

SECOND SESSION - TWENTY-SEVENTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

DEBATES and PROCEEDINGS

(HANSARD) Published under the authority of The Honourable Dan D'Autremont Speaker

N.S. VOL. 55 NO. 42B MONDAY, APRIL 8, 2013, 7 p.m.

Bill No. 83 *The Foreign Worker Recruitment and Immigration Services Act*

Mr. Forbes: I'm pleased to rise and enter into the debate on Bill No. 83, *An Act respecting Foreign Worker Recruitment and Immigration Services*. And this is one that I am very interested in from a lot of different angles, and I do have some comments that I think that we need to get on the record here.

And it's one that as well that came out towards the end of the session just before Christmas. Again there was some consultations, but I know of groups who didn't hear about the consultations until the very end. In fact they had heard about the consultation on the bill and missed out on the actual development of the bill, and that was too bad.

And so it's a significant piece of legislation. And I think it's an important piece of legislation because when we have foreign workers who come to this province, we should be making sure that we are everything that we think we are in the international community — that we're fair, we don't exploit people, and that when people come here to work, they'll be treated as we would treat our own; as I said earlier, there's a concept of decency — and we would have people work and be paid just as if they were nationals in our own country. And so that's a very important principle that we have.

But we have some questions about this bill. We know that in many ways it's driven by a new reality in Saskatchewan that we have many more new foreign temporary workers, and that's a reality, and particularly as well the rapid increase recently of new immigrants, new Canadians to our province as well. And so that makes for an interesting new economic force in our province. So there's a demand for services that we have to meet, and it's like a cycle that grows. And if it's managed well, it's a good cycle. But if it's not managed well, it can be a dangerous one. And so this is important that we get it right.

We have heard and we know of circumstances right across the country, and in fact just yesterday morning when we heard about the Royal Bank, RBC [Royal Bank of Canada]

who were using temporary foreign workers and the unfortunate circumstance, as reported by the media, that the people who are actually going to be losing their jobs were training the new people. And one of the reporters talked about how the jobs in fact actually were going to be leaving and were going to be going offshore in the long run anyways. And so this is a new reality that we have to take the time to make sure, to make sure that we get it right.

And we saw stories. We heard stories here in Saskatchewan of temporary foreign workers from Mexico who were employed by a local coffee shop here, very tough circumstances, felt they were being exploited because of the rent that they were having to pay in terms of housing, challenges like that. So this is important that we get this right, that people have confidence that it is doing . . . that we are going to protect those who are vulnerable in our communities.

And so, Mr. Speaker, when I see this Act, first of all I just want to say that I found it odd that much of this would not be in the new employment Act. Why is it that temporary foreign workers are not covered by The Saskatchewan Employment Act?

Now some of this of course deals with recruiters and immigration consultants. And ironically, Mr. Deputy Speaker, if I take you back to about 4 o'clock this afternoon when I was reading the history and talking about Walter Scott and some of the things he was talking about, same issue 100 years ago with people being exploited, coming here and essentially having immigration consultants and their fees that they were charging. Isn't it interesting how some of these things never change over 100, 110 years?

So we have the issue of foreign worker recruiters and immigration consultants and all of their requirements and how that's important that it's carried out in a fair and appropriate manner; registration of employers of foreign nationals so we do know who is actually hiring foreign nationals here in Saskatchewan and to make sure we can keep track of that. And if things don't go well, that there can be refusal of registration and as well that the certificate of registration is not transferable.

Prohibited practices and standards of services talks about the recruitment fee, the referral fee and that type of thing. So this is important, important to have right. Then the registry of records and sharing of information, and that's straightforward. Then it talks a bit about getting into inspections, investigations, and enforcement — part VII. And really that sounds like, to me, the part that would really make more sense if it was in the employment standards Act. And why is it not in that area? I'm not sure.

So if I look at section 33, that . . . And in fact, you know, ironically it talks about, Mr. Deputy Speaker, the director of labour standards, and in fact in just a few short months we will not have a director of labour standards. I believe he's going to be called the director, or she's going to be called the director of employment standards — that no longer will we have labour standards in this province; we'll have employment standards. And so I don't know whether right away that we're going to see an amendment in this legislation because it's not current with other pieces of legislation that's coming forward in this House.

So you have director of labour standards pursuant to labour standards Act which, you know, as the plan is, this government is, that it will cease to be on mid-May. But of course the question then is, and as I raised then, is this whole issue of implementation. We don't know what the implementation plan is of these Acts. And so they refer a lot to labour standards Act and the director of labour standards, but as I've said, that may cause some confusion because as of the end of two months, that will be no more.

Now the other interesting part, Mr. Deputy Speaker, is the discussion around freedom of information and protection of privacy Act that is under that director of labour standards Act. Now I'm wondering and I'm curious to know and it's probably something that I probably should talk to the Commissioner of Privacy and Information, as he . . . what's his thoughts around this. It seems relatively straightforward. They are referring to the Act, the FOIP [freedom of information and protection of privacy] Act, but interestingly, I don't know if the employment standards Act refers to the FOIP Act. It is a deficiency. I know that the commissioner identified that there were a lot of issues around privacy, but I have to refer back to that and say . . . and find out if they are consistent between the two pieces of legislation.

So that is interesting to see. And it talks about the inspections and investigations and that type of thing. So again why this wasn't a part of the labour standards, I'm not sure. It seems to me part of this should have been and it's ... or *The Saskatchewan Employment Act*, Mr. Speaker. I think that there's a real problem here in terms of trying to line up these two pieces of Acts.

And so I know that we have seen a real explosion on this. And one of the unions that's very interested in this of course is the United Food & Commercial Workers. This has become a real issue for them nationally, and they've issued a *Report on the Status of Migrant Workers in Canada 2011*, and it refers to a lot of issues that we have here in Canada when it comes to migrant or temporary foreigner workers. And of course every province has a different way of dealing with it. But I think that, you know, I really think that it's important that they talk about the big picture, the shift from nation building to indentured servitude. You know, Mr. Deputy Speaker, we are all immigrants except for the First Nations people, and it was just a matter of time or just the year that we came.

But there was a point in our history, and it was a very proud point, where we looked at immigration as a way to build a nation. And now we look at particularly temporary foreign workers in a different light. In many ways it often seems it's indentured servitude. They've come here, and they don't get very good housing, and their hours of work really are focused . . . Their lives are focused around their work. And they come here for a short period of time, and then they're gone again. And it's not really about building our country here.

And I think this is really, really unfortunate, that in fact we should be proud of all newcomers, all new Canadians and immigrants. And if there was a way that we could make sure particularly temporary foreign workers are more connected to our communities, that would be a good thing. That would be a very good thing. But often they are so tied to their sponsoring employer that it's impossible to see how they will get

a chance to be part of our province.

And so they've talked about some real issues, some real concerns about the temporary foreign workers and how it's really grown. You know, when they were talking about the years, total entry of temporary foreign workers by province or territory from 2004 to 2008, in Saskatchewan we had about 4,400 — 4,378. And of course that is almost five years out of date. Ontario, 91,000, over 91,000 temporary foreign workers in that province. Alberta was 57,843. And BC, 58,456.

So you see that it's a real, real issue in how it's grown over the course of time. And it's one that we really have to think about how do we make sure that we get things right and that we're not exploiting our foreign workers but that in fact they're coming here and we're treating them as we would treat Canadians, and not exploit them but in fact treating them based on the decency principle — one that ensures that they are paid fairly and it's a living wage; their housing is adequate and safe and they feel safe in our communities — as we would treat our own. So this is very, very important.

I also want to just take a minute, you know, to highlight . . . And it was interesting that, and it caused quite a bit of news, this report from the University of Calgary, the School of Public Policy, and this was J.C. Herbert Emery, the department of economics, University of Calgary. He was reflecting on labour shortages in Saskatchewan, and this was in January. And he was talking about some of the things that we should do and some of the things we shouldn't do when it comes to labour shortages. And of course he had five main ideas, specific policy advice for the Government of Saskatchewan.

The first is "Pick up the pace." And it talks about the slow pace of detailed planning for changes to the post-secondary system or for encouraging greater labour force participation for underrepresented groups. And so this is really important. And he says, "Finally, increasing labour-force participation rates of Aboriginal Canadians, the elderly, females and . . . [those with disabilities] have been major challenges for decades, and finding cost-effective policy options remains an outstanding task."

So he really talks about picking up the pace, making sure that we encourage greater participation from underrepresented groups. And this is something that's really important. And I think that he reflects and he talks about how the government's largely produced targets, general directions, but not detailed plans on how to meet those targets. And I think this is really important.

He talks about developing cyclical infrastructure planning, and I think there's been a lot of discussion about that, whether that's a good idea or not. Do you have to build all the big projects all at the same time, or can you do it over a planned, cyclical process so that you can create a more sustainable infrastructure process? And I think that's interesting. And I think that's, you know, it reflects that the current process "creates headaches for employers in the peak periods and discourages workers from choosing Saskatchewan as a place to live and work."

And I think that, you know, the "To the extent that public sector capital spending . . . has

been adding fuel to this fire . . .” So maybe what we need to do is think about how can we plan this out better so the work is more consistently available?

Make a greater effort . . . Another one is “Make a greater effort to leverage the human capital investments made to date.” So that’s really, really important. And also interestingly he talks about “Don’t forget about the boys,” the fact that we have a large group of underemployed males age 15 to 24. Many of them completed high school but we need to do more work to get them into post-secondary trades.

But the one that really is related to tonight, and this is one that may be controversial, he says:

Stay away from temporary foreign workers — [And he says] If the policy objective is to develop labour supply to meet longer-term growth targets, rather than distributing short-term rents to employers, then temporary foreign workers should not be part of the province’s labour-market strategy. Temporary foreign workers undermine long-run labour-market adjustment and skills capacity by dampening the wage signals that would lead to higher numbers of permanent immigrants and more Saskatchewan residents choosing to invest in skills that are in demand.

So that’s a kind of a controversial statement to say, “Stay away from temporary foreign workers . . .” But I think what really, what is useful to say, let’s have a good discussion about it. You know, make sure when we bring temporary foreign workers that there’s a real need, that it’s not solving a short-term problem that really should be thought of in a more long-term sustainable manner. And so I think that’s worth some consideration.

So, Mr. Speaker, I do want to say that in many ways I do see that the bill has some merit, and it’s one that we’re going to have some interesting conversations in committee with. I think that it’s important that we handle this well. As I said, that we worry too much when we see . . . And I think the minister even alluded to the fact that over a four-year period ending in August, some 335 cases were filed with the province’s program integrity unit which was tasked with investigating complaints and concerns about the mistreatment of foreign workers. Thirty per cent of those were not covered by federal or provincial legislation.

So hopefully this will solve that and stop the abuse and protect . . . and give them some protection. So we need to see the commitment for that. I’d be interested to know again what the problem with another bill, Bill 85, was the fact that there was not any support for implementation. This is a significant bill. Will there be support for the implementation of this bill?

You know, it’s really important that we can really count on the fact that we can say one thing, but will we actually make sure that it’s enforced? High compliance is something that we have to strive for in this area. And we can’t just say we have a strong bill, a strong legislation, but we have to say we have strong compliance. And that’s critical. It’s very, very important that we have that.

So, Mr. Speaker, there has been a lot of work on this area, and I do think that, as I said, we'll have lots of questions about this. But it's an important area, and at this time I'd like to move adjournment of this Bill No. 83, *An Act respecting Foreign Worker Recruitment and Immigration Services*. Thank you.