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—
Chair

Mr. Norman Doyle

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• (1310)

[English]

The Vice-Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): I'm going to call the hearings back into session.

I notice in the audience that Dr. Ken McLaughlin, one of our local historians, is here. And just for his historical perspective, this is the second time we have a standing committee of Parliament visiting Waterloo region.

On the hearings, when we get to a point where the Bloc Québécois is asking questions, just to let everybody know, you'll need your translation devices. You put it on to channel 1, and that way you will be able to hear the questions and the commentary from them.

We're going to be starting off with presentations. This afternoon we're talking about temporary foreign workers and undocumented workers in Canada. We will be carrying that through most of the afternoon.

We start off doing five- to seven-minute presentations. After the presentations are heard, committee members will ask questions. It starts with the Liberals, with Mr. Karygiannis, then we'll go to the Bloc, with Mr. St-Cyr and Mr. Carrier, and then we go to the Conservatives, on this side, Mr. Komarnicki and Nina Grewal.

This is Nina Grewal's second trip to Waterloo, which kind of tells you how much the membership on the committee has changed over the years. Out of the twelve members on the committee, two of us go back to three years ago.

Starting off, I would like to call on Mr. Patrick Dillon, business manager and secretary-treasurer, Provincial Building and Construction Trades Council.

Mr. Patrick J. Dillon (Business Manager and Secretary-Treasurer, Provincial Building and Construction Trades Council of Ontario): Good afternoon. Thank you for the opportunity to share our views with the committee.

As stated, my name is Patrick Dillon. I'm a business manager and the secretary-treasurer of the Provincial Building and Construction Trades Council of Ontario, which is an umbrella organization representing the building trades, the individual trade unions here in the province that speak for the construction workers in this province.

The first thing we would do in talking about our industry is to talk a little about the characteristics of the industry in that it's cyclical in nature. There are booms and busts from time to time, depending on the economy. Those booms and busts sometimes are province-wide and sometimes they're wider, broader than that on a national basis.

There are also times, particularly in a province like Ontario, where the boom and bust era is in a regional area, not necessarily in the whole province. In fact, as we speak, we are experiencing that in the province of Ontario; the areas of Toronto and Ottawa are quite busy. You have areas like Hamilton, some here in the Kitchener area, where the manufacturing sector has been coming down. That impacts dramatically on construction. We also have Thunder Bay as a soft area for employment in this province. Windsor is another area where there is unemployment. It just talks to the issue of the boom and bust.

The other issues that come up that describe our industry are that the employers and the workers are mobile. We move around not only from province to province, but we also move around from region to region, and within a region we move from job site to job site. The nature of the construction workplace is that the workplace itself is temporary in nature. We are probably the only workers in society that the harder we work the sooner we're out of work. That is what our industry is all about, and we accept that and work with that.

Getting into speaking about the temporary foreign worker issue, I would state up front that the building trades in general are pro-immigration. We do not oppose immigration; we do not oppose automation. We try to be fairly progressive, but we do have concerns around immigration, temporary foreign workers, and undocumented workers, and we'll address that.

On the temporary foreign worker issue, we think that Canadians, the Canadian government, and provincial governments need to have more of a focus on ensuring that Canadians, Canadian youth, and Canadian underemployed youth have an opportunity to be trained. Well, I'm talking about in this province, but I think in the province and in the country. I believe that, particularly for our industry, if youth are given the opportunity for the training, they will come forward and take the training.

Just as an example, I'll use my own trade. I'm an electrician by trade. They were opening up to hire 75 apprentices in the Hamilton area, which, as I said, is an area where there's fairly severe unemployment. When they put their advertisement out to hire the apprentices, to advertise the positions for the apprentices, they had 75 positions and they had 1,800 applicants with the one day of advertising, and it wasn't a really broad advertising that they did.

•(1315)

So it tells me that there are youth available, and youth will take those opportunities if they're given. We have to make sure, and there has to be insurance in place, that the unemployed and youth coming out of universities, colleges, and high schools are given an opportunity to work in the trades.

The use of temporary foreign workers to fill long-range needs in training I think would be a travesty for the construction industry, for the whole economy in Canada. If you think about temporary foreign workers, they are, just as it states, temporary. They will come in, and the work we need them for—if that's part of your long-range strategy in using temporary foreign workers—will probably outlast the length of time the temporary foreign worker wants to stay. So if you haven't hired the apprentices and you've brought in temporary foreign workers to take the jobs, and those temporary foreign workers leave and the people never had an opportunity to get into an apprenticeship, you create a major void.

I would make reference to Professor David Foot, from the University of Toronto. I heard him speak at the Alberta Building Trades Council Convention in Alberta, in the last year. That's exactly the message he was giving the large industrial players in the province of Alberta, that if you're using temporary foreign workers to meet a peak demand, that's fine, but for the long-range plan of training, you need to give Canadian youth and Canadian under-employed youth the opportunity; then go to the long-range plan on immigration, and then the temporary foreign worker.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

You've gone over seven minutes.

Mr. Patrick J. Dillon: Did you want comments on the undocumented workers?

The Vice-Chair (Hon. Andrew Telegdi): When we get to questions and answers, that will come up.

Mr. Lolua.

Mr. Alex Lolua (Director, Government Relations, Provincial Building and Construction Trades Council of Ontario): I'll be deferring my time to Mr. Dillon so he can finish—if that's okay with the committee.

The Vice-Chair (Hon. Andrew Telegdi): In that case, Mr. Dillon, keep going.

Mr. Patrick J. Dillon: Thank you.

On the undocumented worker side, we have some real issues.

The federal government a few years ago started up the CREWS program in Toronto. It gave input to labour and management in the construction industry to work with that program. I think it had some reasonable success. There were opponents to it, but the people who were opponents to the CREWS program were primarily people who work in the underground economy. They don't like rules and regulations that people have to comply with.

We have some real concerns about the workers themselves. If they are illegally in the country or illegally at work, they are very, very much exposed to exploitation. There's no doubt that it exists. We've watched that take place in Toronto. We even had an ad in the

paper a few months back where one of the unions that was trying to help the undocumented workers was promising them that if they came forward to get help around their training and health and safety issues and to help them get their documents, the union wouldn't turn them in. I thought that was pretty fascinating, but it should be a message that sinks in for our representatives in the federal government that the exploitation is alive and well.

On the undocumented worker issue, if contractors in our industry, in construction, are allowed to carry on with that type of behaviour, it creates an unlevel playing field for legitimate contractors and legitimate workers to work in the province of Ontario. There's evidence, lots of evidence, around of how these people avoid paying their GST, CPP, EI, income tax, all of it.

We have people coming to union meetings and saying, "Why am I at a union meeting? Why do I belong to the union? I make \$10 an hour more than some undocumented worker"—that they're aware of—"yet that person takes home \$300 or \$400 a week more than I do."

It's a very serious problem. At this point in time, the unions and the legitimate employers work together to try to compete, but it can't last forever before we have to start doing shady things, if the government is going to let the undocumented worker problem stand as it is.

I think those would be my comments on the undocumented worker.

•(1320)

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much. Now I guess we'll go to Mr. Sean Strickland.

Mr. Sean Strickland (Waterloo Wellington Dufferin Grey Building and Construction Trades Council, As an Individual): Thank you very much, Mr. Chairman and members of the committee. My name is Sean Strickland. I'm a representative of the Waterloo Wellington Dufferin Grey Building and Construction Trades Council. We like to say yourlocaltrades.ca for short. We're an affiliation of 15 trade unions throughout Waterloo, Wellington, Dufferin, and Grey who represent approximately 8,000 construction workers in that geographical area.

The comments I'd like to share with you today are from a local perspective. You heard from Mr. Dillon about some of the issues facing the province. While the issues are different from those, we do have some particular experiences I'd like to share with the committee today.

First of all, I did submit to the clerk a copy of a resolution on temporary foreign workers that we recently passed at our annual meeting, and just to paraphrase that resolution, because it is quite lengthy, I'd like to say that the resolution points out the fact that our council recognizes that foreign workers can be an essential part of a company's business strategy. We recognize that foreign workers are part of the Canadian economy. We recognize that foreign workers can fill labour shortages in Canada and bring new skills and knowledge to help the country's economy grow. But we do have some concerns.

From the website and from the procedures involved to allow a temporary foreign worker the permission to work in Canada, you're probably all aware about the procedures and the requirements of the job. The offer must be genuine; the wages and working conditions must be comparable to that of Canadians working in the same occupation; the employers must have conducted reasonable efforts to hire or train Canadians for the job. That's one area where we have some concern. Foreign workers filling a labour shortage is another area where we have some concern. And the employment of the foreign worker will directly create new job opportunities or help retain jobs for Canadians.

So there's just a paraphrase of some of the requirements before a temporary foreign worker is allowed to work in Canada. That approval is given by HRSDC based on a labour market opinion, and that labour market opinion from government staff will allow the applicant to work or not to work. Our question is how that labour market opinion is finally determined.

We've had examples over the past number of years where we've had unemployed tradespeople—millwrights and electricians come to mind, among others—and there are construction projects under way where temporary foreign workers are in the plant working, mostly in installing the process equipment. What happens in our experience is that the way construction projects are awarded is that a lot of the process equipment.... A lot of people think of a construction worker as building the building, but construction workers also put into place the conveyors, the automotive systems, and the automation systems within the plants. Often those tender packages are awarded in different phases.

Sometimes owners will like what they see for the first phase of that tender being awarded, but for the second phase they'll say, "Well, let's see if we can get the manufacturer of that piece of equipment to come in here and install it, because it's specialty work". So they're able to apply to get a temporary foreign worker permit and bring in so-called specialty workers to install that piece of equipment. Oftentimes those temporary foreign workers will be working right alongside some Canadian workers in a plant. The motivation for the owner of that construction project probably varies, but it's due to costs, or it's due possibly to their ability to maybe exploit that temporary foreign worker.

Oftentimes in situations like that we hear from some of our trades people that these temporary foreign workers don't work within our Canadian labour standards: they work through their breaks, they work through their lunch hours. I think you'll hear more of this from Ms. McLaughlin later. They work 12 to 14 hours a day.

So there's a concern when the temporary foreign worker comes in, on one level, that there are Canadians, certified tradespeople, able to do that job, but for some reason there hasn't been any communication with those people who employ those tradespeople—i.e., building trades councils—about the availability of those workers. So that's an issue for us, and secondly, there's the issue that happens on site. Are these workers trained? Are they certified?

• (1325)

And this is not even to mention the communication. We've had examples of electricians—who we'll know how dangerous it is to work with electricity—working alongside temporary foreign work-

ers from other countries and there is no English spoken. So how are you able to navigate the intricacies and the safety aspects of working with high-voltage electricity when you have those communication barriers to deal with? So the resolution from our council speaks specifically to communication.

I notice on your website that if you want to get a labour market opinion, you submit this to the temporary foreign workers' office in Saint John, New Brunswick. I would assume that the people in Saint John, New Brunswick, talk to the people from Service Canada in our area to make a determination on whether or not there's a labour shortage for that particular trade. I don't know for sure. But I do know for sure that years ago, when these temporary foreign workers were allowed to come into the country, there was communication with the local labour councils to determine if there was unemployment amongst their trades. That communication no longer occurs.

So our resolution says that we would like HRSDC to consult with local building trades councils to more accurately determine the availability of skilled tradespeople in the local marketplace, prior to granting permits to foreign workers. We think there's some improvement in communication that could be made.

Some of the other issues and concerns related to undocumented workers are anecdotal, I guess is the way you would describe them. But these stories and situations have been conveyed to me by our affiliates. For example, the painters and glaziers had an example of foreign workers actually living in a barn in a rural area, in deplorable living conditions by any kind of Canadian standard, working 12 or 14 hours a day painting houses. Now that's a concern.

We've also talked about the safety aspect on the job and the credentials. How certified are these temporary foreign workers when they come in? When that labour market opinion is granted and the worker comes in, how clear and how clearly defined is it that the tradesperson, that temporary foreign worker, actually has the skills to do the job?

I recognize that my time is up. I covered a broad swath of issues related to temporary foreign workers.

The message I would leave you with is that of communication. We'd like to see greater communication with building trades councils before those permits are granted.

Thank you, Mr. Chairman.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Ms. McLaughlin.

[Translation]

Ms. Janet McLaughlin (Department of Anthropology, University of Toronto, As an Individual): Good day and welcome to Waterloo.

[English]

Thank you for coming here and for examining this important issue.

I am here today to present some reflections on my doctoral research, examining health, rights, and access to benefit issues among seasonal agricultural workers.

Mine is the kind of research that most Ph.D. students dream about. I was able to spend my summers in the vineyards of Niagara and my winters in Mexico and Jamaica. But before you get carried away with envious images of pina colodas and white sand beaches, alas, what I discovered was not the stuff of vacations and idyllic lives. Quite the contrary.

Following their time in Canada, many foreign workers return home in dire straits. I lived alongside these workers and their families for three years, and I interviewed their advocates, employers, and medical and government officials. Let me quote a worker, who succinctly described the problems associated with working within a society in which you are not a member:

There are some bosses that are good, but there are (others)...that are totally horrible, the well-being of their workers doesn't interest them.... I guess we're like disposable machines to them...they work us hard until we wear out. Then they replace us with others.

Indeed, the treatment of employers varies drastically, from quite good to totally horrible. But the workers are effectively tied to one employer and are not free to change. In many cases, workers are seen as and treated as machines, working long hours under stressful conditions, doing repetitive and precarious tasks. They are not only metaphorically disposable, but actually are so. Migrant workers can be fired and repatriated at any time and can easily be replaced. Thousands are waiting in line and ready to come whenever the previous worker is deemed no longer fit or willing or able to do the work.

Temporary foreign workers' sense of extreme vulnerability and disposability makes their rights very difficult to access, as any demand could compromise their positions in the program.

My brief expands on the difficulties workers face to get medical care and compensation. It explains that many workers can't even access their own health cards. They face a system that does not integrate them into communities or provide adequate information about their rights, and it places far too much emphasis on their employer-employee relationship. For them, rights on paper do not necessarily result in rights in practice.

The abuses in these programs are very well documented.

Today, I'd like to reflect on the human and social dimensions of transnational migration.

Since 1966, this program has brought workers into Canada annually. Many temporary workers have been in Canada for decades, with only four months with their families in-between. What are the repercussions of this?

In Vancouver, Erika Del Carmen Fuchs testified about specific cases of workers who had returned home to Mexico sick and injured. I can assure you that these are not merely anecdotes or stories. In any region that sends workers to Canada, I found many families afflicted in profound ways from their time in Canada. I met widows of workers who had been killed in Canada. The widows were not receiving any support and could barely feed their children. In desperation, some even left their children to work in Canada.

Children of these migrants deal with depression and alcoholism, as they are forced to grow up without parents at home. There are 12-year-olds raising themselves. Marriages are torn apart by these long, repeated absences. When women get pregnant in the program, many miscarry because they work under difficult conditions and are unable to access prenatal care. Others carry their pregnancies to term, only to return home, have their babies, and leave them again the following season.

Workers injured in Canada are unable to return here. Many are unable to work at home either. Others develop serious illnesses in Canada, like cancer and kidney failure. Normally workers in these situations are sent home. Some manage to run away and apply for refugee status before being deported. Going home is a death sentence. As they pay into benefit programs in Canada, they do not have insurance coverage at home for life-sustaining treatments.

Temporary foreign workers contribute to the Canadian economy, and all Canadians, indirectly, are beneficiaries. Growers face unrelenting pressures in the face of globalized competition—so much so that many say they could not survive without these superb workers. The workers, many of whom have become dependent on their Canadian jobs to support their families, do not want to lose the chance to work in Canada.

All of these are important considerations, so I'm not advocating that we simply abolish this program. But there are ways we can make the system work to be more humane and just. My brief offers a number of recommendations, such as an appeal mechanism for firings and repatriations, comprehensive health insurance, and the ability to freely change employers.

● (1330)

The only meaningful remedy for all these shortcomings, however, is ultimately to grant these workers citizenship. Even if not all workers wish to emigrate to Canada, those who do should be given the choice. Those who do not should still have the freedom to change employers and to come and go as necessary, as family needs and emergencies arise, without the fear that they will never be allowed back.

The Canadian immigration system needs to recognize the value of these so-called low-skilled workers, and as Canadians we should never see people merely as economic units. We should also recognize the toll of living in a country where one is never recognized as a citizen and of separating from one's family year after year.

If workers become ill while working here, Canada also has a moral obligation to care for them. They are not just disposable workers, but also parents, siblings, spouses, and friends.

When this program began in the 1960s, fears of black Caribbean men settling in the Canadian rural landscape worried immigration officials, who devised a structure to ensure that such workers would never stay in Canada after the completion of their contracts. Nearly half a century later, this rationale is out of date and does not reflect Canada's values.

What is the rationale now for excluding these hard-working individuals from ever becoming citizens? If these workers are good enough to work here for 40 years and we say we treat them as we do all other Canadians, why can they not ever become Canadians? How many years of work does it take before it is realized that these job shortages are permanent, not temporary, especially in the agricultural industry?

A critical measure of a society is how it treats its weakest members. Let me repeat that: a critical measure of a society is how it treats its weakest members. These workers are among Canada's most vulnerable occupants. They are not even considered members of our society. In an age of international human rights, our treatment of these people in our midst very much reflects on the chasm between the kind of society we purport to be and the kind of society we are.

I truly hope we can work together to bring our actions in line with our principles.

Thank you so much for the opportunity to share these thoughts with you today. I truly appreciate it, and I look forward to any questions.

Merci.

● (1335)

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

I'm going to take the first round of questions for the Liberals.

I think you really touched on what I wanted to expand on. You mentioned that some people come here for 40 years. As a country, we really have to take a look at what kind of immigration we have and whether we go for the short-term fix or take the long view.

With the way the present point system is set up as it passed in 2002, tradespeople can't get in. They just can't get in. Unskilled workers cannot get in. To put it in another perspective, Frank Stronach from Magna International would not be able to be here today. Somebody closer to home, Frank Hasenfratz of Linamar, who is right next door in Guelph and who has something like 10,000 employees, would not be able to get into the country today. To really bring us as close to home as possible, Mike Lazaridis, of Research In Motion—BlackBerrys—would not be getting in today, because his father was an apprentice tradesperson.

Making that change in the point system drove up the numbers in the undocumented worker class. It actually grew the undocumented workers, with all the accompanying problems that were expressed by the building trades.

Then we have the situation of the temporary foreign workers: people are coming here alone, not with their families.

It's almost a reminder of the head tax for the Chinese. We needed them to come into the country to build the railway. Once they built

the railway, we tried to get rid of them, and that resulted in all sorts of problems—the “paper sons” and what have you.

I want to ask all of you whether we should not, as Canadians, focus more on increasing the number of landed immigrants in this country, and recognize that immigration has been the lifeblood, is the lifeblood, and, given the demographics, will continue to be the lifeblood of this country. I would like to have a response from all of you on that question, because it is important to be supporting those all together.

Ms. McLaughlin, would you start off?

Ms. Janet McLaughlin: Thank you for phrasing my opinions exactly. We so often focus on the exploitation of these workers; it's true that they are ripe for our exploitation when they are either undocumented or when they're here under the temporary foreign worker programs, but what I tried to show today is that there are also all these other implications for their families and for their lives, and they are also very important to consider.

I just do not think it is within the Canadian system of values to bring in workers temporarily and separate them from their families and put them in these vulnerable positions. These are not temporary placements; they are permanent. When workers are coming for decades, they are here permanently. It is eight months out of the year; they spend more of their adult lives here than they do at home, and it is simply not morally justifiable to continue this situation. There must be a better solution.

● (1340)

The Vice-Chair (Hon. Andrew Telegdi): Thank you.

I'll go on to Mr. Strickland.

Mr. Patrick J. Dillon: I'd like to make a comment.

The first comment would be that government seems to apply the broad brush to whatever circumstance they're trying to deal with. There is no doubt in my mind that the issues around migrant workers in the country are somewhat different from the temporary foreign worker that we talk about for the construction industry.

To your question about expanding immigration, I would take you to the four points in our brief on how we think immigration should be looked at in the country, with temporary foreign workers being part of it for the peaks in our industry. But I don't think you can talk about what works in our industry and apply that to agriculture.

We believe that Canadian youth ought to be given the opportunity to train. We don't want to see a point system that doesn't apply some pressure to Canadian industry to not have to train Canadian youth. We believe that should be the priority. Canadian underemployed youth should be next, combined with a long-range strategy for immigration, and then the foreign-trained worker piece to fit the peaks in our industry.

To finish that off, the temporary permits for the foreign-trained worker should be done for a regional area of a province or by province. There's not much point in bringing in a ton of foreign-trained workers to meet the peak demand in Alberta and the workers end up working in Toronto in the underground economy.

The Vice-Chair (Hon. Andrew Telegdi): Thank you.

Mr. Strickland, proceed, very quickly.

Mr. Sean Strickland: Mr. Chairman, I think your characterization in terms of immigration and its positive rural impact on Canada is a widely held belief, and from the building trades' perspective, many of our members were immigrants or the sons and daughters of immigrants. We recognize that as being a strength to the Canadian economy.

We have particular issues with respect to temporary foreign workers, or undocumented workers. I think the key, from the building trades' perspective, would be, as Mr. Dillon mentioned, to not forget about our youth and apprenticeship program. We have opportunities within Canada to meet some of these labour shortages, particularly within the construction industry. We can't lose sight of that.

In terms of immigration itself, I think from the construction industry's perspective, we would refer to that as strategic immigration, in terms of where the shortages are.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Now we'll go to our panel. Get your headsets ready.

Monsieur St-Cyr, you're on channel 1.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Thank you.

Good day everyone.

Ms. McLaughlin, you stated in your presentation that several cases of abuse were well known and well documented. We have heard a great deal about this in the course of our hearings.

Given that this abuse has been documented, I was wondering if any legal proceedings had been instituted. Have any unscrupulous employers been charged? Even though these workers do not have permanent resident status or Canadian citizenship, the same labour standards still apply to them.

[English]

Ms. Janet McLaughlin: Thank you.

I've only examined the seasonal agricultural workers, which is a specific program. In the vast majority of cases, these workers do not want to prosecute or lay charges because their main concern is staying in the program. Most of these workers come from very impoverished situations and they know that working here is the only way to support their families. Even in the face of widespread abuses—and this is the point I make in my brief and where I outline a lot of the other studies that outline these various abuses—to workers, no matter what the conditions or what the laws, it's all irrelevant, because they're too afraid to demand their rights. For that reason there have been very few actual instances of prosecution.

However, since the health and safety act came into effect in Ontario this past year, there have been some cases brought against employers, especially in the wake of employee deaths and serious injuries. We are starting to see those come to light.

• (1345)

[Translation]

Mr. Thierry St-Cyr: I have no problem believing that the potential for abuse exists. It is obvious to me that in this instance, the employer wields considerable authority over the employee. Furthermore, a person in a foreign country may not necessarily be familiar with the various laws. That person may not be in a position to fight back. With respect to the cases that have been documented, at some point we will need to have names and concrete examples to get a clear picture of the situation.

I can appreciate that these workers are in a difficult situation, what with changing employers and everything. This committee has discussed this issue at length since beginning its hearings. Initially, I questioned the need for this measure. I felt that the government must have had a reason for imposing this restriction. After a while, employers told us that they paid recruitment and travel costs for these individuals and that they wanted more or less to maximize the return on their investment.

At this time, I would like to make a suggestion which I will put out there for you and for the other people in attendance. I would like to come up with a system that would allow an employee with temporary worker status to change jobs while continuing to work in the same field. That worker could change jobs, provided the new employer compensated the former employer for any financial losses incurred.

Do you think this might be one interesting solution?

[English]

Ms. Janet McLaughlin: That would be a huge improvement over the situation we have now, and it is one of the recommendations I outline in my brief. Giving these workers citizenship is ultimately the only way to promote equality, but in the interim or if you're not willing to consider that option, I think giving them the freedom to change employers would certainly help.

[Translation]

Mr. Thierry St-Cyr: You have mentioned citizenship on two occasions and it seems that you went much further than anything we had heard previously. Some people have told us that we should consider granting permanent resident status to these persons so that one day that can obtain their citizenship.

Are you also suggesting quite simply that they do an end run around the process?

[English]

Ms. Janet McLaughlin: No, I mean they should be on a path where ultimately they become citizens. I recognize there are bureaucratic steps involved.

[Translation]

Mr. Thierry St-Cyr: I did not want to focus too much on the technical details, but you can appreciate that for the committee, granting permanent resident status and granting citizenship are not quite the same thing.

Do you agree with the suggestion that employees should be allowed to change jobs while continuing to work in the same field, provided the new employer agrees to compensate the previous employer for any financial losses?

[English]

Mr. Patrick J. Dillon: If the workers came into Canada, into Ontario, in the construction industry, through the unionized trades they would automatically be able to move from employer to employer. If they came in through the unrepresented area, they might be able to move from employer to employer, but there's more than a reasonable chance that that's where the exploitation is going to take place. So those groups will not want their employees to be able to move.

Would we support the idea? Absolutely, we would.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Next we've got Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Chair. I've got a couple of comments and some questions.

First, according to the census, the population of our country has grown by 1.6 million people in five years, and of that, 1.1 million were newcomers to Canada. So it seems as if we're growing through immigration.

I think Mr. Dillon talked about the undocumented workers, saying they're difficult to represent, and there are obviously some abuses, perhaps of the temporary foreign workers in some cases. I wonder if you think any of the undocumented workers are here because of a lack of a legitimate means to acquire these jobs.

Second, I'd like to ask you a question about bridging. You mentioned that temporary foreign workers may need to meet regional or short-term needs, but in segments of the country there's a desperate need for particular kinds of trades or labour. We just had hearings in Alberta, British Columbia, and Saskatchewan. When they put out a want ad, they don't get the kind of people they need. So I'm wondering what your thoughts are about making a basis for temporary foreign workers or trades to bridge into potential permanent residency by virtue of their experience in the country and in some of the work they've had. I know the provincial nominee program is something the provinces are starting to take up. They can nominate people to fill needs that are specific to them and specific to their region, with the idea of having them on a more permanent resident-type basis.

My third question is this. For the purposes of your organization council or labour unions, are you prepared to incorporate the temporary foreign workers into your ranks to represent them and make sure they have an advocate if any of those rights are covered provincially? Should we have a basic minimum federal standard when we deal with temporary foreign workers?

I'll start with Mr. Dillon, and if anyone else has anything to add, feel free to do so.

● (1350)

Mr. Patrick J. Dillon: I would start by saying yes, we would support a system that recognizes them as they come in. The building trades unions are not supportive of people coming into the country

illegally and gaining their employment illegally and then using that as a way to get past the.... If the immigration system needs adjustment, then I think it should be adjusted so that everybody coming in is playing by the same rules. We can live with any system if it's legitimate and it's enforced. My experience over the years is that we're not very good at enforcement of the laws we put in place.

I want to make another point on this whole immigration thing. I started out by saying we are pro-immigration. But I also think that Canada, as a fairly rich country, has the responsibility to train its own youth, and underemployed youth, and we also have a responsibility to train those people from foreign lands who come here. We should not be basing our immigration and training system on raping third world countries that need those skilled tradespeople in their own countries. I think that travesty is starting to occur. We're taking people from other countries that have invested money in their tradespeople. We're taking advantage by taking them out of their country. We have the money and the tools and the ability to do that training here, whether it be for Canadian youth or unemployed youth or immigrants coming into the country.

Mr. Ed Komarnicki: Now I go to someone else.

Mr. Sean Strickland: Philosophically, I think it would be fair to say we don't have an issue with temporary foreign workers, as long as they are in compliance with the regulations that are currently in place.

I don't think there would be a problem if the building trades organization helped transition temporary foreign workers to more permanent jobs in Canada. I think our centres that have been training skilled tradespeople for years would welcome that opportunity, as long as that temporary foreign worker is filling a current labour shortage and is in compliance with the standards that are currently in place.

So our issue largely comes around to point of entry compliance with the regulations as they currently exist, particularly when it comes to our experiences here, which are much different than they are in Alberta.

● (1355)

The Vice-Chair (Hon. Andrew Telegdi): Thank you. You are out of time.

Mr. Ed Komarnicki: I just want to make a quick comment. I think it's fair to say we should do everything we can to educate our youth, to train those we have, and to involve other segments of society to the greatest degree we can. The statistics seem to show that if we do all of that, it would still take a fairly significant period of time, and we would still be short when you look at national needs.

The Vice-Chair (Hon. Andrew Telegdi): Thank you.

Mr. Karygiannis.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Chair, I want to thank you.

Ms. McLaughlin, I was interested in the comment you made that for every person who goes back, there are another 1,000 people who want to come in.

Ms. Janet McLaughlin: Yes.

Hon. Jim Karygiannis: Don't they know the dangers that exist in Canada, the travesty that exists here or the difficulties that exist for them?

Ms. Janet McLaughlin: In some cases, they do, but the lure of the dollar is just that strong that they're willing to put up with those conditions.

Hon. Jim Karygiannis: They're willing to come. Does workers' compensation of the principal province you're in reflect that to them? Doesn't an employer who employs foreign workers on a farm have to have workers' compensation?

Ms. Janet McLaughlin: Yes, and this is one of the issues I discuss in more detail in my brief, because this was one of the main issues I examined. Workers do have rights to health care and to workers' compensation. The problem is that their ability to access these rights is very constrained, because the minute they get sick or injured, they can be repatriated and not get the—

Hon. Jim Karygiannis: My time is short, so just please answer in brief. They do have workers' compensation...?

Ms. Janet McLaughlin: Technically, yes, they do.

Hon. Jim Karygiannis: Do they pay into the Canada Pension Plan?

Ms. Janet McLaughlin: They do.

Hon. Jim Karygiannis: So when they retire at a certain point, at 65, they can get the Canada Pension Plan back in their home country?

Ms. Janet McLaughlin: Some can, but many do not because they do not have the information and support available to apply or they have not worked enough hours because they only worked for temporary periods. So many of them do pay—

Hon. Jim Karygiannis: Sorry. Are you trying to tell me they can't get the Canada Pension Plan back home? Is this what you're telling me?

Ms. Janet McLaughlin: I said many of them can get it, but many also are not getting it for the reasons I just mentioned.

Hon. Jim Karygiannis: The reasons were...?

Ms. Janet McLaughlin: First of all, many of them do not have access to support to apply for these plans, or do not even know about them. Second, many of them did not work long enough in Canada in order to attain these benefits.

Hon. Jim Karygiannis: How long do you have to work in Canada to get the Canada Pension Plan?

Ms. Janet McLaughlin: The problem is because some of them only come up a few—

Hon. Jim Karygiannis: How long do you have to work in Canada to get the Canada Pension?

Ms. Janet McLaughlin: It is something like seven seasons. I don't know the exact number.

Hon. Jim Karygiannis: Even if you work for one year and you are entitled to get something, you can apply and you get a 25% reduction.

Ms. Janet McLaughlin: These workers are not able to access those benefits for whatever reason; they are told they haven't worked long enough.

Hon. Jim Karygiannis: A lot of the people who do come, although they have difficulties, enjoy what they do. They love what they do. Yes, in Canada we must have some standards to look after them. To say—and I've heard this before—that we have draconian working conditions for them may be true in some cases, but I have heard it time and time again. It is like doom and gloom. It's like we get these people over here and we treat them like slaves. This is what I hear, and certainly to the NGOs that are saying this, I'm saying hold on a second. This is not the case. We do have a lot of good employers out there.

Ms. Janet McLaughlin: That's the point I tried to make—that there's a huge variation. There are wonderful employers who treat their workers like family and there are horrible employers who treat their workers like slaves.

Hon. Jim Karygiannis: What percentage would be the horrible ones?

Ms. Janet McLaughlin: We would need to do a statistical analysis, but there are too many involved.

Hon. Jim Karygiannis: Haven't you done it?

Ms. Janet McLaughlin: My research was qualitative not quantitative, so I did not.

Hon. Jim Karygiannis: Really?

I would like to go back to Mr. Dillon and Mr. Strickland, if I could.

We do have undocumented workers in Canada. There were programs working through the unions in order to get them to the mainstream, which said that if they could find a union to act as their liaison with the Government of Canada.... There was a program that the Liberals, at the end of their regime, were trying to fit in. If there were an undocumented worker—let's say a woodworker or carpenter—and the carpenter's union said they would adopt them or take care of their paperwork, and once they became normalized they would have to continue and get their process and get their journeyman's...and all that stuff... Would something like this with the unions bringing to their bosom the undocumented workers that you have in your industry—and you do have a lot of them, and a lot of people are working for \$10, \$12, \$13 an hour—and if they were to come out from the underground, would you welcome that kind of a program?

• (1400)

Mr. Patrick J. Dillon: I actually sit on the WSIB, so I could answer some questions on whether they are covered or not. Yes, we support that kind of program. We're part of that now.

The problem is that the undocumented workers in our industry aren't registered with anybody, so they're not paying CPP, they're not paying unemployment insurance, and they're not paying WSIB. They are undocumented. They don't exist except that the work is getting done. When they get hurt, they're taken out of the country, and they don't get money.

Any undocumented worker who comes in to work with one of our contractors in the unionized industry would pick up all those benefits immediately. We would work—and it was part of the advertisement I talked about earlier from one of the unions that was advertising to do just that—to help them come out of the underground economy.

The legitimate employers in this province are having difficulty competing in certain sectors because of this non-enforcement of our immigration policies.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Now get ready with your headsets for Monsieur Carrier.

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): Thank you, Mr. Chairman.

My question is for Mr. Dillon and Mr. Strickland.

You stated that we would be better off providing some training to our workers before thinking about hiring temporary foreign workers, for the sake of maximizing the use of Canadian labour. The Temporary Foreign Worker Program was set up to address the labour shortage problem. However, the employer needs to show that a shortage exists in the first place.

As a rule, industry itself or the unions take steps to address a labour shortage. They set up a program to train their own workers. At least that is my understanding of the situation. Arranging to train your industry's workers is therefore not the responsibility of the Department of Immigration. It is, first and foremost, your industry's responsibility.

Would you agree with that statement?

[English]

Mr. Patrick J. Dillon: We quite agree that our industry and all industries in this country should be training their own workers. However, there are many employers within our economy that do not train and are going to need, particularly, skilled trades workers right across the country. Their strategy seems to be moving towards importing them. We have an issue with that. We say, yes, let's import them if we can't train our own people.

It's kind of a catch-22 situation in the sense that we want Canadian youth and the unemployed and underemployed youth trained. We want immigrants trained. We, as a country, should be training them instead of taking them from some country that can't afford to lose them. So, yes, the more training, the more supportive we are.

Mr. Sean Strickland: Mr. Chairman, to add to that, I would concur with Pat and your sentiment as well, that industry needs to take responsibility for its training. But government institutions have a role to play in training as well. The training budget for HRDC has now been transferred to the provinces. Nonetheless, governments have been involved in training workers.

There are institutional barriers. When we're talking about skilled trades shortages, for example, it's very difficult in this community to have a comprehensive trades shop in our secondary school system. A lot of that infrastructure over a number of years has been taken away from our secondary school system. We don't have those training

capabilities in our schools that we once had. I would consider that to be an institutional barrier. Government, the provincial government, in this case, with the signing of the labour training agreement, has a responsibility through our secondary systems and through the Ministry of Training, Colleges and Universities to address this. There is a role for government to play, for sure.

[Translation]

Mr. Robert Carrier: As I understand it, the province, not the federal government, has a responsibility to ensure proper training for workers. My understanding is that you will be lobbying provincial authorities to ensure that workers and young people in this country receive better training in order to be first in line for jobs.

Ms. McLaughlin, I am happy to see a study on seasonal agricultural workers. This is the first study we have seen on the subject since we began this round of hearings. Two members of the committee come from Quebec which has a large base of seasonal workers. Where was your study conducted? Does it apply only to Ontario, or does it include Quebec as well?

•(1405)

[English]

Ms. Janet McLaughlin: I focused mainly in Ontario. Since I spent two full off-seasons in Mexico and Jamaica, I got to know workers who had been placed all over the country, but my focus was in Ontario.

[Translation]

Mr. Robert Carrier: You cannot confirm whether your findings apply to Quebec as well. Correct?

[English]

Ms. Janet McLaughlin: Overall, I would say, workers in all provinces face the same structural problems. Some provinces have done better than others in addressing some of those issues, but overall it's pretty similar across the board.

[Translation]

Mr. Robert Carrier: You are recommending that workers who return year after year be considered either as Canadian citizens or be eligible for permanent resident status. In spite of everything, my sense is that the majority of these workers, even though they come to Canada in search of a better wage, want to go home after their work is done. In other words, they do not automatically want to become Canadian citizens just because they work in this country.

In your opinion, after how many years should these workers be allowed to apply for permanent resident status?

[English]

Ms. Janet McLaughlin: I'm an idealist; I would like to see them be able to apply right away. However, I recognize that this is probably not very realistic.

The live-in caregiver program has the model of after two years. Perhaps something like that could be considered for this program.

[Translation]

Mr. Robert Carrier: Thank you.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Mrs. Grewal.

[English]

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair.

All of us here recognize that there is a shortage of workers here in Canada, whether it be in construction, in hospitality, in farm work, or in industry. There's a strong demand for these workers.

My question is very simple: what improvements would all of you recommend in terms of the temporary foreign worker program?

Mr. Sean Strickland: Perhaps I can start off, Mr. Chairman.

I think some of my presentation referred to that in terms of compliance with the current regulations for temporary foreign workers. Ensure that there is a labour shortage in the area where the temporary foreign worker is going to be placed. And if indeed there is a labour shortage that's demonstrable through communication with local agencies, then ask, before that person gets on site, what their certifications are. How is that checked now in terms of their certification strictly when it comes to skilled trades? When they're on site and/or with an employer, where's the enforcement to ensure that the employer has those temporary foreign workers working in an environment that is equal to Canadian standards?

So for us, it's compliance before entry, and then upholding the regulation upon entry and working.

Mrs. Nina Grewal: Anybody else?

Ms. Janet McLaughlin: I have a number of recommendations on pages 6 and 7 of my brief. I'll just briefly highlight a few.

First of all, workers need to have their rights explained to them as soon as they arrive in Canada, and in their own language. I'll give you the example of EI benefits. Workers can receive parental benefits. They did not know about this until just this past year, when Jamaican workers started applying. Well, Mexicans knew about it and had been applying for the past several years.

So the sources of information need to be standardized and given to all workers. They also need an impartial appeals process so that they cannot just be fired and sent home the next day, especially if they're sick or injured. And they need the right to change employers.

I have a number of other recommendations here.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Just to wrap things up....

Mr. Karygiannis.

• (1410)

Hon. Jim Karygiannis: If I may, I'd like to ask Ms. McLaughlin a last question.

Don't these people who come back time and time again have a sheet on what they are or aren't entitled to?

Ms. Janet McLaughlin: I examined exactly what information they are given. They are given very little before coming here, and when they arrive, again, very little. All they have is their contract. They have their contract and they do not have any information outlining their rights, such as EI. They're not given that in a standard way, no.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much to the panel.

One thing we have heard is that we need some advocates for temporary foreign workers. The other one that Mr. Dillon talked about, robbing people of their highly skilled and trained people, is maybe not something that Canada should be noted for.

Just to underline that, we have a lot of people who come here with degrees who do not get recognized. I'll give you the example of a gentleman who comes to my office. He's an engineer from Pakistan. He had a chauffeur and a maid in Pakistan. Over here, the only job he can get is to be a chauffeur or a maid. He's very disillusioned.

So this policy we have, where we only take people with university degrees and they speak the language, makes for very unhappy people if they don't fit into the economy.

Thank you very much for your presentation. We will for sure be talking about it.

Mr. Patrick J. Dillon: Can I make a comment on that last point you just made about engineers? We have a lot of underemployed university graduates flipping hamburgers in this country who we believe should be given an opportunity to work in the trades.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

I think it's the bias that we had as a society growing up in Canada that we do not appreciate the trades to the extent that we should, because trades do very well. That's a problem under the provincial system. I want to thank you very much for your presentation.

We're going to take a couple of minutes and then we're going to reconstitute the next panel.

Thank you.

• _____ (Pause) _____

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• (1415)

The Vice-Chair (Hon. Andrew Telegdi): The committee is now reconvened.

We have Derry McKeever of the Friends of Farmworkers. Please go ahead. You have five minutes. That will give us a little more time for questions.

Mr. Ed Komarnicki: Before we start, I'd like to raise a point of order. As you know, we have three motions that have been filed: one by you; one by Mr. Karygiannis; and one by the critic, Mr. Bevilacqua, regarding having Bill C-50 come before this committee.

I've reviewed the three motions and would like to file one as well, for the record and for consideration at some point. It's fair to say that the bill itself is at the finance committee. I'm sure they will do a thorough review and investigation and will deal with it.

• (1420)

The Vice-Chair (Hon. Andrew Telegdi): No, Mr. Komarnicki, I think this is—

Mr. Ed Komarnicki: But at the same time, I feel that—

Hon. Jim Karygiannis: Mr. Chair, we agreed not to discuss anything besides the three issues on the panel. Why does the parliamentary secretary want a motion?

Mr. Ed Komarnicki: I'm not putting a motion forward for debate. We received motions from three parties on this committee. We didn't debate them because there was an argument about whether they were substantive and whether we needed unanimous consent.

I'm not asking for them to be debated necessarily, and I'm not asking for unanimous consent. Just as the other motions were filed as we were proceeding, I also want to file a motion with the standing committee.

The Vice-Chair (Hon. Andrew Telegdi): File it, Mr. Komarnicki. We didn't get up in committee and make a speech about the other motions; we filed them.

Mr. Ed Komarnicki: They were brought up as we were travelling.

The Vice-Chair (Hon. Andrew Telegdi): You can file the motion.

Hon. Jim Karygiannis: I can provide a copy.

The Vice-Chair (Hon. Andrew Telegdi): You can give one to the clerk.

Hon. Jim Karygiannis: Mr. Chair, I think this is totally out of order.

The Vice-Chair (Hon. Andrew Telegdi): Mr. Komarnicki, we don't have to do this in the committee. There is a normal process that everybody else followed.

Anyway, the motion is filed and we'll go back to Mr. McKeever.

Hon. Jim Karygiannis: Mr. Chair, on a point of order, could Mr. Komarnicki have e-mailed this to the clerk? We agreed that we were not going to entertain anything on Bill C-50. I think Mr. Komarnicki is completely out of order on this. He could have mailed it or given it to the clerk. He didn't have to make a grandstanding of it.

Mr. Ed Komarnicki: Let me just respond to that.

The Vice-Chair (Hon. Andrew Telegdi): No. We're not going to—

Mr. Ed Komarnicki: I'm not asking for the motion to be debated, and I'm not asking that the motion be voted on, although that's another issue. These motions were filed—three of them—and I'm filing the fourth, which represents our point of view and what we're prepared to do. So it's a matter of filing—

The Vice-Chair (Hon. Andrew Telegdi): That's fine, Mr. Komarnicki, but you are wasting the committee's time and there is no need to do that. You can file it with the clerk as other people have done. They didn't get up in committee and take time from the witnesses.

Mr. McKeever, I'm sorry about that.

Mr. Derry McKeever (Community Spokesperson, Friends of Farmworkers): Mr. Chair, thank you very much for your firm intervention in getting the committee moving again—I hope.

I just want to speak for a moment about Mr. Cadotte and myself. We are both retired from the manufacturing sector and have worked a little with some of the migrant workers in our community. As a

matter of fact, we have worked on the line during the harvest pack at one of the major produce packing operations in Dresden, Ontario, for a number of years. We became aware of some of the issues on what was happening with migrant workers through experience, social interaction, and working beside them.

I want to let you know a couple of very important moments in my life. One of them was on a day off from our work in the harvest pack operations when we were able to bring some migrant workers into our homes for dinner. As a matter of fact, a member of the Rastafarian sect from Jamaica, a member of the Christian sect from Jamaica, and a first nations person from Canada sat down together in my home. It was a very proud moment for me to be able to bring the migrant workers into my house to meet my family and interact with Canadians, which is almost never done.

Another proud moment occurred on January 26 this year when 350 members of the Canadian auto workers stood up in front of a fish processing plant in Wheatley, Ontario, to say we thought the rights of migrant workers and foreign workers were very important and we were willing to fight for them.

Those two issues were of great significance in my life. I'm very happy that both of them occurred, and we are going to continue working with migrant workers.

Mr. Cadotte will carry on and give our presentation as Friends of Farmworkers.

Mr. Ronald Cadotte (Vice-Chairperson, Friends of Farmworkers): Mr. Chairman, the Standing Committee on Citizenship and Immigration, and committee members, the Chatham-Kent, Ontario-based group, Friends of Farmworkers, is a local community-based coalition of like-minded individuals who see a need for community advocacy for temporary foreign workers. We are all volunteers, and we come from a variety of backgrounds. The Friends of Farmworkers group does not have ties to any other organization, but does, however, work with faith communities, social justice groups, worker advocates, and some cultural and community organizations.

We believe Canada needs these workers, and they should benefit from the same programs Canadian workers enjoy, including the right to permanent residence. Several of the members of the group have been working with agricultural workers for many years, forming a loose coalition after the death of a young married worker in Charing Cross, Ontario, at a mushroom processing and farming operation in 1979.

We have become more interested in the problems that face temporary foreign workers after the death of two workers in this classification at Peeters' Mushroom Farm near the town of Blenheim in Chatham-Kent in March and April of 2007. Phunsak Phathong and Ulai Buapatcha, both in their early 30s and in good physical condition, died at the same residence within 30 days of each other in 2007. Both of these workers were from Thailand and were part of the low-skilled temporary worker program. There was great difficulty in repatriation of the bodies of these workers because the employer did not feel responsible to assist in a meaningful way.

We began a dialogue with the local Thai community to express our concern about these two deaths, and in the course of making contact, we became aware of many problems that were facing foreign workers locally and across Canada, the extent of which we will try to assist you to understand in the next few minutes.

When we spoke to workers about issues they were facing, we were appalled at the lack of resources available to them. We saw the need for some type of arbitration process that could look at complaints and offer resolution, or at least some type of process that could offer solutions to existing conditions that foreign workers were asking us to change.

One of the issues locally has been housing of workers that does not meet Canadian standards and is, in our view, dangerous and unsafe. We believe that some housing options given to foreign workers could allow disastrous consequences if guidelines are not put in place. In the case of workers at a local fish processing plant in Wheatley, Ontario, up to 28 workers were, and some are still, living in a bunkhouse that clearly is not and was not intended to be used as housing units. The premises were set up as a retail outlet, then converted to an administration unit, and now are used to house the workers at this plant. The Thai community is doing what it can to assist these particular foreign workers, but it is a very tiny community without extensive resources.

We have also been aware of landlords locally who have had less than favourable experiences with this classification of worker. In one case, because the landlord believed that the 16 women living in a two-bedroom apartment unit would be living in his unit for much longer than the crop season, he actually held the remaining women after the season was over, confined to his housing unit, as a method to ensure payment of rent. It required some negotiations and diplomatic efforts to ensure that the workers were released and allowed to move on to more suitable living accommodations close to the next employer.

These are just two of the local problems encountered as we assist foreign workers with working problems.

We also have concerns where there is potential for abuse of foreign workers, including the issue of wages. Specifically, we have information that wages in some places differ substantially for offshore workers compared to wages for the same work done by local workers. We know, for instance, that some employers refuse to pay overtime for work above the normal work week and that hours of work can be much lower than the hours promised in contracts.

We are unsure how safety information on the job is explained to workers unable to understand English. We know that some local folks are teaching English as a second language at workplaces, but we feel the government should allow paid time for workers to learn the language skills.

•(1425)

It is our belief that no worker should be held in economic slavery by agents or third-party workplace organizations, including areas of visa renewal and passport restrictions. Although we have many contacts with workers in the area, they come from the Latino and Caribbean countries. We know that in Chatham-Kent-Essex they

have advocates to ensure that cultural and linguistic differences can be overcome.

The many workers covered by the seasonal workers agricultural program with the Latino and Caribbean countries know that they have a framework that will address worker concerns and differences. We believe the seasonal agricultural workers program parameters should be upgraded to allow more worker recognition in decision-making, and there is a definite need for these types of bilateral and multilateral agreements with governments from emerging foreign nations.

The solution is to review existing agreements to agree to a foreign worker bill of rights. This bill of rights should allow every worker in Canada the same rights as Canadian workers. We believe that if a foreign worker pays taxes and mandatory deductions to CPP, EI, and WSIB, they should have the same rights and responsibilities. Canada's reputation globally should be sullied by its disgraceful treatment of foreign workers.

Thank you.

•(1430)

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

We will now go on to Ms. Wilson.

Ms. Sue Wilson (Director, Office of Systemic Justice, Federation of Sisters of St. Joseph of Canada): Thank you.

I'm here representing the Federation of the Sisters of St. Joseph of Canada.

In my work at the systemic justice office I've come in contact with a number of migrant workers from both Thailand and Indonesia who have been badly exploited in Canada. These workers came to southern Ontario under the temporary foreign worker program. While some of the workers we've talked to had satisfactory work placements, a disturbing number did not. The differences in their experiences are significant enough to suggest that there are two very different streams of migrant workers coming to Canada from Thailand and Indonesia.

All the workers we talked to were victims of fraud in either Thailand or Indonesia. They had to pay about \$10,000 Canadian to the recruitment agency in order to get a job placement. They took out loans to pay this, some paying up to 60% interest. They were all told they would make such good money in Canada that they could pay off the loan within a few months. They were not told about the deductions the agent in Canada would take from their pay, including the cost of shelter, food, and transportation.

However, I refer to two streams of workers. While some of these workers received legitimate job placements—and by that I mean they were taken to the place of employment on their contract when they came to Canada—others never had a legitimate contract with an employer in Canada, although they thought they did. This second stream of workers, as far as I can tell, seems to be extra workers who were recruited by the agency on behalf of a Canadian agent. They found themselves in situations of extreme exploitation in Canada because there were never legitimate job placements for them; the contracting agent in Canada put them in an illegal situation right from the start.

In our work at the systemic justice office, we've accompanied survivors of human trafficking as they've applied for TRPs as trafficked persons. As a result of this experience, we've learned a great deal about human trafficking in Canada. As we listen to the stories of the migrant workers from Thailand and Indonesia who fall into this second stream of extra workers, we realize that according to the UN definition of trafficking there were significant elements of trafficking in their stories.

First and foremost, there seems to be a direct link between the fraud and misrepresentation of salary and working conditions that takes place in Thailand or Indonesia by the recruitment agency and the fraud that takes place in Canada by the contracting agent who takes them to a place of work that is not on their contract, tells them after a while that they're illegal, and, when they ask to get a legal work permit, demands up to \$1,000 but never delivers this new work permit. We know of this direct link between the fraud taking place in the country of origin and the fraud in Canada because workers talk about seeing the Canadian agent at the agency in Thailand. Indeed, they think of this agent as their employer.

The UN definition of trafficking also refers to elements of control and coercion. Primarily these workers are controlled by the huge debt they owe in their country of origin. They know their family will suffer greatly if they don't pay off this debt. They're also controlled by their lack of English and their unfamiliarity with Canada's labour laws. In addition, some workers were controlled by having their passport taken away. Others had their contract taken away as soon as they left the airport. Many were told not to leave the farm or they'd be deported, since they were here illegally, even though it was the agent who put them in this illegal situation.

Finally, there are many elements of labour exploitation, which for the sake of time I won't get into now, but I would be most willing to talk about in the question period.

So with fraud, misrepresentation, control, coercion, exploitation, and organized criminal activity, there are many elements of trafficking in these stories. However, none of these workers will come forward to apply for a temporary resident permit as a trafficked person because they don't feel protected by the process.

For starters, the burden of proof that's required by CIC to show that they were controlled by an agent is too high. Both CIC and the RCMP look for indicators of physical harm, threats of physical harm, or having been locked in rooms.

• (1435)

What these stories show is that agents can control migrant workers in many different ways. Migrant workers are controlled by huge debts, by lack of English, and by the fear that they are illegal and will be arrested and deported, leaving them with no way to pay off their debt. This burden of proof is so high because the government's priority is the prosecution of traffickers, and this high standard of control is required by the criminal courts.

The Vice-Chair (Hon. Andrew Telegdi): Could you wrap it up? We are running over time.

Ms. Sue Wilson: In our view, the focus should be on the protection of the human rights of workers. We should sign the convention for the protection of migrant workers rights. The

temporary resident permit should have a humanitarian and compassionate ground. And there should be changes to the temporary foreign worker program to get rid of private recruiting agencies in the country of origin as well as agents in Canada, to have open work permits to allow workers to change employers within their field of work, and to create an advocacy office for migrant workers.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Next we will go to the Diocese of London, Marie Carter.

Ms. Marie Carter (Specialist, Migrant Workers Ministry, Diocese of London): Good afternoon, Mr. Chairman and members of the panel.

I'd just like to give you a bit of context before we start. The Diocese of London has been involved in the work of temporary foreign workers through the seasonal agricultural workers program for at least 30 years, with parish-based programs that range anywhere from simple welcoming actions, to bringing these individuals into the life of the parish, to bicycle safety programs, to people working on basic rights issues with the workers. We formalized that outreach three years ago with a migrant workers ministry committee, and in September of last year we presented our written brief to this committee. Since that time, we've continued with the work, and I would say, concerning what we've written in the paper we have for you, we've seen some more severe cases since that time. So we are recommitted to the idea that the temporary low-skilled workers program is really deserving of the attention of our diocese in particular.

The temporary low-skilled workers program in particular is much more severe than anything we've seen previously in the 30 years of work with the seasonal agricultural workers program.

I'd also like to give as context the fact that our diocese covers some of the best agricultural land in Canada. It has one of the largest greenhouse industries in the country, so certainly, we'd see one of the highest concentrations of agricultural workers in the greenhouse industry within our boundaries and also in many field crops.

Since March 2007, we've become involved in supporting the work of Gerry and Lek VanKoeverden, who, I am pleased to say, were able to come here today. They are volunteers who give sacrificially of their time and resources to do outreach to Thai migrants in our area. They are both former directors of CUSO in Southeast Asia. We're very pleased to have people who have both linguistic skills and tremendous backgrounds to be able to speak directly with workers and who really, truly understand their concerns. We're also pleased to have Gerry and Lek on our committee because they are also farmers, so we know that we can bring a balanced approach to this. We don't see this as the church and workers against farmers or anything of that nature. We really see a need to bring a balanced, community approach to this problem, and as such, we see that within the temporary low-skilled workers program there are many problems for both farmer and worker.

I will turn it over to Gerry and Lek to tell you a few of the incidents they have been working on for the last two years in this area. They're the best people to speak to the rest of our presentation.

• (1440)

Mr. Gerry VanKoeverden (Volunteer (migrant outreach), Diocese of London): Hello everybody.

Basically, my wife Lek and I have been working with Thai migrant workers since January, when we discovered there were Thais in the area. It turned out they had been in the area for four or five years, but migrant workers lie so low under the radar that you don't notice they're there. We first found out about them from a neighbour who had seven of them, and we basically helped out, with him, in terms of communication, because there were a certain number of communication problems. Out of that we started teaching English. We have several classes once a week in Leamington, Blenheim, and Dresden, and through that we've learned about all the different problems they've come out with.

Everything I've heard reflects what Sister Sue has mentioned about their history in Thailand—the indebtedness. They come here as debt slaves. That's what people from Asia come here as when they come as workers with the low-skilled workers service program.

So we've been trying to help them out through teaching English, and also by having them have some understanding of their rights, which is very difficult to get across. We're also working, for instance, in rescuing workers. There were two groups of workers who came here last September: one group of 35 women in Chatham and another 100 in Toronto. They are people who come here and then within several weeks, within two or three weeks, all the work is done. So you have people here who pay \$10,000 to come overseas and within a week or two all their work is finished; they have no work. Their employer does not have work for them. So what are these people going to do? Who do you go to? Do you call up HRSDC? What can they do? They have no mandate to go into the field anyway, so they cannot go into the field and try to help sort things out.

So basically we help to make connections between certain employers who do need people, who have LMOs with HRSDC. They have need of people and they can then transfer these people onto their LMO. So this is not a very complicated thing, but we've managed to help 49 people this way, people from Toronto and Chatham who have gotten lost in the system. There are still large numbers out there who are working in sweatshops, underground places, different kinds of places. I have names, but I don't think I should mention them here, where basically they're working for cash money. They have no health coverage. They have no protection from the law. They are basically working in sweatshops. I would say half of the Thai migrant workers here in Ontario are already illegal.

It's very difficult to help these people, so all we can do is provide some English training for them. In one case we provided mattresses for them because they had no mattresses to sleep on in their house, and also we've been able to give very limited medical aid to a few of these people. For the great majority of people we can't really do too much. They get people who come to them, agents who will promise that they will get them refugee status. And they will quote them. They will say, "For \$1,500, I will get you a year of refugee status.

For \$3,000, I'll get you two years of refugee status." Of course, it's all hokey, but these are the kinds of things to which these desperate people are subjected, and in fact, labour agents who use them illegally also often force them to apply for refugee status as part of the deal for their staying on with them.

Our biggest thrust is to try to find a solution and to try to build a better model for this system. With seven greenhouse employers in Leamington, basically once they've gotten to understand the problems with having a labour contractor and going through a labour contractor, they have come around to the fact that they have to be able to handle their own paperwork, to be able to deal directly with their workers, to be able to deal directly with HRSDC, and to be able to get some stability in the program.

• (1445)

With these several employers, for instance, we had a meeting a few weeks ago, again to work on their different problems and to work through the paperwork to try to successfully make this program work.

The Vice-Chair (Hon. Andrew Telegdi): Could you just wrap it up? We're running over time on this. We'll get back to you with questions.

Ms. Marie Carter: One of our main points in all our approaches is that third-party contractors, who are really not supposed to be part of this program, should no longer be allowed to operate. There should be better ways for the government to control illegal activity in the program. If that can't be controlled, I think we need a moratorium on the temporary low-skilled workers program, and we need to be looking at better models. The SAWP program, for all its faults, is at least much more accountable to governments and provides much more protection for both farmer and worker.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

In the first round, we're going to go to Mr. Karygiannis. You have five minutes.

Hon. Jim Karygiannis: Thank you, Mr. Chair, and thank you to the committee.

Mr. Chair, I can't help but look at this thing the parliamentary secretary gave to us, and I would like to read it.

The Vice-Chair (Hon. Andrew Telegdi): Mr. Karygiannis, I don't want to spend time on it.

Hon. Jim Karygiannis: Well, Mr. Chair, it's my five minutes, and I would like to spend it the way I want.

The Vice-Chair (Hon. Andrew Telegdi): No. That would be out of order, and I would not want to rule my colleague from the same party out of order. We can debate that later on, once we complete this business. We've had people come forward to us to make presentations, so we're going to do justice to it and—

Hon. Jim Karygiannis: My only concern, Mr. Chair, is that there's going to be a press release going out tomorrow from the parliamentary secretary stating—me, too, I'm going to have this—that we will report the findings to the House by May 7. That's an insult to this committee. This is an insult to what we're doing here.

Anyway, Mr. Chair, enough said on that. I will ask a couple of questions, and I thank you.

Whoever wants to can take this question.

Among the people who employ the foreign workers we bring every year from different countries to be here with us, there are people who are abusive and people who are not abusive. In the work you've done in the field, would you say that most of the farmers who bring in these foreign workers on a yearly basis actually take care of them, or do you find that the great majority of the farmers are abusing the foreign workers?

Mr. Gerry VanKoevorden: Very much the majority of growers take care of the workers. There's no question about that. The abuses I think are on the minor side. There are some severe abuses, but in general, the workers are fairly well taken care of. I don't think that's an issue. The main issue is actually the coordination of this effort and allowing for third parties, who are then milking both the workers, whose language they speak, and the growers.

Hon. Jim Karygiannis: Staying on the question, what percentage would you say are abusive employers? If we have a hundred employers bringing people in, is it 2%, is it 5%, is it 10%, is it 20%, or is it 30%?

Ms. Marie Carter: Mr. Karygiannis, to understand the question, I think I'd like to answer your question with a question. I would ask you what percentage of people being exploited would be acceptable.

Hon. Jim Karygiannis: Well, zero would be acceptable. But we've been hearing horror stories. So I want to quantify the horror stories. Nobody is able to say that 3% of the employers or individuals are misusing and abusing the employees....

Ms. Marie Carter: I think probably the reason we're reluctant to give percentages is because there are no real statistics on this. Obviously, if you're doing something illegal....

Hon. Jim Karygiannis: What would your guesstimate be?

Ms. Marie Carter: What is my guesstimate?

Hon. Jim Karygiannis: Yes. I just want to know how bad the problem is.

Ms. Marie Carter: I would say that as in most cases of social justice, we see people on both extremes. There is a small minority of exemplary employers, and they maybe make up 5% or so, who make sure they have colour TVs and wonderful working conditions. So you have that extreme. You have the extreme of people kept in very poor conditions, such as conditions we saw where people didn't have enough to eat. In the middle are a vast number of people who are just plain indifferent to the workers or who just see them as a piece of—

• (1450)

Hon. Jim Karygiannis: Sorry. I appreciate where you're coming from, but please give me a guesstimate, a sense of how big the problem is. Not one employee is—

Ms. Marie Carter: Can I tell you in numbers that we've dealt with personally? Of the 800—

Hon. Jim Karygiannis: Let me finish, please. Please let me finish. Not even an employee—

The Vice-Chair (Hon. Andrew Telegdi): Mr. Karygiannis, if you're going to finish, you're not going to have time, so let's get an answer.

Ms. Marie Carter: I would just like to say that of the 800 Thai workers we've come into contact with, about 200 have been in a

situation that was not very good. That's probably not representative of all temporary foreign worker programs in the agricultural industry, but we noticed that in this particular program it's extremely high.

Hon. Jim Karygiannis: So 25% of the employers are abusing the workers.

Ms. Marie Carter: Again, it may not even be the employer in this case. Sometimes the employer isn't even aware, because of the third-party contractors. This is the problem within the temporary low-skilled workers program.

Hon. Jim Karygiannis: But aren't these people in the employer's hands when they're working?

Ms. Marie Carter: In the temporary low-skilled workers program, the workers are not necessarily directly in the hands of an employer because of the way some of the third-party contractors work. Gerry could explain more on that for you, actually.

The Vice-Chair (Hon. Andrew Telegdi): Mr. McKeever is going to come in, but—

Mr. Derry McKeever: Thank you very much, Mr. Chair. I'd just like to make a quick comment.

First of all, one of the big headline stories in Leamington over the last year and a half or so was the fact that two migrant workers under the seasonal agricultural worker program were sent home and repatriated because of the music in the greenhouse. They didn't like the rock and roll that was playing, and the employer sent them home immediately because they complained.

Secondly, I want to say that one of the advisors to the Ontario Liberal government around tender fruit had workers working on his farm for 29 years. One of them, who was applying pesticides for 29 years without any type of safety equipment, developed brain cancer. Well, this very generous Liberal advisor decided that it was in his best interest to send that worker back to Jamaica, where there was no treatment.

If you call that fair treatment of migrant workers, I'm going to tell you that the Liberals have blinders on and are not looking at what is going on with migrant workers. I'm sorry to be a little bit biased about this, but we can't take it any more. There's got to be somebody who says that it's not statistics but people getting hurt on the farm; it's people who are injured and sick and who are repatriated when they have an injury and who can't come back into the program. It makes me angry to be dissuaded by statistics, when we know for a fact that people are hurt and injured and sick and are sent back because of those illnesses, and they have had no recourse.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much, Mr. McKeever. We also had an NDP government in the province of Ontario in the timeframe you were referring to, and many Conservative governments. Thank you.

Your time has run out. Please put on your headsets and select channel 1. We're not going to start until everybody is ready.

Go ahead, Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Thank you all for coming here and for your presentations. I think it is important for us to remind ourselves that we are dealing with human beings. Not only does this affect temporary workers and undocumented workers, it also touches everyone affected by the immigration process. As an MP, I see it when people come to my office to ask for assistance. We are dealing with human beings, but the bureaucracy tends to overlook this fact. At times, this put us in rather ridiculous positions. Recently, we were forced to do battle with the minister's office to secure a visa for a woman who wanted to bring her husband's body back to Canada. When we deal with situations as sad as this, we can only conclude that the system is not working properly and that something is wrong somewhere.

Having said that, to the critics who maintain these problems are minor and that horror stories are isolated incidents, I would say that it is important to document these cases as much as possible. Earlier, I asked Ms. McLaughlin a few questions pertaining to this matter.

As for the incident related by Mr. McKeever or Mr. Cadotte involving the death of two workers who were originally from Thailand, and regarding the serious housing problems, I am curious if charges were laid in connection with these obvious cases of negligence? Did an impartial tribunal find that these workers were in fact exploited? Do we have any proof that they were exploited?

• (1455)

[English]

Mr. Derry McKeever: Thank you very much for the question.

When there were two workers who died under very mysterious circumstances, we felt, as members of a community, that there was some probability of a relationship between the work they were doing and their deaths, although we have, at this point, found that there has been no clear attribution of the cause of death, and we're still waiting for forensic reports—over a year waiting for forensic reports.

I will tell you that it caused us a great deal of stress in our community—and our friends here will attribute my comments to the community in general—when we knew that those workers who came here had nothing and could not even afford the repatriation of the bodies. Even though they were cremated, the employer would not assist with the repatriation of the bodies to the families.

There have been no criminal charges laid yet. Because the deaths occurred off the workplace, there is no WSIB claim that I know of yet. I have been in contact with the police; there has been no cause of death issued. I'm still waiting for that.

I have also been in contact with the municipality in regard to the regulations surrounding the home of the workers. The home itself was in fair condition, I would say, but to my amazement there are no regulations municipally, provincially, or federally regarding a place of residence for migrant workers. They can sleep wherever they want—on the street or wherever.

So to answer your question, there has been no result yet; we're still working on that. We are volunteers and have very little money.

[Translation]

Mr. Thierry St-Cyr: That is a very good, very interesting explanation. I encourage all agencies involved with workers to properly document all cases of abuse that might occur. All the better if there are court rulings, since there are people, Mr. Karygiannis being one of them, who tend to trivialize this situation.

We must be in a position to tell these workers that their experiences are not merely anecdotal. Major problems have been identified with these programs, given the inappropriate authority the employer has over his employee.

You also broached the issue of regulations. When foreign workers come to Canada to work, as a rule, most of the resources they require and most of the laws governing work, education, training, workplace safety and access to schools come under provincial government jurisdiction.

Would it not be more logical if all aspects of the foreign worker program were to come under provincial jurisdiction, with the exception perhaps of national security and health, areas that are traditionally the domain of the federal government? Shouldn't full responsibility be transferred to the provinces which are in a better position to ensure the protection of this foreign worker who has obtained a visa and to ensure as well that labour, health and workplace safety standards are being met? Would this not make for a more efficient system?

• (1500)

[English]

Mr. Derry McKeever: While I fully agree with your comments about health and safety and other issues, I will tell you what our experience has been. Our experience has been the opposite. When we have had problems with labour standards, we have called the province. The province says it's a federal jurisdiction. When we call the feds, they tell us it's a provincial jurisdiction. So we're sent in circles to try to find enforcement of—

[Translation]

Mr. Thierry St-Cyr: Precisely. The problem stems from the fact that the worker obtains his visa from the federal government. The worker is selected by the federal government. Therefore, as far as the provinces are concerned, the person comes under federal jurisdiction. However, from the moment he becomes a worker, he also becomes the provinces' responsibility.

To my mind, if we determine that the province is responsible for the worker, then we could avoid a situation where both sides pass the buck. The province is already responsible for three-quarters of everything. At least it should be given an opportunity to assume full responsibility.

[English]

The Vice-Chair (Hon. Andrew Telegdi): A very quick response. We're way over time on this one.

Mr. Derry McKeever: Yes, I agree with you 100%. We have asked for a workers' bill of rights, and hopefully when a bill of rights comes forward that ensures labour standards, safety, and other issues—housing, and so on—workers who are coming to this country, who are needed to sustain this economy, will be treated fairly.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much. Are there any further questions?

Monsieur Carrier.

[Translation]

Mr. Robert Carrier: I would like to focus on something my colleague said. We are from Quebec where labour laws are soundly administered by the Quebec government. Labour laws come under provincial jurisdiction. The committee began its round of hearings in Vancouver and I am anxious to see if we will encounter the same problems in Quebec. I would be surprised if that were the case.

What recommendation would you like to make to the federal government, to the federal Department of Citizenship and Immigration, with respect to the issuing of a temporary work permit? Should each province be required to enforce labour laws? Should the department at the very least routinely inspect the conditions in which these individuals work? Workers may not necessarily know to whom they should address a complaint. At the very least, the government could supply them with a telephone number. For the benefit of the committee, can you tell me what CIC needs to improve upon when it comes to issuing a work permit?

[English]

Ms. Sue Wilson: I would suggest that if it's going to be a federal program, there really needs to be an advocacy office that's connected with the program that runs separately from CIC. But if it's a federal program, there needs to be a federal advocacy office with a well-publicized phone line so that as workers come into the country, they become aware of their human rights, of their labour rights, and that it's very clear to them that they have a number, they have a place to go to where they can report abuses. For instance, a worker who is put in an illegal situation as soon as they get in the country should know that that should not be happening and that they have an avenue they can reach out to.

Ms. Marie Carter: I would agree wholeheartedly with Ms. Wilson. I really believe that until workers have a way of reporting abuses that doesn't end up in retaliation against them, the threat of repatriation really does keep a lot of people quiet.

Also, for groups like ourselves, it's all very well to say we should be doing legal action or these types of things, but to try to even help a worker who would like to come forward on a temporary residency permit...we can't do it without endangering the worker himself or herself. We end up being put in situations where in order to help the workers we put them at greater risk. So it makes it very difficult to address situations even from a very humane and pastoral level, because we are always in the situation where, especially with illegal workers, to even get them health care, how do you do that without putting them at risk of being deported?

• (1505)

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much. It's something we've heard about right across the country in terms of the indentured nature of the job of the temporary foreign worker, be it that or be it the nanny program. Obviously we need advocacy, but we also need inspections. Monsieur St-Cyr was quite correct that a lot of this is now falling to the provinces, so there's a mixed

jurisdiction, but we have to make sure it doesn't fall through the cracks.

As a point of interest, in the last 30 years in the province of Ontario, we've had, essentially, 15 years of Conservative rule, about seven years of NDP rule, and about the same number of Liberal governments—because as you know, there was a coalition government there for a couple of years between the NDP and the Liberals. So this really shouldn't be a partisan issue. This should be an issue that all of us take seriously, because it's important that we deal with the problem.

I thank the panel. We're going to take a break for a couple of minutes, and then we're going to reconstitute our last panel of the afternoon.

Thank you very much for all your travel and presentations.

- _____ (Pause) _____
-
- (1510)

The Vice-Chair (Hon. Andrew Telegdi): We're going to start with our last panel.

I was going to ask Ms. Bardish if she could get hold of the restaurateur who's supposed to be here as a witness for the restaurant association.

We're going to start off by hearing from F.A.R.M.S., including Canadian Agricultural Travel, and Susan Williams and Paula Goncalves. When we have a delegation, we like to keep their presentation to about seven minutes all told. Since you all represent the same delegation, could the two of you keep it to seven minutes.

And then we have Ken Sy, who is from another group.

Go ahead, whoever wants to start.

Ms. Susan Williams (General Manager, F.A.R.M.S. (Foreign Agricultural Resource Management Services)): I expect you have been given my handout. I'm not going to go through it, obviously, because the seven minutes won't warrant it. I'm going to go quickly through the first pages, a brief history of F.A.R.M.S.

As the document indicates, the federal government did the administrative work for the foreign agricultural seasonal workers program up until 1966. At that time, when 264 workers came into the country... We went forward until 1987, and then the federal government said there was no more funding for the program, so the program was privatized and the farmers within Ontario headed up an administrative office.

In the handout that I gave you, there is a brief summary of the stakeholders and of F.A.R.M.S. itself—the office I am with—and the administrative work we take care of between the farmers, Service Canada, foreign governments, and local liaison people.

The foreign governments, the seasonal workers, as well as the Canadian government—Service Canada, and the temporary foreign worker program, whatever they call themselves today—all play a role in achieving best practices in this program.

The ongoing involvement, support, and commitment of the government continues the success of the seasonal agricultural workers program.

F.A.R.M.S. maintains a level playing field in all aspects of the program. In terms of information flow, we're self-monitoring and can obviously report on issues of non-compliance, data integrity, etc., to Service Canada.

Repeat workers make up 80% of the program, year after year. Obviously, the employers have put a lot of time and effort into training workers, so 80% of these repeat workers are valuable to the employers. They're a reliable source of low-skilled labour for the horticultural and tobacco sectors, in the absence of available local labour—and this has obviously become more and more apparent as the years have gone by. In return, the migrant worker receives employment income to better his quality of life and that of his family.

As for annual housing inspections, every employer must have their housing, their bunkhouses—if you want to use that term—inspected annually by the Ministry of Health.

There is the placement of foreign government representatives locally for each of the five countries in the program. They each have a local office and are reachable 24/7. They are here, obviously, to represent their workers.

Direct negotiation between the industry, foreign governments, and airlines is a huge best practice that we do on an ongoing basis.

Annual regional and national review meetings, specifically for improving the program, both for the employers and the employees, are a huge best practice. We get together every year to review the program.

We provide approximately 15,500 families abroad a direct source for a better quality of life, which they would not otherwise have.

I'll just turn it over to Paula Goncalves, and she'll speak briefly on the travel aspect.

• (1515)

Mrs. Paula Goncalves (Administrative Manager, F.A.R.M.S. (Foreign Agricultural Resource Management Services)): Hello, there.

CanAg Travel is actually Canadian Agriculture Travel, and we work closely with the foreign governments and Canadian Farm Business Advisory Services as well. We are, kind of, the end result of everything that takes place on the farms administration part in terms of programming and getting everyone organized. We are basically the end result.

We book the airline seats and we coordinate with the employers to bring these workers from their homes. When they arrive in Ontario, we have people who meet them at the airport, go through Customs and Immigration and get all their documents set straight, and then we also put them on buses to outgoing places from Pearson. That's our main point of entry.

We also have a 24-hour help phone in case there are any issues with the worker, in which they need to be sent home because of an

illness or an unfortunate death in the family. We have staff on call 24/7 to make arrangements for those workers to go home.

Basically, we work closely with farms, in that if we bring in 15,500 workers a year, we make sure we account for 15,500 workers to go home. If they don't go home, we have to report if they're here because of an illness or whatnot. We work closely with the governments to ensure that all workers are accounted for at the end of a year.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Mr. Sy is next.

Mr. Ken Sy (Immigration Specialist, Chinese Community, Abtron Canada Inc.): Thank you, Mr. Chairman and honourable members. Thank you for inviting me today.

My name is Ken Sy. I came to Canada 38 years ago. After graduating from university, I worked for a major bank in Toronto and started my own business in 1980. I've been in the import and export business to and from the Far East, and I have been wholesaling and retailing consumer products in Toronto for the last 20 years.

In 1986 I assisted eight individuals, so-called refugees or illegal aliens, to settle in Toronto. I befriended and kept in close contact with them. As of today, each of them is well established in Toronto or Vancouver. My seafood business in the past 12 years has enabled me to have a vast list of contacts of owners and workers in restaurants and Chinese supermarkets, the areas where most of the undocumented workers work.

There are common themes about undocumented workers. Undocumented workers take jobs from Canadians. That's not true. We all know that undocumented workers do jobs in Canada that no Canadian is willing or able to fill. They either work at low wages and poor working conditions or at construction sites.

Undocumented workers drain the welfare system. That's not true. The feds and the provinces have been downloading social services wherever possible to the cities, and they barely have enough money to assist the neediest. Besides, the undocumented worker would not be eligible for federal and provincial benefits.

Undocumented workers do not pay taxes. That's not true either. While they may not pay income tax, they do pay GST and PST on goods and services. For example, if they own a home, they also pay property tax and then transfer tax.

Enforcement can stop undocumented migration, and granting amnesty to undocumented workers is not fair to those who apply under regular channels. It also further encourages more illegal immigrants to come to Canada. Well, depending on your point of view, this kind of thinking is argumentative. Do we need those workers? Yes, we do. Why bother to send them home?

There's no significant change or process in how law enforcement has been decreasing undocumented migrations. Undocumented workers are driven by economic opportunities. They would not be qualified under current immigration programs, which favour people with professional designations. Changes in immigration and refugee protection acts and their enforcement by Canadian border security have already minimized these problems.

People like to use excuses to distort the truth in ways to feed their purpose, and the bureaucrats prefer to use the use words "fairness" and "privilege" to deflect criticism. We are a nation of immigrants. Immigrants, both documented and undocumented, are hard working. They pay taxes, form strong communities, raise families here, and propel the economic engines and boom. Please ask yourself this. For the past 10 years in Ontario, who has kept the housing boom afloat? The undocumented construction workers.

I have a very simple and workable solution for the committee members to consider: let them stay by granting them a five-year working permit, to be applied for within Canada, subject to being interviewed and passing an oral English test, and to qualify for the renewal of the working permit after the five-year period or applying for landed immigrant status, and they have to pay taxes.

It's time to step back, take a deep breath, and think about how you'd feel if you were in this position. Do they deserve some kind of respect and to be treated in a more humanitarian and compassionate way? Yes, they do.

Thank you very much for your time and consideration.

• (1520)

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much for your presentation.

I'm now going to go to Mr. Karygiannis for five minutes.

Mr. Karygiannis.

Hon. Jim Karygiannis: Thank you.

Mr. Sy, you yourself come from the large Chinese community, and I'm not sure if we're going to have another opportunity to ask this of an individual such as yourself who has worked in the immigration field for a long time. There are proposed changes that are coming, especially Bill C-50, and I was wondering if you'd care to comment on that, please. How do the people of the Chinese community look at the bill and the changes it's bringing forth.

Mr. Ken Sy: Number one, I would say that almost all the Chinese are against Bill C-50. They worry that the minister will have so much power. As far as they are concerned....

Take family sponsorship, for example. On average you have to wait three to five years to get the thing done. As well, for the skilled workers program, or if you apply independently from Beijing, you have to wait at least three to four years.

The biggest problem for them is the family reunion. That's the biggest problem for the Chinese community. They worry that the minister may defer the application and so forth.

Hon. Jim Karygiannis: Thank you.

I'm done, Mr. Chair.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Monsieur St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman. Thank you all for joining us.

For the past week now, we have been consulting with people on the topic of temporary workers and questions about sound labour practices, foreign worker protection and exploitation come up time and time again.

If you were here this morning, you may recall that I inquired about possible ways of better protecting foreign workers who come here and work to build this country while allowing companies to make profits and, as they say, protect their investment. I would like to hear your views on this matter.

When a foreign worker arrives in this country, he is assigned to work for a particular company. He cannot decide to go and work for another company, at least it is very difficult for him to do that. Many groups representing immigrants have encouraged committee members to do away with this restriction and allow workers to change employers if they find their working conditions unsatisfactory.

Conversely, many employers have told us that they must invest money to bring foreign workers to Canada. That money goes to pay a recruiting agency or to cover travel costs. If a worker decides to change employers a few weeks after arriving in the country, the company is then unable to maximize the return on its investment.

Is there some kind of middle ground possible, a solution where an employee could easily change jobs if he is having problems with his employer but where, in such instances, the new employer would cover the costs incurred by the first employer, to avoid any loss? Do you think that this could be one interesting way of protecting workers and a company's profit margin at the same time? Do you feel the committee should put forward this recommendation?

• (1525)

[*English*]

Mr. Ken Sy: As I suggested, basically, at the end of the day, you have to give the workers a future, something to look for. Assuming they work for five years, if they know they can apply as landed immigrants, that would be different. Now they are only under the working permit. They don't know what will happen a year or two down the road. That's why you give employers a chance to abuse the system too. If they knew that definitely, after three or five years, they could apply as landed immigrants, that would be a different story.

So that would be number one: if they abide by all the laws, they can apply as landed immigrants. Number two, regarding changing employers or whatever, that's not a big issue at all. I've come across a few Chinese who are undocumented workers. If they knew....

Well, I'll put it this way: I'm sorry to say that those guys abuse the system. I say that because they know they'll never be able to get permanent resident status. The only way is for them to go through a phony marriage. After you apply for marriage, you can get a working permit and can start working—start working properly, as in you don't need to be paid cash and so forth. They can apply for a social insurance number, work for regular pay, or whatever.

Basically, at the end of the day, for all of those undocumented workers or foreign workers, you have to give them a future, something to look for.

[Translation]

Mr. Thierry St-Cyr: You have provided a much broader answer that I was expecting to get, but I can appreciate the sheer scope of the problem. The committee will need to make some recommendations.

Turning now to the representatives of F.A.R.M.S., I would like to know what they think about the suggestion regarding worker mobility.

[English]

Ms. Susan Williams: With respect to transfers, we do transfer around 2,500 workers a year without a problem. The first employer who brings a worker here pays for the inbound flight. The employer who takes the worker on the second employment contract sends the worker home. It is documented. We have to have an LMO through Service Canada in order to do that, and we know where the worker is. If you were to just allow workers to come in and transfer or go wherever they wanted to go, you wouldn't know where anybody was ever.

• (1530)

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much. That ran over time.

Mr. Komarnicki.

Mr. Ed Komarnicki: I have just a couple of quick questions for Mr. Sy.

Would you agree with me that family reunification sponsorships take far too long in terms of the length of time it takes to get somebody here?

Mr. Ken Sy: Yes, I totally agree with you.

Mr. Ed Komarnicki: And would you agree that we need to find a way to make it quicker and more efficient?

Mr. Ken Sy: Yes, certainly. May I add something? I don't know how the government says it needs more money and also that it needs more manpower. Bear in mind that you charge the people who are going to be landed with what we call a landing fee. If you have 250,000 immigrants, every year you multiply \$500 on average and that will give you \$100-something million. I don't see why you cannot hire more local people, more officers overseas to expedite the whole process.

Mr. Ed Komarnicki: The point of the matter is it's taking too long. Would you agree with that?

Mr. Ken Sy: Yes, I totally agree with that.

Mr. Ed Komarnicki: We need to make some changes.

Mr. Ken Sy: Yes, we certainly do.

Mr. Ed Komarnicki: Thank you.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Go ahead.

Mr. Norman Doyle (St. John's East, CPC): The group just before you made an interesting recommendation that maybe we should have an advocacy office jointly administered by the federal and provincial governments for migrant workers at which they could report abuses, be made aware of their rights, and what have you. Do you have any thoughts on that? Would it be a good thing to do, say here in Ontario, or in Vancouver or in Quebec, where we do have a lot of migrant workers, to have an advocacy office in which they can report abuses and be made aware of their rights and what have you?

Do you have any thoughts on that kind of structure being set up? The question is for anyone at all who might care to make a comment on that.

Ms. Susan Williams: With respect to the seasonal agricultural workers program, I don't necessarily think so, nor would the employers we represent necessarily need it. They do have foreign government liaison officers posted in Canada who represent those workers. They visit them on the farms. If there are issues, they deal with the issues.

As far as the undocumented workers go, I can't speak about them.

Mr. Norman Doyle: Okay. Thank you.

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

One of the things I want to underline is that one of the reasons we are having trouble processing people is that the Liberal government at the end put in \$700 million to process people, and that was to be over five years, which came to \$140 million a year. Unfortunately, that money was withdrawn by this government. That is on the record from when we went through questioning the officials.

I very much agree with you, Mr. Sy, that we have to come to some kind of resolution on the undocumented workers. There was a program of regularization put in place, which was about to be introduced, and this government got rid of it, which is really tragic because we have all those undocumented people who can be taken advantage of. They operate outside of the economy. You suggested that they be given a permit, as long as they do their English and everything else, that we should find a way to regularize them.

Anyway, I want to thank this panel for coming and making your presentations.

Now we're going to make way for the next panel, which is Mr. Lambrinos. We're going to hear from him.

Thank you.

• _____ (Pause) _____

•

• (1540)

The Vice-Chair (Hon. Andrew Telegdi): We're going to reconvene.

We're going to listen to Mr. Lambrinos, who's with the adult entertainment industry.

Sir, you have seven minutes.

Mr. Tim Lambrinos (Executive Director, Adult Entertainment Association of Canada): Thank you, Mr. Chairman.

[Translation]

Thank you very much for giving me this opportunity to make a presentation today to the committee. I would like to welcome Quebec MPs Mr. Carrier and Mr. St-Cyr to the province of Ontario.

[English]

I want to ensure that we understand there's an expectation to provide some further information. I also want to take the opportunity today to provide some information about the industry.

The industry is the Adult Entertainment Association of Canada. It's an organization of industry stakeholders I helped develop a number of years ago to work on self-regulatory practices in the industry so the industry can work with government.

We've established an immigration subcommittee. It's a subcommittee of the board of directors that reports back to the board to improve facets for temporary foreign workers, and we've had discussions with various levels of government.

Citizenship and Immigration Canada is already aware that they need to improve the current program. They've spoken to the committee. HRSDC is aware that they need to enhance employer monitoring and compliance with employers, but everybody needs the tools and mandate to execute it.

As we've heard from other witnesses today, we're suggesting business partnering initiatives about what to do with LMOs and how to find new employers. You need to work together with the business associations, to be involved with government, because HRSDC doesn't work in the field. Most importantly, we need to implement preventive measures rather than strictly enforcement.

The departments have said to us that they have a number of reasons why they can't do anything: there are difficulties, it's out of their mandate, there are technicalities, etc. What we think should be done, not just for our industry but for others, is that the government should focus on encouraging legal movement.

One of the problems is that the current government department structure is uncompromising. The three departments work on their own mandate. We're recommending to the committee that there be a quarterback; somebody should be at the helm. In World War II, Dwight Eisenhower was appointed. If you want to be effective, you need to come to the realization that there needs to be a quarterback.

[Translation]

I believe in French the reference would be to a "capitaine de bateau".

[English]

The government has said the pressure is likely to grow. They've already said the number is expected to increase by 25% in all aspects. We feel they should be more responsive to Canadian employers. The government estimates anywhere from 80,000 to 150,000 immigrants will be undocumented, which means quite clearly that on average one in two foreigners coming in is illegal.

Everybody here is aware of the current process. HRSDC does the first review. They review, confirm, and verify an employer's status. Then it goes to CIC for formal approval. As everybody on the committee is aware, in 2006 we found that HRSDC approved 163,000, but when you look at CIC, only 113,000 were approved, meaning there's a 29% rejection rate. A significant number of people in Canada know there's a job waiting for them. HRSDC has already said they're fine with these employers, but CIC is rejecting them. We think the emphasis should be on trying to minimize the amount of illegal activity.

When we look at our industry compared to the national average, HRSDC has a 93% acceptance rate for Adult Entertainment Association members. The average is 80% across Canada for all industries. When we went to CIC, the rejection rate was 29%, so that would be a 71% acceptance rate, but we're at a 93% rejection rate. It's clear there are messages, and in this committee we understand the reason. Unofficial measures have already been taken to ensure few exotic dance visas are going to be accepted at embassies, and this is what we think we should be working to prevent.

CBSA comes into play here because they're given a mandate to deport those who are at risk. They've already told us 4,000 criminals are waiting to be deported. They prioritized the risk of what they have to do, and we know what that is.

What we want to do as an industry, Mr. Chairman, is provide educational awareness materials. We have this in five different languages and not just three: the government offers English, French, and Spanish.

• (1545)

The Vice-Chair (Hon. Andrew Telegdi): You have two minutes.

Mr. Tim Lambrinos: Okay. I'm trying.

We're doing facility workspace checks and verifications with our industry. It's part of our mandate to ensure that all adult entertainment clubs working within the realm of the adult entertainment association are going to be given protections.

We have also been able to work together with municipal governments in establishing liaison officers with police services boards to ensure that there's going to be a coordinated educational aspect about working on prevention in the industry.

The problem that we see as an industry, as Mr. Linklater has reported to this committee, is that they don't have any evidence backing up why they're creating a solution for this industry. They created a solution, saying, "This is what we want to do against this industry." What is the evidence? "Well, we haven't gotten to that point yet." That's not the way things work. Usually what happens is you identify a problem and then you create a solution based on the problem, not the opposite way around.

The other thing I want to add is that we already have a 1-800 number established to ensure there's a confidential line where women who are working in the industry can report abuses and problems within the industry, and none of those problems has existed or come forward on our 1-800 line.

We also conducted a series of public meetings in Canada, in Ontario, throughout August, and just to summarize, what we heard from the women in the industry was not that they were being exploited or abused, and so on. We heard that they were hard-working, law-abiding, and taxpaying, that they were providing fundamental financial support to families abroad, and that entertainers had selected to come to work in Canada primarily because Canada has a superior reputation internationally.

Lastly, the experts have told us that this will create an underground, illegal network. What we're recommending is that you disallow agents, third-party contractors. That should not be permitted. We're recommending that you allow education for prospective workers; allow a re-entry visa, as we heard from the university professor; and also allow a new employer potential, which we've heard from other industries as well. We feel they should be working together with industry associations.

Solutions can be simple. What we need to do as a group, together, is to involve a quarterback attitude but discourage the creation of illegal paths.

I just want to point out my last line. The expectation is that we would come back in Ottawa with some more information.

The Vice-Chair (Hon. Andrew Telegdi): Okay. Thank you.

You were 30 seconds over, but that's fine.

Mr. Karygiannis.

Hon. Jim Karygiannis: Thank you, Mr. Chair.

I want to thank Mr. Lambrinos for being here. Certainly his presentation spoke for itself. I have no questions.

The Vice-Chair (Hon. Andrew Telegdi): Monsieur St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman.

Thank you for your presentation, Mr. Lambrinos.

Many employers have made presentations to the committee on temporary foreign workers. The initial aim of the program was to address the shortage of labour. In the case of skilled workers, it is clear that there are simply not enough workers with the skills needed to fill certain positions.

Unskilled workers make up a second category of workers. They really do not require special training to hold down a job. This area of employment has grown in recent years, particularly in Western Canada where the economy and the oil industry have been booming. It is even hard to find people to serve coffee at Tim Hortons. That is what employers told us. They have to bring in foreign workers.

In your particular industry, that is the adult tourism or entertainment industry, as you call it, where do things stand in terms of the need for foreign workers?

Mr. Tim Lambrinos: I would like to answer that question in English, Mr. St-Cyr.

[*English*]

What we have determined is that 40% of the industry in Ontario has a need to apply for foreign workers. Part of the basis has been

that there are stigmas. It's not throughout all of Canada, as you're probably aware. There are certain social stigmas associated with being identified. There are certain privacies that entertainers need.

The word "exotic" traditionally means foreign, so traditionally it has been a venue for foreign workers, foreign dancers, for example. But it's not all of the clubs and it's not all of the demand. It's based on supply and demand, and there are certain venues where there's a demand to have entertainment, but one of the perceived problems is that the industry workforce works on what's called an "independent contractor" basis, and they go to where it's busy, like entertainment does. They work the circuit; they move to where it's busy.

So these establishments are there to be set up for businesses. There is an apparent demand. Quite frankly, I've found that if you're not serving that demand, ultimately what happens is the demand gets steered into more unregulated and uncontrolled activities.

• (1550)

[*Translation*]

Mr. Thierry St-Cyr: Do the establishments that are part of your industry hire illegal or undocumented workers?

[*English*]

Mr. Tim Lambrinos: We would say there aren't, but in looking at the numbers, the likelihood is yes. How they're there, I don't know: whether it's through fake identifications, whether it's through some type of network.... We're doing all we can to minimize it.

What we'd like to say, though, is that the government should also ensure that the workforce is going to be there as unskilled workers, to prevent there being pressure steering workers into the unregulated area.

A number of our recommendations, Monsieur St-Cyr, talked about deleting agents, the third-party contractors, because that is a problem that has been identified by two media reports. Their agents were directing women not only into clubs but into illegal prostitution rings. They were being brought over on the exotic dance visa, and now they're doing other visas—modelling, and things like that.

So what we say, Monsieur St-Cyr, is that quite frankly there probably are. How many? I don't know, particularly, in our clubs. I know that since we have a 93% acceptance ratio from HRSDC, it's probably minimal. We don't want to have the clubs in our association being pressured to then work with illegal workers.

But there's no question, they're throughout Canada.

[*Translation*]

Mr. Thierry St-Cyr: I see. Thank you.

[*English*]

The Vice-Chair (Hon. Andrew Telegdi): Thank you very much.

Mr. Komarnicki.

Mr. Ed Komarnicki: I have no questions.

The Vice-Chair (Hon. Andrew Telegdi): Okay.

Ms. Grewal?

Well, I thank you very much for your presentation.

Just before we adjourn, I'd like to inform the committee that today at 3 o'clock we had a minute of silence in the House regarding the passing of our latest soldier in Afghanistan, so I pass that on to you.

An hon. member: Could we do the same?

The Vice-Chair (Hon. Andrew Telegdi): We certainly could.

Is it okay with all members of the committee that we observe a moment of silence?

Some hon. members: Agreed.

[A moment of silence observed]

The Vice-Chair (Hon. Andrew Telegdi): Thank you.

I wonder, before we close off, whether we could have a motion to thank the City of Waterloo for its hospitality in making its facilities available to us.

Hon. Jim Karygiannis: I so move.

(Motion agreed to)

The Vice-Chair (Hon. Andrew Telegdi): Thank you. We've made it unanimous.

That ends the hearings. The meeting is adjourned.

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