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• (1535)

[English]

The Chair (Mr. Sukh Dhaliwal (Surrey—Newton, Lib.)): We have a quorum, so I am going to call the meeting to order.

Welcome to meeting number 84 of the House of Commons Standing Committee on Citizenship and Immigration.

In this first hour, we are continuing our study of closed work permits and temporary foreign workers.

Go ahead, Mr. Redekopp.

Mr. Brad Redekopp (Saskatoon West, CPC): Thank you, Mr. Chair.

Before we get going, I want to ask a quick question.

We have three motions on the floor, which have been approved by the committee, to have the minister come. I see that he is coming on one of those days, so that's a good thing, but he still hasn't given us a date for the other two. Can you advise us whether he's given us a date, or what the status of that is?

The Chair: Thank you for your question, Mr. Redekopp.

As usual, our clerk is working very hard to secure the minister. We as a committee, and I as chair, do not control his schedule, and neither does the clerk. I can tell you that every effort is being made for him to come to this committee. He's been here twice already, and he has already committed to us on December 5. We will make sure we continue to do our part as chair and clerk of the committee. Rest assured this will happen.

In fact, we were also able to secure the UN rapporteur for December 7. If we take those two dates into consideration, we only have two meetings left. I'm not sure whether the minister is available, but we will certainly send a request and make every effort to ask him to come to this meeting.

Mr. Brad Redekopp: Has he given any indication about those last two meetings to you or the clerk?

The Chair: Right now, the only thing confirmed is December 5, which has to do with the supplementary estimates. Rest assured that, as chair, I will request that our clerk make every effort. He's doing a great job as clerk, so I commend him. He's very non-partisan, as you know, so he will make every effort to work on our behalf.

Thank you.

Now, on behalf of the committee, as chair, I would like to welcome the following witnesses. We have Madame Gagnon physically present with us here. Mr. Borja Torres is also here in the room. I also welcome Mr. Chambers online.

With that, I will open the floor to Mr. Borja Torres for five minutes, and then Madame Gagnon.

Mr. Borja Torres, go ahead, please, with your opening statement for five minutes.

Mr. Fernando Borja Torres (Director General, Fondation des entreprises en recrutement de main-d'oeuvre agricole étrangère): Thank you.

Good afternoon. Thank you for the opportunity to present the position of FERME on closed work permits.

I think the work permits work. There isn't a problem with the work permits. I think that what makes a lot of headlines is the lack of a pathway for temporary foreign workers, especially in agriculture or in low-wage sectors, to have access to permanent residency. I think that's where a lot of the problems are in the news. As I mentioned in my notes, a lot of the workers we bring to Quebec to the farms come for temporary periods. The average is about 22 weeks. That's the need of the employers in agricultural farms. It's a very specific time that they require the workers for.

These workers help so that thousands of families can have fresh produce of good quality in their houses. Thousands of companies, of farms, are able to continue producing in and developing the rural areas of Quebec. It also helps thousands of workers and their families improve their livelihoods in their countries.

In FERME, we try to bring in workers for an average of eight months and have recurring workers for companies that require workers for a year or two years. We prefer to have them come for eight months and then have rotations of workers. The main reason the workers come to Canada is to improve the livelihoods of their families. The workers are away from their households for many months over many years. We don't think it's a good way to help the workers or their families. I think eight months should be enough. That's why temporary work permits work for us.

In the sense that the closed work permits force our workers to stay at the farms, I think the government has already put in place mechanisms to help these workers who find themselves in a bad situation to change an employer now, with the new open work permit for vulnerable workers. Also, in the SAWP program, there is the possibility that if the government agent feels that the employee is not in a good position, they could request that Service Canada make a change for the worker. I think there are options for the workers to be in a better position if they need to be.

Also, there's something that wasn't discussed. In the case where there is a closed work permit for a specific sector, if an employee comes to Quebec and then decides he doesn't want to stay at the farm, how will he be able to change? How will the employer, who pays the plane ticket to bring him over, be reimbursed? Is he going to be reimbursed? Can anybody just decide that maybe the next farm is going to give him a dollar more and that's a sufficient reason to change employers? Those things need to be considered if we're going to move forward into an open work permit on a sectoral basis.

Thank you very much.

• (1540)

The Chair: Thank you, Mr. Borja. That was three and a half minutes.

Now we will go to Madame Gagnon.

Madame Gagnon, you have five minutes for your opening statement.

[*Translation*]

Ms. Denise Gagnon (Vice-President, Board of Directors, Réseau d'aide aux travailleuses et travailleurs migrants agricoles du Québec): Thank you, Mr. Chair.

Thank you for welcoming the Réseau d'aide aux travailleuses et travailleurs migrants agricoles du Québec, or RATTMAQ. I apologize for my colleague, who should be arriving shortly. He left Sherbrooke, where he had another activity, this morning. This is our peak season, when we support workers who are returning to their homes.

RATTMAQ is a network of various associations in several regions of Quebec. They include human rights, pastoral and parish organizations that have joined our network to support workers and advocate for their rights. We are a registered non-profit, an independent human rights organization funded by Quebec's Ministère de l'Immigration, de la Francisation et de l'Intégration.

We unfortunately did not have the time to prepare a summary or notes, but we will be submitting a brief to you in the next few weeks. It will be a summary of the briefs that we have submitted to the Quebec government on immigration planning in which we address the specific issue of temporary foreign workers and, more specifically, the closed work permits issue.

As noted by the representative of Fondation des entreprises en recrutement de main-d'œuvre agricole étrangère, or FERME, closed work permits are a problem for access to permanent residence for the people we represent. Like Tomoya Obokata, the UN special

rapporteur, we believe it creates a serious human rights problem. Some rights are recognized in our charters, acts and even the trade agreements that Canada has signed, particularly with Mexico. Foreign workers unfortunately live with a sword of Damocles over their heads, since their employer alone can decide at any moment to send them back to their country. This raises a human rights issue because workers cannot defend their rights in these circumstances.

In Quebec, we are also studying a sectoral work permit together with the minister. We haven't taken a firm position on the issue, but we would not want major employer conglomerates to control this issue or for there to be no equivalent for the defence of human rights. Not all employers mistreat their employees, but some cases have made the headlines in Quebec. This is serious. Problematic cases must absolutely be eliminated. Furthermore, the Union des producteurs agricoles in Quebec acknowledges that, if we pay attention to these cases and resolve them, that will encourage better competition in the market for farmers and producers in the food processing industry.

Our services are entirely free of charge. We are funded by civil society and Quebec's Ministère de l'Immigration, de la Francisation et de l'Intégration.

Economically speaking, we agree that we must promote access to permanent residence and even citizenship, given that these workers are already in our regions and that the fact that we have people in the regions is already a challenge for us in Quebec. These workers are already in the regions and have learned French. Not all of them are here for only eight months. Some have been here for many years and have not seen their families or watched their children grow up. We think this system must be reviewed in order to facilitate both the situation of workers and that of agricultural producers, who are currently suffering.

Our watchword is obviously respect for decent work. According to the International Labour Organisation, decent work is based on four pillars. First, international standards must apply, including the right of association, which has also been limited in Quebec in recent years. Second, there has to be access to social protection, such as insurance plans. However, access to employment insurance is very complicated for the people we represent. The other two pillars of decent work are non-discrimination and social dialogue.

If we fail to introduce mechanisms for exercising the right to collective labour relations, we will keep going round in circles because individual workers are unable to defend themselves. If everything was going well, RATTMAQ would not exist. We currently support and represent some 20,000 workers in all phases of their process of entering Quebec society.

My colleague Michel Pilon has just arrived. He is responsible for legal issues brought before the Commission des normes, de l'équité, de la santé et de la sécurité du travail and other bodies.

I believe I have used up the five minutes that were available to me.

We will now be pleased to answer your questions.

• (1545)

[English]

The Chair: Thank you, Madame Gagnon.

On behalf of the committee, I would like to welcome Mr. Michel Pilon. I know there was traffic on the way. Welcome to the committee meeting.

Now we will go virtually to Mr. Chambers.

Mr. Chambers, you have five minutes for your opening statement.

Mr. Mark Chambers (Vice-President, Canadian Pork Production, Sunterra Farms): Thank you, Mr. Chairman. Thanks for giving me the opportunity to speak today on the subject of closed work permits.

My name is Mark Chambers. I'm the VP of Canadian pork production for Sunterra Farms. Sunterra is a value-added food production company based in Alberta. We have primary agriculture production with grain, hogs, pork processing, a salami plant, and a greenhouse division producing strawberries and tomatoes. We also have a retail division in stores in Calgary, Red Deer and Edmonton, providing groceries to Alberta consumers.

Like many other businesses in Canada, Sunterra has been using the temporary foreign worker program for many years with great success. Most of the program for us has been used for closed work permits under the temporary foreign worker program, LMIA-dependent permits. It has enabled us to continue our operation with success, just as many other businesses in Canada have, especially in tight labour markets.

At Sunterra, we've used the program as a stepping stone for year-round employees to transition to becoming permanent residents of Canada. As an employer, we provide guidance and help in accessing the different PR streams while the employees continue to work. On many occasions, when a temporary foreign worker arrives in a rural community, they transition to a PR. Then they bring their family and stay in that rural community. That's been a real pillar for us.

This program has been a cornerstone in maintaining the balance of labour markets and safeguarding the interests of Canadians as well. It's especially true for agricultural and agri-food businesses. They are located in rural parts of Canada. We know that we have rural depopulation occurring in Canada, so recruiting Canadians to fill vacant positions can be very difficult.

While this program has been good for our business, it doesn't come without its costs and challenges, because four arms of the government are involved in facilitating this program—ESDC, Service Canada, IRCC and CBSA. As you can imagine, having all four departments work in sync can be a bit of a challenge. Very often, changes occur to the program—it's a very fluid program—and they're not always positive for users of the program. I do understand that at times the temporary foreign worker program is a little bit of a hot potato, but today they have introduced newer rules with

ongoing inspections and unannounced inspections to ensure that the program is delivering the requirements to the employees who are using the program.

The program has made some great progress in reducing the time it takes to obtain an LMIA, a labour market impact assessment. That's through ESDC and Service Canada's efforts. They've done a great job of that. There's still a challenge on the side of IRCC on the time it takes to process work permits. Even within Canada, it can take up to four and a half months. From overseas and different countries, it can take even six or nine months to process a work permit. I think Fernando touched on this.

One misconception of closed work permits is that the employee is tied to an employer. While that may be true, it is not permanently true. If a temporary foreign worker does want to leave their current employer, they can apply to another producer or employer who has an LMIA or who can obtain an LMIA. They can submit an application online. Within about 10 days, they can start working for that new employer. That process was introduced through COVID. It was a very positive step and continues to be a very positive step.

Closed work permits do offer a sense of job security for the workers, as there is a contractual agreement between the employee and the employer. It states the agreed-upon hours, rates of pay, accommodation, travel and things like that.

There are some costs and nuances to the program. One in particular today is housing. We spent a lot of time with ESDC discussing this, because currently under the agriculture stream you can charge only \$30 a week for on-site housing, even if the employee lives in a three-bedroom farmhouse alone. The little nuance is that if that employee chooses to move to town on their own behalf, that house must remain open in case they want to move back. If the employer needs to hire another temporary foreign worker, he then has to rent another house. I'm sure, as we know today, rent is not \$30 per week. We've been continuing to converse with ESDC on that, but thus far we haven't reached any common ground.

One of the other things we've talked about many times with ESDC and Service Canada is having a stand-alone agricultural and agri-food program outside the temporary foreign worker program. These jobs are proven to be continually in demand and difficult to attract Canadians to, with the amount of recruiting we do. If we could have a stand-alone program outside the temporary foreign worker program, it would seem to make sense. It might reduce some of the challenges from the public, being that it's such a political hot potato.

• (1550)

In conclusion of my opening statement here, I think closed work permits are good for balancing the needs of workers and Canadians to ensure that there's a "Canadians come first" approach to the workforce. It also aids in getting workers to rural Canada, to the in-demand jobs that are needed there. Year-round employees have the opportunity to apply for permanent residency, and many of them stay with their families in the rural locations, which is very helpful for Canada, with the rural depopulation that's going on. At the time when they become a PR, their family members arrive and some of those family members also work in the rural workplaces, which also increases the workforce.

Immigration has been the backbone of Canada and continues to be part of our prosperity, so we need to ensure that we have immigration for rural Canada—

The Chair: Mr. Chambers, your time was pretty well up a minute ago.

Before I go to the honourable members—as committee members, we're doing really well—I'll just say that moving forward, if you can mention whether your question is for Mr. Borja, Madame Gagnon, Mr. Pilon or Mr. Chambers, that will help.

With this, the first speaker on my list is my dear friend Larry Maguire.

Mr. Maguire, you have six minutes, and then we will go to Ms. Kayabaga after this.

Mr. Larry Maguire (Brandon—Souris, CPC): Thank you, Mr. Chair.

Thank you to all of the witnesses today, and Mr. Pilon as well for being here. I have some questions that I would like to touch on. First of all, I will go to Mr. Chambers.

Are you aware of any farmers who have asked the minister to introduce open work permits?

Mr. Mark Chambers: I am not.

Mr. Larry Maguire: Are you aware if the Liberal government has asked any farmers their thoughts on introducing open work permits?

Mr. Mark Chambers: No.

Mr. Larry Maguire: You mentioned the challenges that IRCC has and the timelines. As succinctly as you can, would you please explain the costs and the time associated with the issues of applying for an LMIA, recruiting a worker and bringing them to Canada? Update us on this.

Mr. Mark Chambers: It is quite a process. If you're under the agricultural stream, which is primary agriculture only, the cost to apply for an LMIA is zero. If you're outside of the agricultural stream—such as a meat-processing plant, which we have here at Sunterra—the cost of each application is \$1,000. If you need 10 workers, that's a \$10,000 cheque that you write to the government just to have the right to bring in a farm worker. Then, on top of that, you have to go overseas and try to recruit workers. We do that, or we might use a third party in a foreign country to find workers for

us. Of course, there's a cost that we have to pay that third party to do that. That cost can sometimes be up to \$1,000 per employee.

When you have the worker, you send that information to the worker. They have to apply for a work permit overseas. They submit that application and that gets processed. There's a cost to them, and to the Canadian government. I think those costs are about \$250 a day, or somewhere around there, but don't quote me on that.

That takes a while. Then, once you get the approval letter for them to come to Canada, you have to arrange flights for them to bring them to Canada. On top of that, regardless of what stream they're in, for housing you have to ensure that there's a house set up for them, ready to go, equipped with everything they're going to need. You have to pick them up from the airport. When they do arrive, we make sure they know where the grocery store is and where the post office is. We get them set up with banking, health care—

• (1555)

Mr. Larry Maguire: I'm going to have to move on. You've listed a ton of them.

The Chair: Mr. Chambers, Mr. Maguire has other questions. If you could keep your comments brief, we would appreciate it.

Mr. Maguire, go ahead.

Mr. Larry Maguire: I like the detail of your answer, but I want to move on. You made the point that there's quite a cost involved.

You raised your concern about introducing open work permits in terms of the unpredictability and the risks of workers immediately changing jobs once they arrive in Canada. You indicated in your comments that you share that concern. Can you just confirm that?

Mr. Mark Chambers: It is a big concern that someone could just basically stand at the airport and cherry-pick, despite all the work that someone else has done, and then you end up without a worker.

Mr. Larry Maguire: The persons would then try to find a job in a larger community and leave the rural community.

Mr. Mark Chambers: Yes, that would definitely be a problem because, as we know, today most of the immigration is to urban centres and a lot of people like to be living in urban centres. That's part of the issue of the rural depopulation going on in Canada. Being able to bring a worker directly to rural Canada helps revitalize those communities.

Mr. Larry Maguire: If the government created a sectoral open work permit—meaning the workers would still have to be employed in the same type of job with a different employer—do you have concerns that other companies would try to poach those workers?

Mr. Mark Chambers: That is a concern, for sure. I think there needs to be more discussion around that with employers on how exactly that would work. I think it needs to be narrowed down to the specific NOC code—not just a sector or agriculture. If we're trying to bring people to fill jobs on hog farms, then that's the NOC code we need and we don't want those guys leaving to do something else in agriculture where there's not necessarily a shortage.

Mr. Larry Maguire: All of us on the committee here want to protect the workers. Rather than implementing open permits, do you have any recommendations to enhance the current system to better protect these workers?

Mr. Mark Chambers: I did mention in my opening remarks that there's an opportunity where, if employees feel they're not happy where they are, they can apply to another employer. If those employees look at the job bank—because every employer trying to recruit temporary foreign workers will be advertising on the job bank—they'll be able to find employers with LMIA's and they can apply to them. That's a 10-day process.

The government could create something a little quicker than that where it's "click and print". You go online, apply for the permit, click and print it out, and you're done. Then the next day you could leave, if you feel it's a problem.

If workers feel that they're vulnerable and need protection, they can call the hotline. That triggers an investigation. If the officer deems that the call warrants immediate action, they can grant that individual an open work permit and they get removed from the workplace. Then an investigation on the employer occurs.

Mr. Larry Maguire: The Canadian Bar Association has recommended that workers have access to clear and transparent information in their own language about their rights under the TFWP.

I believe this isn't a bad idea. Do you support that recommendation?

Mr. Mark Chambers: I do. When workers arrive, we give them a pamphlet with all the information they need, including the hotline they can call if they feel there's a problem.

Mr. Larry Maguire: My last comment is that housing is an issue. From what I've seen in the last five years, it's improved considerably.

Can you expand on that?

Mr. Mark Chambers: The challenge with the housing is that under the agriculture stream, for any on-site housing, all you can charge is \$30 a week. In essence, that program starts driving you towards doing more bunk-style housing, whereas in our organization, up until this point, on the farms we've encouraged that at least everyone has their own bedroom. Sometimes they have a house because they bring their families. Then they transition to PR.

The \$30 a week doesn't make economic sense. Then you have the challenge that when those workers want to move to town or buy their own house, there's sticker shock. They've been immune to it with such a low rate. We need to try to find some common ground that makes a little more sense for what can be charged.

• (1600)

The Chair: Thank you.

We will go to Ms. Kayabaga, and then to Mr. Brunelle-Duceppe afterwards.

Ms. Kayabaga, you have six minutes. Go ahead, please.

Ms. Arielle Kayabaga (London West, Lib.): Thank you.

I welcome the witnesses to our committee.

I would like to ask questions of Mr. Chambers.

The government launched the open work permits for vulnerable workers program in June 2019. Since this opening, we've seen up to 1,320 work permits in this year alone.

What are the different ways we can improve this program to better suit the needs of migrant workers facing abuse?

Mr. Mark Chambers: That's a great question.

If employers are abusing the program or abusing workers, they should be blacklisted and kicked out. I'm all for that, and that currently exists. If an investigation occurs that is driven by a worker's complaint and the employer is deemed to be significantly at fault or creating abusive situations, then that employer does get blacklisted and can no longer use the temporary foreign worker program to hire workers.

I'm fully supportive of that, because you get a few situations where that occurs and then everyone gets reduced to the lowest common denominator. It affects the employers who want to use the program correctly. I think we need to continue to push for that, but it needs to be swift and quick.

It's a double-edged sword because the other part of it is that sometimes—and more recently there have been lots of occasions—false accusations have been made. Investigations have been done on employers and there are actually no problems whatsoever. The employer's been told by ESDC that they have some problematic employees.

Ms. Arielle Kayabaga: Thank you for that feedback.

I was specifically talking about the workers who have been found to be abused.

Anyone here in the room can answer my next question. It's about the different changes that you would suggest that we can bring to reinforce our government's ability to inspect employer compliance. If you want to touch, at a high level, on the first question within my time limit as well, I'd be happy to hear from you.

Anyone can answer this.

Mr. Fernando Borja Torres: I will respond quickly and then give time to my colleagues.

I think the government is going in the right direction with the changes they made with the ESDC in order to be more present in the field, with the subventions that they are giving organizations in the field to help the workers better understand their rights with all sorts of activities for the workers. In Quebec, there are 31 organizations financed by the federal government. The way ESDC is structured to have different divisions looking at different things in the program is also helping in order to advance things so employers recognize their obligations towards the workers. The workers also get to learn their rights.

The Chair: Madame Gagnon and Mr. Pilon, do you have anything to say?

Ms. Arielle Kayabaga: Mr. Chair, maybe I can ask the next question. The witnesses can then answer the next question, because I like the answer I got.

The Chair: Certainly, Honourable Member, it's your time.

Ms. Arielle Kayabaga: Thank you, Mr. Chair.

Maybe Madame Gagnon can answer this question.

Are there any measures you would like to see the federal government implement to ensure that migrant workers are aware of the open work permit for vulnerable workers and their rights as workers here in Canada?

[*Translation*]

Ms. Denise Gagnon: First of all, we already have one measure: every time temporary foreign workers arrive at the airport, we give them a booklet explaining the relevant regulations. Since labour is a provincial jurisdiction, all Quebec regulations are clearly explained in the booklet. This tool enables them to record their hours of work to ensure they are properly compensated in accordance with their contracts.

Mr. Pilon could tell you more about inspections. The biggest problems stem from the fact that occupational health and safety and accident prevention rules are hard to enforce. This causes serious problems for workers. For example, workers may suffer occupational accidents or injuries forcing them to remain in Quebec, far from their families, until they receive rehabilitation treatment because they can't afford to return to their home country for care.

We have also received many well-founded complaints. There was the case of Mr. Lemay, whose permit was revoked. That case affected more than 30 workers who had actually been victims of abuse. We intervene in workplaces together with the police in some instances. I repeat that not all employers act this way, but a percentage of them do, and that hurts the entire sector.

For that percentage in Quebec, we need to reinforce workplace inspection mechanisms and conduct surprise visits. When visits are planned, everything's always in order, everything's beautiful, everything's perfect, and nobody talks when the inspector arrives on site. Consequently, the workers remain subject to the same rule of silence in the matter.

• (1605)

Ms. Arielle Kayabaga: I understand. That's not the case for all workers, but we're discussing this today and trying to amend the legislation because there have been quite serious violation cases.

Thank you very much.

[*English*]

The Chair: Thank you, Ms. Kayabaga.

We will now go to Mr. Brunelle-Duceppe, and then Ms. Kwan afterwards.

Mr. Brunelle-Duceppe, you have six minutes. Please go ahead.

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Mr. Chair.

Very quickly, I'm going to give notice of a motion that we will debate on another day. I would like the committee to devote as much time as possible to the witnesses.

So I would like to introduce the following motion:

That the committee invite the Minister of Immigration, Refugees and Citizenship and the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs to appear as soon as possible, together for two hours, to answer the committee's questions concerning migrant trafficking and smuggling and the measures the government intends to implement to put an end to these illegal activities that exploit vulnerable people and compromise their safety.

We will discuss this later, Mr. Chair.

Good afternoon, witnesses. Welcome to the committee and thank you for being here.

Early last year, a meeting was held involving you people from RATTMAQ, me, my team, that of MP Joël Lightbound and the minister's office concerning a situation that alarmed us: you had suddenly received a number of refusals of applications for open permits for vulnerable workers.

Has that situation been resolved? Did you find out what happened?

Mr. Michel Pilon (Legal Coordinator, Réseau d'aide aux travailleuses et travailleurs migrants agricoles du Québec): Fortunately, we finally got some good decisions after Mr. Lightbound intervened.

The refusals started to appear in January. We received eight negative decisions, although the cases seemed to be very similar to previous ones. There was quite a radical change in that regard after you intervened.

Mr. Alexis Brunelle-Duceppe: However, we didn't find out what had happened.

Mr. Michel Pilon: No. We don't know which official made those decisions. We just have a number. Curiously, it was the same number each time.

Mr. Alexis Brunelle-Duceppe: You can count on me; we're going to try and shed some light on this. This matter is far from over.

On the one hand, there are some good employers who see that we're conducting this study on closed work permits and who say we shouldn't accuse everyone. I agree with that. Most employers have good relations with temporary foreign workers.

On the other hand, however, the UN special rapporteur tells us that the closed permit system is a hotbed of modern slavery. The status quo is clearly no longer sustainable.

I would like to hear your opinion on the UN special rapporteur's remarks about the closed worker permit system. Do you think this is an attack on all employers?

Mr. Michel Pilon: No, it's not an attack on all employers. The problem isn't the employers; the problem is the program.

• (1610)

Ms. Denise Gagnon: It's the system.

Mr. Michel Pilon: It's the system that's the problem. Unfortunately, this is why there are employers like Jean Lemay. It isn't just Jean Lemay. I've been handling temporary foreign workers since 2008, and I've seen all kinds of conditions on farms, including slavery-like situations.

I agree with you that most employers treat their workers well. The problem isn't the employers, as I told you. The problem is the system. It has to be changed because it unfortunately promotes situations like that of Mr. Lemay and others that we could name.

When an employer tells employees that he owns them because he has paid money, that raises serious questions. That's actually what he said. Then, after we had removed the workers from there, he said they had escaped. So the following question immediately occurred to me: were there bars on the windows of their bedrooms? When you're dealing with this kind of employer, that's when you begin to see that, in certain situations, employers feel that temporary foreign workers belong to them.

It's unfortunately true that we sometimes encounter cases like that of Mr. Lemay. The last time, we removed 243 workers from there. That's a lot of people. Of course, Mr. Lemay has lost any right to use the temporary foreign workers program. I don't know if you saw it, but the program *La Facture* devoted a whole episode to that case, and I was among the guests.

However, Mr. Lemay is still active. He uses a former branch of the Caisse populaire in Saint-Jude, and he still has his little trafficking operation. When are we going to stop this guy? It makes no sense. He has two or three buses for workers with tourist visas or outright illegal workers whom he recruits and then sells to various farmers. That's the situation.

Mr. Alexis Brunelle-Duceppe: There's an initiative in Quebec. Last week, we heard from representatives of the Union des producteurs agricoles, and they told us about the round table on temporary foreign agricultural workers established in 2018 with the Fondation des entreprises en recrutement de main-d'œuvre agricole étrangère, or FERME, a representative of which we have with us today. This is a unique initiative in Quebec that's probably making it possible to do more.

Wouldn't it be a good idea for the rest of Canada to follow the example of the organizations that created that round table? Perhaps we should all explain it to colleagues in the rest of Canada.

Ms. Denise Gagnon: Absolutely. A number of us organizations are sitting at that round table, and we don't all have the same interests. For example, the Canadian Human Rights Commission is a

member. All sectors are represented on it, including health and safety. Together we can identify a number of problems and make progress.

It isn't just FERME's round table. Many other organizations have joined in order to identify the problems, including AGRICARRIÈRES, for example, and labour organizations such as Travailleurs et travailleuses unis de l'alimentation et du commerce, or TUAC.

I think everyone agrees that the idea isn't to point fingers but rather to put the finger on what's causing problems in the system. That's why we think we need to have open work permits.

Food security is important for Canada and Quebec. If we, as a country, say it's important, why would it be solely up to employers to fund the influx of workers? Maybe there has to be a serious conversation on the subject as well. As the UPA representatives said last week, the food security index is trending down in Quebec. It has reached 30%.

Mr. Alexis Brunelle-Duceppe: I'm sorry, but my time is up. I'll try to get back to this subject on my next turn.

[English]

The Chair: Thank you, Mr. Brunelle-Duceppe.

We'll now go to Ms. Kwan.

Ms. Kwan, you have six minutes. Go ahead, please.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Mr. Chair.

I want to say thank you to all the witnesses, as well.

I want to carry on the conversation with responses from Ms. Gagnon and Mr. Pilon.

On the issue of temporary foreign workers, I understand you're indicating there is a system problem. The system, of course, creates an environment where there's an imbalance of power. The reality is that temporary foreign workers have zero power. They are entirely reliant on their employer. If they complain about the employer, they get fired from the job. They are then in deep trouble, because they're not making the money they need to send home to support their families, for example. From that perspective, in that power imbalance environment, there can be abuse that occurs. You have cited some horrific examples to that end.

In order to create a better balance of power, some advocates have advanced the notion of an open work permit. That is to say, the employers would have to treat these employees fairly. If they don't, they will move on somewhere else. Some people argue that having an open work permit means you can't keep them in the sector, because they can go anywhere. However, as with all jobs, to be competitive and get good workers, you need to pay them and have good employment conditions.

I wonder whether you can comment on the need for system change. Should the government be considering an open work permit option for migrant workers?

• (1615)

[Translation]

Mr. Michel Pilon: At RATTMAQ, we're having a lot of discussions with organizations that are involved in the round table, particularly the UPA and FERME, which is represented here today by Borja Torres. We're in favour of the idea of having an open permit, but we'd also agree on a sectoral permit. We clearly understand that if completely open work permits were available tomorrow morning, some agricultural sector workers would prefer to work at Olymel for \$22 an hour, for example, rather than work on a farm for minimum wage. So it's important to create sectors.

We'd undoubtedly be open to the sectoral aspect of open permits. However, it would be important for the sectors to be clearly defined. They shouldn't be too limited, or else we'd revert to the same situation as in the case of closed permits. The idea is to establish larger sectors, which would enable workers to offer their services to other businesses should problems arise in the business where they work. For example, they could go to work on another farm, in the case of the agricultural sector, but the same thing would apply in other sectors.

[English]

Ms. Jenny Kwan: Thank you.

I will jump in with my question, because I have limited time.

You noted that you support an open work permit, although you would want to see a sectoral open work permit. Your comment was that if there were a general open work permit, the workers could choose, for example, to work for a grocery store as a cashier. Maybe that's the case, or maybe it isn't, in terms of the competition. Doesn't that raise this question, though? If wage is the issue, shouldn't the employer at the farm increase the wages, so they can attract the workers?

I say this with all sincerity. I come from an immigrant family. Our whole family immigrated here. We had permanent residence status. When my mother first went to work, she went out and worked as a farm worker. She made \$10 a day to support a family of eight. That is the reality. You're right. After two years, she got some work experience and then moved to the next stage as a minimum-wage worker—a dishwasher at a restaurant—until she retired at 65.

You're right. People look for better opportunities as they gain more experience. Doesn't that raise the whole point that you, as an employer, need to have good working conditions as well as competitive wages, in order to attract the workers and retain them?

[Translation]

Mr. Michel Pilon: I can give you a quick answer to your question by saying that RATTMAQ is a member of the coalition to raise the minimum wage in Quebec. It's clear to us that the minimum wage has to rise because people who are paid minimum wage clearly live below the poverty line. The coalition is called Minimum \$18 now, but we're increasingly aiming for a minimum wage of \$20 an hour in Quebec. At least that's the coalition's view.

We're definitely in favour of raising the minimum wage in Quebec.

[English]

Ms. Jenny Kwan: On that note, the employer of course has the choice not to just stick with the minimum wage. They can offer higher wages right off the top, and not just go with the minimum wage requirement. I certainly support minimum wages going up. People cannot live on minimum wages, and that is absolutely the reality.

On the open work permit question as well, right now the government actually allows people to get an open work permit if they're subject to abuse, and that's after they have already experienced the abuse. You don't see people fleeing the sector. I have known workers who have been subjected to abuse, and with the help of the union, particularly the UFCW, they have gone to other employers, who were not abusing them, and stayed in the sector. These workers want to work. They want to make a good living to support themselves and their families.

On the notion of an open work permit, the idea that we have to hold on to an environment so they cannot leave, with a sectoral open work permit or a closed work permit, isn't that, in and of itself, part of the abuse of the system?

The Chair: Time is up.

If Mr. Pilon or Madame Gagnon could quickly answer the question, go ahead, please, with a quick answer.

[Translation]

Ms. Denise Gagnon: Thank you, Mr. Chair.

Ms. Kwan, what you say is very important because the system is a problem even in unionized workplaces.

To cite a very specific example, a greenhouse in Saint-Félicien hired nearly 400 workers, but working conditions there were so harsh that all Quebec workers left. What's happening is that the Mexican workers who were members of the union committee were called back for a contract this year. So you can say they're losing their right to organize collectively. You can clearly see in that instance that the system is causing the problem.

The problem that arises in the case of open permits for vulnerable workers is that people are then blacklisted and aren't called back. We do follow-ups in Guatemala and Mexico. We're going to hold an international conference on this and other matters in December so we can come up with some potential solutions to the problem.

• (1620)

[English]

The Chair: Thank you very much, Madame Gagnon.

We'll go to Mr. Kmiec for five minutes.

Go ahead, please.

Mr. Tom Kmiec (Calgary Shepard, CPC): Thank you, Chair.

I want to go to Mr. Chambers first.

You briefly mentioned farm inspections, and I want to ask about the experience both your company and the producers in your sector have had with the program in 2022 and 2023.

Mr. Mark Chambers: It's a bit frustrating, because if you get a report of a situation at work that triggers an inspection, everything that is in the works is on hold at that time, so you're guilty until proven innocent. I think the program works backwards, because it should be like Canadian law: innocent until proven guilty. When an inspection occurs, business should be able to carry on. If you have LMIA applications in process, those should continue to go through the process of being approved and so on.

If you're deemed to be at fault, it might be just a re-education, and that can be corrected. If you're deemed to be significantly problematic, then, again, I'm all for your being booted out of the program if you're way offside and creating a vulnerable situation.

To add to that, I think that sometimes what happens is that some employees are making reports of situations that are untrue. I know personally that our company has had some inspections and audits done, and we've passed with flying colours. It's the same employee reporting different things that are unsubstantiated.

Mr. Tom Kmiec: On ESDC's program, from the data I have, between April 1, 2022, and November 28, 2022, 95% of these farm inspections to look at the working conditions after a complaint has been made are being done virtually. Is that your experience as well, that lots of these inspections are still being done virtually?

Mr. Mark Chambers: That is true, yes. That's our experience.

Mr. Tom Kmiec: What do you think of that? What do employers think of that?

Mr. Mark Chambers: I think if it can be done virtually, that's fine.

Personally, I think if someone is reporting a problem in the workplace, if it's in a greenhouse or on a farm, then it would only make sense for somebody to get there to look at it first-hand, but that individual has to understand the business. You can't come to a hog farm, for example, and say it's dusty, and then someone from Ottawa shows up and says, "Oh yes, it is dusty." Well, of course it's dusty. It's a pig farm with feed.

Mr. Tom Kmiec: Thank you, Mr. Chambers.

I'm going to move on.

[Translation]

Now I'd like to talk to the witnesses in the room about the integrity services branch's investigator training program.

According to the figures I've received from the department, in 2022, only 759 persons received training enabling them to investigate working conditions on farms. Do you think that's enough?

Do you think investigations should be conducted in person or virtually? As I told Mr. Chambers, 95% of producer inspections are conducted virtually.

What do you think about that?

The witnesses may answer one at a time.

Mr. Michel Pilon: RATTMAQ frequently files complaints with the federal government. The main issue raised in those complaints isn't the fact that inspections are being conducted virtually rather than in person on the farm but that we never get any feedback. We're told it's confidential. Consequently, it's hard to file complaints and continue doing so when we get no feedback, particularly since workers that we talked to on the ground haven't seen any change, even after complaints were filed. So there is a problem.

We're told it's for reasons of confidentiality, but, when we file complaints, we like to get some feedback on what happened. Did an investigator go to the farm? We don't know. We know nothing at all. We know that investigations are being conducted, but that's all.

I filed I don't know how many complaints against Mr. Lemay. In that case, investigations were conducted and he actually lost his permit. However, I file hundreds of complaints a year.

Mr. Tom Kmiec: What do you think, Mr. Borja Torres?

Mr. Fernando Borja Torres: According to FERME, on-site inspections would be welcome. Most of our members meet requirements, and we want to demonstrate that to Service Canada officers. We'd like the programs to be administered with less red tape and more people on the ground. It really would be helpful to see what actually happens on the farms.

• (1625)

Mr. Tom Kmiec: According to the figures I have, one file was opened for 11 on-site visits conducted by inspectors in Quebec for the work period from April 1 to November 28, 2022. Things may have changed since then, but I doubt it.

Don't you think that the ratio of in-person visits to virtual visits should be reversed?

[English]

The Chair: The time is up, but a short answer would be appreciated.

[Translation]

Mr. Fernando Borja Torres: It's really important for us that the inspectors be on site because we go to great lengths to make employers understand their obligations and workers to know their rights. So we want to show the government that our members are doing things right. We do a lot of work with RATTMAQ and UPA to ensure that employers and workers know their obligations and rights.

[English]

The Chair: Thank you, Mr. Kmiec.

We'll go to Mr. Ali for five minutes, and then to Mr. Brunelle-Duceppe for two and a half minutes.

Mr. Shafqat Ali (Brampton Centre, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for their time and for appearing before the committee to give their input on these very important topics.

My question is for Mr. Chambers.

Can you expand on the impact of labour shortages on the agricultural industry, please?

Mr. Mark Chambers: Yes. Some work that was done and put together by the Canadian Agricultural Human Resource Council confirms that ag lost an estimated \$3.5 billion in sales in 2022 because they didn't have enough workers. In that survey, they also found that the ag sector has an above average vacancy rate of 7.5%, with two in five employers saying that they couldn't find the workers they needed.

Mr. Shafqat Ali: Thank you, Mr. Chambers.

The 2024-26 immigration levels plan tabled by the minister showed his intention to bring economic migrants to Canada, with the goal of having 60% of new permanent residents as part of the economic class by 2026. Pilot programs such as the agri-food pilot, which was extended until May 2025, as well as the Atlantic immigration program and the rural and northern immigration pilot, to name a few, are key components of the economic class.

In your opinion, have these pilot programs, especially the agri-food pilot, been helpful to transition temporary foreign workers?

Mr. Mark Chambers: Yes. In certain areas, they're helpful in transitioning permanent residents. Remember that our business, Sunterra Farms, is in Alberta, and we've had very good success with the provincial nomination program and the rural renewal program to transition folks through permanent residency.

The agri-food immigration pilot is becoming more helpful, because they're focusing more on in-demand jobs versus education. The in-demand jobs definitely need filling, and a lot of them are in rural Canada. For us, immigration has always been a cornerstone of our business when we bring in temporary foreign workers to transition that way. If we can get them working in rural Alberta and then becoming a permanent resident, there is a much higher probability that they'll stay in rural Alberta.

Mr. Shafqat Ali: What measures would you like to see the government implement to assist the agricultural industry's ability to recruit?

Mr. Mark Chambers: Do you mean the ability to recruit foreign workers or Canadians?

Mr. Shafqat Ali: I'm asking about foreign workers.

Mr. Mark Chambers: I think our ability to recruit foreign workers is there today as a business. That's fine. There are some nuances with the program to ensure that it's streamlined.

There are some positives coming out of the program, such as a recognized employer model, which is going to help streamline recruiting temporary foreign workers for sure, but the biggest thing

that would be helpful would be the IRCC component, the actual process and the work permits. That is a big stumbling block today and the biggest bottleneck of all.

• (1630)

Mr. Shafqat Ali: Thank you.

How much time do I have?

The Chair: You have a minute and a quarter.

Mr. Shafqat Ali: This question is for any of the witnesses.

In 2022, 77% of the work permits issued by IRCC were open, while only 23% were employer-specific or closed work permits. Certain employers have expressed that employer-specific worker permits have a specific purpose. For instance, employers in need of workers with high-demand skills who recruit temporary foreign workers fear that without employer-specific permits, they may lose the employees they have recruited and desperately need.

Do you believe that employer-specific work permits, coupled with increased measures to protect temporary foreign workers, are necessary in certain circumstances?

The Chair: Can anyone give a 20-second answer?

Please go ahead, Mr. Borja.

Mr. Fernando Borja Torres: I believe, yes, for our sector. In Quebec, our farmers need to recruit a certain number of workers for specific periods for specific work that has to be done at the farm. If there is no protection... I think one of the main reasons the program has been successful for the employers is that they know that the number of workers they need for seeding or planting is there. If there's no guarantee that workers are going to be there in the number that they need, perhaps there will be a change in agriculture, because if an employer has to invest money to prepare the food but there is no guarantee that he's going to have the people, maybe he's going to reduce the amount of—

The Chair: Thank you very much, Mr. Borja.

We will go to Mr. Brunelle-Duceppe for two and a half minutes.

Please, go ahead.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you, Mr. Chair.

Good and sincere employers who really spend a lot of money to hire temporary foreign workers are afraid that eliminating the closed work permit program will encourage workers to go and work elsewhere, which would then force them to shut down.

How do you respond to those employers?

Mr. Michel Pilon: It's actually not rocket science. Even if the workers have open work permits, if good employers are offering good working conditions and good accommodation, the workers will want to work for them and won't look elsewhere, quite the contrary.

On the other hand, if they're employed by people like Jean Lemay, they'll just quit their jobs and go to work somewhere else that offers better working conditions.

Incidentally, I sit at the round table with employers. I tell them every time that the open work permits issue isn't very complicated because if they offer good working conditions, those workers will want to work for them, not someone else.

Mr. Alexis Brunelle-Duceppe: How do you respond to people in regions such as Lac-Saint-Jean who are afraid that workers will be more attracted to the major urban centres? That's even a reality for young people living in the regions. Aren't these people right to be afraid that workers will leave for the major centres such as Quebec City, Montreal, Toronto and Vancouver?

Mr. Michel Pilon: That's why we're in favour of an open work permit, but a sectoral one.

Mr. Alexis Brunelle-Duceppe: Mr. Borja Torres, I believe you would like to add something.

Mr. Fernando Borja Torres: Yes, thank you.

I agree with Mr. Pilon's remarks, but I also have to say that we've seen some very good employers lose workers. We don't know if they left for the United States or if they went to Montreal to work illegally, but the fact remains that those workers left their jobs even though they had good relations with their employer.

Mr. Alexis Brunelle-Duceppe: Are the Mexican cartels a problem these days? I'd briefly like to hear your opinion on that.

Mr. Fernando Borja Torres: I don't know if the cartels have anything to do with it, but I can tell you that, for some years now, many workers have left their jobs without giving notice to their employers. That's become more frequent in the past three years. There have been a little more than 300 so far this year.

So some workers leave the farms that employ them and we don't know where they go.

Mr. Alexis Brunelle-Duceppe: Mr. Pilon, could you add a few comments on the cartels?

Mr. Michel Pilon: As regards the cartels—

[English]

The Chair: Mr. Brunelle-Duceppe, thank you.

Ms. Kwan, you have two and a half minutes. Please go ahead.

• (1635)

Ms. Jenny Kwan: Thank you.

I want to continue with Ms. Gagnon.

You were talking earlier about employees getting blacklisted. If you make a complaint, you get blacklisted. That's something we've heard from other witnesses as well. From that perspective, with this whole concept of filing a complaint, while in theory it's supposed to work, in reality it's fraught with problems. Do you have any suggestions for the government on how to address that issue?

[Translation]

Ms. Denise Gagnon: We're trying to build alliances. I know that we have colleagues upstream, in Mexico or Guatemala, who are monitoring the situation and negotiating ethnic selection systems

with the governments. The Vérité organization's program in Mexico is an example of that.

However, we can never really get a handle on the problem because it gets hard to provide evidence since we don't have access to all the information.

I'd just like to add that we aren't involved in the sectoral permits pilot project in Quebec. So the evaluation has to be nuanced because you really have to see how it works in reality. Remember that the Canada-Quebec accord in 1978 didn't address the closed permits issue. For us, this is a new feature in the landscape that we have to deal with and that entails some problems.

[English]

Ms. Jenny Kwan: Canada used to have a program that brought in workers with a full range of skills. From what the NOC code considers a low skill to what is considered high skill, a whole range of skilled workers were brought to Canada with permanent resident status. They've done away with that. Now it's primarily focused on the so-called higher skill levels, even though these workers you're talking about are essential workers.

Would you advocate or support the call for the government to bring back an immigration policy for permanent resident status for the full range of skill sets that Canada needs for our labour market?

[Translation]

Ms. Denise Gagnon: Yes, I would completely support that call. We think we have to improve the pathway to permanent residence. Furthermore, people who want to work in the regions often want to stay there. That's a fact that we've observed. A member of our board who worked in Rimouski and Saguenay-Lac-Saint-Jean wants to live in the regions because that's where he learned his French and made his friends.

We don't think that kind of mobility is a problem. On the contrary, it also looks to me like a recognized fundamental right. And Canada has signed all the labour mobility agreements.

[English]

The Chair: Thank you, Ms. Kwan.

On behalf of the committee members, as the chair, I would like to thank Mr. Chambers, Mr. Pilon, Madame Gagnon and Mr. Borja Torres for being here and sharing important information with us. Thank you.

We will suspend the meeting for a few minutes before we go to an in camera meeting.

[Proceedings continue in camera]

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