

**CLC Statement on
International Temporary Workers**

October 31 – November 1, 2005



Canadian Labour Congress

Congrès du travail du Canada



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Introduction

International temporary workers come to Canada to fill a wide range of jobs from domestic workers, to farm workers, to skilled trades in industry and construction, and to professionals entering under NAFTA permits.

There are almost 100,000 workers on temporary permits in Canada. Many are workers of colour who are employed in low wage jobs and are highly vulnerable to abuse and exploitation because of racism, lack of citizenship rights, and exclusion from labour laws.

The CLC must defend the rights of international temporary workers, and ensure that temporary worker programs are part of a process of proper labour market planning which serves the needs of all workers, including unemployed and underemployed workers and recent immigrants whose skills and credentials are under-utilized.

Domestic workers on temporary permits are especially vulnerable to abuse since continued residency in Canada is tied to continued employment with a single employer. Temporary international workers are frequently excluded from normal legislated rights and protections.

Farm workers in Ontario are legislatively prohibited from engaging in collective bargaining in violation of their right to freedom of association (as recently determined by the Supreme Court of Canada in the Dunmore decision) and are not

protected under employment standards or health and safety legislation. Farm workers in British Columbia also work under appalling conditions and have inadequate legislative protection.

Persons working in Canada who are not citizens or landed immigrants must pay for Employment Insurance coverage, even though they are not entitled to regular benefits.

The labour movement has fought for the rights of international temporary workers. For example, over the past several years, UFCW Canada (United Food and Commercial Workers Canada) has delivered support services, information, training, and advocacy to thousands of migrant farm workers working in Canada through the Canadian Seasonal Agricultural Workers Program (CSAWP). We must renew our efforts to build links of solidarity with international temporary workers.

In recent months, there has been growing controversy over the prospect that skilled, international temporary workers may be hired in large and increasing numbers to work in skilled trades occupations.

Human Resources and Skills Development Canada (HRSDC) has given approval in principle to employer recruitment of international workers for oil sands development projects in Alberta through a formal Memorandum of Agreement with the provincial government. Permits for international workers have been applied for by employers in Alberta in order to attack union representation and collective bargaining, with the complicity of the Christian Labour Association of Canada.

Employers are also seeking to recruit temporary, international, skilled trades workers for manufacturing jobs in Ontario, on the grounds that skill shortages are severe and growing.

The labour movement is greatly concerned about the work situation of international workers already in Canada, and the prospect that employer strategies and non-existent labour market planning could lead to a xenophobic and racist backlash, and to unnecessary divisions among workers in Canadian workplaces.

We will strongly oppose the use of “divide and rule” tactics by employers where international workers are being pitted against Canadian workers to undermine unions, wages, health and safety standards, and decent hours of work. This opposition is based on trade union principles. These include the trade union principle that all workers should be represented and protected by the labour movement, regardless of race or national origin.

Protecting the rights of international temporary workers

The federal government and provincial governments must take full responsibility for ensuring that international workers are protected by the same internationally recognized and adopted labour rights and standards which are available to all Canadian workers. We oppose exclusions of international temporary workers from legislative protections, and sectoral exclusions of agricultural and domestic workers from employment standards legislation which have the same effect.

The federal government must ensure that adequately resourced monitoring mechanisms and minimum employment standards are in place to protect and promote the rights of international temporary workers, as called for in ILO conventions on the rights of migrant workers. Provincial governments should ensure full rights under labour laws, and facilitate access to collective bargaining for temporary international workers.

The CLC believes that, where demonstrated and ongoing skills shortages exist, immigration be used as an alternative to temporary work permits which should be confined to very limited and time-specific needs.

Promoting the full participation of recent immigrants

Growing skill shortages provide a major opportunity to address unemployment and underemployment of many recent immigrants.

More funds and effort should be invested in programs to recognize international credentials of skilled immigrant workers in Canada, and programs should be developed to enhance the entry of recent immigrants into apprenticeship programs and the skilled trades.

Full inclusion of recent immigrants should be supported through greatly increased investments in language training, and active promotion of racism-free workplaces. The federal government should launch a public education program to highlight the positive contribution of immigrants to the economic, social, cultural, and political life of Canada.

Training and lifelong learning

As called for in detail in the CLC Policy on Training, governments must greatly expand all forms of workplace training and opportunities for lifelong learning. A major new commitment to apprenticeship training is needed to address growing shortages in the skilled trades, and young people should be encouraged to enter such programs. There should be greatly expanded opportunities for employed workers to take educational and training leaves to upgrade their skills, with support from the Employment Insurance program. Our public

post-secondary educational institutions have a central role to play in upgrading the education and skills of the Canadian workforce and providing the credentials which promote mobility.

Labour market planning

Growing skill shortages in some occupations, and calls for expanded use of temporary international workers, mark a major failure of our overall approach to training, immigrant settlement, and labour market planning.

There will be significant shortages in many of the skilled trades if a number of major resource and construction projects proceed over the next few years (including further development of the oil sands; northern pipelines; the Winter Olympics; offshore oil and gas development; construction of new power-generation capacity; etc.). Replacement of an aging skilled trades workforce in manufacturing and other sectors is also a major challenge.

A national task force should be established to report to the government on skilled trades needs that might emerge over the next few years, and how these should be responded to. The task force should have two co-chairs, one each from labour and employers. Both parties should be fully resourced to participate in its work.

The federal government must support the development and use of national labour market information for planning purposes, actively solicit the input of unions on skill/supply demand issues, and continue to work with sector councils with balanced employer/union participation in order to assess the balance between demand and supply of skills.

The federal and provincial governments must carefully examine and address the real barriers which prevent workers from moving to jobs in different regions of the country. Labour mobility assistance must be provided so unemployed or underemployed skilled workers can move to available jobs, including by covering travel and resettlement costs. Governments must support the construction of affordable housing in communities and regions where housing costs and shortages act as a major barrier to mobility within Canada.

Approval for employers to recruit temporary international workers should not be given until there has been a demonstrable inability to fill vacancies even after extended domestic, pan-Canadian, recruitment efforts, and until there has been full consultation with unions engaged within the sector. Employers should be required to show that they have attempted to recruit domestic workers by offering higher than prevailing wages.

International trade agreements

The federal government must consult widely with the labour movement and all Canadians before Canada makes new commitments to the movement of persons under the umbrella of the General Agreement on Trade in Services.

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