



January, 2024

Submission to the House of Commons Standing Committee on Citizenship and Immigration – Study on Open Work Permits and the Temporary Foreign Worker Program

Dear Chair and Committee Members,

Food and Beverage Canada – Aliments et boissons Canada (FBC-ABC) appreciates the opportunity to contribute to the ongoing study on Open Work Permits and the Temporary Foreign Worker Program.

We recognize the pivotal role workers play in addressing labour shortages in Canada, especially in the food and beverage manufacturing sector. As Canada's labor markets undergo contractions, these workers remain essential contributors to our economy, fostering not only the growth of the businesses that employ them but also contributing positively to the communities they become a part of. In exploring any changes to the current Temporary Foreign Worker Program, we stress that any changes made should not punish companies that are already adopting the best labour standards and exceeding current federal requirements.

Existing Protections and Recourse

It is crucial to highlight that the current program has been designed to provide robust support to temporary foreign workers. A cornerstone of this support is the assurance that all foreign workers enjoy identical rights and protections as their Canadian counterparts. In instances of abuse or potential mistreatment, avenues such as the open work permit for vulnerable workers exist, affording affected individuals the opportunity to seek new employment and apply for a new work permit. FBC-ABC supports increased access to this program and would like to reiterate that we do not condone companies with a history of abuse having access to the Temporary Foreign Worker Program.

Upholding Program Integrity and Ensuring Compliance

Our submission underscores the effectiveness of the current compliance regime, evidenced by the 94% compliance rate among employers inspected in 2022. Apprehensions arise when considering the potential for abuse and exploitation if open work permits were to be expanded. Closed, employer-specific work permits play a pivotal role in facilitating effective monitoring and inspections by the government, thereby safeguarding the integrity of the entire program. As highlighted by officials from Immigration, Refugees and Citizenship (IRCC) in their recent appearance before the Committee, employer-specific work permits allow the government to know where employees are and facilitate check-ins and inspections.

Economic Considerations and Planning

Employers, facing the challenge of labor shortages and open positions for which Canadians have not expressed interest in applying, invest significantly to partake in the Temporary Foreign Worker Program (in some cases, more than \$4,000 per worker). These investments include expenses related to advertising and recruitment efforts, processing fees for Labour Market Impact Assessments (LMIAs), as well as certain expenses related to transportation and housing. At the same time, employers utilizing the program are often required to apply three to six months in advance, if not longer. Transitioning away from employer-specific work permits could inadvertently undermine the program's purpose, and hinder employers' capacity to plan effectively for their workforce needs. For example, if one employer covers the cost of recruitment, program requirements, airfare and initial housing, and upon arrival, a worker could then change to another employer, how would the initial employer be compensated for their investment?

Recommendations

To ensure the integrity of the Temporary Foreign Worker Program, and to best support workers that find themselves in an abusive workplace, we provide the following recommendations:

1. Enhance the federal governments efforts to inform temporary foreign workers of their rights in Canada, including the availability of support programs and open work permits for vulnerable workers.
2. Consider making the Recognized Employer Pilot a permanent initiative, as it effectively identifies and recognizes companies with a longstanding history of program compliance.
3. Develop programs facilitating the employment of foreign workers in permanent and year-round positions, including pathways to permanent residency for temporary foreign workers in critical sectors like food and beverage manufacturing.
4. If seeking to explore open work permits, consider allowing these at the company level, which would give companies the opportunity to promote workers within their plants (for example, being able to move people from their original positions to other parts of the plan to account for changing workforce needs). A framework to guard against abuse would need to be considered.