-specific closed work permit valid for a maximum of three years Employer submits a transition plan to the government outlining activities to recruit, retain and train Canadians and permanent residents to reduce reliance on the program Employer pays for private health insurance to cover medical care during the period a migrant worker is not covered by provincial health program
Low-wage stream	Consists of employment positions where the wage offered is lower than the provincial or territorial median hourly wage Requires positive LMIA Employer-specific closed work permit valid for a maximum of one year Provide the worker with round trip transportation to Canada Provide the worker housing or ensure suitable affordable housing is available. The employer can make payroll deductions for housing costs and utilities such as water and electricity Employer pays for private health insurance to cover medical care during the period a migrant worker is not covered by provincial health program
Primary Agricultural positions¹	Employment positions are performed on a farm, nursery or greenhouse. These can be both 'low-skill' and 'high-skill' positions in the agriculture sector
Seasonal Agricultural Workers Program	Requires positive LMIA Maximum employment of 8 months and must be offered a minimum of 240 hours of work. Employers are responsible for roundtrip transportation from home country to Canada (though in some instances can recoup some of these costs through worker payroll deductions). Provide workers with adequate housing (at no cost to the worker), access to health care and workplace safety insurance coverage.

Labour Market Impact Assessments (LMIA)

An employer can only bring in a worker through the TFWP by first submitting what is known as a **“Labour Market Impact Assessment” (LMIA)** document to Employment and Social Development Canada/Service Canada².

An LMIA is used to assess the impact of hiring a migrant worker on the Canadian labour market (i.e. if there is a neutral or positive impact, they will issue a positive LMIA to the employer).

It further requires employers to demonstrate attempts made to recruit local workers (i.e. Canadian citizen or permanent resident).

¹ This stream also includes the Seasonal Agricultural Workers Program (SAWP)

² In Quebec, employers will also need to submit their application to Quebec's Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI).

The following is some of the key information employers must provide in their LMIA applications:

- Job details (including job title, description, start/end dates, location, etc.).
- Wage stream (Whether a position falls under the “low-wage” and “high-wage” stream is determined using the [provincial/territorial median hourly wage rates](#)). Wages offered must be similar to wages paid to Canadian and permanent residents hired for the same job and work location, with similar skills and years of experience.
- Some provinces require employers to first register their business with their respective province before hiring a temporary migrant worker. These include British Columbia, Manitoba, Saskatchewan and Nova Scotia. These employers will have to submit their certification of registration along with their LMIA application.
- Documentation to prove that both the business and the job offer [are legitimate](#).
- Transition plan detailing the activities an employer will take to recruit, retain and train Canadians and permanent residents in order to reduce reliance on the TFWP (required for high-wage stream positions only).
- Recruitment and advertising activities to demonstrate steps taken by the employer to find local workers first. An employer must undergo three different recruitment strategies before applying for a worker through the TFWP. These include:
 - Advertising the job position on the [Canada Job Bank](#);
 - Conducting at least [two additional methods of recruitment](#) that are consistent with the occupation (i.e. targets an audience that has the appropriate education, professional experience and or skill level required for the occupation). This can also include consultations with unions;
 - Each recruitment method must also target a different underrepresented group, such as: Indigenous workers, vulnerable youth, persons with disabilities, newcomers to Canada, and asylum seekers with valid work permits;
 - Jobs must be advertised for a minimum of four consecutive weeks in the three months prior to the employer submitting an LMIA application to the government.

Documentation around recruitment and advertising efforts must be kept by the employer for a minimum of six years.

- Indication of whether the position is unionized. For unionized positions, the wages offered must match those outlined in the collective bargaining agreement (CBA) as well as offer similar terms regarding working conditions (a copy of this section of the CBA must be submitted to ESDC). Further, the hiring of a temporary migrant worker must not affect any current or foreseeable labour disputes in the workplace.
 - The union may also choose to submit a union support letter to accompany the employer’s LMIA application. The government has provided [a sample of what a union support letter can look like](#).

Once ESDC approves an LMIA (called a positive LMIA), a worker can then apply for a work permit with the Ministry of Immigration, Refugees and Citizenship of Canada (IRCC). However, an employer could decide not to immediately hire a temporary migrant worker once their LMIA is approved. As of May 1, 2024, approved LMIA’s are valid for a period of six months.

Work Permits

For workers coming under the TFWP, the duration of a migrant worker's permit depends on the duration an employer indicates on their LMIA application, and an expiry date determined by Immigration Canada. For instance, temporary migrant workers in low-wage stream jobs can work a maximum of one year (as of September 26th, 2024), while workers in the high-wage stream can work for a maximum of three years.

For international students, their study permits³ allow them to work a maximum of 24 hours a week, off-campus, during the school year. During academic breaks, however, maximum working hour caps are lifted.

One of the most significant issues facing migrant workers in the TFWP is the fact that work permits are tied to a single employer. This results in workers having their labour mobility severely restricted, leaving them vulnerable to abuse and exploitation by unscrupulous employers. If a worker is fired or decides to leave their job due to mistreatment or poor working conditions, their work permit is no longer valid, and they are forced to leave Canada.

For low-wage workers who depend on their employment to send income back home to support their families, this creates a chilling effect, where workers are afraid to speak out for fear of having their employment terminated, being deported and unable able to return. This is also true for many seasonal agricultural workers who often return to Canada to work every season and depend on these jobs. Some employers may exploit this fact and threaten workers with job loss, deportation or being blacklisted if workers try to exercise their rights. Further, they may be reluctant to refuse dangerous and unsafe work or report being sick or injured – again for fear of their employer terminating their employment.

It is important to note that workers who are experiencing abuse may be eligible for an **open work permit for vulnerable workers**, allowing workers to change employers.

International Students

The number of migrants arriving to Canada with international study permits has increased significantly over the years. In 2023, over one million international students were in Canada with valid study permits. Because an increasing number of students are securing paid employment during the school year to make ends meet⁴, we consider them migrant workers as well. Students do not require a work permit to work if they are enrolled in a full-time academic, professional or vocational training program (however, a valid social insurance number is still required). A student would only need a work permit to take part in a co-op or internship program. However, there may be instances where a worker has arrived to Canada with a study permit but is engaged in paid employment as their primary activity in Canada.

Because there is no additional special government immigration related administrative conditions for employers hiring international students (e.g. receiving a positive LMIA), compared to those under the TFWP, employers will look to hire students, often in low-wage, service sector roles. Although students are protected by federal and provincial employments standards (or collective agreements in unionized positions), many may not be aware of their rights as workers and, as a result, are often subject to exploitation from employers and fall victim to issues such as wage theft.

Non-status/undocumented workers

While in Canada, migrants may end up losing their immigration status when their work or study permits expire. Or in the case of those with closed work permits, if they are terminated or have decided to leave an abusive employer. As such, these workers may end up temporarily, or permanently, without immigration

³ Most international students do not require a work permit to seek employment in Canada. Only a valid study permit and social insurance number.

⁴ In the **2023-24 school year**, international undergraduate students paid, on average just over \$38,000 in tuition fees, compared to domestic students whose average undergraduate tuition was just over \$7,000.

status (i.e. undocumented) while they decide on their next options, await a decision around their immigration case, or until they secure enough resources to pursue other avenues to obtain status. Workers in such situations may be fearful of divulging any personal information they might suspect would be shared with government agencies or law/immigration enforcement. These workers end up being driven further underground, leaving them at even great risk of exploitation from employers or even landlords.

It is important to remain sensitive to this fact and acknowledge that extreme discretion is required in order to protect workers from detention and deportation.

Recent changes surrounding federal migrant worker programs

In 2023-24, the rising affordability and housing crisis resulted in an increase in right-wing attacks, baselessly laying blame on migrant communities for these issues and to deflect from years of government cuts and neo-liberal policies. Consequently, opinion polls showed growing sentiment amongst the Canadians that immigration numbers were becoming 'too high'.

As a result, in 2024, the federal government announced their intention to reduce the overall number of temporary residents in Canada – both temporary workers and international students – from 6.5% of Canada's total population to 5% by 2026 (with the exception of workers in the agriculture, fisheries and construction sector – the sectors with the highest concentration of migrant workers with tied work permits), while simultaneously reducing permanent residency numbers, thereby forcing more people to remain temporary for longer.

Some of the major changes included introducing a two-year cap on the number of international students allowed to study in Canada. For 2024, this resulted in a 35% drop in study permits compared to 2023, to 360,000 undergraduate study permits. Work permits for spouses of students have also been restricted. On the labour market front, the government announced a series of changes aimed at disincentivizing employers from relying heavily on the TFWP and to encourage more local hiring.

In addition, there were several reversals to many of the regulatory changes previously brought in to expand the TFWP. The following are some of the most recent changes to federal regulations governing temporary migrant worker programs in Canada:



Fig 2. Recent Federal migrant worker program policy changes

Programs/ Process	Recent Changes
Labour Market Impact Assessments (LMIAs)	- No further processing of LMIAs for the Low-Wage stream in census metropolitan areas (CMAs) with unemployment rates of 6% or higher. Exceptions will be made for seasonal and non-seasonal jobs in food security sectors (primary agriculture, food processing, and fish processing), as well as construction and healthcare. - The validity of an LMIA will return to a period of 6 months (down from 12 months). - Employers must explore every option before applying for an LMIA — including recruiting asylum seekers with valid work permits here in Canada. - From September 3, 2024, to March 3, 2025, certain LMIA applications submitted for low-wage positions in the economic region of Montréal won't be processed.
TFWP – Low-wage stream	- As of September 26th, 2024, the number of temporary 'low-wage' migrants an employer can hire in a workplace must be capped at 10% of the entire workforce. Only certain occupations in the food sector (e.g. primary agriculture, food processing and fish processing), construction and healthcare can have a cap of 20%. There are, however, no caps on 'high-wage' workers. - The maximum duration of employment for migrant workers hired through the low-wage stream will be reduced to one year (from two years).
TFWP – High-wage stream	- Temporary migrant workers arriving under the high-wage stream of the TFWP will continue to have a maximum authorized employment duration of up to 3 years. - Increase to the minimum hourly wage requirements for the high-wage stream of the TFWP. Now, workers will need to earn hourly salaries at least 20% higher than the median wage for their position relative to where they work.
International Students	The number of hours international students can work has been increased to 24 hours per week (as of September 2024). During academic breaks, such as summer holidays, there will continue to be no cap on the number of work hours.
Other	- As of January 1, 2024, employers are required to conduct an annual review of temporary foreign workers' wages to ensure they reflect increases to prevailing wage rates for their given occupation and region of work. - In 2023, a three-year pilot program called the "Recognized Employer Pilot" was announced, making the process easier for employers who frequently make use of the program in specific high demand occupations. A complete list of those occupations can be found here. However, as of September 2024, the government is no longer accepting new applicants to the program.

Members at risk of losing their Canada immigration status

As mentioned, the Federal government has taken steps to reduce the number of temporary residents in Canada (including workers and international students). As a result, it is estimated that **1.2 million** work and study permits will expire in 2026 and a further 1.1 million in 2027 - that is an average of nearly 3,000 permits expiring daily.

Many may attempt to stay and find other immigration pathways to secure status in Canada. Others who have worked in Canada for several years brought their families, or started families and developed a community here, may feel they have no choice but to continue working and living in Canada without documentation, leaving them vulnerable to detention and deportation.

Undoubtedly, Unifor migrant worker members will be affected from these policy changes and be forced to leave their jobs and communities. Many will turn to their union for assistance and we must identify ways to defend our members. We can do this through advocacy, education, at the bargaining table and working and connecting members with community allies and resources, such as immigration legal clinics, immigration settlement organizations and migrant worker advocacy groups.

Please note that there is no positive onus on the union to inform the employer or report to any immigration authorities that a worker is currently working without a valid work permit or is undocumented.

Labour unions can, and have, played a crucial role in defending migrant worker members. We are seeing this now in the U.S. with the Trump administration's renewed attacks on migrant and undocumented communities. In response, labour unions are mobilizing to defend their migrant and undocumented members who are being threatened with detention and deportation, while also organizing to educate their membership against unjust workplace terminations and how to respond to immigration enforcement raids in the workplace.



What Unifor National Reps and Locals should know

Labour unions should actively fight for equal treatment of migrant workers, advocating for their inclusion in collective bargaining agreements and ensuring they receive the same wages, benefits, and working conditions as any other worker. This means unions must diligently combat exploitation, language barriers, and discrimination, while providing comprehensive support and representation to migrant workers, recognizing their contributions to the workforce and the economy. By upholding the principles of solidarity and fairness, unions can ensure migrant workers are empowered and protected, fostering equitable workplaces and communities for all.

The following are some additional things to consider if migrant workers have already begun working in the workplace:

- It is important to try and collect as much information and documentation as possible when migrant worker members begin working in the workplace so that we are better prepared to intervene and assist when issues arise. This includes knowing through which federal program a worker has arrived under and the type of permit a worker possesses, or even the name of the employment agency the Employer has been using to recruit workers.. As mentioned, migrant workers are now largely coming from outside of the Temporary Foreign Worker Program, and so can be hired just as any other Canadian worker, and oftentimes will have open work permits (e.g. international students, post-graduate work permits, International Mobility Program, certain high-skilled workers, etc.). Knowing the specific immigration pathway a worker has arrived through will enable a better assessment of the type of intervention that will be most helpful.

- If workers have arrived through a temporary migrant worker program, employers must provide the union with a signed copy of the worker's employment contract. This is important in order to verify the specific conditions of work outlined and wages and benefits offered, to ensure that it does not contravene the collective agreement.
- The union can also help to ensure that:
 - The worker has also received a copy of their employment contract and fully understands the terms and conditions;
 - The employer has provided the worker with information as to their **working rights in Canada** and entitlements;
 - The worker receives a copy of the union's current collective agreement;
 - The employer has covered the worker under the applicable provincial/territorial workplace safety insurance. If it is private insurance, they should be covered under the same provider as the rest of the workers in the workplace;
 - The worker has immediate access to health care. Not all migrants have immediate coverage through provincial/territorial public health care services when they first begin work in Canada. As such, employers must provide private health insurance to the worker until the time they are eligible for access under the public system.
- With their consent and permission, the union can also assist a worker in reviewing their pay stubs to ensure the employer is not making any extra or illegal payroll deductions.



Additional information for employers hiring workers through the TFWP.

The following are some important things to keep in mind if an employer has indicated their intention to hire temporary migrant workers specifically through the Temporary Foreign Worker Program:

- Unless explicitly stated in the collective agreement, employers do not need to consult with the union, nor seek the union's permission, to hire temporary migrant workers. However, getting the employer to share as much information (and documentation, including their LMIA application) as possible with the union is helpful if issues should arise. This can include knowing which federal program the employer will be applying to, the number of workers to be hired, total duration, the specific job classifications, and names of third-party recruiters used, if applicable, etc.
- The union could challenge the claim that the employer was unable to recruit local workers and file an official complaint with ESDC or potentially file a grievance (depending on existing CBA language).
- In cases where there are active job openings, it is helpful to monitor and document how and where job postings are being advertised to ensure compliance with federal recruitment and advertising guidelines.
- In unionized workplaces, pay and conditions of work must be the same as those outlined in the collective agreement.
- To ensure that, like any new hire, the migrant worker will be automatically included within the bargaining unit (unless CBA language explicitly states otherwise).
- Migrant workers cannot be brought in during a current or foreseeable labour dispute.
- It may be worth checking online to see whether the employer has been previously **found non-compliant** in regards to adhering to the rules of the TFWP.



Fostering an environment of inclusion for migrant worker members

The following are some strategies to facilitate greater migrant worker inclusion within the union, workplace and community:

- **Preparing for workers arrival:** To help ease any potential union member concerns regarding the arrival of temporary migrant workers, look to provide information materials or set aside time at an upcoming general membership meeting to respond to questions. Educational materials, videos, discussion guides and other resources can be suggested or made available through the National or through allied organizations (e.g. migrantrights.ca).
- **Translation of union materials:** Migrant workers whose second language may be English or French, might find it helpful to have materials, such as copies of the collective agreement, in their native language while they continue to improve their language skills. While getting employers to pay for translation of materials is ideal, using translation programs can be a provisional measure for Locals with fewer resources.
- **Orientation and mentorship:** Migrant workers working in Canada for the first time may have few supports or little to no union knowledge whatsoever (or may have different perceptions of what labour unions are based on experiences in their home country). Ensuring that workers are provided with a [Unifor New Member Kit](#) is a good start, but having a representative from the union take some time to sit and walk through it and answer any questions can go a long way to building worker knowledge, confidence and trust.
- Pairing a worker with a Local union mentor is also effective at helping to better orient workers to the union, workplace and community.
- If the worker is a member of a racialized community, and the union has negotiated the inclusion of a [Racial Justice Advocate](#), introduce the worker to the Advocate and explain how they can help the worker.
- **Union and community involvement:** Encouraging migrant workers to actively participate and get involved in the work of the union (e.g. joining committees, attending membership meetings, etc.) or other union activities in the community (e.g. rallies, education courses, BBQs, volunteer work, etc.) is an excellent way to build worker engagement with the union, while also reducing feelings of isolation.
- **Supporting local and national migrant justice movements:** Plugging into local migrant worker advocacy groups and/or supporting national campaigns – particularly those Unifor is already engaged with, such as the Migrant Rights Network and the Migrant Workers Alliance for Change – is an effective way to learn about the issues and to build solidarity with migrant worker communities. The National office often disseminates information regarding upcoming actions and other ways the union is working to support in advancing rights and protections for migrant workers in Canada.

Collective Bargaining

In contract negotiations with employers, the inclusion of specific bargaining language can help promote and strengthen the rights of migrant worker members while also ensuring that jobs and working conditions are maintained for all members. Bargaining needs and priorities for migrant worker members may be slightly different, so ensuring that bargaining committees consult with migrant worker members prior to the start of negotiations can help to ensure a stronger contract and broader support at the time of ratification. As always, efforts must be taken to avoid contract tiering, where migrant and non-migrant worker members have different working conditions, wages and benefits. Here are some ways the rights of migrant worker members can be strengthened through collective bargaining:

- Language ensuring employers transition temporary workers to permanent residents through available federal/provincial/territorial programs. These can include federal programs to help skilled-workers attain permanent residency in Canada, such as the **Federal Skilled Worker Program** or the **Canadian Experience Class program**, or for instance sponsorships through various **Provincial Nominee Programs**.
- Contract language requiring employers to first consult with the union before and during the application process to hire temporary migrant workers in the workplace. This would include full transparency and open communication with the union regarding local recruitment efforts, review of LMIA applications, copies of employment contracts, provision of union support letters, etc.
- Language requiring employers to cover costs of translation of the collective agreement and other relevant materials.
- Employer paid access to French/English language courses for workers which can be taken during work hours.
- Covering costs related to legal assistance/legal consultations on immigration related matters for workers and family members, requiring help and assistance with status issues
- Provision of letters of support and/or letters of recommendation from employers to assist with worker's immigration claims.
- Bargaining Racial Justice Advocate positions, if none currently exist.



Issues to be aware of and monitor

Lack of access to public programs and services: Due to workers lack of access to full immigration status in Canada, they are often faced with barriers in accessing public programs and services. These can include things like access to health, education and social/settlement services. Workers are often ineligible to receive other public benefits and entitlements such as pension payments through the Canada Pension Plan (CPP) or access to Employment Insurance (EI), even though premiums are deducted from their paychecks.

For undocumented workers, the inability to access critical services is compounded by their fear of having to divulge their lack of immigration status in Canada and being reported to either local law enforcement or the Canada Border Services Agency (CBSA).

Expiring Permits: Currently, with thousands of work and study permits expiring daily, and fewer spots for permanent residency, many of our migrant members are in crisis. It is crucial to understand how many people are impacted at the workplace, and share that information with the national office, so we can work to support our members.

Working Conditions: Employers may look to exploit migrant workers by lowering hours of work or wages and/or violate other conditions outlined in the collective agreement, taking advantage of a worker's lack of full immigration status, knowledge of their workplace rights, or language barriers.

Family separation: Several of the low-wage streams of the TFWP are prohibited from bringing their spouses or family members with them to Canada. As a result, many of these workers are separated from their families for extended periods of time which can cause feelings of isolation, stress and other mental health challenges.

Additional information pertaining primarily to the Temporary Foreign Worker Program:

Recruiters and recruitment fees: Employers in Canada often make use of third-party recruiters or agencies in order to get matched with workers abroad. Any fees associated with third-party recruiters must not be recouped from the worker (for instance through payroll deductions). However, low-wage workers have been known to be charged by recruiters and agencies in their home country in exchange for matching them with jobs in Canada. As a result, workers can often come to Canada in substantial debt that they must pay off.

Human trafficking: The trafficking of workers for labour is a grim reality that is enabled due to existing rules of the TFWP, including closed permits and the lack of rights and protections for workers without full immigration status in Canada. A variety of tactics are used by traffickers, recruiters or employers to coerce, control and exploit workers, including illegally withholding personal documents (such as passports or work permits), physical or psychological abuse, and prohibiting contact with friends and family. It is helpful to be **aware of the most common warning signs of human trafficking**, so that immediate action can be taken to protect workers.

Housing and accommodations: Some employers may be required to offer workers housing depending on the type of federal program. Employers using the Seasonal Agricultural Workers Program, for instance, must provide adequate accommodation to workers at no cost (except in B.C. where housing costs can be deducted from a worker's pay). Employers in this situation must also submit a **Housing Inspection Report** which must be included in their LMIA application.

Employers hiring workers in primarily agricultural and low-wage streams of the TFWP must ensure that adequate and affordable housing is available. Employers may deduct housing and utility costs from workers' pay, and these should be clearly outlined in the employment contract. While there are no current federal minimum requirements regarding housing standards, housing must nonetheless meet provincial, territorial and municipal standards. This includes proper ventilation, rules around overcrowding, access to hot and cold water, functioning toilets, etc.

Resources and Support

We encourage staff and Locals to reach out for any additional help or resources Unifor National can provide to assist you in supporting our migrant worker members --including department staff from Legal, Research, Health and Safety, Education and Human Rights.

Unifor has also developed partnerships with an array of national and provincial migrant worker advocacy groups, coalitions and community organizations we can also reach out to.

National

Migrant Rights Network

<https://migrantrights.ca/>

Migrant Workers Alliance for Change

<https://migrantworkersalliance.org/>

Migrante Canada (working largely with Canada's migrant Filipino community)

<https://www.migrante.ca/>

Provincial chapters: BC, Alberta, Manitoba, Ontario

Western Canada

Migrant Workers Centre of B.C.

<https://mwcbc.ca/>

Vancouver Committee for Domestic Workers and Caregivers Rights

<https://www.cdwcr.org//>

Ontario

Caregiver Connections, Education and Support Organization

<https://www.cceso.org/>

Workers' Action Centre

<https://workersactioncentre.org/>

Quebec

Immigrant Workers Centre

<https://iwc-cti.ca/>

Réseau d'aide aux travailleuses et travailleurs migrants agricoles du Québec
(Agricultural migrant workers)

<https://rattmaq.org/>

Atlantic Canada

Centre for Migrant Rights Nova Scotia

<https://www.migrantjusticens.ca/>

Cooper Institute

<https://www.cooperinstitute.ca/>

Appendix A: Sample contract language

The following are some examples of contract language, some from existing Unifor collective agreements, on key areas affecting migrant workers in the workplace.

Transitioning to Permanent Resident Status

The Employer will make all possible attempts to assist a worker without full immigration status in securing Canadian Permanent Residency so that the worker can continue working on a permanent basis. This can include supporting a worker's application to an applicable federal permanent resident immigration program (e.g. Canadian Experience Class program) or a Provincial Nominee Program.

Contract Renewals

The Employer will provide the temporary migrant worker and the Union with a minimum 180-day notice if there are plans to not renew a worker's employment contract or work permit expiration. This should provide enough time for workers to seek alternative employment opportunities with another employer in Canada and to apply for a renewed Canadian work permit.

Discrimination

Consider the inclusion of 'immigration status' in future discrimination CBA language. For example:

The Union and the Employees support a workplace free of discrimination. Neither the Employer, nor any person acting on behalf of the Employer, shall refuse to continue to employ any Employee or otherwise discriminate against any Employee, on the basis of race, religion, creed, colour, ethnic or national or aboriginal origin, sex, sexual orientation, source of income; political belief, affiliation or activity; **immigration status**, family status, marital status, age, or physical disability or mental disability, except as authorized by the Human Rights Act.

Hiring of workers through the TFWP

Unifor Local 114: Cascade Aerospace

The Company agrees that no new employees shall be hired under the federal or provincial Temporary Foreign Worker Program without mutual written agreement with the Union.

The Company will not hire an agency for the purposes of administering any federal or provincial Temporary Foreign Worker Program without mutual written agreement with the Union.

Inclusion of migrant workers in CBA

Unifor Local 2002: ORNGE

LOU #37 INTERNATIONALLY TRAINED CRITICAL CARE PARAMEDICS: Critical Care Paramedics that join the organization as Temporary Foreign Workers (TFWs) under the federal government's Temporary Foreign Worker Program will be governed by the Unifor Local 2002 collective agreement. TFWs home base will continuously be their assigned base location at time of hire, unless they achieve an unrestricted work permit or Permanent Residency status on their own volition. Accordingly, TFWs will be exempt from Article 58 - Staffing and not be able to participate in the company-wide Standing Preferential Bid program.

The Company and the Union will continue to discuss Temporary Foreign Workers at LMC meetings on an on-going basis.

Union Letters of Support

FFAW-Unifor: Fogo Island Cooperative

Temporary Foreign Workers: The Union agrees to provide a letter to the Employer at its request to support the hiring of temporary foreign workers to alleviate staff shortages

Appendix B: Special provisions concerning migrant workers

1. Housing

The employee agrees that the Employer deducts the weekly amount set by the standard contract or what is provided for by the Labour Standards Act or by the Government of Canada

2. Assistance to migrant workers

Migrant workers who must go to the hospital or the dentist must be accompanied in all cases by a person who speaks their language

3. Employment contract

No later than February 28 of each year, the Employer must send the Union a copy of the employment contracts of migrant employees from each country. If any changes are made to any of the employment contracts after this date, the Employer shall send the Union a copy of the amended contract as soon as possible

4. Recall

A migrant employee who is recalled to work within 24 months of their departure shall recover seniority held at the time of departure

5. Vacation pay

Employees who leave the service of the Employer shall be entitled to vacation pay due to them at the time of their departure based on their years of service at that time, all in accordance with the laws in force and the government contracts binding the employees concerned

6. Translation of the agreement

A copy of the collective agreement translated into Spanish shall be provided to each migrant employee.

Union Participation in Resolving Immigration Issues

Source: Labour Notes

In the event that an employee has a problem with their right to work in the United States/Canada, the Employer shall notify the Union in writing prior to taking any action. The Employer agrees to meet with the Union to discuss the nature of the problem to attempt to reach a resolution.

Sharing of documents with the Union

The Employer will share with the Union any relevant documents pertaining to the recruitment of a temporary migrant worker in the workplace. This includes copies of any Labour Market Impact Assessment (LMIA) applications to the Federal government, contracts with any third-party immigration recruiters, copies of worker employment contracts, etc.

Leaves of Absence

Temporary Foreign Workers (TFWs) shall receive up to X paid days per year to attend to personal immigration-related matters, including attending necessary appointments with immigration officials, legal

consultations, or to sort out immigration documentation. Requests will not be unreasonably denied.

Immigration Administrative Assistance

The Employer shall provide reasonable and timely assistance to temporary migrant workers in resolving immigration matters, including providing support letters, workplace documentation or other supports needed for work permit renewals or permanent residency applications. This will also include assistance with any supporting documents to aid with a worker's application for permits for any spouse/family member. Such assistance shall be provided confidentially, and requests will not be unreasonably denied.

Translation, Interpretation & Language Training

The Employer shall provide copies of translated workplace materials in a temporary migrant worker's first language, including employment contracts and copies of the Collective Agreement, upon request. Where necessary, access to qualified translators or interpretation services will be provided, paid for by the Employer, to ensure full understanding of rights, responsibilities, and workplace communications, policies and procedures.

The Employer will offer to any migrant worker access to French or English as a Second Language training and education courses, at the Employer's cost.



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