

THE EIGHT MONTHS I SPENT THERE  
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 —AMY, TEMPORARY FOREIGN WORKER

# WORKERS WITHOUT BORDERS

Canada's temporary foreign workers program is in crisis. In the third of a six-part investigation, **Alia Dharssi** delves into the murky world of people who recruit them.

After having a baby, Amy wanted to buy a home for her family in northeast China, but she figured the only way she could afford that was to move to Canada to work as a temporary foreign worker.

She expected to earn almost \$9,000, far more than she could have made at her job at an engine factory in China.

Amy paid \$2,000 to an agency before flying to Canada, knowing she wouldn't see her baby for months.

"I felt uncomfortable in my heart," Amy, a petite woman, said through a translator.

Today, more than a year after landing in Canada, Amy, whose name has been changed for her protection, has not returned home.

Instead, she is filing an application to stay in Canada on humanitarian grounds. She is scared to return home after raising the alarm about her Chinese recruitment company.

Amy's story provides a glimpse into the murky dealings that characterize the way many low-paid temporary foreign workers have come to Canada since 2002, when a new stream was created for low-skilled workers.

The issue was flagged by a parliamentary committee that released a review of the Temporary Foreign Worker Program on Monday.

In spite of a series of monitoring and enforcement measures, "migrant workers continue to be at risk of arriving in Canada to find no job and are often indebted to recruiters," it said.

Chances are the migrant workers building condos in Vancouver, cleaning hotel rooms in Alberta or picking tomatoes in Ontario greenhouses paid fees to come to Canada and work in their low-paying jobs.

Some workers are further abused by recruiters who control their money, housing and movements.

Those who escape, like Amy, may wind up in Canada's underground economy.

During an interview in Toronto, Amy said the company that brought her and a few dozen other Chinese to work in the food industry confiscated their passports and bank cards.

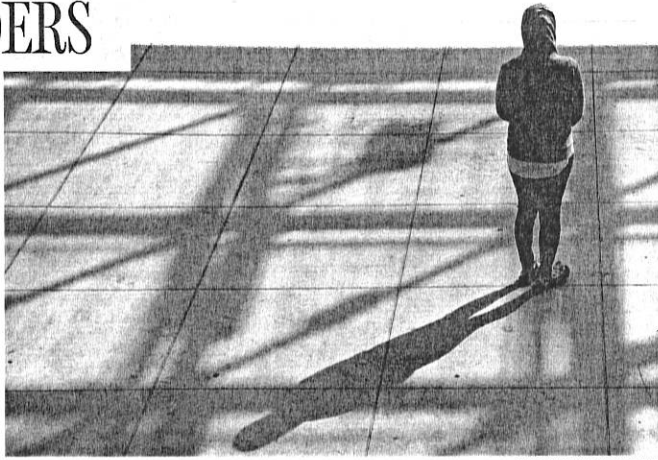
None of the workers spoke English, so a representative of the agency acted as an intermediary between the workers and management.

"The eight months I spent there was like being in the jail," Amy said. "I did not have freedom to go outside."

She worked 12-hour shifts six days per week and, on their day off, she and the other Chinese workers went to a field to dig up plants to supplement their diet of preserved vegetables from China, according to Amy's affidavit.

At the six-month mark, Amy said she'd been paid only \$400 and grew anxious, even though the recruiter promised to pay her and the other workers once they returned to China.

By the end of last year, the owners of the factory discovered what was happening and hired a translator to speak directly to the workers. The recruiter was forced to return the workers' passports before they returned home.



LAURA PEDERSEN / NATIONAL POST

The story of Amy, a mother from China who has asked to remain anonymous, provides a glimpse into how many temporary foreign workers in Canada have been abused by recruiters who control their money and movements.

PART 3 OF 6

## EXPLOITING the workers

In her affidavit, Amy said some of her co-workers disappeared after they returned to China. "I hope I can stay in Canada so that my safety can be protected," she said.

Not all recruiters are involved in questionable dealings.

It is legal for employment agencies and immigration consultants to charge employers to find foreign workers.

But enough operate outside of the law that it's commonplace for low-skilled migrant workers to pay high fees to come to Canada, even though they are illegal in most provinces.

Canadian employers have also been involved in such dealings, skirting Temporary Foreign Worker Program rules that require them to pay for workers' airfare and other costs.

"Quite frankly, I'm not sure I know the definition of the scope of the problem," said federal Labour Minister MaryAnn Mihychuk. "I've heard of amounts of up to \$10,000 for a position, for a low-wage job in Canada."

Eighteen of 33 migrant workers from developing countries who were interviewed about recruitment for this investigation paid between \$2,000 and \$10,000 for their jobs in Canada to work in seafood processing, greenhouses, on chicken farms, as nannies and in other low-paying jobs.

For example, a 30-year-old Bangladeshi man living in Calgary said he paid a Canadian recruiter \$10,000, his savings from working as a waiter in Dubai, to secure a job at an Alberta gas station in 2013.

Many workers see the fees as the price of admission to Canada.

But this global industry is rampant with exploitation by unscrupulous agents who charge fees as high as US\$15,000 for placing migrants in jobs dramatically different from what was promised or don't exist, said a 2015 United Nations report.

For jobs in Canada, workers typically pay fees worth up to two years of their earnings in their home countries,

according to estimates by Toronto lawyer Fay Faraday, who interviewed more than 200 temporary foreign workers for a 2014 report.

Migrant workers often take loans with steep interest rates, putting their houses up for collateral, or use their family's savings to scrape together money to come to Canada.

In return, recruiters promise unrealistic salaries, provide false information about opportunities for permanent residency and lie about working conditions, among other ploys, migrant advocates say.

In one of several cases coming to light, an Edmonton woman who came to Canada as a caregiver in 1998, was sent to jail in May for exploiting temporary foreign workers. Between 2006 and 2010, she hired dozens of foreign workers from the Philippines, charged some of them fees for work permits, forced them to work overtime in her restaurants and janitorial business, and paid less than minimum wage.

The threshold for becoming a recruiter is "really low," Faraday added. "All you need is a cellphone, a Rolodex and a bit of charm."

The government doesn't know how big this problem is, but investigating fraud related to the Temporary Foreign Worker Program is a priority for the Canada Border Services Agency. It receives tips about TFWP fraud weekly, said Dan Davidson, a regional program manager with CBSA

in the Prairies.

Critics say the structure of the program is to blame for creating a widespread recruitment problem in Canada.

Until the program peaked in 2014, when the Conservative government instituted further restrictions, there was steady growth of third-party for-profit recruiters, Faraday said.

"The difficulty is that those recruiters are not subject to oversight and licensing and regulation in a way that ensures that they are not exploiting workers."

For employers, the world of recruitment is tricky to navigate. Even if everything seems above board, their workers may still have paid fees.

Jim Suydam, general manager for All Seasons Mushrooms Inc. in Airdrie, Alta., avoids recruiters altogether. Instead, he asks his migrant workers to recommend friends and family.

Church in Toronto.

"We tell them to make sure they always have a Xerox of their documents in case their passport is taken or stolen," said Jeanette Rosales, the church's co-ordinator of the social ministry.

Shady recruiters target women like Elma, a single mother in her mid-30s who lives in Toronto. Her name has been changed at her request because she is worried her story will jeopardize her permanent residency application.

After being offered a job as a live-in caregiver in Canada in 2012, Elma was thrilled even though she had to pay a fee of about \$4,500.

She was fired after working overtime for seven days in a row and paid just \$100 at the end of the week, she said.

Under the rules of the Live-in Caregiver Program, Elma could stay in the country and look for another job. But it took her a year to find a new family to sponsor her and an additional six months for her papers to come through.

While waiting, Elma worked illegally in Montreal, Saskatoon and Toronto, so she could remit money to her three children in the Philippines.

Twice, she stayed with families and cared for their children at rates below minimum wage because they promised they would sponsor her, she said. They never did.

Robin Seligman, an immigration lawyer who has dealt with cases like Elma's, says the government's policy doesn't make sense and puts caregivers in a precarious situation.

"What live-in caregiver is going to sit around for six to eight months not working and what employer is going to wait?" she said.

This conundrum is one of several regulations and policies related to the TFWP that concerned groups say pushes temporary foreign workers to work under the table or makes them hesitant to stand up to abuse.

"They have been taught by traffickers, most of the time, that if they say anything to authorities or to anyone else

outside of their ring, they're probably going to be arrested and they will no longer be able to go back to their countries and see their families," said Victor De Moura, an investigator with the RCMP in Montreal.

The Temporary Foreign Worker Program requires employers to pay for recruitment costs and workers' airfares, but regulation of recruitment fees and recruiters fall under provincial jurisdiction.

The parliamentary review of the TFWP released Monday highlighted this issue, in addition to providing recommendations that call on Economic and Social Development Canada to work with the provinces, territories and other stakeholders to create an accreditation system for recruiters.

Currently, worker protection varies across Canada.

Part of the problem is a lack of monitoring. Only eight on-site inspections were initiated out of a total of 5,907 employers reviewed by Economic and Social Development Canada from 2013 to 2015.

But it is the responsibility of the provinces to ensure their labour codes are followed, said Mihychuk.

"They are looking for the federal government to have a role because it is a program we administer, but, on the labour front, they have inspectors," she explained.

"So we are working with jurisdictions to try and work out some of these issues, but clearly we have to have more on-the-ground inspection."

In Manitoba, shady recruiters caught the attention of officials after an influx of migrant workers in 2008, said Jay Short, manager for special investigations for the provincial government. Suddenly, they started hearing alarming stories of workers who had paid thousands for jobs.

Even though many of the payments take place abroad, Manitoba has cracked down so effectively on recruiters that its policies have been recognized internationally.

In addition to making recruitment fees illegal, the province checks up on employers and developed a licensing system for recruiters that requires them to pay a \$10,000 bond that can be used to reimburse workers for any recruitment fees they might pay.

Saskatchewan and Nova Scotia have followed Manitoba's lead with similar models. Other provinces, with the exception of Quebec, Newfoundland and Labrador, and Prince Edward Island, have also passed laws against recruitment fees.

In Ontario, charging recruitment fees to all migrant workers became illegal in November 2015, though it has been against the rules to charge caregivers since 2010.

Even so, a survey of 132 caregivers by the Caregivers' Action Centre and Parkdale Community Legal Services in Toronto found that two-thirds had paid fees averaging \$3,275 after Ontario prohibited them.

About one year after Amy first arrived in Canada, one of her co-workers said the same Chinese recruitment agency returned to Canada to supply workers to another company.

Amy grows restless when she thinks about it.

"I want the recruitment agency to be eliminated completely," she said.

Join the conversation on Twitter: #workerswithoutborders alia.dharssi@gmail.com

This year-long project is a result of the annual Michelle Lang Fellowship program in memory of the Calgary Herald reporter killed while covering the conflict in Afghanistan.



LYER ASPINALL / POSTMEDIA NETWORK

Instead of using recruiting firms, Jim Suydam, manager at All Seasons Mushrooms Inc. in Airdrie, Alta., asks his migrant workers to recommend friends and family.