

British Columbia - Policy Brief

The Impact of Canada's Migrant Worker Programs on the Construction Labour Force in British Columbia (2015 - 2016)

**Includes
Recommendations
for Change**

Migrant workers are foreign nationals who are imported by employers to work in Canada under the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP). Construction firms in B.C. hired 1240 and 1285 migrant workers in 2015 and 2016 using the IMP. The construction industry represented 2.6% of the migrant workers in B.C. using the IMP in 2015. Construction firms in B.C. hired 1260 and 1430 migrant workers in 2015 and 2016 under the TFWP. The construction industry accounted for 8.5% and 9.3% of migrant workers using the TFWP in 2015 and 2016. The number of migrant construction workers in B.C. is small compared to the construction labour force. But, migrant workers have a significant impact on specific building trades involved on projects in the Industrial, Commercial and Institutional (ICI) construction sector. This finding is important. Government officials claim the IMP rules prevent employers from hiring construction workers and there are no IMP streams for construction occupations.

Prepared for LiUNA

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1 - INTRODUCTION

1.1 AIMS AND OBJECTIVES

The aim of this policy brief is to undertake an investigation into the impact of Canada's migrant worker programs on the construction labour force in BC (2015-2016). This study uses the term "migrant workers" to refer to foreign nationals who are imported to Canada under the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP). The objective is to provide evidence that BC construction firms are using the IMP to hire foreign nationals to work in building trades and construction occupations. It also examines the relationship between the IMP and the TFWP.

1.2 RESEARCH ISSUE: MIGRANT WORKERS AND THE CONSTRUCTION LABOUR FORCE

LiUNA and the BC Building Trades launched legal actions to expose the exploitation of migrant workers, by employers using the TFWP during construction of the Canada Line (2005-2009), Golden Ears Bridge (2006-2009) and Murray River (2012-2015) projects. Media reports revealed employers violated Canadian law, by denying migrant workers their rights under the labour code, employment standards and human rights legislation. As a result, the TFWP is characterized by abuse, exploitation, low wages, illegal labour brokers, fraud, coercion, racism and discrimination. The economic impact of the TFWP is distortion of the labour market, wage suppression and displacement of Canadian workers¹.

In response to public outrage, the federal government restructured the TFWP in 2014, by dividing the program into two categories: the TFWP and the new IMP. The restructuring allowed the continued growth of the new IMP and Canada's migrant workforce, while simultaneously cutting the number of migrant workers using the TFWP. This double-dealing approach to public policy was a strategy used by the former Conservatives to avoid public criticism and anger about the TFWP, protect their reputation, and expand the migrant worker regime in Canada.

Currently, federal and BC governments claim the eligibility criteria for the IMP prevent employers from hiring foreign nationals to work in the construction industry. Government officials say the IMP consists of high-skilled occupations, such as university professors, management consultants, information systems analysts, computer programmers, physicians and software engineers.

"Some open work permits holders may choose to work in construction, but there are no IMP streams specifically suited to construction jobs," said BC government officials in August 2017. "Most international trade agreements list specific occupations that require an undergraduate degree at minimum²."

Despite these claims, both levels of government have failed to conduct any research to assess the impact of the IMP and the TFWP on the Canadian labour market. For example, Employment and Social Development Canada (ESDC) has a plan to assess the impact of the TFWP on the Canadian labour market in 2018. They claim adequate information is not available due to the reforms by

¹ Gilbert, R. (2016). The Impact of the Temporary Foreign Worker Program on the Construction Labour Force in Western Canada (2003-2015); April, 2016, Surrey, BC Canada: prepared for the Laborers' Union of North America Western Canada.

² Power Point presentation on the TFWP and the IMP in BC made by Rob Mengay, assistant deputy minister, (Minister Responsible for Labour) and his staff from the BC Ministry of Jobs, Tourism and Skills Training, during a meeting with Mark Olsen (LiUNA) and Tom Sigurdson (BC Building Trades) on Aug. 11, 2017.

the former Conservative government in 2014. The Liberal government's evaluation promises to examine the anticipated benefits of the TFWP on specific sectors of the labour market³. Given this situation, there is an urgent need for research to be undertaken on the impact of migrant workers on construction labour in Canada.

1.3 RESEARCH QUESTIONS

To achieve this policy brief's main objective, the following eight research questions will be answered:

- ◇ How many migrant workers were employed in BC to work in high-skilled construction occupations on open permits using the IMP in 2015 and 2016?
- ◇ How many migrant workers entered BC to work in high-skilled construction occupations on employer-specific permits using the TFWP in 2015 and 2016?
- ◇ What was the size of the migrant workforce hired by employers in the BC construction industry under the IMP compared to the total migrant workforce in 2015 and 2016?
- ◇ What was the size of the migrant workforce hired by employers in the BC construction industry under the TFWP compared to the total migrant workforce in 2015 and 2016?
- ◇ What was the effect of federal government reforms in 2014 on the TFWP and the IMP?
- ◇ What was the relationship between the TFWP and the IMP (2006-2015)?
- ◇ From a union perspective, what are the main public policy concerns about the impact of Canada's migrant workers program's on the construction labour force in BC?

1.4 BACKGROUND: WHAT IS A LABOUR MARKET ASSESSMENT?

Employers who want to hire a foreign national using the TFWP are required to fill out an application for approval from ESDC, which involves a form called a Labour Market Impact Assessment (LMIA). This application process is supposed to verify there is a real need for migrant workers, and that no qualified Canadians are available to do the job⁴. To obtain a LMIA, employers must advertise the job for a certain period of time, as well as report the number of Canadians who applied and were interviewed for the job. Employers are also required to explain why Canadians were not hired.

Under the TFWP, foreign nationals enter Canada using an employer-specific work permit issued by Immigration, Refugees and Citizenship Canada (IRCC). The work permit is tied to a specific employer for a set period of time. Migrant workers entering Canada on open work permits issued by IRCC under the IMP can be hired by employers in all industries, anywhere in the country for a specific period of time.

³ Office of the Auditor General, 2017 Spring Reports of the Auditor General of Canada to the Parliament of Canada, Report 5—Temporary Foreign Worker Program—Employment and Social Development Canada, May 16, 2017, http://www.oag-bvg.gc.ca/internet/English/parl_oag_201705_05_e_42227.html#ex1.

⁴ Government of Canada, Hire a temporary worker through the Temporary Foreign Worker Program, Immigration, Refugees and Citizenship Canada (IRCC), Date Modified: 2015-10-26, <http://www.cic.gc.ca/english/work/employers/lmo-basics.asp>

2 THE IMP AND THE CONSTRUCTION LABOUR FORCE IN BC

2.1 METHOD

The National Occupational Category (NOC) defines the building trades occupations as: trades, transport and equipment operators. This category represents most construction trades and includes the following occupations: trades supervisors and contractors, construction and mechanical tradespersons, operators of transportation and heavy equipment and trades helpers⁵. This category is made up of five groups:

- 72 Industrial, electrical and construction trades
- 73 Maintenance and equipment operation trades
- 74 Other installers, repairers and servicers and material handlers
- 75 Transport and heavy equipment operation and related maintenance occupations
- 76 Trades helpers, construction labourers and related occupations.

The impact of the IMP on building trades and other construction occupations in BC will be assessed using data from IRCC, which measure the number and occupation of foreign nationals employed to work in BC with an open work permit. An open work permit issued by IRCC under the IMP allows migrant workers to work for any employer, in any occupation, for a specific period of time.

2.2 CONSTRUCTION EMPLOYMENT IN BC BY OCCUPATION (2015-2016)

Table 1 below shows employers used the IMP to hire 355 and 345 migrant workers in BC with an open work permit in 2015 and 2016 respectively. Migrant workers were hired by employers in BC under the IMP in 27 building trades occupations. The total number of migrant workers employed in building trades occupations over the two year period was 700.

The largest group of migrant workers in a building trades occupation was the carpenters with 65 in 2015 and 75 in 2016. The second largest group was the contractors and supervisors, heavy equipment operator crews at 35 and 20 in 2015 and 2016, followed by the ironworkers in third with 15 and 30 in 2015 and 2016. Ten migrant workers were hired in BC under the IMP as construction trades helpers and labourers in 2016.

⁵ Statistics Canada, National Occupational Classification (NOC) 2016, 7 - Trades, transport and equipment operators and related occupations, Government of Canada, Oct. 21, 2016, <http://www23.statcan.gc.ca/imdb/p3VD.pl?Function=getVD&TVD=314243&CVD=314244&CPV=7&CST=01012016&CLV=1&MLV=4>

Table 1
Number of Foreign Nationals employed in British Columbia with open work permits under the International Mobility Program (IMP) by intended building trades occupation (4-digit NOC 2011) 2015 - 2016

Occupation		2015 Total unique persons	2016 Total unique persons	Total 2015 and 2016	Rank
1	7201 - Contractors and supervisors, machining, metal forming, shaping and erecting trades	10	0	10	
2	7202 - Contractors and supervisors, electrical trades and telecommunications occupations	5	25	30	
3	7203 - Contractors and supervisors, pipefitting trades	0	0	0	
4	7204 - Contractors and supervisors, carpentry trades	10	5	15	
5	7205 - Contractors and supervisors, other construction trades, installers, repairers and servicers	15	20	35	
6	7621 - Public works and maintenance labourers	0	0	0	
7	7234 - Boilermakers	0	0	0	
8	7235 - Structural metal and platework fabricators and fitters	0	5	5	
9	7236 - Ironworkers	15	30	45	3
10	7237 - Welders and related machine operators	25	15	40	
11	7241 - Electricians (except industrial and power system)	15	10	25	
12	7242 - Industrial electricians	10	0	10	
13	7244 - Electrical power line and cable workers	0	0	0	
14	7245 - Telecommunications line and cable workers	0	5	5	
15	7246 - Telecommunications installation and repair workers	0	0	0	
16	7251 - Plumbers	10	10	20	
17	7252 - Steamfitters, pipefitters and sprinkler system installers	15	5	20	
18	7253 - Gas fitters	0	0	0	
19	7271 - Carpenters	65	75	140	1
20	7272 - Cabinetmakers	15	10	25	
21	7281 - Bricklayers	10	10	20	
22	7282 - Concrete finishers	10	0	10	
23	7283 - Tilesetters	--	5	5	
24	7284 - Plasterers, drywall installers and finishers and lathers	10	20	30	
25	7291 - Roofers and shinglers	10	0	10	
26	7292 - Glaziers	0	5	5	
27	7293 - Insulators	0	0	0	
28	7294 - Painters and decorators (except interior decorators)	10	20	30	
29	7295 - Floor covering installers	0	0	0	
30	7302 - Contractors and supervisors, heavy equipment operator crews	35	20	55	2
31	7311 - Construction millwrights and industrial mechanics	15	10	25	
32	7312 - Heavy-duty equipment mechanics	20	15	35	
33	7313 - Refrigeration and air conditioning mechanics	15	5	20	
34	7371 - Crane operators	10	10	20	
35	7521 - Heavy equipment operators (except crane)	0	0	0	
36	7611 - Construction trades helpers and labourers	0	10	10	
37	7621 - Public works and maintenance labourers	0	0	0	
Total		355	345	700	

Table 2 below shows migrant workers were hired by employers in BC to work in 885 and 940 other construction occupations in 2015 and 2016 respectively. The total number of migrant workers in other construction occupations was 1825 over the two year period.

The largest group in other construction occupations was made of senior engineering and construction managers (370). The second largest group was composed of civil, mechanical and electrical consultants (220), followed by engineering, mechanical, civil technologists and technicians (195).

Table 2 Number of Foreign Nationals employed in British Columbia with open work permits under the International Mobility Program (IMP) in other construction occupations (4-digit NOC 2011) 2015 - 2017					
Occupation		2015 Total unique persons	2016 Total unique persons	Total 2015 and 2016	Rank
1	0016 - Senior managers - construction, transportation, production and utilities	185	185	370	1
2	0211 - Engineering managers	85	110	195	3
3	0212 - Architecture and science managers	5	20	25	
4	0711 - Construction managers	80	95	175	
5	0712 - Home building and renovation managers	0	0	0	
6	2131 - Civil engineers	105	115	220	2
7	2132 - Mechanical engineers	80	90	170	
8	2133 - Electrical and electronics engineers	85	60	145	
9	2151 - Architects	45	40	85	
10	2152 - Landscape architects	10	0	10	
11	2153 - Urban and land use planners	5	10	15	
12	2154 - Land surveyors	0	0	0	
13	2225 - Landscape and horticulture technicians and specialists	15	10	25	
14	2231 - Civil engineering technologists and technicians	25	20	45	
15	2232 - Mechanical engineering technologists and technicians	55	70	125	
16	2234 - Construction estimators	10	10	20	
17	2241 - Electrical and electronics engineering technologists and technicians	60	60	120	
18	2253 - Drafting technologists and technicians	15	25	40	
19	2254 - Land survey technologists and technicians	5	0	5	
20	2262 - Engineering inspectors and regulatory officers	15	15	30	
21	2264 - Construction inspectors	0	5	5	
	Total	885	940	1825	

Under the IMP, employers hired more migrant workers to BC in other construction occupations (1825) than building trades occupations (700) in 2015 and 2016. The total number of migrant workers employed by BC construction employers as a whole using the IMP was 1240 in 2015 and 1285 in 2016.

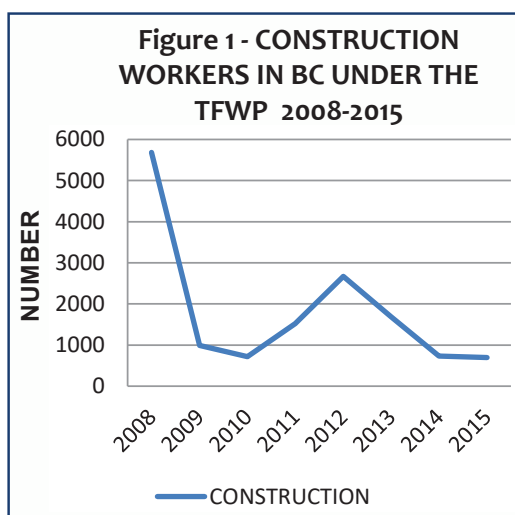
To put things in perspective, the total number of migrant workers in BC under the IMP was 47,982 in 2015. The number of migrant workers hired by BC construction employers in 2015 (1240) represented 2.6% of the total migrant workforce imported to the province under the IMP.

3 THE TFWP AND THE CONSTRUCTION LABOUR FORCE IN BC

3.1 METHOD

The North American Industry Classification System (NAICS) Canada 2012 defines construction as firms engaged in constructing, repairing and renovating buildings and engineering works, and in subdividing and developing land. Firms operate on their own or under contract to other firms or property owners. They produce projects or just parts of projects. Firms often subcontract some or all of the work involved in a project, or work in joint ventures⁶. The impact of the TFWP on the construction labour force in BC will be assessed using data from ESDC, which measure the number of foreign nationals employed with an employer-specific work permit on a positive LMIA.

3.2 TFWs AND CONSTRUCTION EMPLOYMENT IN BC (2008-2015)



The number of foreign nationals hired to work in the BC construction industry on a positive LMIA was 5686 in 2008 (Figure 1). Due to the global recession, this number fell rapidly in 2009 (83%) and 2010 (28%) to 718. With recovery, the number rose to 2669 in 2012, and then fell to about 700 in 2014 and 2015.

At the peak of economic activity in 2008, TFWs in the construction industry accounted for 14% of the total number of foreign nationals employed in BC under the TFWP. After the recession in 2010, the share of construction in the total migrant population in BC under the TFWP was about 4%.

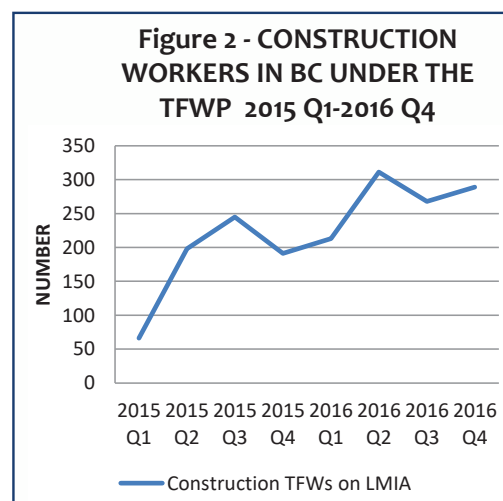
3.3 TFWs AND CONSTRUCTION EMPLOYMENT IN BC (Q1 2015 - Q4 2016)

The number of foreign nationals employed on a positive LMIA to work in the BC construction industry under the TFWP was 66 in the first quarter of 2015 (Figure 2). However, this was the lowest quarterly number in 2015 and 2016.

The number of TFWs entering the construction industry in BC reached highs of 245 in Q3 2015 and 311 in Q2 2016. The construction industry accounted for 7% of the total number of TFWs entering BC in Q3 2015 and 8.7% in Q3 2016.

The number of TFWs entering the construction industry in BC was 700 in 2015 and 1081 in 2016. The construction industry accounted for 3.7% of the total number of foreign nationals entering BC on a positive LMIA under the TFWP in 2015 and 5.4% in 2016.

Using quarterly data, the total number of TFWs entering BC using the TFWP was 18,783 in 2015 and 20,001 in 2016.



⁶ Statistics Canada, Government of Canada, Construction (NAICS 23): Definition, Definition of the Sector, September 16, 2016, <https://www.ic.gc.ca/app/scr/sbms/sbb/cis/definition.html?code=23>

3.4 CONSTRUCTION EMPLOYMENT IN BC BY OCCUPATION (2015-2016)

Employers used the TFWP to import 1090 and 1240 migrant workers to BC with an employer-specific work permit in building trades occupations in 2015 and 2016 respectively. The total number of building trades over the two year period was 2330. The largest group of migrant workers in building trades occupations was the carpenters with 120 in 2015 and 285 in 2016. The second largest group was the steamfitters, pipefitters and sprinkler system installers at 70 and 125 in 2015 and 2016, followed by the painters and decorators with 90 and 75 in 2015 and 2016. There were 35 and 75 migrant workers hired under the TFWP as construction trades helpers and labourers in 2015 and 2016.

Table 3 Number of Foreign Nationals hired with employer-specific work permits in British Columbia under the Temporary Foreign Worker Program (TFWP) by intended building trades occupation (4-digit NOC 2011) and year permits became effective, 2015 - 2016					
Occupation	2015 Total unique persons	2016 Total unique persons	Total 2015 and 2016	Rank	
1 7201 - Contractors and supervisors, machining, metal forming, shaping and erecting trades	0	10	10		
2 7202 - Contractors and supervisors, electrical trades and telecommunications occupations	10	5	15		
3 7203 - Contractors and supervisors, pipefitting trades	0	0	0		
4 7204 - Contractors and supervisors, carpentry trades	10	15	25		
5 7205 - Contractors and supervisors, other construction trades, installers, repairers and servicers	45	35	80		
6 7231 - Machinists and machining and tooling inspectors	10	5	10		
7 7232 - Tool and die makers	0	0	0		
8 7233 - Sheet metal workers	0	10	10		
9 7234 - Boilermakers	5	15	20		
10 7235 - Structural metal and platework fabricators and fitters	25	35	60		
11 7236 - Ironworkers	35	15	50		
12 7237 - Welders and related machine operators	85	60	145		
13 7241 - Electricians (except industrial and power system)	20	35	55		
14 7242 - Industrial electricians	110	20	130		
15 7243 - Power system electricians	0	0	0		
16 7244 - Electrical power line and cable workers	10	5	15		
17 7245 - Telecommunications line and cable workers	15	15	30		
18 7246 - Telecommunications installation and repair workers	0	0	0		
19 7251 - Plumbers	10	20	30		
20 7252 - Steamfitters, pipefitters and sprinkler system installers	70	125	195	2	
21 7253 - Gas fitters	0	0	0		
22 7271 - Carpenters	120	285	405	1	
23 7272 - Cabinetmakers	5	15	20		
24 7281 - Bricklayers	10	15	25		
25 7282 - Concrete finishers	35	35	70		
26 7283 - Tilersetters	20	30	50		
27 7284 - Plasterers, drywall installers and finishers and lathers	30	45	75		
28 7291 - Roofers and shinglers	5	20	25		
29 7292 - Glaziers	10	40	50		
30 7293 - Insulators	45	0	45		
31 7294 - Painters and decorators (except interior decorators)	90	75	165	3	
32 7295 - Floor covering installers	85	35	120		
33 7302 - Contractors and supervisors, heavy equipment operator crews	10	15	25		
34 7311 - Construction millwrights and industrial mechanics	15	0	15		
35 7312 - Heavy-duty equipment mechanics	15	40	55		
36 7313 - Refrigeration and air conditioning mechanics	60	35	95		
37 7318 - Elevator constructors and mechanics	10	0	10		
38 7371 - Crane operators	0	5	5		
39 7372 - Drillers and blasters - surface mining, quarrying and construction	0	5	5		
40 7384 - Other trades and related occupations, n.e.c.	10	20	30		
41 7441 - Residential and commercial installers and servicers	20	20	40		
42 7442 - Waterworks and gas maintenance workers	0	0	0		
43 7521 - Heavy equipment operators (except crane)	0	5	5		
44 7611 - Construction trades helpers and labourers	35	75	110		
45 7612 - Other trades helpers and labourers	0	0	0		
Building Trades Occupations Total	1,090	1,240	2,330		
British Columbia Total TFWP	14,830	15,310			

Employers imported 170 and 190 migrant workers to BC in other construction occupations in 2015 and 2016 respectively. The total number of migrant workers in other construction occupations was 360 over the two year period.

The largest group in other construction occupations was made of mechanical engineering technologists and technicians (105). There was a tie for the second largest group between electrical and electronics engineers and the electrical and electronics engineering technologists and technicians, which both had 50. Senior managers in construction, transportation, production and utilities came in third place with 45.

Table 4
Number of Foreign Nationals hired with employer-specific work permits in British Columbia under the Temporary Foreign Worker Program (TFWP) in other construction occupations (4-digit NOC 2011) and year permits became effective, 2015 - 2016

Occupation		2015 Total unique persons	2016 Total unique persons	Total 2015 and 2016	Rank
1	0016 - Senior managers - construction, transportation, production and utilities	15	30	45	3
2	0211 - Engineering managers	10	15	25	
3	0212 - Architecture and science managers	0	0	0	
4	0711 - Construction managers	15	15	30	
5	0712 - Home building and renovation managers	0	0	0	
6	2131 - Civil engineers	5	10	15	
7	2132 - Mechanical engineers	5	5	10	
8	2133 - Electrical and electronics engineers	30	20	50	2
9	2151 - Architects	0	0	0	
10	2231 - Civil engineering technologists and technicians	0	0	0	
11	2232 - Mechanical engineering technologists and technicians	55	50	105	1
12	2234 - Construction estimators	0	0	0	
13	2241 - Electrical and electronics engineering technologists and technicians	30	20	50	2
14	2243 - Industrial instrument technicians and mechanics	0	10	10	
15	2251 - Architectural technologists and technicians	0	10	10	
16	2253 - Drafting technologists and technicians	5	5	10	
17	2254 - Land survey technologists and technicians	0	0	0	
18	2262 - Engineering inspectors and regulatory officers	0	0	0	
19	2264 - Construction inspectors	0	0	0	
	Total	170	190	360	

Under the TFWP, employers imported more migrant workers to BC in the building trades (2330) than in other construction occupations (360) in 2015 and 2016. The total number of migrant workers employed by the BC construction industry as a whole using the TFWP was 1260 in 2015 and 1430 in 2016.

To put things in perspective, the total number of migrant workers in BC under the TFWP was 14,830 in 2015 and 15,310 in 2016. The number of migrant workers hired by employers in the BC construction industry accounted for 8.5% and 9.3% of the total migrant workforce imported to the province under the TFWP.

4 THE RESTRUCTURING OF THE TFWP AND MIGRANT WORKERS IN BC

4.1 INTRODUCTION

The former Conservative government restructured the TFWP in June 2014, which resulted in the program being divided into two categories: the TFWP and the new IMP. The new IMP has streams in which migrant workers are not subject to an LMIA. The TFWP includes streams in which migrant workers are imported by employers following a positive LMIA. The rationale for restructuring the TFWP was to provide a more stringent LMIA process for employers, as well as stronger enforcement and penalties⁷. This section uses IRCC data from Facts and Figures 2015 to analyze the relationship between the IMP and TFWP (2006-2015), in order to assess the impact of the restructuring in 2014 on both programs.

4.2 WHAT IS THE RELATIONSHIP BETWEEN THE TFWP AND THE IMP?

Canadian immigration policy includes migrant workers who are issued work permits to enter the country on a temporary basis and legally participate in the labour market. After the restructuring, foreign nationals with an LMIA exemption were grouped and reported under the new IMP. Foreign nationals who enter Canada at the request of employers under the TFWP were required to be approved using a LMIA. These workers continued to be grouped under the TFWP. However, foreign nationals with an LMIA exemption were grouped and reported under the newly created IMP⁸. The changes made it difficult to compare historical data, because it is difficult to account for effect of restructuring.

4.3 TOTAL MIGRANT WORKFORCE IN BC (2006 – 2015)

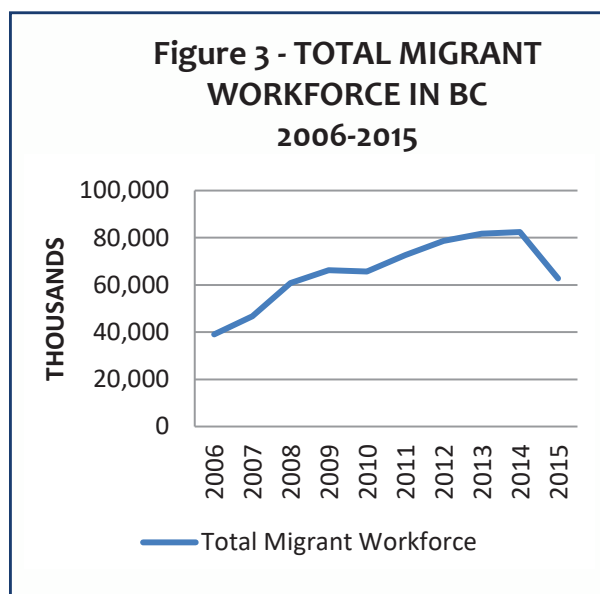


Figure 3 shows a 10-year period of development in BC's migrant worker population between 2006 and 2015, which includes foreign nationals entering the province under both the TFWP and IMP.

The total migrant worker population reached a peak of about 66,300 in 2009, after increasing rapidly in 2007 (20%) and 2008 (29%) during a period of economic growth (2000-2008). The number of migrant workers fell by 1% in 2010 to 65,600, but rebounded by 10.6% in 2011 and 8% in 2012 to peak at 82,444 by 2014. The migrant population dropped by 25% in 2015 to 62,821.

⁷ Government of Canada (2014) Overhauling the Temporary Foreign Worker Program: Putting Canadians First, June 2014, p1., http://publications.gc.ca/collections/collection_2015/edsc-esdc/Em4-1-2015-eng.pdf

⁸ El-Assal, Kareem and Arthur Sweetman (2016) A Primer on Canada's Foreign Workers, The Conference Board of Canada, Ottawa, September 2016, www.conferenceboard.ca/e-library/abstract.aspx?did=8168.

4.4 MIGRANT WORKERS UNDER THE IMP AND TFWP IN BC (2006 – 2015)

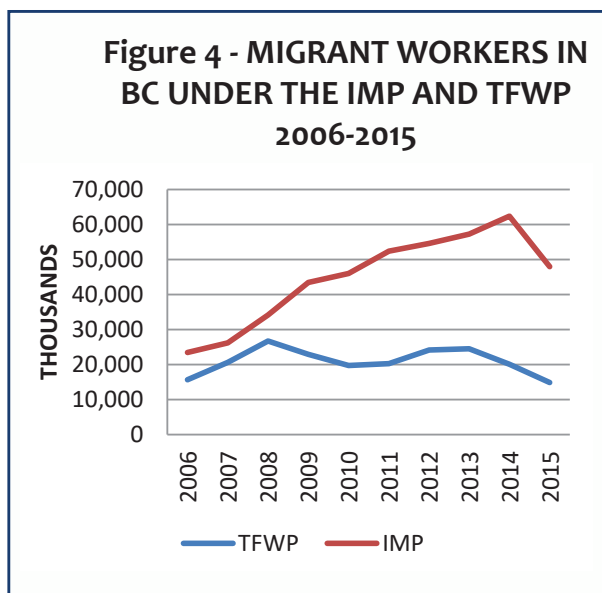


Figure 4 breaks down the number of migrant workers employed in BC under the IMP and TFWP between 2006 and 2015. The number of migrant workers in BC under the IMP was 23,406 in 2006 and increased steadily over this period to a peak of 62,366 in 2014. The number declined rapidly in 2015 to 47,982.

The number of migrant workers under the TFWP began the period at 16,686 people in 2006. The number increased rapidly to a peak of 26,662 in 2008, and then declined for two years to 19,681 in 2011. It rebounded for two years to a lower peak in 2013 of 24,494 people. The number declined rapidly to 20,108 in 2014 and 14,839 in 2015.

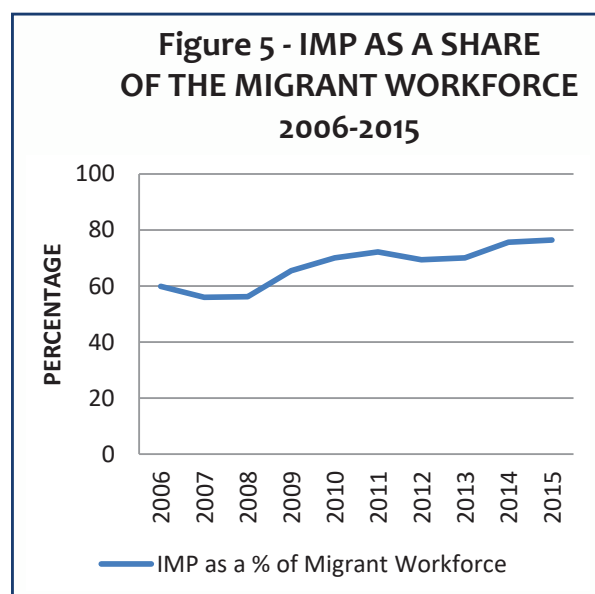
The divergence between workers entering BC under the IMP and the TFWP after 2008 was caused by lower entry barriers to the labour

market for LMIA-exempt workers. The TFWP expanded rapidly in BC during a period of economic growth (2000-2008), but has declined since the recession in 2009. However, the IMP increased steadily between 2006 and 2013 and declined during the recession in 2014.

4.5 IMP AS A SHARE OF THE MIGRANT WORKFORCE IN BC (2006-2015)

Figure 5 shows the IMP represented about 60% of all migrant workers in BC in 2006. This share fell to a low of 56% in 2008, with the rapid expansion of the TFWP. After the 2009 recession, the share of the IMP in the migrant workforce began to rise as workers under the TFWP were sent home. As the federal government made reforms to the TFWP, the IMP's share of the migrant workforce increased. By 2015, the IMP as a share of all migrant workers rose to about 76%.

The IMP was the main source of migrant workers in BC between 2006 and 2015. As a result, employer abuse and exploitation are generated by the rise and fall of the total migrant workforce imported to Canada under the TFWP and the IMP.



5 POLICY ANALYSIS OF CANADA'S MIGRANT WORKER PROGRAMS

5.1 INTRODUCTION

For more than a decade, media reports and public concern about employer abuse of the TFWP and exploitation of migrant workers in BC have centred on the construction labour force. As a result, LiUNA and the BC Building Trades have been in the forefront of the public debate about federal government initiatives to reform the TFWP. This section makes a contribution to the on-going debate, by providing a detailed outline of concerns from a union perspective about the impact of the IMP and the TFWP on the construction labour force in BC.

5.2 POOR DATA AND OVERSIGHT

Migrant workers entering Canada using the IMP can be hired by employers in all industries, anywhere in the country. Having an open work permit is a privilege, because the foreign national is not tied to a specific employer. However, there is a lack of data about the types of jobs open permit holders take and what effect they have on the labour market. ESDC is not always able to collect data about occupations and where workers are employed. The Office of the Parliamentary Budget Officer reported that 45% of the migrant workers entering Canada using the IMP did not report their occupation in 2015⁹.

In response, Citizenship and Immigration Canada imposed a \$100 privilege fee on holders of open work permits in 2014, which is supposed to allow for improved data collection on the employment of open work permit holders. This data is necessary to develop an improved understanding of the role of open work permit holders in the Canadian labour market.

There are concerns poor data make it difficult to assess the IMP's effect on the labour market, while the lack of oversight has resulted in the under-estimation of the IMP's impact on construction labour in BC.

5.3 IMP USED TO CIRCUMVENT TFWP

Federal government policy states the TFWP is the main pathway for employers in Canada to hire foreign nationals to fill short-term labour shortages. The flow of high-skilled migrant workers and business persons under the IMP is driven by international trade agreement and Canadian interests, which is defined as certain categories of workers who provide a social, cultural or economic benefit.

There are concerns the IMP allows employers to circumvent the TFWP and its LMIA process to import high-skilled construction workers, without regard for the social and economic impact.

5.4 INTERNATIONAL COMPETITION

The TFWP is controlled and operated entirely by ESDC officials, who can modify the program, as needs change or public pressure mounts. However, The LMIA exemptions used by employers under the IMP are often based on international trade agreements, which cannot be changed unilaterally. There are concerns the IMP has completely opened the BC labour market to international competition, due to ambiguous criteria which are too wide to implement and enforce.

⁹ Tracy Lemieux and Jean-François Nadeau, Temporary foreign workers in Canada: a look at regions and occupational skill, Office of the Parliamentary Budget Officer, Ottawa, Canada. March 12, 2015, http://www.pbo-dpb.gc.ca/web/default/files/files/files/TFW_EN.pdf

5.5 CANADIANS DENIED ACCESS TO JOBS

The TFWP is designed to address short-term labour shortages in regions and industries where there is genuine need, but this has not been the case in practice. Auditor General Michael Ferguson released a report in May 2017 which slams ESDC for failing to ensure Canadians are provided with first access to job opportunities, before employers are allowed to hire migrant workers through the TFWP. Ferguson said ESDC relied largely on information by employers to determine if the need for TFWs was justified. ESDC did not consider sufficient labour market information to determine if jobs could be filled by Canadians. In some cases, ESDC approved applications when employers failed to make an effort to train existing employees or hire unemployed Canadians, including under-represented groups¹⁰.

There are concerns the TFWP is allowing employers to import high-skilled construction workers, without demonstrating a genuine shortage of citizens or permanent residents for the job.

5.6 EMPLOYMENT STANDARDS VIOLATIONS

The combination of high debt, low pay, precarious and temporary residency status, and employer specific work permits make TFWs vulnerable to exploitation and abuse by employers and recruiters. TFWs fear the repercussions of being fired and deported if they assert their rights or complain about poor treatment or work conditions. They pay into but are ineligible for benefits including employment insurance. To pay recruitment fees, TFWs borrow money, and end up in debt when they arrive in Canada. TFWs have limited labour market mobility and differential access to settlement services¹¹.

In addition, the Employment Standards Branch's (ESB) complaint-driven model of enforcement is detrimental to the rights of TFWs. There is an urgent need for proactive enforcement and on-site investigations to protect the rights of TFWs and create a disincentive for employers to violate labour standards.

Settlement services for TFWs are extremely limited and do not facilitate access to justice. There are no legal advocacy services funded by the province for TFWs to access help with filing employment standards complaints or information about their rights. When TFWs arrive in BC, they are not provided with information about labour standards, nor are they informed about any services available to them. In Ontario, employers are required by law to provide TFWs with information about their labour rights. Alberta opened TFW Advisory offices and a help line.

There are concerns the ESB's enforcement model is detrimental to TFWs, while BC lags behind other provinces in regard to preventing illegal recruitment practices.

5.7 RECRUITMENT AGENCIES

A coalition of 37 organizations in BC called on the NDP/Green government in April 2017 to stop labour brokers from using the TFWP to exploit foreign nationals, by charging illegal fees.

"TFWs are routinely charged unlawful, exorbitant fees for jobs in this province and are coerced into working for lower wages than promised and under conditions below minimum labour

¹⁰ Office of the Auditor General, 2017 Spring Reports of the Auditor General of Canada to the Parliament of Canada, Report 5—Temporary Foreign Worker Program—Employment and Social Development Canada, May 16, 2017, http://www.oag-bvg.gc.ca/internet/English/parl_oag_201705_05_e_42227.html#ex1

¹¹ BC Employment Standards Coalition, Workers' Stories of Exploitation & Abuse: Why BC Employment Standards need to Change, June 2017, <http://bcemploymentstandardscoalition.com/wp-content/uploads/2017/08/BCESC-Workers-Stories-of-Exploitation-and-Abuse-July-2017.pdf>

standards set by the Employment Standards Act,” said the coalition Rising Up Against Unjust Recruitment in an open letter to former BC Labour Minister Shirley Bond. “We strongly urge the provincial government to enact legislation and policy to ensure that the Employment Standards Branch is mandated to proactively investigate, enforce and penalize offending recruiters and employers¹².”

BC recruitment agencies often charge TFWs between \$2,000 and \$10,000¹³. The BC Employment Standards Coalition said TFWs are restricted in any unpaid wage claim to the period six months prior to the date of a complaint. This means that they are not able to claim for the payment of illegal recruitment fees before they started work in BC, if they wait more than six months to make a claim.

In Manitoba and Saskatchewan, recruiters are required to post a financial security at the time of licensing, which can be accessed by TFWs as compensation if they have paid illegal fees. The BC Employment Standards Coalition recommends the government enact legislation to increase the rights and protections of TFWs, following the models of Saskatchewan, Manitoba and Ontario. In particular, TFWs should have the right to recover unpaid wages going back at least three years.

There are concerns labour brokers, who act as a middle-person for employers, are facilitating the exploitation of foreign nationals entering Canada using the TFWP.

5.8 UNDOCUMENTED WORKERS

Undocumented workers can be defined as women and men who participate in the labour force by legally entering the country and (a) not respecting the limits of their visa or (b) over staying their visa permitted time. They may also enter the country illegally¹⁴. Undocumented workers usually enter Canada using the TFWP and the IMP, but overstay the time limit on their work permit. The United Church Observer reported in 2017 that estimates suggest 200,000 to 500,000 undocumented migrants are in Canada¹⁵.

There are indications that Canada is experiencing a large wave of undocumented migrants, due to changes in the TFWP. The Liberal government repealed the TFWP’s four-year cumulative duration rule in December 2016, which limited the work period in Canada for low-skilled TFWs to four years. These TFWs would have become ineligible to work in Canada for the next four years. The rule was designed to prevent the growth of a large TFW population, who are unable to make the transition to permanent residence¹⁶. Before this policy u-turn, thousands of TFWs were expected to leave

¹² Rising Up Against Unjust Recruitment, Open letter to former Liberal Labour Minister Shirley Bond, April 6, 2017, <http://risingup.ca/wp-content/uploads/2017/04/Letter-to-Minister-Shirley-Bond-RisingUp-campaign-April-6-2017.pdf>

¹³ Jen St. Denis, BC’s temporary foreign workers routinely pay thousands in illegal recruitment fees: advocates, Metro News, Dec 16 2016, <http://www.metronews.ca/news/vancouver/2016/12/16/bc-temporary-foreign-workers-pay-thousands-illegal-fees.html>

¹⁴ Magalhaes, L., Carrasco, C., Gastaldo, D. (2010). “Undocumented Migrants in Canada: A scope Literature Review on Health, Access to Services and Working Conditions.” *Journal of Immigrant & Minority Health*, 12(1), 132-151, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3084189/#R3>

¹⁵ Kristy Woudstra, Undocumented, United Church Observer, June 2017, <http://www.ucobserver.org/justice/2017/06/undocumented/>

¹⁶ Government of Canada, Government of Canada takes early action to improve the Temporary Foreign Worker Program, News Release, Nov. 13, 2016, <https://www.canada.ca/en/employment-social-development/news/2016/12/government-canada-takes-early-action-improve-temporary-foreign-worker-program.html>

Canada or face deportation beginning on April 1, 2015. As a result, anyone already in Canada on a lapsed permit can't reapply without leaving the country.

Community agencies in Edmonton estimate there are between 10,000 and 25,000 people with no immigration status or uncertain immigration status. These workers are vulnerable to coercion by employers who use their uncertain immigration status to exploit them¹⁷. In fact, the TFWP is the primary vehicle by which labour trafficking occurs in Edmonton, which involves recruiters and employers manipulating the TFWP to traffic workers across Canada. Labour exploitation for long hours and for less than minimum wage to be a form of human trafficking¹⁸.

There are concerns Canada's migrant worker programs are pathways which transit foreign nationals to life in the underground economy as undocumented workers.

5.9 UNDERGROUND ECONOMY

Some employers using Canada's migrant worker programs contribute to the underground economy, by paying inferior wages or cash under the table. The underground economy was worth about \$45.6 billion, or about 2.4% of gross domestic product (GDP) in 2013. Residential construction represented the largest share of the total underground economy with 27.8%. The value of underground economic activity in BC was estimated to be \$6.3 billion in 2013. BC had the third largest underground economy in Canada compared to Ontario (\$16.7 billion) and Quebec (\$11.1 billion)¹⁹.

The underground economy in BC was estimated in 2014 to represent 10% or more of provincial GDP, which is higher than the rest of Canada. One of the reasons underground economic activity has become a major sector of the BC economy is the construction industry represents a larger share of the economy than other provinces²⁰. Employers and illegal brokers commit fraud and steal money from taxpayers and the government, by refusing to contribute to Employment Insurance, WorkSafeBC premiums and the Canada Pension Plan.

There are concerns about foreign nationals in BC under the TFWP, who are coerced by employers to accept inferior wages and conditions. This is a form of human trafficking.

5.10 PROVINCIAL TFW REGISTRY

BC NDP Opposition leader John Horgan put his support behind LiUNA's call for a federal review of the TFWP in Canada as well as a new provincial TFW registry in October 2016²¹. Prior to the election on May 9, 2017, the NDP's platform promised to create a TFW registry to protect and track the

¹⁷ Elise Stolte, Edmonton to make policy to help undocumented temporary foreign workers, Edmonton Sun, August 21, 2017, <http://www.edmontonsun.com/2017/08/21/edmonton-to-debate-sanctuary-city-for-undocumented-immigrants>

¹⁸ Labour Trafficking in Edmonton: Holding Tight to a Double-Edged Sword, The Action Coalition on Human Trafficking Alberta, November 2016, <http://www.actalberta.org/labour-trafficking-in-edmonton-report-released/>

¹⁹ Statistics Canada, The underground economy in Canada, 2013, The Daily, June 20, 2016, <http://www.statcan.gc.ca/daily-quotidien/160620/dq160620b-eng.htm>

²⁰ Business Council of BC, Policy Perspectives – The Underground Economy, Volume 21, Issue 4, September 2014, <http://www.bcbc.com/content/1352/PPv21n4.pdf>

²¹ Mable Elmore, Vancouver-Kensington MLA, Horgan calls on provincial government to start tracking TFWs, supports federal review of TFW program, Oct. 11, 2016, <http://mableelmore.ca/news/horgan-calls-on-prov-govt-to-start-tracking-tfws-supports-federal-review-of-tfw-program/>

use of foreign nationals. The new initiative will allow government officials to know how foreign nationals under the TFWP are employed in BC and in which industries they are working²².

The NDP/Green government officially assumed power on July 18, 2017, after the NDP reached a deal with the Green Party to form a coalition government. BC Premier John Horgan sent a mandate letter to Labour Minister Harry Bains in July 2017, which provides instructions to start collecting the names and jobs of temporary foreign workers for the registry. The policy change aligns BC with Saskatchewan and Manitoba. Labour ministry officials are figuring out the details of how a provincial registry will work²³.

The mandatory registry of employers in BC is critical to promote accountability on the part of employers. In Saskatchewan and Manitoba, employers are required to register with the province, and keep records such as employment contracts and recruiter information.

There are concerns the TFW registry does not include the IMP, which is a big problem because the IMP is a much bigger program than the TFWP. In addition, a large number of workers who enter Canada on an open work permit using the IMP don't report their occupation or employer.

5.11 NATIONAL MIGRANT WORKERS COMMISSION

The Coalition for Migrant Worker Rights Canada (CMWRC) is advocating for the abolition of employer-specific work permits, which violate the freedom to change employers or place of residence in Canada. Instead, foreign nationals using the TFWP would enter Canada under permanent status or under open work permit with access to permanent status. Employers would hire TFWs in unionized sectors only²⁴.

CMWRS recommends the government create a national commission composed of workers, employers, unions and migrant workers associations to identify special cases of urgent and genuine provincial skill shortages. National quotas of open and sectoral work permits would be determined by the new National Migrant Workers Commission according to provincial labour market opinions.

²² BC NDP, Working for you: Our Commitments to Build a Better BC, 2017 BC NDP Platform, <https://action.bcndp.ca/page/-/bcndp/docs/BC-NDP-Platform-2017.pdf>

²³ Ian Bailey, BC NDP government plans temporary foreign worker registry, Globe and Mail, Aug. 6, 2017, <https://beta.theglobeandmail.com/news/british-columbia/bc-plans-temporary-foreign-worker-registry/article35891838/?ref=http://www.theglobeandmail.com&>

²⁴ Karen McCrae, Coalition for Migrant Workers Rights Canada, Abolition of employer-tied legal status for migrant workers, Migrant Workers Rights Global, Submission to Federal Consultations 2013 on the TFWP, Sept. 12, 2017, <http://www.migrantworkersrights.net/en/campaigns/abolition-of-employer-tied-legal-status-for-migrant>

6 CONCLUSION AND RECOMMENDATIONS

6.1 SUMMARY OF FINDINGS

This study makes a contribution to public debate by highlighting one of the most important structural features of Canada's migrant worker regime: the IMP is the primary program for hiring foreign nationals in Canada to work on a temporary basis, while a much smaller share of the migrant workforce are imported to the country under the TFWP. More importantly, this policy brief provides evidence that employers in BC are using the IMP to hire migrant workers in high-skilled and low-skilled construction occupations.

The number of migrant construction workers under the TFWP and the IMP may seem small compared to the construction labour force (*Table 5*). However, the employment of migrant workers in building trades occupations on projects in the Industrial, Commercial and Institutional (ICI) construction sector distorts the construction labour market, through wage suppression and the displacement of Canadian workers. This finding is significant, because the government claims there are no IMP streams specifically suited to construction, and the IMP requirements prevent employers from hiring construction workers.

Table 5 Number of Foreign Nationals hired with employer-specific and open work permits in British Columbia under the TFWP and the IMP in building trades and other construction occupations (4-digit NOC 2011) and year permits became effective, 2015 - 2016		
Temporary Foreign Worker Program	2015	2016
Building Trades Occupations	1090	1240
Other Construction Occupations	170	190
Total Construction	1260	1430
British Columbia Total TFWP	14830	15310
Building Trades as a% of Total TFWP	7.35	8.10
Construction as a% of the Total TFWP	8.50	9.34
International Mobility Program	2015	2016
Building Trades Occupations	355	345
Other Construction Occupations	885	940
Total Construction	1240	1285
British Columbia Total IMP	47,982	N/A
Building Trades as a% of Total IMP	0.74	
Construction as a% of Total IMP	2.58	
Total Migrant Workforce (IMP and TFWP)	2015	2016
Total Migrant Workers in Construction	2500	2715
Total Migrant Workforce	62812	
Construction as a% of the Total Migrant Workforce	4.0	

6.1.1 CONSTRUCTION EMPLOYMENT UNDER THE IMP BY OCCUPATION (2015-2016)

Employers using the IMP hired 355 and 345 foreign nationals to BC to work in 27 building trades occupations in 2015 and 2016, for a total of 700 over the two year period. In addition, employers hired 885 and 940 migrant workers to BC in 19 other construction occupations in 2015 and 2016, for a total 1825 over a two year period. The total number of migrant workers employed by the BC construction industry as a whole using the IMP was 1240 in 2015 and 1285 in 2016. The number of migrant workers hired by BC construction employers in 2015 (1240) represented 2.6% of the total migrant workforce in the province under the IMP.

6.1.2 THE TFWP AND CONSTRUCTION EMPLOYMENT IN BC (2008-2015)

The number of foreign nationals imported by employers to work in the BC construction industry on a positive LMIA between 2008 and 2015 was characterized by volatility and large fluctuations. During a period of rapid growth in 2008, the number of TFWs in the BC construction industry was 5686. This number represented 14% of the total number of migrant workers employed in BC under the TFWP. After a deep recession, the number fell to 718 in 2010 and the share of construction in the total migrant workforce in BC under the TFWP was about 4%.

6.1.3 TFWs AND CONSTRUCTION EMPLOYMENT (Q1 2015 - Q4 2016)

The number of foreign nationals imported by employers on a positive LMIA to work in the BC construction industry reached highs of 245 in Q3 2015 and 311 in Q2 2016 and accounted for 7% of all the TFWs entering BC in Q3 2015 and 8.7% in Q3 2016. Using quarterly data, the number of TFWs entering the BC construction industry was 700 in 2015 and 1081 in 2016. The construction industry accounted for 3.7% of the total number of migrant workers entering BC under the TFWP in 2015 and 5.4% in 2016. The total number of TFWs entering BC was 18,783 in 2015 and 20,001 in 2016.

6.1.4 CONSTRUCTION EMPLOYMENT UNDER THE TFWP BY OCCUPATION (2015-2016)

Employers used the TFWP to import 1090 and 1240 migrant workers to BC in 38 building trades occupations in 2015 and 2016, for a total of 2330 over the two year period. In addition, employers imported 170 and 190 migrant workers to BC in 19 other construction occupations in 2015 and 2016, for a total of 360. The total number of migrant workers employed by the BC construction industry as a whole using the TFWP was 1260 in 2015 and 1430 in 2016. Foreign nationals hired by employers in the BC construction industry as whole accounted for 8.5% and 9.3% of the total migrant workforce under the TFWP in 2015 and 2016.

6.1.5 FEDERAL REFORMS OF THE TFWP

The restructuring of the TFWP in 2014 resulted in a reduction in its use by employers and a decline in numbers compared to before 2014. The number of TFWs in BC declined rapidly to 20,108 in 2014 and 14,839 in 2015. The number of migrant workers entering BC using the IMP declined rapidly in 2015 to 47,982.

Changes in the number of migrant workers employed using the TFWP and IMP were driven by economic and labour market forces, including a period of growth (2000 -2008), the global financial crisis and recession in 2009, the recovery (2010 - 2013) and the recession in 2014. However, the restructuring played a significant role in the downsizing of the TFWP in 2014 and 2015, as well as the simultaneous growth of the migrant worker population based on the expansion of the IMP.

6.2 RECOMMENDATIONS

6.2.1 PATHWAY TO PERMANENT CITIZENSHIP

The federal and BC government should implement meaningful reforms to Canada's migrant worker programs to promote the growth of the middle class in Canada. Foreign nationals who come to Canada to work using the TFWP and the IMP should become full citizens upon arrival or have a pathway to citizenship. The federal government needs to create a viable pathway to citizenship for foreign nationals who are already in Canada under the TFWP and the IMP, when a real shortage of skilled workers exists in a specific occupation and the worker wishes to become a citizen. At the same time, the TFWP and the IMP should be scaled back to ensure that as many jobs as possible are filled with Canadians through the permanent immigration system.

6.2.2 LMIA REQUIREMENTS

The federal government must implement clear and expanded requirements for employers to advertise locally and across Canada, before hiring a foreign national on a temporary basis using the TFWP. The LMIA must be applied to ensure employers provide Canadian citizens and permanent residents an opportunity to apply for a job opening. The test requires the job to be advertised locally or nationally for a certain period of time. The employer must submit the job contract for review or specify the conditions of the contract, with special attention to wages.

6.2.3 LMIA EXEMPTION

The IMP is made up of all streams of work permit applications that are LMIA-exempt. Employers are using the IMP to circumvent the TFWP to import high-skilled construction workers, which is displacing Canadian workers and depressing wages. The federal government must implement reforms to ensure the IMP is not used to hire migrant workers in building trades and construction occupations, unless an LMIA determines there is a genuine shortage of skilled labour.

6.2.4 LABOUR UNION PARTICIPATION

Employers who make an application to hire foreign nationals using Canada's foreign worker programs should have to consult with the specific union which performs the work. Foreign nationals should not be exploited and abused, or the victims of human trafficking, which starts with union wages and working conditions. Employers should only be allowed to hire foreign nationals using the TFWP and the IMP in unionized sectors with proper training and apprenticeship programs. There is a need for the federal government to implement regulations that require TFWs to possess the same qualifications as Canadian workers, such as Red Seal Standard.

6.2.5 UNDERGROUND ECONOMY COMPLIANCE TEAMS

The federal government needs a system to collect and analyse data on the demand for construction trades in specific geographic regions, in order to monitor and enforce the TFWP. Currently, it is not possible to determine whether or not there is a need for TFWs due to labour shortages. There is also a need for a robust and sufficiently financed strategy to enforce the new regulations.

The new NDP government should bring back a measure to improve enforcement called Underground Economy Compliance Teams. The provincial and federal governments partnered in 2000 to form Joint Compliance Teams composed of agents from the Employment Standards Branch, Canada Customs and Revenue Agency and the Human Resources and Development Commission. The teams visited 400 residential construction sites over a nine month period and identified more than \$44.5 million in lost taxes and a similar amount in lost WorkSafeBC premiums.

6.2.6 NEW BC PILOT PROJECT FOR MIGRANT WORKERS IN ICI CONSTRUCTION

The federal Liberal and Alberta NDP governments created a two-year pilot project (2017-2019) called the Employer Liaison Service, in response to complaints about Canadians being displaced by TFWs during a severe recession in 2015 and 2016. The project is designed to ensure employers are required to hire workers in the domestic labour market, before importing foreign nationals using the TFWP. The IMP has similar public policy considerations in relation to specific high-wage construction occupations under the TFWP. This is an important recommendation, because employers using the IMP are not required to make an application through the LMIA process.

The federal and new BC government should launch a pilot program, which implements a Refusal to Process list on the hiring of specific high-wage ICI construction occupations under the TFWP. Part of this pilot, both governments need to develop a registry for tracking the occupation of migrant workers using the IMP. This pilot should be funded by employers and the government, not migrant workers.

6.2.7 NEW PREMIER'S WORKING GROUP ON MIGRANT WORKERS IN ICI CONSTRUCTION

Foreign companies should not be allowed to bid on Canadian public infrastructure projects and employ TFWs under conditions of abuse and economic exploitation. In addition, foreign direct invest in Canada should be prohibited for major resource developments, which are constructed and operated primarily by TFWs. These jobs should be open to Canadians, especially in regions of the country where there are high levels of unemployment and there are experienced people willing and able to work.

The new BC NDP government should re-instate the BC Premier's Working Group on LNG to focus on Migrant Workers in the Industrial, Commercial and Institutional (ICI) construction sector. Under the former BC Liberal government, the working group called on the federal government to develop a TFW protocol, which would hire local BC residents first, including First Nations, followed by other BC residents and workers in the rest of Canada.

The government should include the protocol in any reforms of the TFWP and the IMP, while identifying provincial skill shortages and setting quotas of open and sectoral work permits. Under this protocol, major construction and resource development projects in BC would not move forward, if Canadians are not given first chance at jobs, before employers are allowed to import migrant workers.

6.2.8 INQUIRY INTO IMPACT OF IMP AND TFWP ON ICI CONSTRUCTION

This study examines the restructuring of the TFWP under the former Conservative government, which created the IMP in 2014. The government showed some willingness to listen to Canadians, while defending local jobs and downsizing the TFWP. The restructuring promised a stringent LMIA screening process, stronger enforcement and tougher penalties. However, the Conservatives cracked down on the TFWP, while simultaneously expanding the IMP. This double-dealing approach to public policy raises some serious concerns about the integrity of Canada's migrant worker regime.

Former Liberal Labour Minister MaryAnn Mihychuk stated in October 2016 that she was open to holding an inquiry into the TFWP and the ICI construction industry in western Canada. She made this commitment in response to questions in Parliament²⁵. LIUNA called for a separate inquiry into the impact of the TFWP on the construction labour force in Canada, after construction was excluded from a Parliamentary report on the TFWP in September 2016²⁶. Encouraged by Mihychuk, LIUNA had meetings with federal ministers to explore the possibilities of doing a separate review. The current BC NDP government backed this call for an inquiry in October 2016, when the party was the official opposition.

Thunder Bay-Superior North MP Patty Hajdu took over the Minister of Labour position from Mihychuk, as part of the Liberal cabinet shuffle in January 2017. In response, LIUNA called on Hajdu to investigate the impact of the IMP and the TFWP on the construction industry in Canada²⁷. The rapid expansion of the IMP has far more potential than the TFWP to threaten job opportunities for Canadian residents, while suppressing wages and benefits for workers in the construction industry²⁸. The simultaneous reform of the TFWP and rapid expansion of the IMP is the most significant reason for a full inquiry into the impact of Canada's migrant worker programs on the construction labour force²⁹. Until this inquiry is complete, there should be a prohibition of activity on the IMP and the TFWP.

²⁵ Jeremy J. Nuttall, Ottawa Open to Union Call for Temp Foreign Worker Review, Says Minister, TheTyee.ca, Oct. 6, 2016, <http://thetyee.ca/News/2016/10/06/TFW-Worker-Review-Union-Call/>

²⁶ Sunny Dhillon, Union calls for review of temporary foreign workers program, The Globe and Mail, Oct. 3, 2016, <http://www.theglobeandmail.com/news/british-columbia/union-calls-for-review-of-temporary-foreign-workers-program/article32227643/>

²⁷ Russel Hixson, LIUNA calls for Canada's new labour minister to review TFW program, Journal of Commerce, Jan 18, 2017, <https://canada.constructconnect.com/joc/news/labour/2017/01/liuna-calls-for-canadas-new-labour-minister-to-review-tfw-program>

²⁸ Jeremy J. Nuttall, Ottawa Open to Union Call for Temp Foreign Worker Review, Says Minister, TheTyee.ca, Oct. 6, 2016, <http://thetyee.ca/News/2016/10/06/TFW-Worker-Review-Union-Call/>

²⁹ Russel Hixson, LIUNA study shows use of International Mobility Program on the rise, Aug 3, 2017, <https://canada.constructconnect.com/joc/news/labour/2017/07/liuna-study-shows-use-of-international-mobility-program-on-the-rise-1026009w>



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