POLICIES CONCERNING TEMPORARY MIGRANT WORKERS IN CANADA AND QUEBEC

THE END OF THE STATUS QUO?

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There is a consensus among academic researchers and migrant workers' rights organizations that current programs do not protect the fundamental rights of temporary workers who are subject to rules and restrictions that no other legal workers in the country are subject to. These include the obligation to work for only one employer in the case of persons with a closed work permit, lack of access to permanent residence and family reunification, and lack of recourse in the case of a removal decision.

However, significant changes were announced in 2018 and 2019 at both the provincial and federal levels. After years of the status quo, are we witnessing an opening to overcome these many well-documented problems? Here are some examples of these new developments from a policy perspective:

- Since 2018, Quebec has created an option for all temporary workers, regardless of their level of qualification, to apply for permanent residence under the Quebec Experience Program (QEP), which was not the case before, as this privilege was granted only to persons with a high level of qualification. There are three conditions to access this program: be legally in Quebec as a temporary foreign worker or as part of a youth exchange program (for example, a Working Holiday or Young Professional permit); have held a full-time job for at least 12 of the 24 months preceding the submission of your application and still hold the same job when you apply; and demonstrate a knowledge of advanced intermediate level oral French. However, learning French at the required level rests entirely on the shoulders of the workers themselves, who do not have access to francization. Take the example of temporary workers working in restaurant kitchens and working long hours at low wages: learning French at the required level can be a difficult undertaking. In addition, very few institutions provide access to their French courses to people with a temporary status.

- In June 2019, the federal government launched the "Pilot Program for Caregivers in the Home and Pilot Program for Live-in Caregivers", which provides an open work permit (allowing you to change employers) and to accompany close family members, who are entitled to a work or study permit. In addition, permanent residence may be granted after two years with temporary status. These changes will also result in tighter selection criteria so that only those who meet the requirements for permanent residence are selected. This program thus becomes more selective at the grassroots level and institutionalizes the granting of permanent residence preceded by a mandatory period as a temporary resident.

- The federal government launched a pilot project to expand its immigration services to temporary workers in British Columbia in 2019. The initiative has been a success and there is talk of expanding it to other

provinces. In Quebec, the latest provincial plan "Réussir l'intégration" of 2019–2020 provides for a certain extension of immigration services to temporary resident workers authorized to apply for permanent residence.

- In June 2019, the federal government introduced vulnerable workers regulations that give people who are victims of violence in the course of their employment in Canada or who are at risk of violence and who have a work permit requiring them to work for only one employer, to obtain an open work permit. The concept of violence covered by this regulation includes "physical violence, including assault and unlawful confinement; sexual violence, including sexual interference without consent; psychological violence, including threats and intimidation; and financial exploitation, including fraud and extortion." (www.canada.ca/fr/immigration-refugies-citoyennete/organisation/publications-guides/bulletins-guides-operationnels/residents-temporaires/travailleurs-etrangers/travailleurs-vulnerables.html#preuves_de_violence). The worker has the responsibility to provide evidence of his or her vulnerability. The applicability of this regulation and the number of cases received and permits granted will be interesting to monitor.

- In June 2019, a proposal to create work permits for specific occupations under the Foreign Worker Program was announced on the Canada Gazette website. The purpose of this permit is to increase the mobility of temporary foreign workers who could leave an employer to take the same job with another employer. However, this labour market mobility must take place exclusively between employers already authorized to employ temporary workers and have vacant posts that have previously been approved by a Labour Market Impact Assessment (LMIA). This stipulation in the proposed regulatory change could significantly limit the applicability and usefulness of this new type of licence.

- Finally, in September 2019, the federal government announced a pilot program to provide access to permanent residence for temporary workers in the agri-food sector in order to retain the workforce in Canada over the long-term. This programme should be implemented in 2020.

These initiatives bode well and are to be welcomed, but their implementation and ability to improve the protection of the fundamental rights of people working in Canada and Quebec with a temporary resident permit remain to be assessed. At the same time, employers continue to press governments to expand opportunities for temporary workers given the scarcity of labour in some employment sectors and to fill low-income jobs, particularly in the health, agriculture, hotel and restaurant sectors. The new task of researchers and rights protection organizations is to ensure vigilance in the implementation of these policies and to contribute to educating the general public about the fundamental rights violations faced by these workers. The new measures put in place suggest a willingness to change and finally, the end of the status quo.