



Manitoba Employment Standards: Protecting Temporary Foreign Workers (TFWs)

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Presentation Overview

- Origins of *Worker Protection and Recruitment Act* (WRAPA)
- Goals of WRAPA
 - Regulates recruitment practices
 - Ensures TFWs are paid properly in Canada
 - Allows TFWs opportunity to make Manitoba home
- Questions / Discussion

Origins of *WRAPA*

- *Employment Services Act* (predated *WRAPA*)
 - Prohibited workers from paying for employment
- Growth in 3rd party practices outside jurisdiction
 - Talent / modeling agencies, recruitment of temporary foreign workers (TFWs) from outside Canada
- *WRAPA* created in 2009 to address these gaps

Goal of WRAPA: Regulate Recruitment Practices

- Prohibits any individual engaged in foreign worker recruitment from directly or indirectly charging or collecting a fee for finding employment for a workers
- Prohibits employers from directly or indirectly recovering costs associated with recruiting worker
- Prohibitions now effective: liability transferred to employers and recruiters that we have jurisdiction over.

Goal of WRAPA: Regulate Recruitment Practices

- Employer registration
 - About 1,800 employers (5 to 6K workers) must register with province before Labour Market Opinion
 - Talk to all first time employers on how they found worker: consumer protection / intelligence gathering

Goal of WRAPA: Regulate Recruitment Practices

- Licensed recruiters: Employer using 3rd party to recruit must use recruiter listed on our website
- Recruiters regulated professionally: Immigration Consultants of Canada Regulatory Council (ICCRC) or law society
- Recruiters go through screening process
- Recruiters post financial security (10K)

Goal of WRAPA: Ensures TFWs are paid properly

- Approval of employer based on comfort level workers will be paid properly under LMO and employment standards.
- Employer history: – reviewed and may result in audit of current practices
- Targeted Projects: - look at entire industry to see level of compliance

Goal of WRAPA: Ensures TFWs are paid properly

- Targeted Project: Restaurants
 - Sushi –
 - 100% non-compliance overtime and holiday pay
 - Formal warnings done to entire industry – follow-up reviews resulting in one penalty.
 - Rural Communities –
 - 80% non-compliance general holidays, overtime, records

Goal of WRAPA: Ensures TFWs are paid properly

- Targeted Project: Farms
 - 2012 – review of 25 farms employing 70% of TFWs
 - 55% non-compliance (vacation wages, minimum wage, illegal deductions, record keeping)
 - Formal warnings and follow-up reviews (all came into compliance). Spanish fact sheet distribution / letter to industry.
 - 2013 – review of 14 farms employing most of remaining workers
 - 29% non-compliance (illegal deductions, not paying at least semi-monthly, record keeping).

Goal of WRAPA: Ensures TFWs are paid properly

- Current Projects:
 - Winnipeg Restaurants with TFWs
 - Worker Recruitment Practices (TFWs / students)
 - Interviewing workers to find out about their journey to Canada and review of employment practices

Goal of WRAPA:

Opportunity for TFWs to make Manitoba home

- Jointly administered: Employment Standards and Immigration
- Provincial Nominee Program: Low skilled workers and international students can apply to stay in Manitoba after working for 6 months (not possible in many provinces that focus on higher skill positions)
- 54% (about 400 workers) of employer selected nominees are TFWs from low skill jobs (NOC C or D).

Questions / Discussion?

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