



Envisioning Justice for Migrant Workers:

A Legal Needs Assessment
March 2018

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Migrant Workers Centre

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This project was generously funded by the Law Foundation of British Columbia.

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Graphic design by Sandy Ng.

Acknowledgements

The Migrant Workers Centre (MWC) would like to thank all of the migrant workers who participated in the project. This report would not have been possible without their generosity in sharing personal experiences and perspectives.

MWC is also grateful to Migrante BC, Vancouver Committee for Domestic Workers' and Caregivers' Rights, St. Mary's Migrant Ministry, MOSAIC, Abbotsford Community Services, and Kelowna Community Resources for their collaboration and support in recruiting migrant workers and hosting our focus group discussions. MWC also extends its gratitude to all of the research participants who contributed time and knowledge to the project.

MWC would like to acknowledge Claudia Stoehr, who provided Spanish translation, and Ashley Ahluwalia for her assistance in distributing the survey.

MWC thanks Alexandra Rodgers who conducted the research and wrote the report. MWC is grateful to Professor Bethany Hastie, Allard School of Law, for her role in the research design, writing of the literature review, and editing of the report. MWC also extends its gratitude to Natalie Drolet for guiding the project and editing the report.

Finally, MWC would like to thank the Law Foundation of British Columbia for their financial support of the project.

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Introduction

Origin of the Project

Migrant Workers Centre (MWC), formerly West Coast Domestic Workers Association, is a non-profit organization dedicated to legal advocacy for caregivers and other migrant workers in BC. Established in 1986, MWC facilitates access to justice for migrant workers through the provision of legal information, advice and representation. MWC also works to advance the labour and human rights of migrant workers through public legal education and training, law and policy reform work and test case litigation.

The majority of MWC's clients are caregivers working in BC under the Caregiver Program (CP)¹. MWC also serves migrant workers working under the low-wage stream of the Temporary Foreign Worker Program (TFWP) in jobs in the service, hospitality, agriculture, construction and manufacturing industries, as well as under the Seasonal Agricultural Workers Program (SAWP). Our clients face marginalization and difficulty accessing their rights as workers in BC due to many factors: the temporary nature of their immigration status, work visas that are tied to a single employer, low-wage precarious jobs, language barriers, geographic isolation, family separation, and a lack of familiarity with their rights and obligations under Canadian law.

MWC regularly partners with community organizations to deliver public legal education workshops and mobile clinics to migrant workers in the TFWP, CP and SAWP in communities around the province with limited access to services. Through this work, MWC has identified numerous gaps in terms of legal information and services available to these often isolated and vulnerable populations.

A comprehensive legal needs assessment for migrant workers has not previously been conducted in the province of British Columbia. In its 2011 examination of the notion of legal needs and rights of the working poor in British Columbia, the Public Commission on Legal Aid emphasized the need for public legal service providers to renew their way of working to be responsive to new demands for services for people living in underserved communities and remote rural areas.

This report is the product of the Migrant Workers Legal Needs Assessment project funded by the Law Foundation of British Columbia through its Legal Research Fund. As noted in the MWC's Letter of Intent for this project:

“Migrant workers have limited or no access to permanent residence in Canada, information about their rights, or services. While the literature has looked at the insecurity of migrant workers, little attention has been paid to the specific legal needs of this population, how they currently access legal information and services, and barriers in doing so.”

This report presents the research project's findings along with recommendations for systemic solutions to enhance migrant workers' access to justice through increased access to legal information and services in our province.

¹ While the CP is no longer a stand-alone program (assessed under either the high-wage or low-wage stream of the TFWP), its historically distinct treatment and unique issues attending the program make it suitable, for clarity purposes, to address it separately. The CP was previously the Live-in Caregiver Program (LCP) but has been changed to the In-home Caregiver Program as the live in requirement has been removed and employers cannot require a caregiver to live in their home. However, the regulatory framework of the program does have exemptions in which there are often live-in arrangements made between the caregiver and the employer, in particular in the case of persons with disabilities, seniors, individuals with chronic or terminal illness.

Significance and Need for the Research

In Canada, migrant workers make up a significant part of the labour force. Migrant workers perform critical work caring for families, sustaining the agricultural sector and supporting many businesses in the service, hospitality, construction and manufacturing sectors.

BC relies heavily on the temporary labour provided through the TFWP. The most recent data indicates that 14,839 migrant workers in BC held TFWP work permits based on sign year in 2015, placing BC as second only to Ontario in terms of the number of migrant workers entering.² While both BC and Ontario consistently bring in large numbers of migrant workers through the TFWP, much of the focus on the legal needs of migrant workers has been conducted in the Ontario context. It is important that the geographically specific ways in which migrant workers experience barriers to legal information and services are addressed through a comprehensive analysis of the experiences of migrant workers in specific regions.

This research focuses on migrant workers who enter through the low-wage streams of the TFWP: the primary agriculture stream and the low-wage stream. In 2014, reforms to the TFWP resulted in the elimination of the Live-in Caregiver Program as a stand-alone stream of the TFWP. As a result, caregivers now enter in the low-wage stream. It is useful, however, to maintain a distinction between caregivers, agricultural workers and other “low-wage” workers, as their employment is subject to different regulations.

BC’s reliance on the TFWP is driven by employers’ increasing demand for access to a temporary and flexible workforce designed to fill labour shortages in the province. The increased use of the TFWP, as well as the vulnerabilities inherent in the program, make it crucial that in-depth research is conducted into the legal problems that migrant workers encounter and the specific ways in which migrant workers seek justice while they live and work in BC. This report is intended to provide guidance to stakeholders on strategies for moving forward in order to better respond to the needs of migrant workers.

Objectives of the Research

The overarching objective of the report is to increase the understanding of migrant workers’ needs for legal information and services and the barriers that they face in accessing justice while they live and work in the province. The goals of the research further include developing strategies and recommendations for implementing promising practices and methods to increase access to justice for migrant workers in BC. In particular, this report will discuss how migrant workers are currently accessing legal information and services, the main barriers to justice they face, their priority areas of legal need, and key strategies for moving forward.

Access to justice can be defined in a multitude of ways; however, for the purpose of this report, access to justice is conceptualized as the following:

The ability for migrant workers entering BC through the low-wage streams of the TFWP to access:

- **Information** about various laws, regulations and policies, ranging from the rules of the TFWP to employment rights to avenues for permanent residency, among others. Legal information helps workers to assess and categorize which area(s) of law they require assistance with so that they can access appropriate legal services when facing a legal problem. Non-legal service providers and advocates can provide legal information.
- **Services** of lawyers and legal advocates who can provide workers with legal advice and full representation for their individual legal problem(s).

² http://open.canada.ca/data/en/dataset/052642bb-3fd9-4828-b608-c81dff7e539c?_ga=2.141260594.1057785413.1511914801-

This research is intended for two main groups: migrant workers in BC who have entered through the low-wage streams of the TFWP; and stakeholders engaged in the provision of services or information for migrant workers in BC, or otherwise engaged in work related to access to justice for migrant workers in BC. Specifically, this research is relevant for legal organizations, including the Law Foundation of BC; lawyers and legal advocates; community and faith-based organizations; migrant worker associations; policy makers; settlement workers; academic researchers; trade unions; employers and others who have a vested interest in improving access to justice for migrant workers in BC.

Report Outline

This report proceeds in 6 parts. Part 1 sets out an overview of the research methodology. Part 2 provides a literature review, which covers key themes and existing research relevant to migrant workers' legal needs. Part 3 explores the ways in which migrant workers in BC currently access legal information and services. Part 4 reports on the legal needs of migrant workers, specifically the areas of law that are of priority need for workers. Part 5 outlines and analyzes the barriers that migrant workers experience when accessing legal information and services. Part 6 presents a set of key recommendations for improving migrant worker access to legal information and services.

Part 1 Methodology

Multiple qualitative research methods were used to collect data for the report. The qualitative research methods include: an online survey administered to various stakeholders involved in research and advocacy regarding migrant labour in the province, and/or the provision of information and legal services to migrant workers; formal semi-structured interviews conducted with key actors, including labour lawyers who work directly with migrant workers; academics who research issues related to migrant workers in BC; union organizers with a mandate to support migrant workers in the province; members of worker coalitions that serve migrant workers; former caregivers; settlement agencies; and non-profit legal organizations; and, 3 focus groups with migrant workers working under the CP, SAWP and the low-wage stream conducted in the Vancouver area, the Fraser Valley, and the Thompson/Okanagan.

These 3 qualitative research methods were selected in order for the research to reach a wide range of key stakeholders. Significantly, the design of the research allowed for the inclusion of migrant workers' perspectives, ensuring that the report responds directly to the voices of the targeted communities. Overall, the design of this research allowed for the direct and in-depth involvement of both migrant workers and key stakeholders involved in the provision of legal information and services, as well as actors engaged in other forms of academic and community-based advocacy.

Research Questions

The research addresses the following questions:

- What areas of law present priority needs for migrant workers?
- Where do migrant workers go for legal information, advice and representation?
- What are the barriers that migrant workers face when trying to access justice?
- What new approaches and promising practices have the potential to better support migrant workers who need legal information or services?

Selection of Participants

As mentioned above, the research design for this project was developed in order to include the perspectives of multiple stakeholder groups. Participants for each of the three qualitative methods were selected based on their areas of expertise and how their work connects to migrant workers' pursuit of justice in BC.

Focus Groups

Three focus groups were conducted throughout different regions in BC in 2017. The first focus group was conducted in Vancouver with 13 migrant worker participants. This focus group included workers who entered through the former Live-In Caregiver Program, and those who entered more recently through the latest version of the CP stream of the TFWP. The second focus group was conducted in the Fraser Valley with 12 workers who entered through the SAWP, many of whom have been participating in the SAWP consistently for multiple years, and all of whom came from Mexico. The third and final focus group was conducted in the Okanagan Valley with 13 workers who entered through the CP, the low-wage stream and the SAWP, with workers from Mexico and the Caribbean.

Conducting the 3 focus groups in different regions of BC ensures that the perspectives of workers in the various streams and in diverse parts of the province are reflected in the research. The location of workers, both in the specific stream through which they enter, and the geographical location where they live and work, has a significant impact on their experience of access and barriers to justice.

Migrant workers contributed valuable data on topics, including: how they currently access legal information and services, the legal problems they have faced; what barriers they face in their attempt to access justice; and, how they would like to see changes made to improve their access to legal information and services.

Recruitment of Migrant Workers

The recruitment process reveals some of the endemic issues that migrant workers face while living and working in BC. For instance, migrant workers are at times difficult to contact, as some of the streams require that workers live in employer provided housing, and workers often have limited mobility for leaving more remote locations in order to attend a focus group. The barriers experienced in recruiting workers reveal some of the obstacles that workers face when trying to access justice in BC. Partner organizations were instrumental in accessing migrant workers who wanted to participate in the research. It was largely through the existing relationships migrant workers had with community organizations that facilitated their participation.

Additionally, all focus groups were held either on weekends or after working hours in order to accommodate migrant workers' work schedules. It is important to note that all of the migrant workers that participated in the focus groups were already connected with support services. Therefore the data collected from migrant workers is impacted by their existing involvement with support services in the region.

The physical isolation of agricultural workers also posed a challenge for those who wanted to participate in the focus groups. At the request of migrant workers under the SAWP, transportation from their employer provided housing to the location of the focus group was provided. Without arranged transportation, these workers would not have been able to attend the focus group, as the farms they live and work on are in remote areas without access to transit. All workers who attended the focus groups were provided with an honorarium in order to assist with the costs related to their participation.

Interviews

Low-wage temporary labour migration in BC is a topic that implicates a wide array of stakeholders. Therefore, the selection of interview participants covered a wide range of individuals connected to issues regarding migrant worker justice in the province. Semi-structured interviews allowed for an in-depth exploration of the issues regarding migrant workers' legal needs, and enabled interview participants to focus on their particular areas of expertise.

Eight formal semi-structured interviews were conducted with selected participants. The categories of participants for interviews include: labour lawyers who work directly with migrant workers; academics who research issues related to migrant workers in BC; union organizers with a mandate to support migrant workers in the province; members of worker coalitions that serve migrant workers; former caregivers; settlement agencies; and non-profit legal organizations.

Survey

The distribution of an online survey allowed for the broadest access to participants³ connected to the provision of legal information and services in various capacities for migrant workers. In total, 39 participants from across BC contributed to the data collection for the survey. These participants range in experience from less than one year in their position to more than 15 years of experience. The online survey functioned as a highly effective supplementary research method to the focus groups and interviews, as it allowed for key stakeholders from across the province⁴ to contribute data to the project. As identified through broad-based participation in the online survey, the barriers that migrant workers experience in accessing legal information and services are, in part, geographically specific.

Ensuring Confidentiality and Informed Consent

As outlined throughout the report, migrant workers are uniquely vulnerable to abuse and exploitation due to many factors, including the temporary nature of their immigration status, work visas that are tied to a single employer, low-wage precarious jobs, language barriers, geographic isolation, family separation, and a lack of familiarity with their rights and obligations under Canadian law. Migrant workers also face a jurisdictional conundrum in which workers are regulated as temporary residents at the federal level, and as workers at the provincial level, which can lead to gaps in their protection, increasing the barriers they face when trying to assert the rights they ostensibly have. Therefore this research was designed in such a way that migrant workers were able to voluntarily participate without risk of their identities being revealed through the research. Migrant workers were provided with detailed consent forms, and translation services were provided to workers who required this. The consent forms detailed how the researcher would ensure the workers' confidentiality and the protection of their data. All workers provided informed consent before their participation in the focus groups.

Informed consent was obtained from participants in the online survey by providing information about how the data was going to be used in the report and beyond. Survey data was anonymised by reporting only the category of work and geographical location of participants.

³ These stakeholders include: frontline community services; legal information services; legal aid and/or advocacy; private legal services; government service; grassroots community organizations; immigration and settlement; faith-based community organizations; academic research; trade union/labour organizing; information and referral; settlement language training; and both legal aid and advocacy and private legal services.

⁴ Survey responses were collected from the following regions of BC: Vancouver Island/Coast; Mainland/Southwest; Thompson/Okanagan; service providers with a mandate to serve all of the province; Lower Mainland; Fraser Valley; Vancouver Island & Mainland; Northeast; and the North Coast.

Informed consent for the interview participants was obtained by providing each participant with a consent form that they were required to read and fill out, returning one copy to the researcher and keeping another for their own records. In addition to providing participants with details of how the data would be stored, used, and reported, the consent forms also enabled participants to select whether the interview could be recorded and transcribed, and if they preferred to be identified by name or anonymised in the research output.

Data Analysis

Focus Groups

All of the workers were provided with hard copies of the consent form and a copy of the questions. With the informed consent of all workers in the focus group, the focus group was audio recorded. The researcher took detailed notes during the focus group, and then used the recording to provide additional detail to the notes afterward. For the second and third focus groups, in which workers from the SAWP were present, there were Spanish/English translators present who translated the questions for workers along with their responses to the questions.

Thematic and deductive coding was applied in order to analyze the focus group data. Initial sets of codes were used to organize the data based on the questions that were asked to the participants. Throughout the process of analyzing the data, codes were added based on emerging themes arising from participant responses. Overall, the data was analyzed and organized into main themes and categories that reflect the responses from the workers.

Semi-Structured Interviews

With the informed consent of all the participants, all of the interviews, which lasted on average around one hour, were recorded and then transcribed. Data analysis was then conducted using thematic and deductive coding. Similar to the analysis process with the focus group, categories were developed based on the questions that were administered throughout the interview. After an in-depth analysis of the transcripts, additional categories and themes were developed based on the data provided by the participants.

Online Survey

Survey data was analyzed using a strategic method in which the geographic location of the participant and their specific area of work were analyzed in connection to their answers. Additionally, the long answer sections of the survey that inquire about additional barriers that migrant workers face, and knowledge about existing best practice models, are used to enrich the data analysis from the interviews and focus groups.

Part 2: Literature Review

Migrant workers in Canada are known to face precariousness in their employment, and literature has widely documented the array of problematic practices attending migrant work, including employment rights violations, discrimination, abuse and exploitation. Less attention has been paid to the specific legal needs, and access to legal information and services, of migrant workers in Canada, though some literature has explored aspects of the problems associated with rights-access for migrant workers in Canada (Hennebry et al 2016; Basok 2004; Faraday 2012; Fudge and MacPhail; Binford; Marsden 2011; Nakache and Kinoshita; Cousineau).

This literature review discusses existing literature that has explored, or is germane to, the specific issues related to the legal needs of migrant workers in Canada employed under low-wage streams of the TFWP, including the SAWP, CP, and low-wage stream.⁵

This literature review is divided into two main parts: accessing legal information and services; and, substantive legal needs of migrant workers. The first part discusses the current literature documenting availability and access to legal information and services generally for migrant workers, as well as the barriers and issues that impact migrant workers' access to such information and services. The second part discusses literature that documents the substantive or concrete legal needs migrant workers have in respect of several facets of their experience in Canada: employment; housing; health; immigration; and, family.

Access to Legal Information and Services

Migrant workers formally possess the same employment-related rights on paper as citizen and resident workers, codified in provincial employment standards legislation, and including minimum entitlements with regards to wages, working time, vacations, termination, and other conditions of work (Cousineau: 5.1.12; Basok 2004: 54). Differential rights and exclusion from standard employment protections do exist for specific jobs,⁶ which may be occupied primarily by migrant workers (Fudge and MacPhail: 31; Smith: 101; Faraday 2012; Cundal and Seaman: 206).

Despite formal extension of legal rights, a commonly documented issue in existing literature is that migrant workers in Canada have little to no information on their legal rights in Canada, including in respect of employment-related rights, immigration status, and other rights and obligations that attend their situation, such as housing and transportation (Faraday 2012; Basok 2004; Sikka; Gribb). This is unsurprising, given the limited opportunities for orientation and minimal coordination under most streams of Canada's Temporary Foreign Workers Program. For example, under the Stream for Low-Wage Occupations, no formal mechanism exists to provide workers with a pre- or post-departure orientation or information that outlines their rights and obligations under Canadian law. While Canadian government websites do provide information, a lack of awareness and understanding of this information may further hamper efforts of knowledge building for migrant workers (see HOC 2009: 27-29).

The federal government, specifically ESDC, may require an employment contract between employer and employee (migrant worker) to be produced and signed, which sets out various aspects of the employment, including wages and hours to be worked (Nakache: 82-3; Nakache and Kinoshita: 22; Marsden 2011: 50; Henneby 2012: 8; Fudge and MacPhail: 29-30; Drolet and Hastie: 4.1.4). The contract is thus intended to ensure that the basic employment rights and obligations of both the employee and employer are identified and met, in addition to specific requirements adhering to participation in the TFWP at the federal level. The existence of an employment contract would thus provide some legal information to a migrant worker in relation to her employment-related rights and entitlements. However, problems in implementation and enforcement have been

⁵ For a succinct description of the TFWPs, see the HOC 2016 Report at 3-4. While the CP is no longer a stand-alone program (assessed under either the high-wage or low-wage stream of the TFWP), its historically distinct treatment and unique issues attending the program make it suitable, for clarity purposes, to address it separately. Note also that the TFWP has a "primary agriculture" stream (distinct from SAWP) that is not separated out here as the distinctions between this stream and the general low-wage stream are not relevant for the purposes of this review. Rather, the issues documented are either widely applicable, or generally applicable to agricultural work regardless of which stream the worker is employed under. For a review of recent reforms, see also HOC 2016 Report at 5-6. Note that, following this report, the 4-year cumulative duration rule was removed.

⁶ For example, differential regulations exist for both agricultural workers and domestic workers, though these exceptions are formally determined by occupation and not the citizenship status of the worker. See Employment Standards Act 2000, SO 2000, c41, Parts VII, VIII, IX, X, XI; O Reg 285/01 made under the Employment Standards Act 2000, sections 2(2), 4(3), 8, 9, 24-27, cited in Faraday 2012: n232; Agricultural Employees Protection Act, SO 2002, c16; Labour Relations Act, RSA 2000, c L-1, s4(l)(e).

found to exist with respect to these contractual arrangements (Hennebry 2012: 21; Nakache: 83; Marsden 2011: 50, 52; Fudge and MacPhail: 30; Fudge: 17, 31; Nakache and Kinoshita: 22-23).

Some programs and policies have surfaced in response to the documented concerns surrounding migrant workers' lack of information on their legal rights and the legal system in Canada. For example, agricultural workers employed under the Seasonal Agricultural Workers Program in British Columbia are required by WorkSafe BC to undergo occupational health and safety training, often provided by AgSafe (AgSafe; BC Fruit Growers Association). WorkSafe BC also partners with the Government of Mexico to provide orientation training to SAWP workers prior to travel to Canada (WorkSafe BC). As stated on their website, "[t]he program prepares seasonal workers to temporarily live and work in B.C. by teaching them about culture, language, climate, and health and safety rights and responsibilities" (WorkSafe BC). In Alberta, the Temporary Foreign Worker Advisory Office currently operates with the objectives of information distribution, as well as complaints assistance, and has developed a number of brochures, available in multiple languages, which outline various rights, responsibilities and other workplace issues that may be encountered (Alberta Labour; Cundal and Seaman: 209-211). However, existing programs may be limited in their reach and scope, difficult to access for workers located in rural communities (Basok 2004: 60), confined to one population of migrant workers and/or one topic of legal information provision (i.e., occupational health and safety), or otherwise limited in distributional efforts. In addition, some research has critiqued existing information resources as inadequate and/or misleading (Cundal and Seaman: 203).

Migrant workers may, in fact, possess greater knowledge about their legal rights than the existing literature posits. However, having knowledge of legal rights ought not to be equated with effective access to enforcing those rights. Existing literature widely documents that migrant workers have little practical access to enforcing their rights in the workplace, and to seeking legal remedies when their rights have been violated (Basok 2004; Faraday 2012; Sikka: 10, 16-17; HOC 2009: 37; Alberta Federation of Labour 2007; Nakache and Kinoshita: 39-40; Canadian Labour Congress: 9-12; Marsden 2011: 52; HOC 2016: 17-18; Vosko 2013). Specifically, and in addition to a lack of information, migrant workers are known to face barriers in asserting their rights and accessing legal remedies due to a lack of resources coupled with a fear of job loss and deportation, in a context where workers often perceive limited, if any, viable employment alternatives in either the host or home country (Faraday 2012: 93; Sikka: 17; Basok 2004; Binford 2009; Drolet and Hastie: 4.1.6).

The fear of job loss and deportation is a commonly cited, and heavily weighted, factor in existing literature that examines the barriers migrant workers face in accessing legal rights and remedies. Migrant workers are effectively "tied" to their employer in Canada by virtue of the closed work-permit system. Work permits are designated for a specific job, at a specific location, and for a specific employer, meaning that migrant workers cannot change jobs, locations or employers under an existing work permit, but must apply for a new work permit. Significant delays and problems with the practical ability of migrant workers to successfully undertake this process has been documented in existing literature, in effect, bonding a migrant worker to their employer for the duration of their time in Canada (Nakache: 78; Sikka; Faraday 2012; Alberta Federation of Labour 2009; Marsden 2012; Fudge; Preibisch 2010; Hennebry and Preibisch; Basok 2004; HOC 2009; Nakache and Kinoshita; Hennebry 2012; Marsden 2011; Binford; Drolet and Hastie: 4.1.4; Cundal and Seaman: 205; HOC 2016: 11-12, 17-18). For workers under SAWP, the "naming" process by which workers are specifically invited back by employers (see Basok 2004), coupled with the expedited repatriation regime governing workers under SAWP (Faraday 2012: 93; Fudge: 25; Hennebry and Preibisch: 25), imposes severe consequences for workers who lose their jobs.

Existing literature confirms a strong correlation between the hesitancy of migrant workers to assert their legal rights or seek remedies, and the precariousness associated with migrant workers' employment and immigration

status under Canada's TFWP (Faraday 2012; Nakache and Kinoshita; Sikka; Fudge; Marsden 2012; Basok 2004; Binford 2009; AFL 2009; HOC 2009; Hennebry 2012; Drolet and Hastie: 4.1.6; Hennebry and Preibisch: 25; Fudge and MacPhail; UFCW; Depatie-Pelletier and Radi: 13-14; HOC 2016: 17-18; Fairey et al). In other words, while migrant workers may often know their rights, or be aware of rights violations occurring in respect of their working and/or living situation, they may choose not to assert those rights in the workplace, or seek legal recourse for a rights violation, because doing so is perceived to put their employment and/or immigration status in jeopardy, given the significant power that employers have under the TFWP regulations, and the limited, if any, opportunities the worker will have to secure alternative employment. The hesitancy to voice complaints is particularly problematic given that the available legal mechanisms for enforcing rights and obtaining remedies are complaints-driven, meaning that if a migrant worker does not complain, he or she has no practical access to enforcing his or her rights (Faraday 2012: 95; Nakache and Kinoshita; Fudge and MacPhail: 31; HOC 2016: 25-26).

For migrant workers who seek access to legal services or vehicles for redress, further complications may arise. First, workers may have limited, or no, formal access to low-cost or free legal services due to their immigration status. Second, migrant workers may face significant practical constraints navigating legal processes for dispute resolution.

Access to the proper support and guidance to navigate the legal system is a widespread issue for migrant workers in Canada, as most provinces do not allow public resources such as legal aid or immigrant settlement services to receive workers under the TFWPs as clients, and for workers under SAWP, the evaluation of government "liaison officers" have been consistently negative (Hennebry and Preibisch: 30-31; UFCW: 19). Where workers have some formal access to legal services, they may find those services practically inaccessible if, for example, they live and work in a rural location (Basok 2004: 60). Finally, as noted earlier, workers may perceive strong disincentives in choosing whether to access such services.

In several communities across Canada, community organizations and coalitions have built a network of service provision that often include some legal advice or service component, aimed at filling existing formal and practical gaps in this respect for migrant workers. For example, in Montreal, the Immigration Worker Coalition engages, in part, in individual counselling and casework, as well as broader information campaigns (Choudry and Thomas: 218-222). In Alberta, in addition to the government-run Advisory Office, the Alberta Federation of Labour instituted a Foreign Workers Advocate Office which, in its first year of operation (2007) opened complaint files for 200 workers (Fudge and MacPhail: 28; AFL 2007). In Ontario, the Migrant Worker Support Centre in Leamington partnered with several community agencies, including the Occupational Health Clinic and Bilingual Legal Aid Clinic, to provide both information and legal services to migrant workers on issues such as accessing the Canada Pension Plan, occupational health and safety, and other legal rights (Basok 2004: 59-60). Finally, the UFCW Canada, in partnership with the AWA, created 10 Agricultural Workers Support Centres across Canada, and documented in its 2011 report that it recorded "thousands" of drop-in visits in 2009 (UFCW: 19).

The procedural aspects of utilizing legal dispute resolution mechanisms, such as by launching a complaint at a Human Rights Tribunal or filing a civil claim in provincial court, create additional obstacles for migrant workers, due to both the time and resources required to execute legal measures (Nakache and Kinoshita: 22). Because migrant workers are in Canada for a finite period of time, advancing their case through the legal system can be stalled or effectively terminated when and if they have to leave Canada. Relatedly, because launching a complaint could result in termination of employment, their income, immigration status and even housing may be suddenly withdrawn (Faraday 2012: 94). Finally, the ability of migrant workers to access legal rights and remedies may be affected where certain bodies, such as employment standards, have caps or limitations on claims made (Faraday 2012: 89; Nakache and Kinoshita: 22).

Legal Needs of Migrant Workers

Existing research has done some work to identify key problems arising in respect of migrant workers' employment and overall experience in Canada. Existing research has consistently documented problematic trends regarding abuse of migrant workers under the TFWP in Canada, including: payment of lower wages than agreed upon; non-payment for overtime; illegal deductions from workers' wages; intentional misinformation to workers about entitlement to benefits and other legal rights; demands for long work hours with few breaks; inadequate provision of basic facilities; exposure of workers to undue health and safety risks; control over and restriction of movement of workers, and communication with others; inadequate living conditions; demands for performance of duties not agreed upon in contract; denial of medical care and other benefits; and, threats of deportation (Faraday 2012; HOC 2009; Law Commission of Ontario; Quebec Human Rights Commission; AFL 2007; AFL 2009; Canadian Labour Congress; Nakache and Kinoshita; Sikka; Preibisch 2012; Kaye et al; MWC 2013; UFCW; Depatie-Pelletier and Radi: 6; HOC 2016: 17-18). The wide array of documented abusive practices suggest that migrant workers have needs for legal information and services in relation to several aspects of their experience and time in Canada, including: employment; housing; health care and medical treatment; immigration; and, family services.

Existing literature consistently documents a wide array of employment standards violations against migrant workers, suggesting that this is a key area of legal need (Faraday 2012; HOC 2009; Law Commission of Ontario; Quebec Human Rights Commission; AFL 2007; AFL 2009; Canadian Labour Congress; Nakache and Kinoshita; MWC 2013; Cundal and Seaman: 206). For example, reports from Alberta documented that three-quarters of investigated businesses employing migrant workers in 2009 had violated employment standards, in particular, failing to pay over-time and vacation pay (Cundal and Seaman: 206). As noted in the previous section, migrant workers will often perceive strong disincentives to voicing a complaint when workplace rights or employment standards are violated. Under employment standards laws, workers are often required to attempt to resolve an issue directly with their employer before launching a formal complaint to the legal body (Cundal and Seaman: 207). This produces another obstacle for migrant workers to assert and enforce their employment-related rights. In addition, as with other areas of legal need, migrant workers are said to face barriers accessing information and services for employment-related issues due to language barriers (Cundal and Seaman: 207). Finally, some existing literature suggests that, rather than launching a complaint, migrant workers often seek assistance to find new employment when accessing advocacy-based services (Cundal and Seaman: 211, citing also AFL 2007; Hennebry and Preibisch: 30-32).

Legal needs in respect of employment may be better met through several initiatives, including: enhanced workplace inspection to ensure employer compliance; increased knowledge-building on employment standards and workplace rights; increased access to legal services to consider options if or when a worker has their employment rights violated; greater availability and access to interpretation and translation services; and, provision of information in workers' first languages. In addition, creating a network of legal advocates who may be specialized in assisting migrant workers secure new employment may assist migrant workers in meeting their needs, particularly in contexts where their current employment is abusive or inadequate.

Existing literature documents several issues that can arise with respect to housing. For some workers, housing will be employer-provided, such as under the SAWP, and for some workers under the general TFWP, employers will provide on- or off-site accommodations. In other cases, workers will be required to find their own accommodations. Whether provided by an employer or a third-party, issues regarding adequacy, cleanliness, and price of housing have been documented (HOC 2009; Cundal and Seaman: 208; Hennebry and Preibisch: 30-31; UFCW: 16; Fairey et al; Otero and Preibisch). This suggests that migrant workers have legal needs both in respect of information on landlord-tenancy law (or TFWP/SAWP specific regulations on housing and

accommodations), and in respect of access to legal services to address issues related to housing. Where an employer also acts as a landlord, addressing issues related to housing may be complicated by the perceived power imbalance and threat of job loss and deportation discussed in the previous section. Existing research further critiques the lack of monitoring of housing and living conditions. “Living quarters are often only assessed the first time an employer requests migrant workers by a municipal officer whose subjective perceptions of “acceptable” are the last line of protection” (Hennebry and Preibisch: 32). Information available in workers’ first languages, and widely accessible to workers in a variety of locations, may be beneficial to increasing knowledge and enforcement of legal rights. Enhanced inspection of accommodations, particularly where those are employer-provided, may similarly be desirable. Finally, the availability of legal advice and services targeted towards resolving tenancy issues may be useful for migrant workers.

While existing literature widely discusses issues that migrant workers have accessing health care and medical treatment (Basok 2004; Hennebry and Preibisch; Basok 2002; UFCW; Hennebry et al 2012; Hennebry et al 2016; HOC 2016: 19-20; Hennebry and Williams; McLaughlin et al; Preibisch and Otero; Fairey et al; Otero and Preibisch), many of these issues relate to practical access, language barriers, and other issues beyond the purview of legal needs. However, these issues often intersect with a lack of information on, and accessibility of, legal rights and entitlements, such as access to Employment Insurance and Occupational Health and Safety benefits (Basok 2004; Hennebry and Preibisch). For example, migrant workers have been found to experience significant obstacles accessing the procedures required to make a Workplace Safety and Insurance Board claim in Ontario (Basok 2004) or other compensatory mechanisms (Hennebry and Preibisch: 30-31; McLaughlin et al). These obstacles include language barriers, an insufficient understanding of the process to submit such a claim, and often, a fear of employment-based repercussions, such as not being “named” to return under the SAWP program (Basok 2004: 57; Hennebry and Preibisch: 26, 30; Hennebry and Williams). As such, migrant workers may have legal needs in terms of both legal information and legal assistance in utilizing available mechanisms to obtain compensation or other relief when injured in the workplace.

Several immigration-related issues appear relevant and of interest to migrant workers in Canada. First, it has been documented in existing literature that migrant workers may not have accurate information regarding their immigration status under the TFWP. Particularly for workers under the general low-wage stream of the TFWP, their immigration status is not tied to their work permit per se, meaning that they may legally reside in Canada even if they leave their employment (UFCW: 22; Nakache: 58; Marsden 2011: 51). Ensuring that migrant workers have accurate information regarding their immigration status is important to facilitate their evaluation of legal options and needs, and to minimize the potential for employers to use threats of deportation against workers, as has been a noted practice (see above). In addition, where migrant workers wish to change employers, as discussed earlier, legal information and services would likely need to be attuned to complementary procedures required to update or extend immigration status in line with alternative employment.

Second, a critical issue affecting the migration journey for workers is that of recruitment agencies and labour brokers. Despite the formal prohibition against charging workers fees for recruitment under provincial employment standards legislation, existing literature documents that migrant workers regularly pay such fees for work in Canada (HOC 2009; Faraday 2014; Fudge and MacPhail; UFCW; Cundal and Seaman; Depatie-Pelletier and Radi: 32; Zell 2011). Migrant workers may have legal needs in terms of information and advice respecting the existence and payment of such fees (either to their employer or a third party) as well as conditions of employment and permanent residency options, as third-party recruiters may provide inaccurate or misleading information (Depatie-Pelletier and Radi: 33-34).

In addition, migrant workers may experience difficulties at the Canadian border, even being turned away, if a recruitment agency has not properly completed the work permit application or if other issues arise (Fudge and

MacPhail: 37-38). This possibility may create a need for legal advice and representation at the border, and/or consultation prior to a worker's travel date.

Migrant workers may have questions regarding the possibility and pathways to achieving permanent residency in Canada. In some provinces, including BC, a pathway to permanent residency may be formally available to some migrant workers through the Provincial Nominee Program (Marsden 2011: 49; HOC 2009: 10; HOC 2016: 20-23; Nakache and D'Aoust). However, in practice, this is often practically inaccessible given the requirements under the PNP (Marsden 2011: 49; HOC 2016: 20-23). In other cases, workers may believe they have an option for permanent residency that is not available in practice (Depatie-Pelletier and Radi: 33-34; HOC 2009: 9-16; HOC 2016: 20-23). In all of these cases, migrant workers may have needs for legal advice and services to properly evaluate their options for permanent residency and complete the necessary applications.

Finally, existing literature documents that migrant workers experience adverse effects due to family separation (Cundal and Seaman: 209; UFCW: 11; Paciulan and Preibisch). While some migrant workers may be formally entitled to bring spouses and children to Canada for the duration of their immigration permit, this is practically inaccessible given the requirements to do so, such as demonstrating the financial capacity to support family members. In other cases, such as under SAWP, this is not an available option under Canada's immigration rules. In addition, though not canvassed in the existing literature identified for this report, migrant workers may seek to initiate divorce proceedings during their time in Canada, and could require the services of a family lawyer. Having access to specialized family law services may be a particular need for migrant workers, and one that may not be readily filled by legal aid or community legal services organizations.

Part 3: Access to Legal Information and Services in BC

This part reports on how migrant workers access legal information and services before their arrival, on their arrival and during their employment in BC. It also examines the ways in which migrant workers' status as temporary residents can lead to ineligibility and an overall decreased access to legal information and services. This part also looks at how the lack of formal government support for providing migrant workers with pertinent information about their rights and the regulations that govern their participation in the TFWP can lead to a dependency on informal channels of information. This section draws on data from all 3 of the research methods in order to prioritize the perspectives of the broad range stakeholders, in particular that of the migrant workers who have contributed to this research.

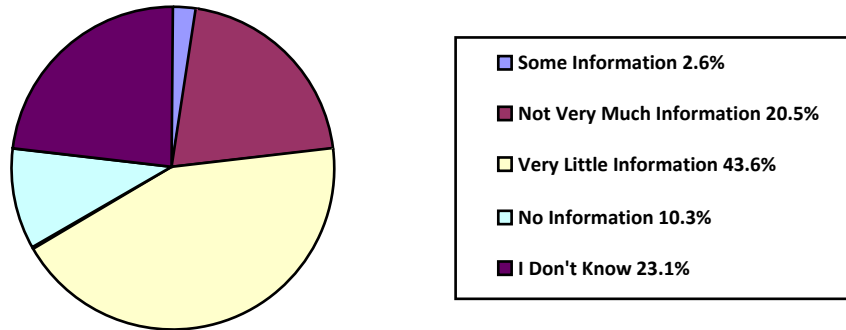
Access to Legal Information

Pre-Arrival Access to Legal Information

The timeline of when migrant workers receive legal information related to their participation in specific streams of the TFWP is significant, as many migrant workers enter BC and begin working for their employers with little to no knowledge about the laws that govern their employment or immigration status in BC, or existing legal services in their area. The following info-graph was created based on data collected from the survey.

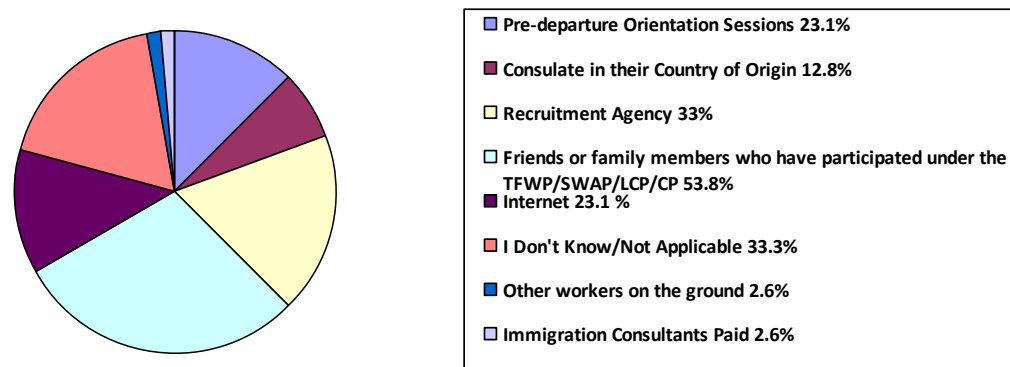
The info-graph indicates respondents' answers to the question of:

'How much legal information (related to the TFWP/SAWP/LCP/CP; the laws, rights and obligations governing their stay in BC; and/or, existing legal services in their area) do migrant workers receive **before** they arrive in BC?'



As indicated above in the info-graph, a large percentage of survey respondents perceive that migrant workers destined for BC receive either 'not very much information (20.5%), 'very little information' (43.6%) or 'no information' (10.3%) about the laws, rights and obligations governing their stay in BC prior to their arrival. Only 2.6% of survey respondents indicated that migrant workers receive 'some information.'

In addition to how much pre-arrival legal information migrant workers receive, it is important to look at where migrant workers receive pre-arrival legal information. The following data is collected from the survey in which participants responded to the question of 'In your experience, where do migrant workers get legal information **before** they arrive in BC (you may choose more than one option)?':⁷



It is significant that the highest reported source for legal information (53.8%) of survey participants is friends and family members who have participated in various low-wage streams of the TFWP. This indicates that migrant workers largely depend on informal sources of information, which increases the risk for unreliable information, as family and friends may not be aware of the latest changes to the TFWP, or be otherwise equipped to provide accurate legal information. Participants in the focus groups also expressed that they could not always rely on friends and family for accurate information.

⁷ Please note that survey participants were able to select more than one option regarding where migrant workers get their information before arriving in BC. As such, the percentages listed in the info-graph add up to more than 100%.

The second highest reported source (33.3%) for migrant workers to receive legal information before they arrive in BC is through a recruitment agency. Migrant workers often hire third party recruiters to connect them with a Canadian employer due to the requirement on the part of Immigration, Refugees, and Citizenship Canada that workers submit a copy of the Labour Market Impact Assessment and employment contract with their application for a work permit. As indicated in the literature review, migrant workers are often charged illegal fees by recruiters for jobs in BC. Focus group participants reported that recruitment agencies had provided them with misinformation, and had engaged in illegal practices, including charging recruitment fees and for their airfare to Canada, which employers are required to cover. Migrant workers in the CP reported that they did not receive any information about their rights under the TFWP from recruitment agencies.

The third highest reported sources for pre-arrival legal information were tied at 23.1% each for both pre-departure orientation sessions and the Internet. Focus group participants who came from the Philippines explained that the Philippines government provides an information session before workers leave for Canada, however, the information session does not include pertinent information about workers' rights in BC or in Canada, or how to access legal information and services once in the province.

A former caregiver who attended a pre-departure information session in the Philippines stated:

Workers coming from the Philippines, we go through a pre-departure seminar. However, there is hardly any mention of our rights. What I remember when I attended the workshop, the seminar before I left, that every TFW from the Philippines has to go through, otherwise they don't get an exit permit as a worker. So we go through the seminar and the only thing I remember from it is that we have to behave in our country of destination. (Interview, Former Caregiver, Vancouver, August 1, 2017).

Another caregiver who attended a pre-departure orientation session in the Philippines said that the session was just one day in length and did not provide adequate information (Focus Group 1, July 28, 2017). None of the workers in the SAWP or in other low-wage jobs reported having attended a pre-departure information session.

Only one caregiver focus group participant reported using the Internet to access information about her rights (Focus Group 1, July 28, 2017). None of the workers in the SAWP or in other low-wage jobs reported having accessed information about their legal rights by way of the Internet prior to coming to Canada.

Focus group participants in the SAWP stated that although they received a copy of the employment contract prior to arrival in Canada, the contract was not translated into Spanish (Focus Group 2, July 29, 2017). As indicated in the literature review, the employment contract contains important information about workers' negotiated rights. This is significant, as the SAWP is the only stream under the TFWP that does not require workers to be proficient in English or French.

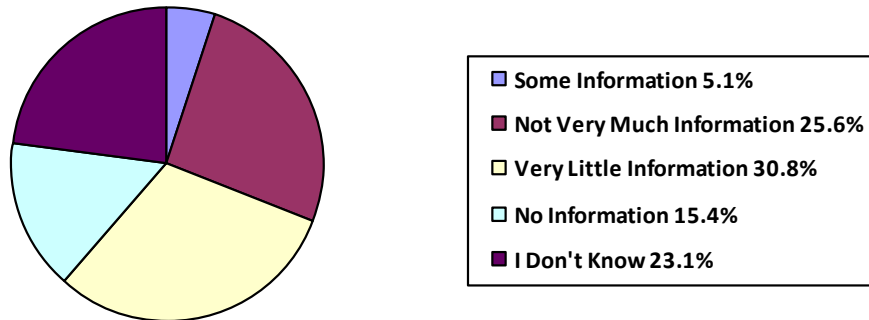
One worker stated that the first time he entered through the SAWP he was not made aware of the name of the program, and it was not until the second year came that this information was provided (Focus Group 2, July 29, 2017). Another worker explained that while he had contact with the Mexican government before coming to BC, this was not about legal information but, rather, information was provided about the work that was to be performed, "there was information about the work to do and nothing about my rights" (Focus Group 2, July 29, 2017).

Focus group participants in the CP, SAWP and low-wage streams largely reported that they had received no pre-arrival information about their legal rights.

On-Arrival Access to Legal Information

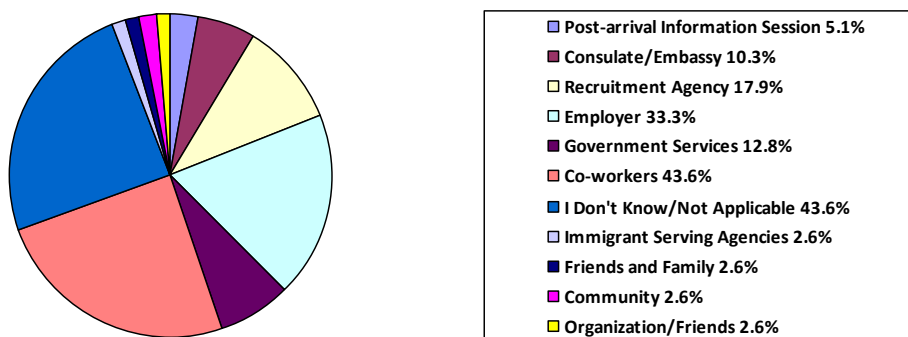
The following info-graph indicates survey respondents' answers to the question of:

'How much legal information do migrant workers receive **on arrival to, or at the start** of their employment in, BC?'



As indicated above in the info-graph, a large percentage of survey respondents also reported that migrant workers in BC receive 'not very much information,' (25.6%) 'very little information,' (30.8%) or 'no information' (15.4%) about the laws, rights and obligations governing their stay in BC, and/or existing legal services in their area on their arrival in our province. Survey respondents indicated that migrant workers receive 'some information' (5.1%) on arrival, representing only a marginal increase over the percentage indicated at the pre-arrival stage of migration (2.6%).

The following data is collected from the survey in which participants responded to the question: 'In your experience, where do migrant workers get legal information **on arrival to, or at the start of their employment**, in BC (you may choose more than one option)?'⁸



The survey data shows that migrant workers most frequently receive legal information from their co-workers (43.6%), employers (33.3%), and recruitment agencies (17.9%), on arrival or at the start of their employment in BC. These findings are significant in that they indicate that many migrant workers continue to rely chiefly on informal sources of information once in BC. Only 5.1% of participants indicated that migrant workers receive legal information through 'post-arrival information sessions.'

⁸ Please note that survey participants were able to select more than one option regarding where migrant workers get their information on arrival or at the start of their employment contract in BC. As such, the percentages listed in the info-graph add up to more than 100%.

Data from the focus groups and interviews further supports the findings that there are insufficient services in place to ensure that migrant workers are receiving accurate and pertinent legal information upon their arrival in BC or at the beginning of their employment contracts.

A participant in the Vancouver focus group who entered through the CP highlighted the importance of having access to information about their rights as a worker in the province:

I didn't have any information about my rights as a worker before I came and once I was here the information was informal. So people would say things like 'oh if you work over 40 hours a week you need to get overtime' but I was like okay but where can I see it because if I am going to discuss this with my employer, I want to show them that I know the official information. (Focus Group 1, July 28, 2017).

In an interview with a former caregiver, they responded to a question about what was in place for them to access legal information when they arrived in BC through the CP:

Nothing of that no. I know that those who come as permanent residents have Community Airport Newcomers Network upon their entry at the airport, however for TFWs there is no such thing. For TFWs there is nothing, you are by yourself at the airport, if the agency representative who recruited you is there, the agent will fetch you, or maybe your employer will fetch you. The person who is fetching you tells you what you have to do (Interview, Former Caregiver, Vancouver, August 1, 2017).

The data shows that because workers generally do not receive information on arrival about their rights or about local organizations and services, a significant percentage continue to rely on informal sources and employers as a source of information.

Employers may not be well suited to provide reliable legal information. Focus group participants in the SAWP reported that much of the information they received about their participation in the program was through their employers who informed them of what is expected of them but not about their rights as workers (Focus Groups 2 and 3, July 29th, August 3, 2017). SAWP workers also indicated that they did not receive any information from the Mexican consulate or the Canadian government on arrival.

Further, none of the migrant workers who entered through the SAWP reported having participated in orientation sessions provided by WorkSafe BC.

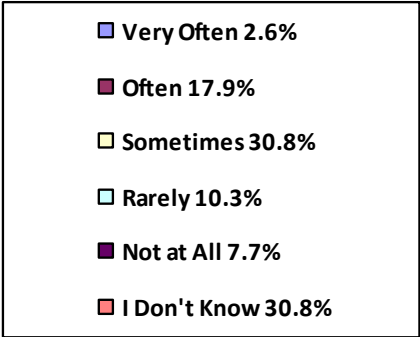
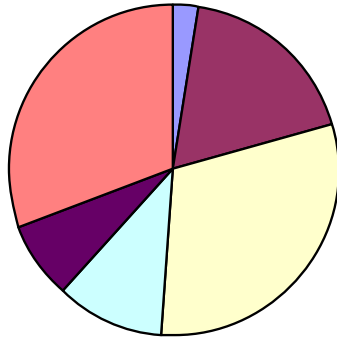
Migrant workers in focus groups held in the Fraser Valley and the Thompson Okanagan who entered through the SAWP reported having little to no information provided at any point about their rights, other than what was in their employment contract. The SAWP is unique to the other streams in that it was created through bilateral Memoranda of Understanding between Canada and the countries participating in the program, and state agents, rather than employment agents perform the recruitment of workers. This is significant to note because it means that there is greater oversight of workers by both the sending and receiving countries. However, based on the data collected from workers in the focus groups, this increased state involvement did not result in workers having adequate access to legal information in BC.

The failure on the part of the Canadian government to provide adequate legal information to migrant workers, both before they arrive in BC, and upon their arrival and the beginning of their employment contracts, is significant as it can exacerbate the vulnerability that migrant workers face as temporary residents, who are separated from their families and communities, and often working in isolated areas of the province, with limited access to services.

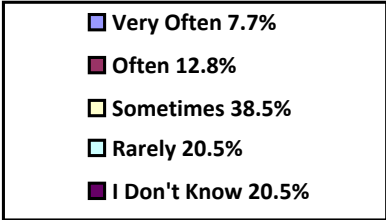
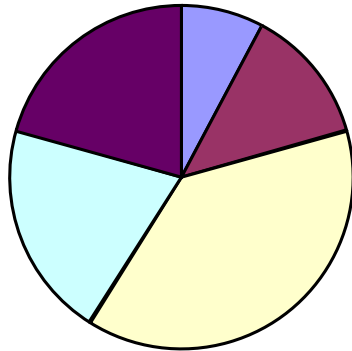
Access to Legal Information During Employment in BC

For the migrant workers who are able to access legal information in the province, they are doing so using a variety of methods. According to the survey data, migrant workers use the following **legal information vehicles**:

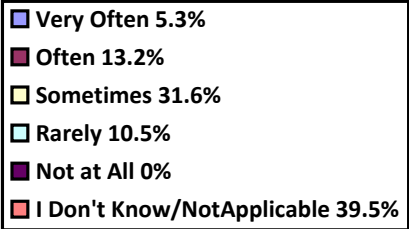
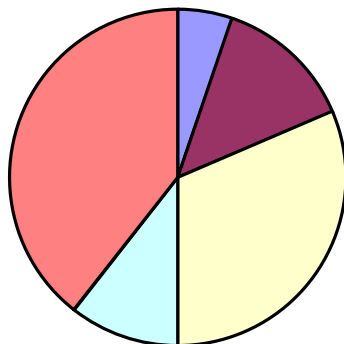
Employer or Recruitment Agency



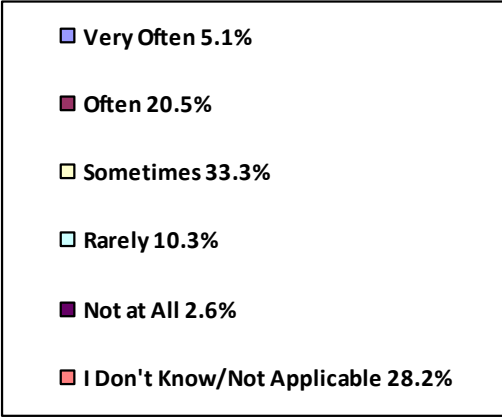
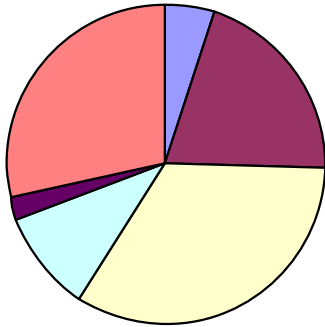
Frontline Service Organizations



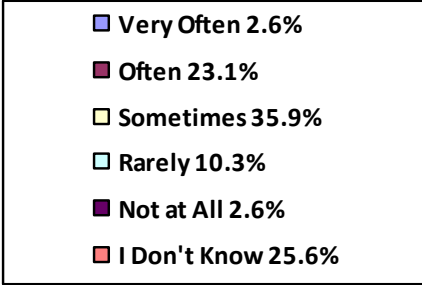
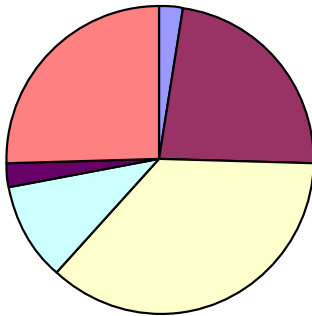
Faith Based Community Service Organizations



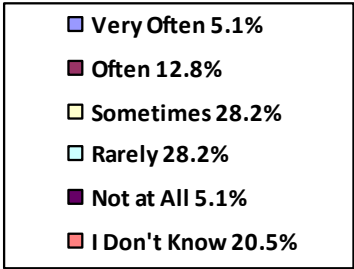
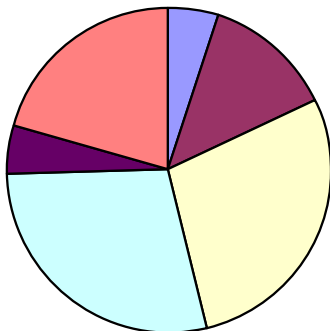
Grassroots Migrant Worker Organizations



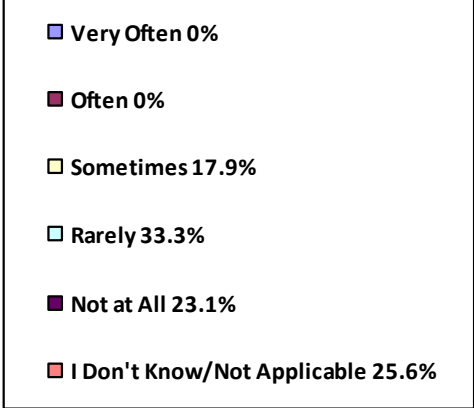
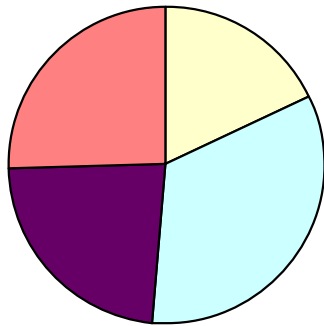
Immigrant Settlement Services



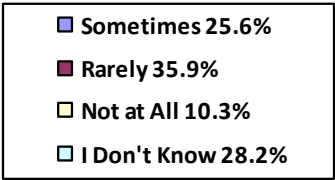
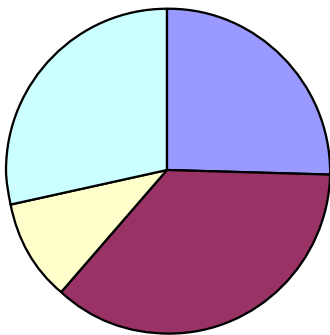
Legal Aid Services and/or Legal advocacy (including legal information services)



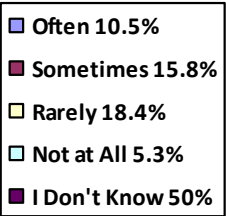
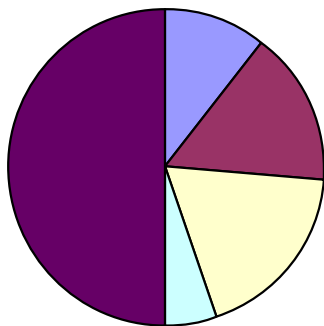
Private Law Firms



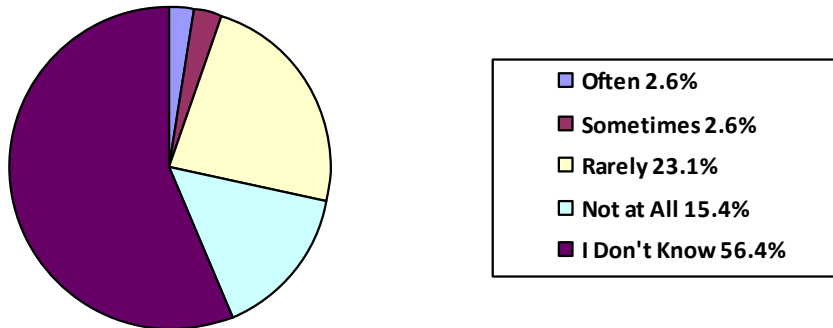
Government Services (i.e., Employment Standards Branch; WorkSafeBC; dedicated program offices, Courthouse services)



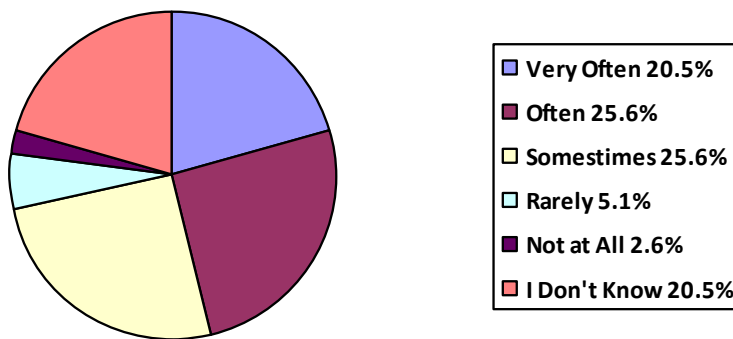
Consulates



BC 211, or other Hotline or Information Services



Informal sources (the internet, colleagues, etc.)



The break down of which institutions and organizations migrant workers are using as vehicles for legal information indicates that there continues to be a significant reliance on informal channels for legal information during their employment in BC. As indicated in the info graphs above, participants specified that migrant workers use informal sources ‘very often’ (20.5%) or ‘often’ (25.6%).

In addition, respondents cited that migrant workers use frontline service organizations ‘very often’ (7.7%) or ‘often’ (12.8%); faith based community service organizations ‘very’ (5.3%) or ‘often’ (13.2%); grassroots migrant worker organizations ‘very often’ (5.1%) or ‘often’ (20.5%); legal aid services and/or legal advocacy ‘very often’ (5.1%) or ‘often’ (12.8%); and immigrant settlement services ‘very often’ (2.6%) or ‘often’ (23.1%).

To a lesser degree, migrant workers continue to use employers or recruiters as vehicles for legal information during their employment in BC.

In contrast, survey data shows that 35.9% of participants indicated government services are ‘rarely’ used, and 33.3% reported that migrant workers ‘rarely’ use private law firms as a vehicle for legal information.

In an interview with a former caregiver, the respondent commented on the question of how familiar migrant workers are with where to seek legal information in BC:

You know if people don't get connected with MWC, I know there is also Canadian Council for Refugees, but if they don't get connected with any of those they would not know where to go. It would be then word of mouth amongst relatives or friends. They would be at a loss with where to seek help and where to seek for the right information, because there would be information going through the grape vine or through the community (Interview, Former Caregiver, Vancouver, August 1, 2017).

Caregivers in the Vancouver focus group spoke about using the Internet as a source to access legal information:

When I came to Canada as a live-in caregiver, you know we are working in someone's house and we don't have any co-workers, so we don't have anyone to talk to, the only access you have is the internet. And so if you are curious like I was, I was curious about very specific details about my rights. I went online and it was available (Focus Group 1, July 28, 2017).

While the Internet can be a reliable source of information, another caregiver explained that there are limitations to using the Internet for some migrant workers who need help to navigate websites and understand legal information:

When I came I did research about my rights online, but reading everything yourself is very tiring and it is not enough, you need someone to help to explain this to you, to give you knowledge to understand properly" (Focus Group 1, July 28, 2017).

Caregivers in the Vancouver focus group reported that they tried to access legal information from the government, but when they sought information from the Immigration, Refugees and Citizenship Canada call centre, they reported a lack of accountability, accuracy and completeness of the information received by individual representatives. Workers reported that they received inconsistent information about their participation in the TFWP, and frequently IRCC representatives are not aware of the most recent changes to the TFWP streams. This reveals migrant workers' needs for accessible and accurate information from government representatives, as well as an understanding of which government body to direct queries to.

A focus group participant stated the following:

I always try to call CIC but it is always around an hour of waiting. And they answer the question but because I know that they sometimes they answer something incorrectly I always ask them to send me something online as well and sometimes they don't have it or I will go to MWC for help. And of course we don't have money to pay for anything like this so I think that working with non-profits that can answer our questions is important. Sometimes I think that non-profit organizations like MWC answer better than the CIC website so every time I need something I go to the MWC, and I know that there are other non-profit organizations, so I think for me I want advice face to face (Focus Group 1, July 28th, 2017).

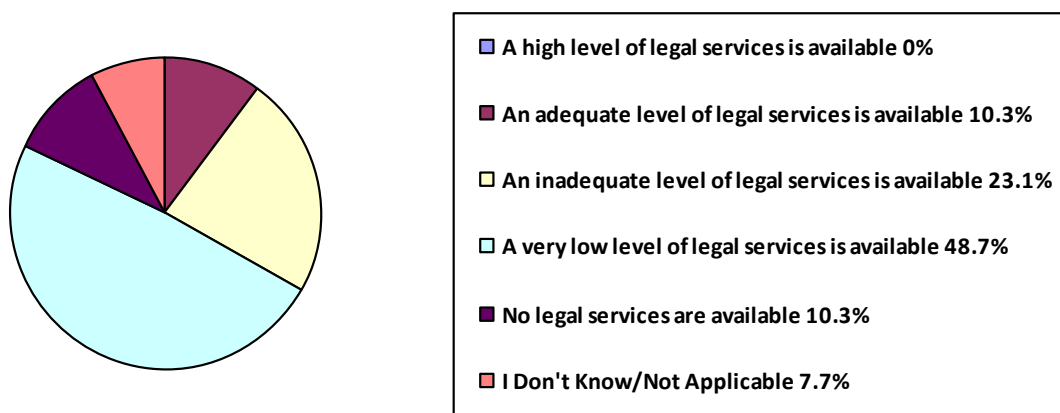
This statement illustrates some of the challenges associated with seeking legal information from government agencies whose call centre staff may not be well versed in the regulations governing the TFWP, as well as a preference to receive information from non-profit organizations that can provide information in person.

Data collected from an interview with a labour policy researcher David Fairey indicates how isolated migrant workers typically access legal information: "The workers are isolated in many of those communities. They are certainly not given any information about immigration or migrant worker services that are available. The only services and support they are getting are from NGO community groups that are volunteering to provide them with supports" (Interview, Fairey, July 25, 2017).

Additionally, workers from the SAWP stated that while they know they have rights in BC, they do not feel supported by the Canadian government (Focus Group 2, July 29, 2017). One worker said they were aware that they had rights, but did not have access to anyone who could explain them to them.

Access to Legal Services

Access to legal services for migrant workers in BC is dependent on factors such as the geographic location, and the availability of services that include a mandate to serve migrant workers. The following data is collected from the survey, whereby participants are responding to the question: ‘Based on your experience, how would you characterize the availability (existence) of legal services for migrant workers in your area?’:



The above survey data regarding the availability (existence) of legal services for migrant workers in BC indicates that 48.7% of respondents perceive there to be ‘a very low level of legal services’ while 23.1% of respondents perceive there to be ‘an inadequate level of legal services.’ The survey data also reports that 10.3% of respondents cited that there are ‘no legal services available’ and thus no perceived access to legal services for migrant workers. The 10.3% of respondents who indicated there are ‘no legal services available’ are located in the Thompson/Okanagan and Fraser Valley regions of the province.

Also significant is that none of the respondents consider any region of BC to have a high level of legal services, and only 10.3% consider their region to have an adequate level of legal services available. The 10.3% of respondents who indicated there is an adequate level of legal services are located in the Mainland/Southwest region, Vancouver Island/Coast, and Vancouver Island/Mainland.

It is important to make a distinction between access in terms of the existence of legal services in an areas of the province and how much access worker have in practice to these services. The following info-graph is based on survey data collected from participants’ response to the question: ‘In your opinion, how much access do migrant workers have, in practice, to available legal services in your area (taking into account cost, transportation, and other factors that may impact migrant workers’ ability to use available services)?’:

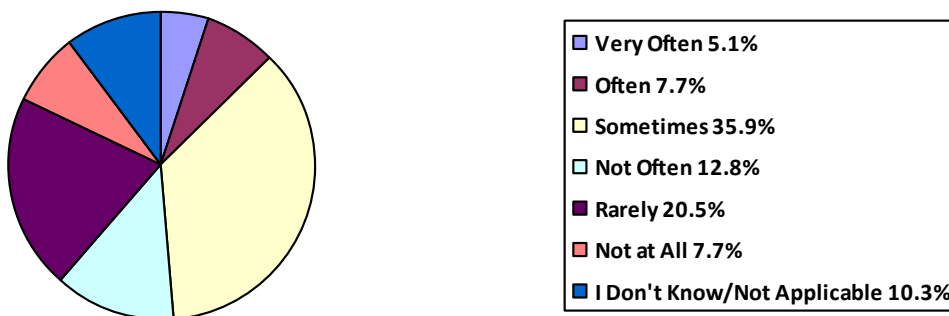
This survey data highlights how migrant workers’ access to legal services in practice can be diminished when taking into account cost, transportation, and other factors that can impact migrant workers’ ability to use legal services. It is significant that 63.2% of participants recorded that in practice migrant workers in their area at ‘very little access’ to legal services. Participants who indicated that migrant workers have ‘very little access’ are based in the following locations: Thompson Okanagan; Vancouver Island/Coast; Lower Mainland; Mainland/Southwest; and, the North Coast. Furthermore, 7.9% of survey participants who indicated that in practice

migrant workers had “no access” to legal services are based in the Thompson/Okanagan and the Fraser Valley regions of BC. Part 5 of this report will provide a more in depth analysis of the data collected on the barriers that migrant workers experience when trying to access legal information and services in BC.

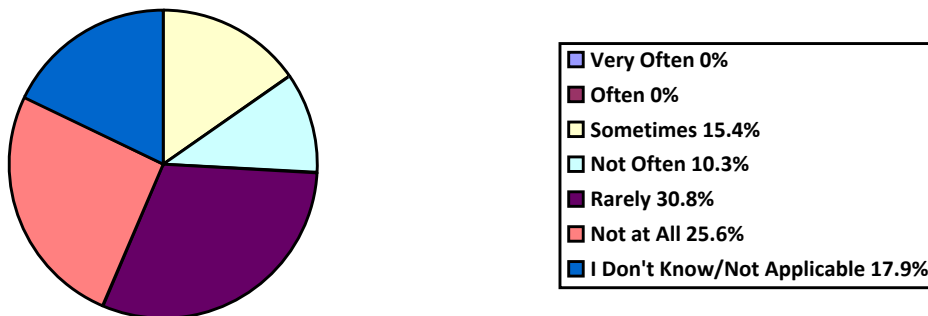
Use of Legal Services

The following info-graphs are created using survey data that asked participants about the frequency that migrant workers used specific forms of legal services:

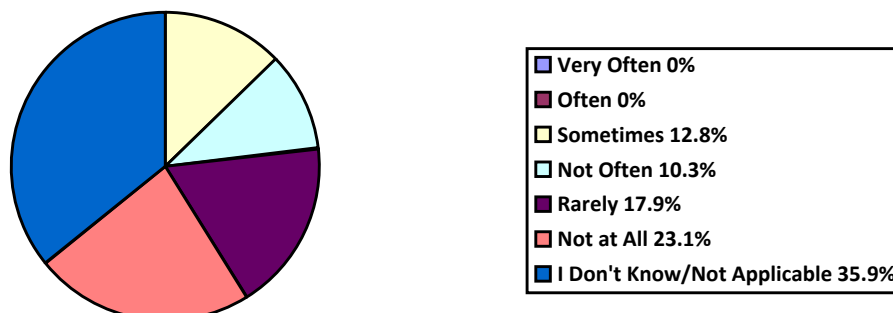
Legal Aid and/or Legal Advocacy Services



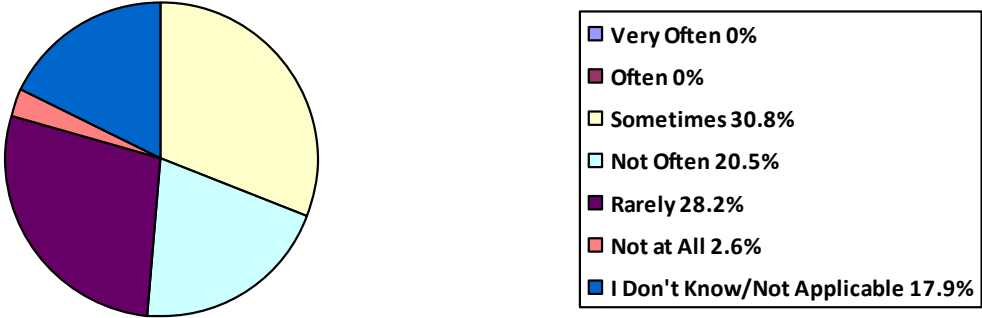
Private Law Firms



Courthouse Services



Government Services (i.e., Employment Standards Branch; WorkSafeBC; dedicated program offices)



According to the survey data, in BC there is no one form of legal service that migrant workers are accessing with a high level of frequency. The survey data on the types of legal services that migrant workers use in BC indicates that none of the participants answered that migrant workers ‘very often’ or ‘often’ use government services, courthouse services, or private law firms. It is understandable why migrant workers would not access private law firms, as cost is a serious consideration. Additionally, this could reflect a hesitation to use legal mechanisms like filing a legal complaint. As discussed in the literature review, many migrant workers choose not to pursue formal legal action.

A former caregiver indicated that “the main concern though is that they might get connected to lawyers, or immigration consultants, or recruiters who instead of helping them, will rip them off and give them wrong information” (Interview, Former Caregiver, Vancouver, August 1, 2017). Participants in all of the focus groups expressed a preference for services from non-profit organizations, emphasizing there is a need for more organizations, as the existing ones are few and difficult to find.

5.1% of participants indicated that migrant workers use legal aid and/or legal advocacy services ‘very often’, and 7.7% reported that migrant workers ‘often’ use legal aid and/or legal advocacy, with 20.5% indicated that workers ‘rarely’ these services and 7.7% citing ‘not at all’. The subsequent chapters of this report will address the barriers that migrant workers face when trying to access said services, in addition to recommendations being put forward to address the low level of frequency of migrant workers accessing legal services.

The 3 focus groups allowed for migrant workers to provide information directly about how they are accessing legal services in BC. It is important to note that because the migrant workers who participated in the 3 focus groups were recruited via partner organizations in their region, the data gathered from the focus groups is impacted by the fact that these workers are already connected to organizations that are in some capacity providing legal information and services. While the focus group data may be skewed towards experiences of better-connected workers, the workers who did participate also spoke about their experiences before they were connected with community organizations in the region.

Participants in the focus group in Vancouver highlighted that they had very little access to legal information and services up until the time that they became connected with advocacy and/or legal organizations in their area. Additionally, workers who became connected with organizations in their areas did this through their own self-advocacy, in order to access pertinent legal information and services that had not previously been provided to them.

For example, one worker stated, “Before I entered Canada through the In Home Caregiver Program I did not have enough information. I didn’t even know how to do the taxes once here, or about the breakdowns for the CPP, I didn’t know about that, and I didn’t know how to file my tax so I had to ask someone. I learned some information from my church when I started to volunteer at the Migrant Ministry” (Focus Group 1, July 28, 2017).

Another migrant worker spoke about their experience of attempting to self-advocate by accessing legal information and services in their area, and how they were frequently excluded from Immigration Refugees and Citizenship Canada (IRCC) funded organizations in BC that have a mandate to serve new immigrants, but not migrant workers:

We went to a lot of organizations and they told us that because we were here temporarily as TFWs that they cannot help us, they can only serve permanent residents, newcomers, but not for us as TFWs (Focus Group 1, July 28, 2017).

The above statement encapsulates the larger findings from the focus groups, in which migrant workers from various streams reported that they experienced difficulty when trying to access justice via legal information and services as migrant workers in BC as a result of the requirement that they self-advocate, and the small number of organizations that have a mandate to serve migrant workers. It is important to note that IRCC-funded settlement agencies are funded through the federal government, and these organizations provide services for permanent residents, not migrant workers. As migrant workers are ineligible for IRCC-funded services, there is an increased reliance on settlement services that receive funding from the province of British Columbia to provide services for refugee claimants, migrant workers, students, and naturalized citizens. In an interview with a representative from MOSAIC, they explained how their services support migrant workers:

We have been running different programs for TFWs. Within that it includes providing conversation circles for TFWs, approximately 40 sessions per year. We also have a program in collaboration with PRO BONO BC where we set up appointments for TFWs, our clients to speak with lawyers pro bono. (Interview, MOSAIC, Vancouver, September 14, 2017).

While settlement agencies play an important role in terms of providing legal information, a caregiver in the Vancouver focus group who had attended a seminar about their rights as a TFW at a settlement agency emphasized there is also a need for legal advocates who can answer specific questions and provide legal advice.

Participants in the focus group held in Vancouver reported accessing legal services and advocacy from a range of organizations, including Migrant Workers Centre for pro bono full legal services and representation, Migrante BC⁹ for broad forms of advocacy, including legal referrals, and connections to pro bono lawyers, St. Mary’s Migrant Ministry¹⁰ for information and support, and MOSAIC¹¹ for various services, legal referrals and connections to pro bono lawyers. Migrant workers who participated in the focus groups in the Fraser Valley and the Thompson/Okanagan regions reported unanimously that they received legal information and services from the Abbotsford Community Services and the Kelowna Community Resources. Abbotsford Community Services has a part-time legal advocate on staff that assists workers in the SAWP. Additionally, migrant workers from the Fraser Valley and Thompson/Okanagan focus groups cited that when they considered private legal services,

⁹ Migrante BC is a community-based organization committed to the protection and promotion of the rights and welfare of Filipino immigrants and migrant workers in British Columbia, Canada.

¹⁰ St. Mary’s Migrant Ministry is a Ministry of St. Mary’s Parish in Vancouver that provides support, including social awareness programs, for migrant individuals and families.

¹¹ MOSAIC is a registered charity serving immigrant, newcomer and refugee communities in Greater Vancouver for the past 40 years. MOSAIC also has programs that serve non-IRCC eligible groups, such as migrant workers.

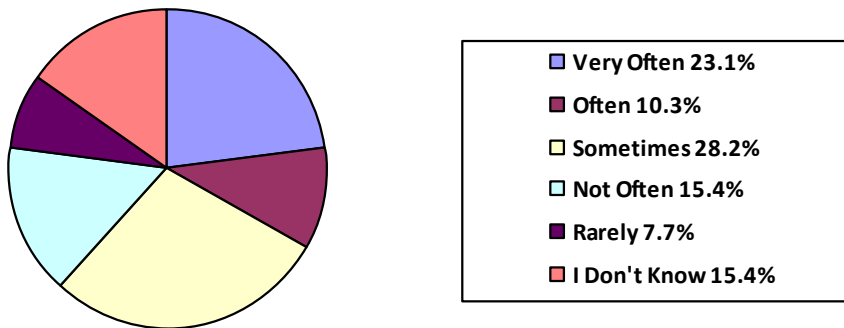
they did not have access to pro bono legal representation from lawyers in the region. The variation in responses based on the geographical location of migrant workers indicates that workers in more remote and rural areas of BC have fewer legal services available to them.

Part 4: Legal Needs

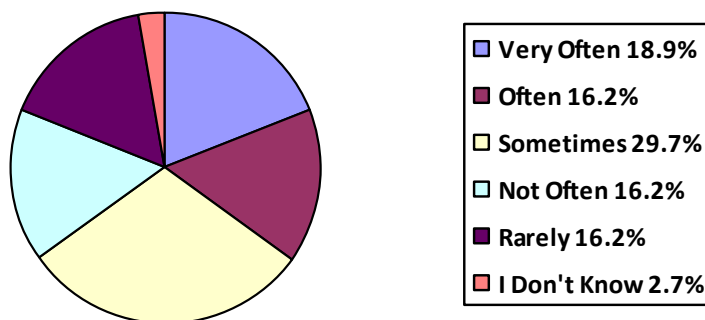
This part provides an analysis of the areas of law that are priority needs for migrant workers. This section draws on data from all 3 qualitative research methods, including the focus groups, in which migrant workers spoke about their legal needs directly, as well as data from the survey and interviews with stakeholders who provide legal services and/or advocacy to migrant workers.

Migrant workers experience problems relating to more than one area of the law, as they not only work but also live in the region as temporary residents, and therefore may require access to legal information and services for a variety of issues. The following info-graphs were created through data collected from the survey participants in answer to the question ‘In your experience, how often do migrant workers seek out legal information or services in relation to the following legal matters?’

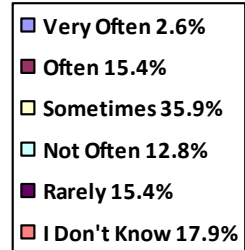
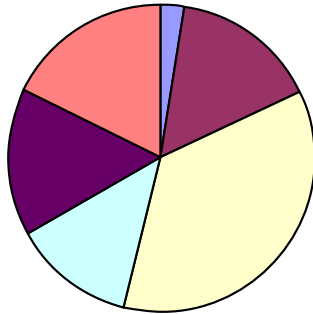
Immigration



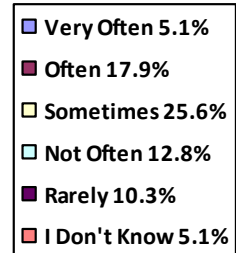
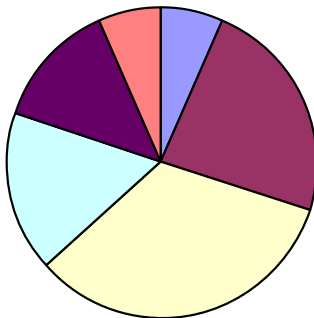
Employment



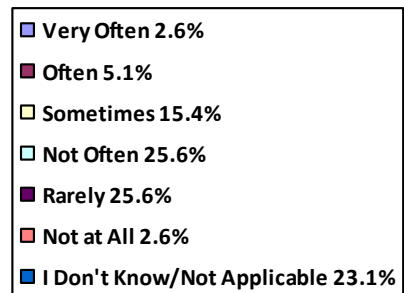
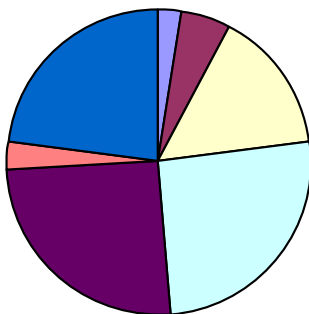
Housing



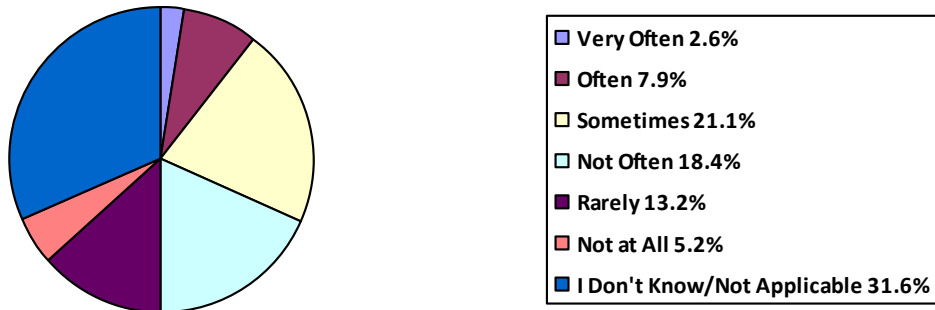
Family Matters



Criminal Matters/Victim Support



Other Legal Matters



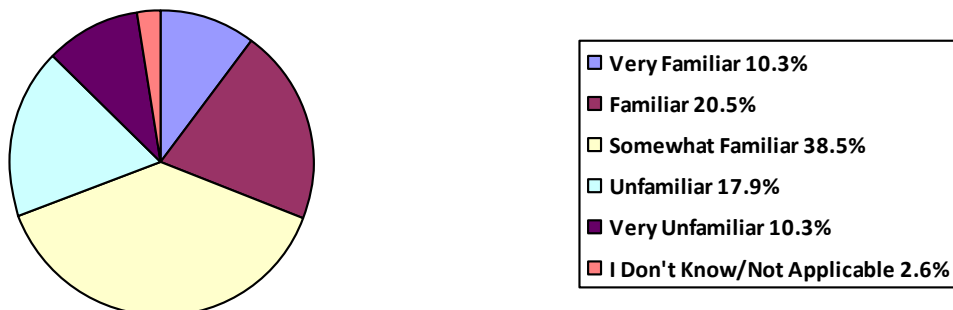
The survey data indicates that migrant workers in BC have multiple areas of priority legal needs. Participants indicated the areas of law that are of highest priority for migrant workers: immigration (with 23.1% indicating 'very often' and 10.3% 'often'), and employment (with 18.9% indicating 'very often' and 16.2% indicating 'often').

To a lesser degree, participants indicated family (with 5.1% indicating 'very often' and 17.9% indicating 'often') and housing (with 2.6% indicating 'very often' and 15.4% indicating 'often') as priority areas of need.

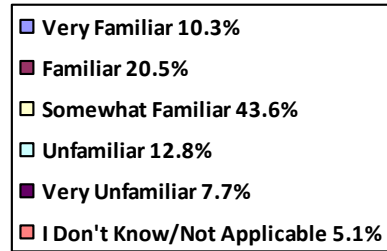
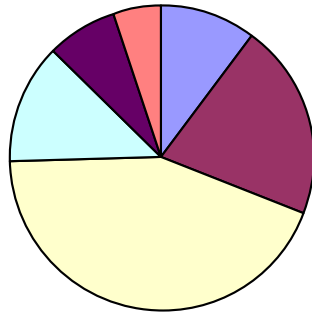
In contrast, survey data shows that the areas for which migrant workers most rarely seek out legal information and services is criminal matters/victim support.

Data collected from the survey further highlights the areas of legal need for migrant workers by tracing the reported levels familiarity with areas of the law by participants. The following info-graphs are created using survey data that inquires about migrant workers level of familiarity with the following areas of law:

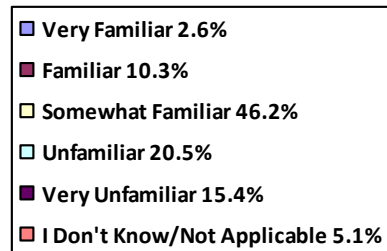
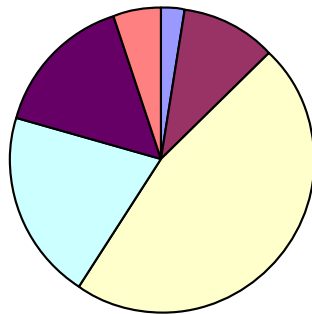
The laws attending their immigration status under the TFWP/SAWP/LCP/CP?



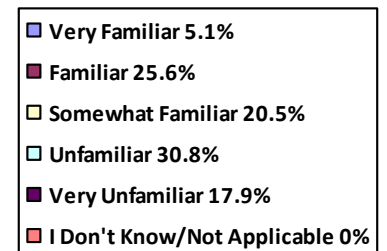
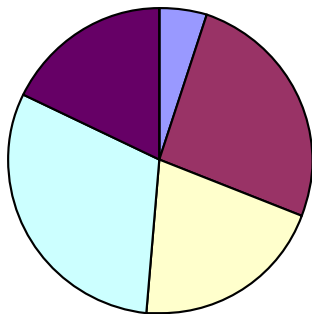
Their options for permanent immigration to Canada?



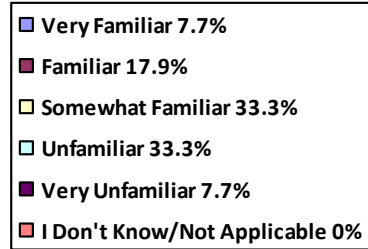
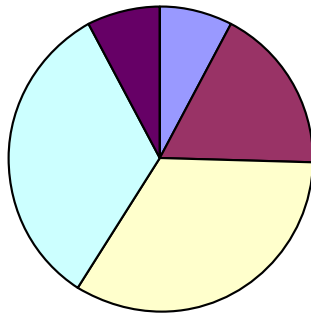
The laws attending their employment contract under the TFWP/SAWP/LCP/CP?



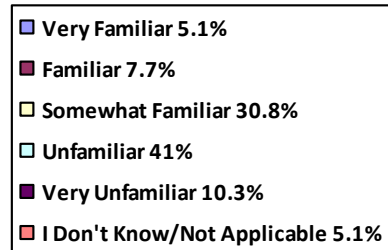
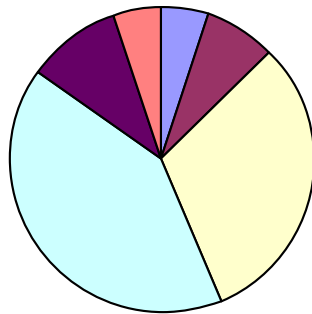
Their employment rights and obligations under BC law?



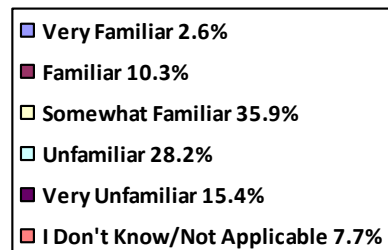
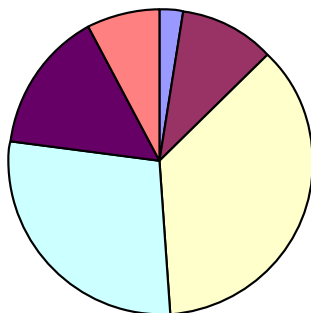
The laws governing the minimum wage and overtime pay (if applicable)?



The laws governing allowable wage deductions (CPP, EI)?



The laws governing occupation health and safety?



It is notable that participants indicated that migrant workers are more familiar with immigration related laws, including their immigration status and options for permanent residency, than with employment-related laws, such as their employment contracts, their employment rights and obligations in BC, minimum wage and overtime pay, wage deductions and occupational health and safety.

Data collected through the focus groups with migrant workers and interviews with stakeholders who provide legal services and/or advocacy to migrant workers also identified the need for information in immigration and employment-related issues, as well as a number of other areas of the law. Once caregiver stated:

We need information about health and occupational safety, family law, immigration law, tax law, what options you have, what happens if you die at work in BC, what about a pension, what if my employer is doing something bad, what if you want to return and you made a mistake when leaving, all this information is required. We need a mental map of the system, not just your rights, but also your duties- where do I go? (Focus Group 1, July 28, 2017).

Significantly, this quote indicates a need for an understanding of the legal system, as well as services where they may go for information regarding a number of everyday legal issues. Migrant workers are newcomers to Canada, and as such, this indicates a need for legal information to help migrant workers adjust to the various facets of their new lives in BC.

Immigration law

Caregivers in the Vancouver focus group identified the following immigration-related areas of legal need:

- Renewing visas
- Consequences for caregiver if job is different than stated on work permit
- The differences between the LCP and the CP
- Requirements for applications and eligibility for permanent residency under the caregiver pathways
- Medical inadmissibility as a result of having a child with a disability
- Requirements for changing employers
- Requirements for a new Labour Market Impact Assessment when extending a work permit with the same employer
- Family reunification

A caregiver in the Vancouver focus group identified challenges with respect to changing employers under the constraints of the TFWP and the corresponding need for access to a legal advocate to help them to resolve the issue:

So even now it is confusing for me because I am [supposed to be] working as a childcare giver but I am working as a housekeeper and I don't know where to go for help about this. I am trying to find a new family, but once the family finds out about the sponsorship (need for Labour Market Impact Assessment) they give up (Focus Group 1, July 28, 2017).

Caregivers also highlighted the need to receive accurate updates about changes made at the federal level to their stream of the TFWP.

Workers in the Fraser Valley and Thompson Okanagan focus groups in the SAWP and the low-wage streams identified the following immigration-related areas of legal need:

- The “naming process,” whereby employers have the ability to decide whether worker will return to work in

the following season

- Options for applying for permanent residency, including Express Entry, the BC Provincial Nominee Program, and Family Sponsorship
- Options for extending work permits or applying for a new work permit under a different stream under the TFWP
- Requirements for a new Labour Market Impact Assessment when applying for a new work permit
- Ability to work for different employers and different jobs under work permit for “general farm labourer”
- Length of time workers are permitted to stay in Canada

A SAWP worker in the Thompson Okanagan focus group stated that employers put pressure on workers to outperform each other and they fear that if they do not work as fast as the employer would like, they will not be called back to work the next year. The constraints of the SAWP, whereby workers do not have access to permanent residency, and employers have the ability to name workers who will return for the next season were also identified as issues that prevent works from seeking legal help and asserting their rights.

Employment law

Caregivers in the Vancouver focus group identified the following employment-related areas of legal need:

- Charging of recruitment fees for a job
- Unjust dismissal by employer
- Rights and obligations under employment contract
- Deductions of wages for CPP and EI
- Deductions of wages for room and board
- Enforcement of their rights under their employment contract and under Employment Standards

Workers under the SAWP and the low-wage streams identified the following employment-related areas of legal need:

- Occupational health and safety
- Deductions of wages for income tax, CPP and EI
- Unlawful deductions of wages
- Rights and obligations under employment contract
- Human rights
- Entitlement to overtime pay
- Entitlement to vacation
- SIN withheld by employer
- Enforcement of their rights under their employment contract

Charging of recruitment fees

In the Vancouver focus group, migrant workers from the CP reported on the issue of unscrupulous recruitment agencies:

One of my coworkers just came from Cyprus and she paid an agent \$2500 and they (the agent) didn't do anything for her and she got a job by herself and the agency is here in Vancouver so she wanted her money back, but they are just delaying it. And it is a big issue because \$2500 is enough to start here, and her English is not that good so she needs help (Focus Group 1, July 28, 2017).

Another migrant worker reported on the issue of migrant workers being aware of the unscrupulous and/or illegal practices of recruitment agencies but still being susceptible to the power that recruiters have in that they can provide pathways to living and working in BC:

People will pay employment agents even if it is illegal to charge these fees because they just want to come here so if they are charged they will pay (Focus Group 1, July 28, 2017).

Unjust dismissal

A caregiver reported that she was terminated by her employer for asking about her rights according to her employment contract:

When I came here and I realized that the work that was being asked of me was beyond what was stated in the employment contract, I began to question the things that were being asked of me...[My boss] terminated me. And he said he was terminating me because I could not get my drivers licence but I knew that wasn't the case (Focus Group 1, July 28, 2017).

Occupational health and safety

Data from this research indicates that there is a lack of information being provided to migrant workers regarding their rights to occupational health and safety. In an interview with David Fairey of the BC Employment Standards Coalition, he stated,

And frequently if there are accidents in the workplace, those are not reported by the employers, there is no record of them. So they are denied access to WCB benefits and also they are totally reliant on community support to find doctors or to be taken to hospitals or clinics in order to get health services (Interview, July 25, 2017).

This statement indicates that there is, at times, a lack of access provided to workers who require services such as the WCB after a workplace accident. Despite formal entitlement to benefits, such as workers compensation, migrant workers face numerous barriers in accessing these in practice. Additionally SAWP workers in the focus groups in the Fraser Valley and the Thompson Okanagan reported they are not being provided with safety information for the work that they perform on the farms. Fairey also reported on the uneven way in which safety advisories are distributed to migrant workers in BC:

Health and safety is an issue because there is a lack of information and lack of adherence to health and safety issues particularly for farm workers. For example, I was in the Okanagan last week and there is a health advisory that went out from the regional health authority that workers who work outside should not be exposed to smoke for any undue length of time but that information is not being shared with migrant workers (Interview, Fairey, July 25, 2017).

Human rights

A migrant worker in the Thompson Okanagan focus group who entered through the SAWP spoke about an issue they were having with their employer who was requiring them to work on a religious holiday. The worker did not know how to move forward with the issue, and was unclear if it was an employment law issue or a human rights issue (Focus Group 3, August 3, 2017).

In an interview with a lawyer in Vancouver who works directly with migrant workers, the lawyer identified human rights as an area of need:

...particularly for domestic workers. We see a lot of human rights cases where there is, abuse, sexual abuse, of these workers. And they are in quite a difficult situation, you know I know the requirement to live in has now been lifted, but just being in that you are in someone else's home and that puts you in a vulnerable situation as a worker (Interview, Labour Lawyer, Vancouver, September 18, 2017).

Employment contracts

In the Thompson Okanagan focus group, a SAWP worker spoke about looking for information and support to help him with enforcing his employment contract:

"In my first contract here it said that I cannot make overtime. But then in my second contract it said that I could get overtime, and the employer signed it but they do not pay it" (Focus Group 3, August 3, 2017).

Employment insurance

In an interview with a lawyer in Vancouver, the lawyer stated that there is a need for information on "employment insurance, a lot of workers pay into employment insurance but have very little ability to actually draw from it, which seems manifestly unfair" (Interview, Labour Lawyer, Vancouver, September 18, 2017).

Employment standards

An excerpt from an interview with a lawyer in Vancouver who works directly with migrant workers provides an overview of employment standards violations experienced by migrant workers, as well as retaliation they face by employers when they try to enforce their rights:

Another issue is employment standards issues. The issue of workers not getting paid, not getting paid overtime. Just basic employment that is being conducted miles outside of what the ESA requires. So we see a real range of things.

Discriminatory action is another one. And the retaliation for raising safety or asserting rights. Retaliation against workers is a big one. (Interview, Labour Lawyer, Vancouver, September 18, 2017).

The above outlines the multiple employment-related legal problems that migrant workers may face while they work in BC while at the same time highlighting the need for legal services to enforce the rights they ostensibly have.

Housing law

Workers in the SAWP in particular cited housing as an area of priority need. SAWP workers, for the most part, live on the farms where they work and are provided housing by their employers. One worker spoke about the need for "ensuring that housing is safe and adequate," while mentioning there is a need for the Mexican Consulate to conduct inspections of housing on the farms (Focus Group 2, July 29, 2017).

Other areas of the law

In addition to the above-mentioned immigration and employment-related legal matters, migrant workers identified a need for legal information related to filing income taxes, medical benefits, and accessing the Canada Pension Plan.

Part 5 Barriers to Accessing Justice

This part analyzes the data collected on the barriers that migrant workers face when trying to access legal information and services. This section of the report presents data on how the regulatory framework of the TFWP both increases needs for and barriers to legal information and services. In particular, aspects of their employment experience, such as their temporary status as workers under the TFWP, are found to create barriers for workers seeking to access their rights in practice. In addition, key findings point to additional barriers, such as isolation, the digital divide, limited supply of pro bono legal services, hours of operation of available services, and migrant worker exclusion from services. The following barriers to accessing justice were compiled by drawing on data from all three methods used for this report.

Additionally, there are times when migrant workers may have information about their rights but are less able to enforce their rights because of the precarity that engenders their participation in the TFWP, including working in isolated areas where there are fewer legal advocacy organizations available to them. Workers in the SAWP who participated in the 2nd and 3rd focus groups reported that they need face-to-face advocacy and they need representatives to come and visit the farms where they live and work, and then follow through by ensuring that violations of rights and safety are remedied.

Immigration Status

Throughout this research, migrant workers and other stakeholders from across a wide array of organizations and institutions reported that certain elements of the regulatory framework of the TFWP increased the vulnerability of migrant workers, and therefore pose a barrier to accessing justice via legal information and services. As detailed in the literature review, workers who enter through the low-wage streams of the TFWP have temporary immigration status that can act as a barrier. For instance, when workers fear immigration-related retaliation from employers, they are less likely to seek out legal information and services for fear of losing their job and their legal status in Canada.

Migrant workers receive tied work permits, meaning that if their employment is terminated, the worker must obtain a new work permit before entering into a new employment relationship. Tied work permits are a barrier because migrant workers fear the consequences of being unemployed and potentially homeless while waiting for approval to change employers. For example, a migrant worker in the Vancouver focus group addressed how migrant workers may be left without resources and income when they are in-between employers, and that there needs to be infrastructure provided for income, housing, and access to information during this time. The worker stated:

There is a need to minimize the processing time so the TFWs are not left without income. There needs to be access and the processing needs to be fast. The processing time for the high-wage stream for a LMIA can be done in 10 days. This needs to apply to all TFWs (Focus Group 1, Vancouver, July 28 2017).

The uncertainty of new employment, coupled with time delays, acts as a barrier to asserting workplace rights where doing so could cause termination. When considered in light of the temporary nature of the worker's time in Canada, and economic motivations for participation in the TFWP, this creates strong disincentives to putting current employment in jeopardy. In other words, this may make the "costs" of enforcing workplace rights outweigh the "benefits".

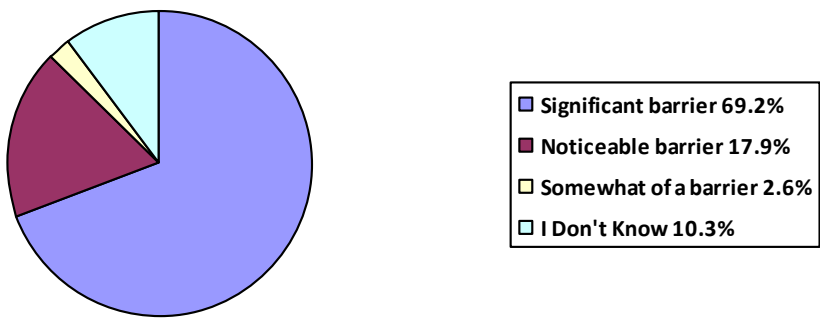
The following info-graphs were created based on the data collected through the survey. The info-graphs highlight the responses from the question:

'In your experience, how much of a barrier do the following areas pose to migrant workers' abilities to access legal information and services?'

Perceived Risks to Immigration Status (i.e., Fear of Deportation)



Perceived Risk to Employment Status



The info-graphs¹² indicate that the regulatory framework of the TFWP situates migrant workers as uniquely vulnerable to immigration-related retaliation in addition to creating obstacles through the tied work permit system. These regulatory aspects of the TFWP are considered to be significant barriers to migrant workers accessing legal information and services in the region.

The following quote from a focus group participant reveals how tied work permits and temporary status create unique conditions of precarity that become a barrier to migrant workers asserting their legal rights as workers:

Most caregivers, we are afraid to file a complaint about our rights because if something happens then we are on the streets. It is not the same thing like if I work for a company but I have my own house and I go home everyday, if I make a complaint and get fired I would still have a house. For us, if we make a complaint and get fired its like 'sorry you have to sleep on streets' so I think that most people don't complain even if the situation is bad because where are you going to live. I have talked to a lot of people who are in bad

¹² Other factors were presented in the survey for this question and are discussed throughout this chapter. The other factors include, language, access to transportation, language, access to technology, and availability, eligibility, and hours of service.

situations with their employers and people tell them that they have to report it. But if you need to find a new employer it can take like 4 to 6 months to do all the paper work and where are you going to live in that time and so they are scared (Focus Group 1, July 28 2017).

This experience of a caregiver is representative of broader experiences of migrant workers who are required to live in employer provider housing, as it speaks to the conditions under which many migrant workers live and work in BC. As outlined in the literature review, migrant workers' hesitancy to report violations in their employment is particularly damaging because the available legal mechanisms for enforcing rights and obtaining remedies are complaint-driven. Therefore some workers may feel as though they cannot bring a complaint forward because of the significant power imbalance that favours employers of migrant workers, limiting practical access to enforce their rights for fear of jeopardizing employment and housing.

In response to an interview question on what kinds of barriers exist in the process of migrant workers trying to access justice, a Vancouver labour lawyer who works directly with migrant workers stated:

...Your (TFWs) rights don't really matter because the employer has so much control in terms because these workers are so dependent on the employer. So when TFWs are so dependent on the employer, asserting your rights is meaningless. So really I think the precariousness of their status and their employment leads a lot of people to not really want to go out and assert your rights, because knowing your rights could come back to haunt you. So it is really unfortunate. (Interview, Labour Lawyer, September 28, 2017).

Another interview participant, Jodie Gauthier, a labour lawyer, stated:

One thing that is very frustrating is that even for those workers that have very good knowledge of their legal rights, because of the vulnerabilities of the program (TFWP) they, in many cases in my experience, choose not to try to enforce those rights because doing so in their view would leave them vulnerable to retribution. So it could be that a worker is very well aware that their rights are being violated but doesn't see any means of recourse... So when the employer would threaten to terminate their employment, they would threaten to have them deported, they would threaten to report them in some way connected to immigration. In some cases workers might be told that if they bring a legal complaint their immigration might be threatened, they might be seen as not good workers or other employers might not want to hire them. (Gauthier, Interview, July 19, 2017).

These responses reveal the ways in which the regulatory framework of the low-wage streams of the TFWP create a power imbalance between migrant workers and their employers, and can thus create a barrier for workers to seek out legal information and services if they are being exploited. It is important to note that although only the CBSA has the authority to deport workers from Canada, immigration-related retaliation on the part of employers can be seen as a real threat to workers, particularly if they have been forced to violate provisions of immigration law, such as performing work outside of the confines of their work permits.

Language

Language barriers pose a serious obstacle for migrant workers as it can impact many facets of their life in BC. The following info-graph is created using data collected from the survey in which participants indicated how much a barrier language was for migrant workers trying to access legal information and services:

Language



For many workers who come to BC through the SAWP, in particular those who come from Mexico, language differences increase the barriers that workers experience when trying to understand their legal rights, as materials such as contracts are not provided in the workers' language of choice.

Of the various low-wage streams of the TFWP, workers who enter through the SAWP are the most likely to experience language barriers, as the program does not require proficiency in English or French. Frequently, workers do not have access to legal information and services in their preferred language. In the focus groups conducted with SAWP workers, there were translators present to give verbatim translation of the questions and answers. SAWP workers reported that it is very rare that they ever have access to verbatim translation and are often provided with written materials pertaining to their contracts that are only produced in English. Additionally, workers from the focus groups who entered through the SAWP reported that they frequently have questions for IRCC or Service Canada and they cannot call in with these questions because there are no representatives who speak Spanish. Migrant workers' inability to access pertinent information in the language of their preference is a barrier in a multitude of ways, as they are unable to access government agents who speak their preferred language or online legal resources. Additionally, language barriers can prevent or increase the level of difficulty migrant workers have when trying to report violations or abuse to the ESB or other law enforcement agencies.

Migrant workers in the focus group in the Fraser Valley who entered through the SAWP reported that they often only have one day a week to access services from Service Canada, and when they do not have access to a translator it poses a significant barrier to their ability to access both information and the necessary services. Additionally, they reported that there is only one translator from the Abbotsford Community Services, and there can be long wait times to access this translation. The overarching findings from this research indicate that language support is a necessary component to access justice. When migrant workers do not have access to translation services, information materials in their preferred language, or government or non-profit representatives who speak their preferred language, they are unable to effectively access legal information and/or services.

Isolation

As outlined throughout this report, migrant workers are often required to live in employer provided housing, and frequently this housing is on employer-owned property. For migrant workers under the SAWP, employer-provided housing is often in remote rural areas in BC. Migrant workers experience geographical isolation through employer provided housing, as workers are frequently not provided with transportation off of the farms, and in many remote areas there is no public transit. The following info-graph was created using data collected

from the survey in which participants indicated how much of a barrier access to transportation is for migrant workers trying to access legal information and services:

Access to Transportation



In response to the question of what barriers are faced when attempting to provide migrant workers with legal advocacy and services, a Vancouver labour lawyer who works directly with migrant workers stated:

So starting with the agricultural workers, number one is the isolation; it is not as simple as picking up a phone or going to use the Internet. They are often living on the farms, very isolated and very difficult to get off the farm. Two... for example, if we try to hold a session in Abbotsford for example or Chilliwack or anywhere like that, just getting to the session is just about impossible for many workers because they are so isolated. (Interview, Labour Lawyer, Vancouver, September 18, 2017).

From the above statement it is clear that the geographical isolation that many migrant workers experience in BC is a barrier to their ability to access both legal information and services, as workers often do not have the ability to access basic forms of transportation.

Caregivers also experience isolation when they are required to live in the home of their employer. When migrant workers are in their employer's home, it can be more difficult to assert their rights, as outlined above. They fear jeopardizing their employment status, as they may experience undetermined lengths of time before finding a new employer, leaving them without a source of income or housing in the meantime. The following statement reveals how the isolation of living and working in an employer's home can become a barrier to migrant workers access to justice:

When I came here and I realized that the work that was being asked of me was beyond what was stated in the employment contract, I began to question the things that were being asked of me because they were beyond my contract. So when I got help from Migrante BC, a volunteer lawyer from the organization helped me to formulate a letter that I could present to my boss because I had a difficult time communicating with him, because the bargaining power was very different, I was his employee and he was the boss. And that letter, I gave it to my boss, and the very next day he terminated me. And he said that he was terminating me because I could not get my drivers license but I knew that it wasn't that case. That was not the reason why, it was that he did not want to define my work hours, my break periods, he doesn't want to pay me for my holiday, I work during the holidays so, if I didn't meet Migrante BC I would be homeless, because I didn't have any family here. So the thing is we have rights as any worker here but the thing is with our status being very precarious, we are very dependent on our employers, it makes us very vulnerable to the point where we have to remain quiet and to be silent because we are afraid of losing a job and then losing a home and not being able to work for long periods. And I became unemployed after this (Focus Group 1, July 28, 2017).

This statement from a caregiver shows how the requirement to live in their employer’s house is isolating, as the employer’s home is not an ordinary workplace where connections can be made with co-workers. The worker’s statement demonstrates that living with one’s employer blurs the boundaries of work and creates contingency between housing and employment. The data from this research demonstrates that isolation, tied work permits, and temporary status can intersect and pose barriers and create adverse consequences for migrant workers who are looking for ways to enforce their legal rights as workers and temporary residents of BC.

Digital Divide

The data collected for this report indicates that some migrant workers, especially those who enter through the SAWP and those working in remote areas do not have access to the Internet while living and working in BC. Not having access to the Internet significantly decreases their ability to search for information about their rights or about services in their area.

The following info-graph was created using data from the survey. This graph reflects survey participants’ responses to the question of how much of a barrier does not having access to communication technology (i.e., computers, internet, phones) pose to migrant workers access to legal information and services:



The 20.5% of survey participants who indicated that access to communication technology poses a ‘significant barrier’ to migrant workers’ access to legal information and services were from a broad segment of areas in BC, including: Thompson/Okanagan; Mainland Southwest; Northeast; and the Fraser Valley. These are more isolated areas of the province where access to communication technology is more limited. SAWP workers in the focus groups indicated that many farms do not provide them with computers, Internet, or phones.

Data collected from an interview with a Vancouver labour lawyer indicates that SAWP workers in remote areas face a significant barrier when it comes to access to communication technology. In response to a question about whether they have found that most migrant agricultural workers have access to the Internet on the farms, they stated:

No, they do not usually (have access to the internet on farms). And also assuming that the Internet will help doesn't always work. They would need to know what sites to go to, you would need to have access to the internet, you would need to have access to a computer, and if you're in a rural community, maybe there is a library, maybe there is not, it's the timing of it in terms of when that computer would even be accessible given your work hours is up in the air. So there are a lot of difficulties in terms of accessing legal information. (Gauthier, Interview, July 19, 2017).

The above statement indicates that there may be limited access to communication technology such as the Internet for migrant workers in remote and rural areas of the province. Additionally, this statement highlights how even when migrant workers can access the Internet, there may be additional barriers, including knowing how to find reliable legal information.

Limited Availability of Legal Services

Throughout the research for this report, data indicated that there is a deficit in the supply of organizations that have staff lawyers or legal advocates who can provide legal information, advocacy, and representation for migrant workers. There are few legal organizations that provide representation for migrant workers at no cost, and migrant workers reported that it is beyond their means to access legal representation through private firms that charge fees. Additionally, while major cities such as Vancouver have legal organizations that serve migrant workers, such as the MWC, Access Pro Bono, and the Community Legal Assistance Society, remote and rural areas of BC often do not have adequate levels of *pro bono* legal services available for migrant workers. There are legal advocates funded by the Law Foundation of British Columbia that can provide certain services to migrant workers, although there are limited numbers of legal advocates in rural areas, and some may not provide services in areas of need, such as immigration.

In response to the question of what kinds of barriers do migrant workers experience regarding access to legal information and services, a Vancouver based lawyer cited:

You have these service providers like us (lawyers) who are sitting in offices in downtown Vancouver, or even like PICS a lot of these groups, are sitting in offices that are not on the farms, and you can train those groups to provide legal services and then have the grassroots organizations doing a lot of organizing work and a lot of liaison work to get people to the right services, so... I think there is a role for everybody (Interview, Labour Lawyer, Vancouver, September 18, 2017).

This statement highlights the need to provide better access to legal services to workers in more remote areas. In particular the statement indicates that there is a role for grassroots organizations to act as liaisons to facilitate access workers' access to available legal services in the area.

The following info-graph was created using data from the survey and indicates how respondents answered the question of 'How much of a barrier is posed by the availability of legal services?':



From the survey data it is evident that participants view the availability of legal services as a highly significant barrier for migrant workers. In the next info-graph survey data is compiled to highlight how much a barrier cost of the available services is:



It is a compelling finding that 64.1% of survey respondents indicated that the cost of available legal services posed a ‘significant barrier’ to migrant workers’ access to legal services and 12.8% cited that it was a ‘noticeable barrier’. Participants in the Vancouver focus group indicated that there is a significant need for more organizations that provide *pro bono* full legal services and representation like the MWC as many of the workers reported that prior to connecting with the MWC, they did not have access to the legal services that they required.

The data indicates that issues of accessibility based on region, the cost of available services, and the availability of *pro bono* legal services create multiple barriers for migrant workers.

Hours of Operation of Services

Many government departments and other organizations that provide information and services for migrant workers are closed after 5 PM and on the weekends, thus posing a serious barrier to migrant workers who frequently work through the weekends and during the 8-hour workday.

Migrant workers in the 3 focus groups raised concerns over the hours of operation for services that they required access to. In particular, workers from the Thompson/Okanagan Valley and the Fraser Valley focus groups who entered through the SAWP stated that it is very difficult for them to access government and NGO services because the times that these offices are open overlap with their hours and days of work and they often do not have a means of transportation. Additionally, participants who filled out the section of the survey that inquired about additional barriers that migrant workers face in trying to access legal information and services stated, “Services aren’t always open when migrant workers are excused from their job.” Another survey respondent echoed this by saying, “We can’t access services because we work long hours and the offices are closed on the weekends.” The data collected in this report highlights that there is a real need for services to be accessible to migrant workers in terms of hours of operation that reflect an understanding of their schedules.

Migrant Workers Excluded from Mandate for Service

A number of non-profit organizations that cater to newcomers do not have a mandate to serve migrant workers. As addressed earlier in the report, settlement agencies receive federal funding for newcomers and permanent residents, which excludes temporary foreign workers. The data in this research indicates that some settlement agencies in BC receive funds from the BC government in order to be able to include migrant workers in their

programming. The following info-graph is made based on data collected through the survey. This info-graph depicts participants' responses to 'How much of a barrier to legal information and services the eligibility for legal services is':



With a response rate at 41%, it is apparent that the eligibility of migrant workers for legal information and services is a 'significant barrier.' Migrant workers in the Vancouver focus group cited that in the process of having to self-advocate to become connected with organizations that could provide legal information and services, they were turned away from organizations that only served permanent residents, and explicitly excluded migrant workers (Focus Group 1, July 28, 2017). In an interview with a representative from MOSAIC, they spoke to the issue of migrant workers being excluded from a mandate of service and the limits to funding in BC:

There is a very limited amount of funding for services for migrant workers in general so whether it is access to legal services or settlement services, it is incredibly limited, so that is obviously a huge issue (Interview, MOSAIC, September 14, 2017).

This statement emphasizes that the exclusion of migrant workers from a mandate of service is a fundamental barrier to their ability to access the necessary legal information and services. Settlement agencies, grassroots migrant worker organizations and faith-based organizations can play an important role in providing legal information and referrals to *pro bono* legal services. Analysis of the data reveals that there is a critical need for an increased availability of services that include a mandate to serve migrant workers.

Part 5: Recommendations for Implementing Change

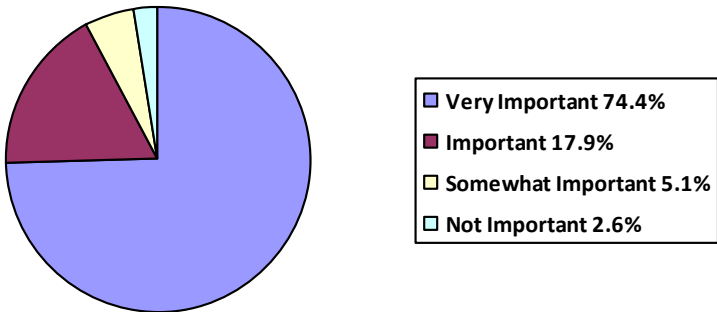
This report has outlined migrant workers' priority legal needs, the ways in which migrant workers currently access legal information and services, and the barriers workers face when trying to access legal information and services. This research has shown that there are significant gaps in the delivery of legal information provided to migrant workers at any stage of their involvement in the TFWP. The gaps and inadequacy of this information poses a serious barrier to migrant worker justice in BC as workers are often not aware of how to access legal assistance when it is required.

This research has identified the regulatory framework of the TFWP as a contributing factor to decreased access to justice for migrant workers. The regulatory constraints of the TFWP that position migrant workers as uniquely vulnerable to abuse and exploitation, in turn, increases their need for legal information and services.

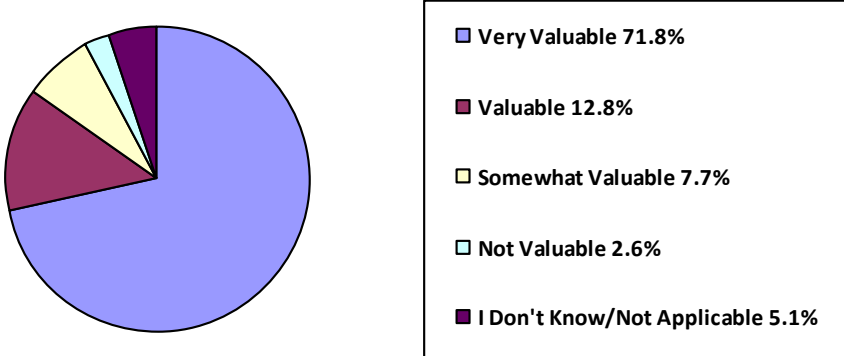
This part of the report is based on analysis of the data compiled from the three research methods in order to put forward recommendations for moving forward in ways that advance migrant workers' access to justice in BC. In the interviews, survey, and focus groups, participants were asked questions regarding their knowledge of existing promising practices for meeting migrant workers' needs for legal information and services. The survey had multiple sections dedicated to collecting information from participants about their support for various strategies to improve migrant workers' access to legal information and services.

The following info-graphs are created using survey data that was collected from participants in response to the question: 'In your opinion, how important would each of the following be in creating greater access to legal information and services for migrant workers in BC?'

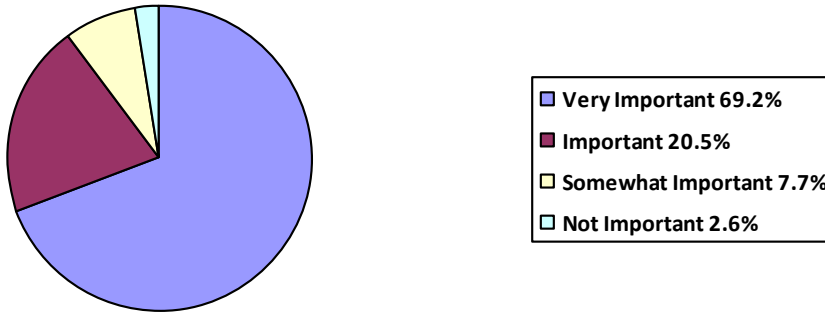
Less costly of free services for migrant workers in your area?



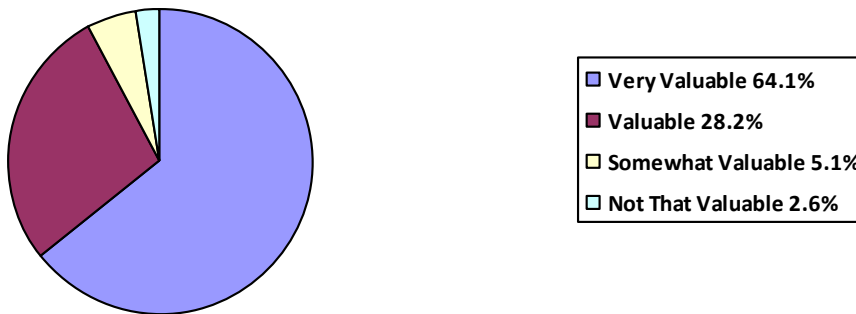
Post-arrival orientation sessions for migrant workers in your area?



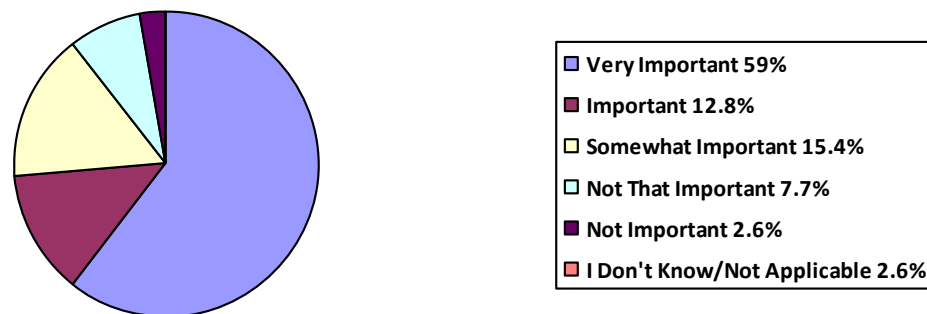
More dedicated services for migrant workers in your area?



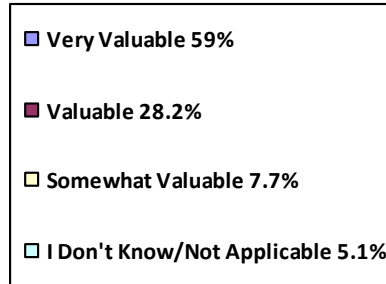
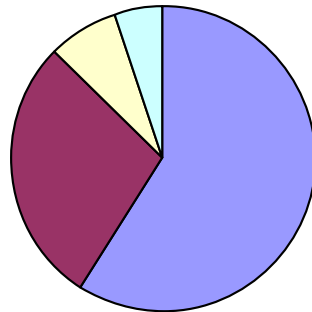
Availability of multilingual information and services, or interpretation / translation services?



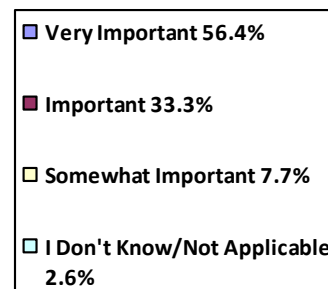
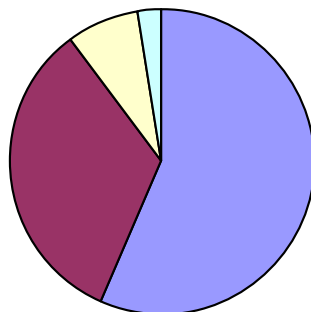
Mobile Legal Clinics for migrant workers?



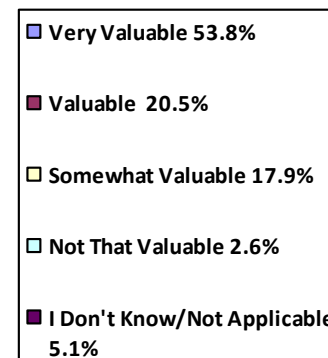
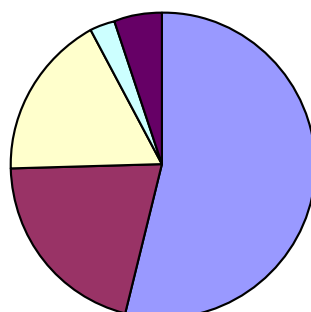
A hotline or referral service for migrant workers who would like legal information or services?



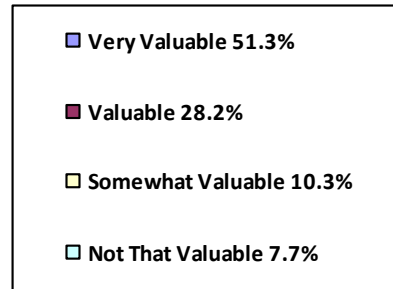
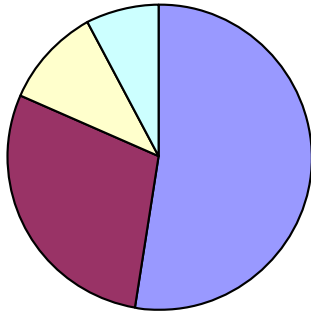
Training and/or on-going support for community services providers and outreach workers, on how to provide help for migrant workers who need legal information or services (i.e., how to provide reliable information, available services, referral practices, etc.)?



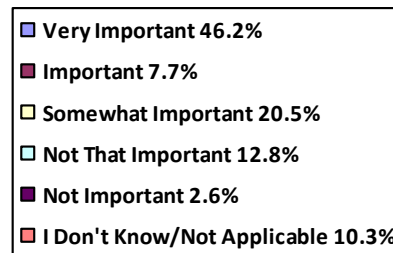
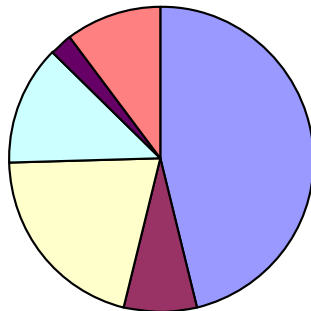
Public legal education workshops for migrant workers in your area?



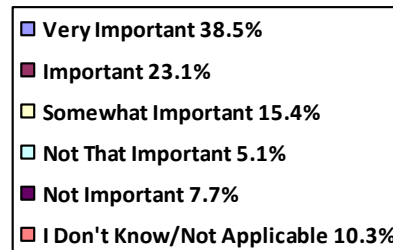
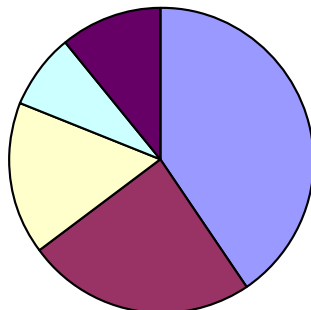
A dedicated website for migrant workers' legal information and assistance?



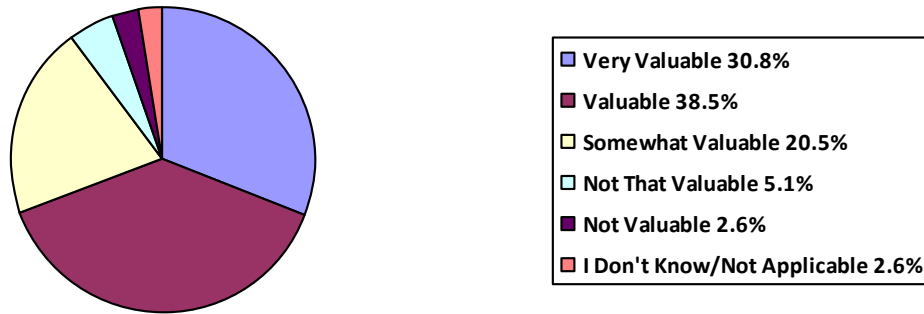
Enhanced transportation options for migrant workers to access services in your area?



Enhanced access to communication technology (i.e., computers; internet; phones; etc.) for migrant workers in your area?



Written materials or brochures?



The survey data represented in the above info-graphs reveals high levels of support for a number of strategies to create greater access to justice for migrant workers by participants from all of the regions of BC. These strategies include less costly or free legal services, post-arrival information sessions, and more dedicated services for migrant workers. Availability of multilingual information and services, or interpretation / translation services also received a high level support, suggesting that the solution to meeting migrant workers' legal needs requires that information and services, including government and non-government services, are available in various languages.

Mobile legal clinics; a hotline; training for community service providers on how to provide help for migrant workers who need legal information or services; public legal education workshops; and a dedicated website were also identified as very important strategies.

To a somewhat lesser degree, enhanced transportation options, enhanced access to communication technology (computers, internet, phone), and written materials or brochures were identified as valuable strategies. Data from the focus groups and interviews also supports the above strategies for creating greater access to justice for migrant workers.

Migrant workers expressed their need for more comprehensive and accessible support in regards to their access to legal information and services. In the focus groups, workers emphasized the need for partnerships between legal services and community organizations, as well as multiple points of entry into a streamlined and coordinated system designed to facilitate access to information and services that ensures that no migrant worker is left behind.

I know that Migrante BC does work alongside the... [MWC] and I think that kind of partnership needs to be increased between community groups and legal assistance for TFWs. This must be strengthened so that we can have a partnership that covers legal issues and advocacy at the same time...When you need legal assistance it needs to be there, a migrant worker doesn't need to be forced to fill out a form all by themselves and not know what to do and then get frustrated and give up an stay in the same position" (Focus Group 1, July 28, 2017).

Data collected from interviews also indicates high levels of support for a streamlined, collaborative model for the provision of legal information and services for migrant workers throughout BC. In an interview, a Vancouver based labour lawyer responded to the question of what do you think would be useful in improving access to these legal information and services for migrant workers:

Well there should be some sort of a partnership between agencies that have a common interest in making sure that the interests of migrant workers are protected, to create some sort of an access point for all of those different types of information. So right now different agencies are operating basically on their own. So things like the Human Rights Tribunal will put out information, the Employment Standards Branch will put out information, but to my knowledge, there's not like a hub or an access point that workers can go to and just get all of the information that they need on different topics- and that would be very helpful. You could see there being a role provincially in just creating a hub or an access point that's accessible in terms of translated information on different topics of interest. I think that that would be beneficial and it would make things more accessible. There may also be ways to develop or provide training for community organizations, or local organizations, legal advocacy programs, community centers for providing information to workers. So that there would be some type of local expertise in different smaller centers. (Gauthier, Interview, July 19, 2017).

The above excerpt reinforces the notion that a main access point would assist migrant workers to pertinent information regarding their needs for legal information and services in BC. The following recommendations provide a roadmap for a coordinated system that would ensure that migrant workers are able to access the legal information and services they require at all stages of their migration to BC.

Recommendations

1. Create a network of stakeholders involved in the dissemination of legal information and provision of legal services

A network of stakeholders is necessary to coordinate multiple entry points into a system that facilitates access to legal information and services for migrant workers. The network would consist of multiples stakeholders working together to provide a seamless experience for migrant workers to access information at the pre-arrival, on-arrival, and employment stages of their migration. Stakeholders include both government and non-government actors, as follows:

Pre-arrival:

- Immigration, Refugees and Citizenship Canada, through its Canadian visa offices overseas, would distribute legal information materials to migrant workers prior to their arrival to Canada. These materials would be provided when the worker's visa is sent to or picked up by the prospective worker, and would be made visibly available at Canadian embassies, consulates, and visa processing centres abroad.

On-arrival:

- The Canada Border Services Agency (CBSA) would distribute legal information materials to migrant workers at their point of entry to Canada at airports and border crossings. CBSA officials would provide these information materials to migrant workers when they receive their work permit.
- Legal advocates in the region would provide post-arrival information sessions to migrant workers

During employment/ongoing:

- Trained call centre staff at key government agencies would provide information and referrals to legal advocates, the dedicated website and the dedicated hotline
- Websites of key government agencies would refer migrant workers to the dedicated website and the dedicated hotline

- Trained community service providers, including key settlement agencies, grassroots migrant worker organizations and faith-based organizations, would conduct outreach to migrant workers and provide legal information and referrals to legal services
- Legal advocates would provide direct legal advocacy services, workshops and mobile clinics to remote areas. Legal advocates would also regularly update the dedicated website and answer the dedicated hotline.
- Lawyers would provide supervision to the legal advocates, and training to the legal advocates and community service providers

2. Increase the supply of dedicated legal information and advocacy services

An increased supply of dedicated legal advocates and community service providers in regions of the province with high concentrations of migrant workers would address the issue of inadequate availability of pro bono legal information and services.

Data collected from the focus groups indicates a strong need for a network of trained service providers who understand the specific situation of migrant workers according to the regulations of the low-wage streams of the TFWP, and the unique ways in which immigration law intersects with their employment in the province.

Legal advocates, under the supervision of a Supervising Lawyer, would provide direct legal advocacy services in the areas of law that are identified as priority needs (immigration, employment, and housing) and not otherwise offered by other legal advocates in the region to avoid service duplication. Supervision by lawyers would ensure accountability for services provided.

Legal advocates would work in a coordinated way with community service providers, who are already working to provide assistance to migrant workers and whose capacity to conduct outreach and provide legal information and referrals to legal services is enhanced through training by lawyers, which can include lawyers who work for non-profit organizations, such as Migrant Workers Centre or Community Legal Assistance Society, or supervising lawyers in the region.

Community service providers would receive training on how to identify legal issues; find accurate legal information online; use the dedicated website; when and how to make referrals to legal advocates and other services; and how to distribute and help workers to understand legal information materials.

To the greatest extent possible, legal advocates would be multilingual and provide services in migrant workers' first language. The placement of multilingual law students to work with legal advocates through co-ops or other programs for course credit could also play an important role in increasing access to justice for migrant workers.

3. Create a dedicated website

The data collected for this report highlighted the need for reliable and user-friendly online multilingual legal information. A dedicated website which provides legal information tailored to migrant workers in the low-wage streams, as well as a comprehensive directory of community service providers and legal advocates would function as a resource for migrant workers, community service providers, and government staff who receive information requests from migrant workers. The website would also direct migrant workers to the dedicated hotline.

Migrant workers would be directed to the dedicated website via several sources, including written legal information materials, on-the-ground community service providers, and websites of key government agencies,

for example. Migrant workers in the focus groups shared that when they search for legal information online, they frequently go to government websites. As such, government websites play an important role in directing migrant workers to resources available to them.

Interview data further indicates the need to provide a website that consolidates information from various sources:

When you look at all the different types of legislation that are applicable [to a migrant worker's situation], you might have one [government] agency doing quite a good job of providing information but then you would have to know all of the different pieces of legislation that apply to you. So you'd have to go to the Employment Standards Branch website, you'd have to go to the human rights website, you'd have to go to... all these different sites or online sources in order to obtain all of that information rather than having a consolidated package of information that's available in the language that the individual is most comfortable in (Gauthier, Interview, July 19, 2017).

This interview excerpt emphasizes how a dedicated website can simplify the search for up-to-date online legal information, and facilitate greater access to legal information by making it available in different languages.

4. Create a dedicated hotline

A dedicated hotline to provide legal information, advice and referrals would serve as another key entry point into the coordinated system. The hotline would facilitate access to information for migrant workers in remote areas who may face barriers to accessing services in person. To reduce barriers, legal advocates would staff the hotline during times when migrant workers are typically off work.

Data from the focus groups shows that caregivers, SAWP workers and workers in the low-wage stream of the TFWP would all like to see the development of a dedicated hotline. While SAWP workers in the Fraser Valley focus group indicated that they would like to see the development of a hotline, many workers stated that in person on the farm advocacy is necessary in addition to a hotline. A dedicated hotline would thus complement, but not replace in-person provision of legal information and services by community service providers and legal advocates.

5. Create written public legal information materials on priority areas of legal need

Written public legal information materials in multiple languages would be an important resource for migrant workers at the pre-arrival and on-arrival stages of their migration to Canada. In addition to providing key information about their rights according to the priority areas of legal need, written materials would also direct migrant workers to where they may go for help in Canada. As such, the written materials would refer to the dedicated website, dedicated hotline, community service providers and legal advocates. As the written materials would be distributed by both Canadian visa offices abroad pre-arrival and CBSA officers on arrival, the likelihood that materials will reach migrant workers is increased substantially.

Written materials would also facilitate the provision of legal information during migrant workers' employment in BC. Written materials can be used by community service providers as a reference for the provision of in-person legal information and referrals, and are particularly useful as a source of information for SAWP workers in remote areas without access to the Internet.

6. Provide post-arrival orientation sessions

Post-arrival orientation sessions conducted by legal advocates in the region that cover priority areas of legal

need, a description of how and where migrant workers are to access pertinent legal information online, as well as information about how to access community and legal services, would ensure that migrant workers are armed with the information they need at the start of their employment, thereby increasing their ability to self-advocate and prevent legal problems from occurring later on.

In order to ensure that migrant workers attend, sessions would also be mandatory with a requirement on the part of employers to facilitate access, including providing transportation to and from the session. Sessions are delivered in the worker's first language.

7. Provide ongoing mobile legal clinics

Mobile legal clinics were identified as an effective means to reach workers in remote areas of the province with little access to transportation or services. Legal advocates would coordinate with community service providers to provide mobile clinics on an as-needed basis on farms and other rural locations at times that are convenient for workers to attend. Mobile legal clinics would allow workers to receive individual legal advice regarding their particular issues.

Public legal education workshops or information sessions may also be provided in conjunction with the mobile clinics according to the needs of the migrant workers in the various low-wage streams of the TFWP.

Priorities for Systemic Advocacy

Throughout the course of the research project, participants raised concerns regarding aspects of the structure of the TFWP itself that are seen to increase the vulnerability of migrant workers to a variety of abuses during their employment in BC. These aspects include, for example, the regime of tied work permits and workers' temporary immigration status. When these aspects of the TFWP are coupled with the serious lack of information provided to migrant workers about their legal rights and obligations under the TFWP at all stages of migration, as well as the lack of proactive enforcement of their rights, migrant workers face serious challenges to seeking meaningful justice.

A caregiver in the Vancouver focus group identified that part of the solution lies in attributing greater value to the work that migrant workers perform:

There needs to be infrastructure to support and help that reflects how serious and important this work is to the province and to Canada (Focus Group 1, July 28, 2017).

Other migrant workers in the focus groups shared their ideas for a more fair and just TFWP, as follows:

1. Agricultural workers stressed the need for multiple, unannounced, on-site inspections of farms by government officials (such as WorkSafeBC, Employment Standards Branch, Service Canada, etc.) as a means of enforcement of employers' obligations under the TFWP.
2. Caregivers also raised the need for labour inspections in the private homes of their employers in order to remedy the power imbalance inherent in their employment relationships and relieve the pressure to self-advocate.
3. Agricultural workers, caregivers and workers in the low-wage streams of the TFWP emphasized the need for pathways for permanent residence for all migrant workers as a means to increase justice for workers.
4. Agricultural workers, caregivers and workers in the low-wage streams of the TFWP also expressed the need to receive open or sector-based work permits that allow them to change employers if they are experiencing abuse.

5. Agricultural workers also stressed the need to remove the 'naming system,' which allows employers to determine whether workers will return the next season.

An important aspect of increasing access to justice for migrant workers in BC involves advocacy for change to aspects of the TFWP that decrease workers' practical access to justice. There is a role for stakeholders to be involved in this advocacy through their expertise and financial contributions.

Migrant workers also recognize their role in systemic change to improve the status of migrant workers in BC. As stated by a caregiver:

“As a TFW we need to advocate our rights and changes for the future. What we have experienced is so hard so we help the next generation with the benefits we are fighting for. So we need to be involved in the fight for changes” (Focus Group 1, July 28, 2017).

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