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Safe at Work, Unsafe at Home

COVID-19 and Temporary Foreign Workers in Prince Edward Island



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Safe at Work, Unsafe at Home

COVID-19 and Temporary Foreign Workers in Prince Edward Island

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Migrant Workers in the Canadian Maritimes

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Migrant Workers in the Canadian Maritimes is a research and knowledge dissemination platform coordinated between Dalhousie University (Halifax, Nova Scotia), St. Thomas University (Fredericton, New Brunswick) and Cooper Institute (Charlottetown, Prince Edward Island). It involves a collaboration amongst community allies — The Filipino-Canadian CommUNITY of New Brunswick (FCNB); KAIROS: Canadian Ecumenical Justice Initiatives (New Brunswick); and the United Food and Commercial Workers Union (UFCW) — in order to examine the health and safety of temporary foreign workers in the region.

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Executive Summary

This report is one of the first in a series of community-based research projects undertaken by the Migrant Workers in the Canadian Maritimes partnership under the *COVID-19 and the Health and Safety of Migrant Workers in Maritime Canada* initiative. It draws on desk research and qualitative data collection consisting of 15 interviews conducted with temporary foreign workers who arrived in Prince Edward Island after the start of the COVID-19 pandemic in 2020.

Global, national and regional media accounts have detailed the hazardous occupational conditions of migrant workers throughout the COVID-19 pandemic. These include the outbreaks at construction sites in Singapore and meat packing plants in the US, but also in Canada, at meat processing plants in Ontario and Alberta, and at farms in Ontario where several workers died. In light of these reports, the Migrant Workers in the Canadian Maritimes partnership came together in June 2020 to explore the labour and housing conditions of temporary foreign workers in the region during the COVID-19 pandemic.

Throughout 2020, temporary foreign workers formed an important part of the workforce in Prince Edward Island. While the province saw lower COVID-19 infection rates compared to other parts of the country, the second and third waves of the pandemic brought higher numbers of cases to the Maritimes, along with numerous risks for future infections.

This research examines how COVID-19 has affected the health and safety of temporary foreign workers in Prince Edward Island, a province reliant on foreign labour for its agricultural and seafood processing needs. It also provides policy recommendations to improve the work conditions of migrant workers in the province.

Key Findings

Housing and Workplace Violations

In 2020, the Prince Edward Island Department of Health and Wellness conducted 64 inspections of dwellings housing temporary foreign workers. Half of these inspections found several code violations at multiple houses, including damaged or missing smoke detectors; missing or outdated fire extinguishers; missing or damaged furnishings, windows and window screens; insufficient beds; ceiling, wall and floor damage; insufficient washrooms and kitchen facilities; heating concerns; and evidence of rodents.

The Workers Compensation Board conducted 47 inspections at worksites that employ temporary foreign workers in Prince Edward Island. They issued 11 orders to employers found in violation of the *Occupational Health and Safety Act* on matters related to scaffolds, ladders, runways and ramp guardrails, falls, harassment, and job-related training.

Unscrupulous Staffing Practices

Some agricultural workers have to pay for a portion of their flights. They are also required to cover the costs of medical examinations, work permits, biometrics data processing, passport and visa fees, and their transportation to the city in their home countries where their flights depart. Some fish plant workers also pay for their protective work equipment, such as garments and gloves.

Some employers, especially in the seafood processing industry, engage in illegal contracting practices. They withhold workers' passports and their contracts. As their work permits are tied to a single employer, migrants feel they have no say about these issues, fearing having their contracts revoked or being deported back home.

Crowded Houses: A Health and Safety Concern

“Overcrowded,” “expensive,” and “inadequate.” These were the words used by migrant workers to describe their housing. It was typical to have several people living in single family homes. In one instance, close to 70 people shared a larger dwelling. In some cases, sleeping arrangements

consisted of one large room and several bunk beds. Over a dozen people might share a bathroom or a stove. There was little or no space for storing personal belongings, and crowded common areas lacked ventilation. In some instances, employers acted as the intermediary between the landlord and the workers in the leasing agreements. Housing conditions changed little, if at all, during the COVID-19 season, despite guidance provided by the provincial government.

Housing provisions differed between seafood processing plant workers and farm workers. Fish plant workers generally rented in the community, while farm workers were dependent on their employers to secure their accommodation.

Burning the Candle at Both Ends: Migrant Workers' Precarious Jobs

“Tiring and repetitive.” “Heavy and dangerous.” This is how workers portrayed their jobs. Under employer-specific work permits and without union protection, people felt overworked, putting in long days of up to 18 hours of work, with wages that were stagnant and low. Of the few workers who were paid overtime, their time-and-a-half was clocked only after 55 hours a week. Workers felt fearful from being constantly under the scrutiny of management. Health and safety training sessions were rare or nonexistent, and migrants often learned the job on their own.

Under the Weather: On Health, Illness and Medical Insurance

Workers did not differentiate between public and private health insurance, and those covered by employer-provided private health insurance did not always know how to use it. Those who used their public insurance were sometimes surprised that it did not cover prescription medications and certain medical treatments. Participants were also not remunerated for taking time off work when tired, overworked or ill.

We're Not in This Together: Seasonal Foreign Work During the COVID-19 Pandemic

Those who travelled to Canada during the pandemic were subject to the province-wide 14-day quarantine as well as physical distancing and routine screening protocols. At work, migrants were separated from other workers and often discouraged from interacting with one another. Interestingly, this separation occurred along national lines, as employers separated migrants from Canadian workers during lunch and break times.

Workers felt that their employers took COVID protocols seriously at their workplaces, yet these very same efforts were not carried forward to their overcrowded living quarters. Despite clear guidance from the Prince Edward Island Public Health Office (2020), employers did not supply cleaning products or personal protective equipment for the workers to use in their homes.

Some employers used COVID to increase surveillance, installing cameras in workers' homes, decreasing personal freedoms, and sometimes threatening workers with deportation.

Recommendations

The Government of Canada must grant permanent residency to all migrant workers on arrival in Canada, in order to ensure legislative protections as well as access to healthcare, social services and other benefits.

The Government of Canada must end the practice of issuing employer-specific work permits and must provide open work permits for migrant workers.

The Government of Canada must make union representation a necessary condition of the Temporary Foreign Worker Program.

The Government of Prince Edward Island must ensure that all migrant workers entering the province have access to a Prince Edward Island Health Card as well as accessible information about how to use the card, and about what it covers.

The Government of Prince Edward Island must implement the proposed *Temporary Foreign Worker Protection Act* and hold employers accountable by introducing meaningful fines for non-compliance and developing proactive enforcement measures.

The Government of Prince Edward Island must carry out regular workplace inspections to ensure that employers abide by their legal obligations.

The Government of Canada must systematically make public its data on migrant workers arriving to the country by sector and job classification, stream, employer, and location.

The Government of Prince Edward Island must amend the proposed *Temporary Foreign Worker Protection Act* to make the registry of employers of temporary foreign workers accessible to the public.

The Government of Canada and the Government of Prince Edward Island must ensure that all workers have access to safe, affordable and dignified housing:

- **The Government of Canada must create, monitor and enforce guidelines to improve accommodations for temporary foreign workers** so that every worker is provided with privacy, dignity and security.
- **The Government of Prince Edward Island must inspect employer-provided residences for seasonal agricultural workers on a continuous basis.** Mid-season inspections need to be mandatory.
- **The Public Health Office in Prince Edward Island must create clear complaint processes for third parties** in cases of overcrowding, unsafe, or poorly equipped living conditions.
- **The Government of Prince Edward Island must investigate the intermediary role of employers in housing provisions** to prevent profit-making at the expense of migrant workers.

The Government of Prince Edward Island must undertake a comprehensive review of the *Employment Standards Act* and ensure that farm workers are fully covered by the Act and that the standard work week for seafood processing workers is changed from 55 to 48 hours.

The Government of Canada must ensure that workers have full access to the Employment Insurance benefits that they have paid for.

Introduction

In March 2020, the World Health Organization declared COVID-19 a pandemic. The world came to a stop: borders closed, movement was restricted, and anyone who was not deemed an essential worker was asked to stay home.

Prince Edward Island introduced a state of emergency on March 16, 2020, two days after the first COVID-19 case was reported on the Island (Prince Edward Island Office of the Premier, 2020a). It prohibited travel outside of one's home, except for activities required for the provision of basic needs, such as buying food, accessing in-person health care, or exercising. Restaurants and non-essential government services were shut down; parks, beaches, and tourist attractions were closed; borders on all entry points (land, sea, air) were tightened, and anyone entering the province had to self-isolate 14 days (Prince Edward Island Office of the Premier, 2020a, 2020b).

Despite the travel bans, isolation policies, and physical distancing regulations, seasonal migrant workers continued to travel to the Maritimes to facilitate food production in the region. The federal government, lobbied by the agri-food sector, exempted temporary foreign workers from travel restrictions, allowing them to work in seafood processing and on farms (Immigration, Refugees and Citizenship Canada [IRCC], 2020a). The government asked Canadian employers to facilitate the self-isolation of temporary foreign workers, provide housing that respected the two-metre distancing rules, offer adequate sanitation materials, and ensure separation for those in self-isolation (Employment and Social Development Canada [ESDC], 2021e). Prince Edward Island, unlike most other provinces, provided and managed hotel accommodations for all temporary foreign workers arriving in 2020. This included travel from the airport on arrival in Prince Edward Island and to the workers' places of accommodation at the end of their isolation period (Prince Edward Island Chief Public Health Office, 2020).

About 123,312 temporary foreign workers had entered Canada by the end of 2020, with 7,909 entering the Maritimes provinces. In Prince Edward Island, 1,725 Labour Market Impact Assessments were approved in 2020 (ESDC, 2021h). Out of these, 865 positions were in the fish and seafood processing sector and 755 were in agriculture (ESDC, 2021a, 2021b, 2021c, 2021d).

Business owners and government agencies have identified migrant workers as an essential part of the Maritime workforce. Public attention has been focused on food productivity and continuity during the pandemic, with the agri-food industry justifying the continuation of foreign work on the basis of its profitable contribution: perpetuating economic growth and putting to use the large outlay of capital already invested in the agricultural season. There has been little concern among the industry stakeholders and the public for the health and safety of the workers.

What happens if a worker falls sick? Or in cases of workplace abuse? What are the consequences of restricting workers' mobility? And what steps are employers, managers, and different levels of government taking to protect migrant workers from the potential community spread of COVID-19?

The purpose of this report is to answer these questions by examining the social impact of COVID-19 on the occupational and living conditions of temporary foreign workers in the seafood and agricultural sectors of Prince Edward Island.

Context

Canada's immigration system is complex, with a myriad of migration pathways — some leading to permanent residency and citizenship, and others perpetuating temporariness and leading to illegality. The former includes the points system (i.e., skilled migrants), family class (i.e., sponsored relatives) and the refugee stream. Other groups of migrants, like most temporary foreign workers, are allowed to enter the country but are oftentimes denied access to permanent residency and citizenship.

Coming mostly from Mexico, Guatemala, Jamaica, India, and the Philippines, temporary foreign workers in Canada hold limited work permits for specific employers and for predetermined periods of time. In 2020, temporary foreign workers in Prince Edward Island generally came from Mexico and the Philippines (ESDC, 2021i).

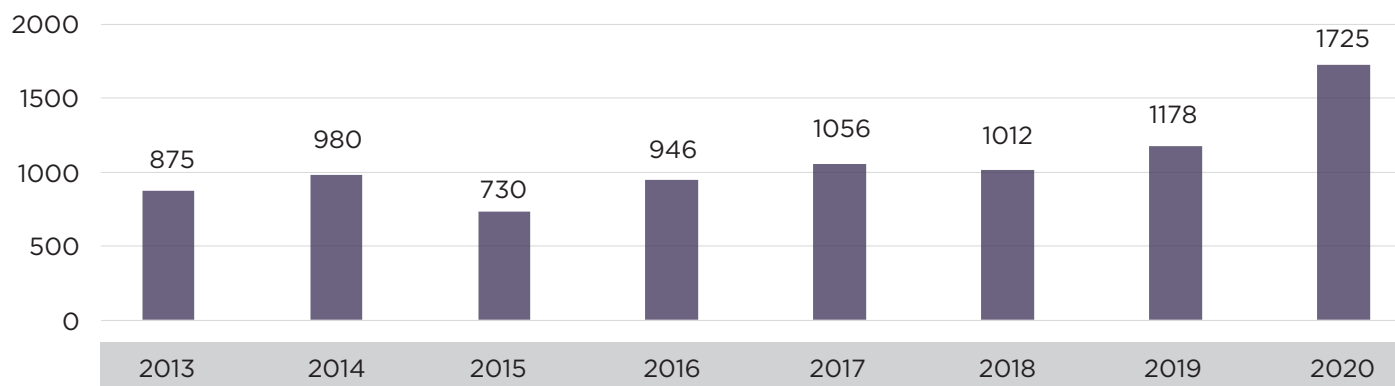
The federal government administers workers' recruitment through Employment and Social Development Canada (ESDC) and Immigration, Refugees and Citizenship Canada (IRCC). ESDC authorizes migrants' work permits by considering the Labour Market Impact Assessment (LMIA), which ensures that hiring a temporary foreign worker has a neutral or positive effect on the Canadian labour market (Government of Canada, 2021). Provincial labour acts regulate workers' occupational conditions.

The Canadian government initially developed the Temporary Foreign Worker Program (TFWP) in 1973, targeting highly skilled individuals such as academics, engineers and business executives. Since then, the TFWP has been divided into several streams: the Seasonal Agricultural Worker Program (SAWP); the Caregiver Program; the low-wage and high-wage streams; and the Agricultural Stream.

The number of temporary foreign workers entering the country increased by 148% between 2002 and 2008 (Alboim, 2012). In the Maritimes, this number increased by 254% between 2004 and 2014 (Canadian Council for Refugees, 2016).

In Prince Edward Island, the numbers of temporary foreign workers have continued to grow steadily (Figure 1), from 875 in 2013 to a record-breaking 1,725 in 2020 (ESDC, 2021g).

Figure 1
Approved LMIA in Prince Edward Island, 2013-2020



*Source: Government of Canada. ESDC.

Farm workers enter Canada through the SAWP and the Agricultural Stream of the TFWP. Fish plant workers enter Canada through the low-wage stream of the TFWP.

The Seasonal Agricultural Worker Program has been branded as an archetypal model for other countries seeking to meet employer demands. Yet the program creates an unfree and systemically precarious workforce as agricultural migrant workers lack the rights and entitlements that come attached with permanent residency (Weiler, 2020). Agricultural temporary foreign workers are more susceptible than permanent residents to unsafe occupational practices and substandard living conditions, as they frequently lack adequate access to healthcare and other government-related benefits and are prone to job insecurity and abusive work practices, including ineligibility for overtime pay, low pay, long hours, and even dismissal and repatriation (Goldring, Berinstein & Bernhard, 2009; Marsden, 2014; Preibisch, 2007; Preibisch and Binford, 2008).

While employers describe the migrants as “good workers,” others, such as scholars and activists have described them as “captive” labourers (Knott, 2016). Being tied to a sole employer and living in employer-provided housing increases migrant workers’ vulnerability, due to difficulties communicating with employers and local officials, constant fear of losing their jobs, lack of information regarding their employment rights, and limited access to services (Baker, 2012; Bejan, 2020a, 2020b; Bejan & Boatcă, 2021; Goldring, Hennebry & Preibish, 2009; Nakache & Kinoshita, 2010; Sorio, 2020a, 2020b).

Scholars have documented the unhealthy living conditions of agricultural migrant workers in Canada. For example, migrants living in overcrowded bunkhouses at farm sites in Nova Scotia

reported having to sacrifice sleep in order to access their shared kitchen and washroom (Horgan & Liinamaa, 2012). Poor living conditions are fertile grounds for the spread of microbial disease, existing health conditions, including musculoskeletal injuries and pain, as well as respiratory, gastrointestinal, ocular, dermatological, psychological, sexual, and reproductive conditions (Chatta et al., 2017; Cole et al., 2019; Elbadri, 2020; Orkin et al., 2014; Pysklywec et al., 2011; Weerasinghe, 2020).

The number of temporary foreign workers employed in the Atlantic region's fish plants increased drastically in the last decade: from five in 2005 to 960 in 2012. Approximately 90% of these workers were employed in Prince Edward Island and New Brunswick (Knott, 2016). In 2014, the federal government capped the ratio of low-wage temporary foreign labour at 30% or at existing levels, whichever was lower. For areas of high unemployment (at six percent or above), the government was not willing to accept any applications for temporary foreign work positions that did not require training (Government of Canada, 2019). The Atlantic seafood processing industry referenced labour shortages to lobby for exemptions from the new restrictions (Knott, 2016; Thomas & Belkhodja, 2014). In 2016, the seafood processing industry received a temporary exemption from the regulations, allowing employers to hire an unlimited number of workers (Knott, 2016).

The rise of the migrant workforce in the Maritime region is due to a reshaping of regional fisheries from family-based towards the corporate seafood processing industry that operates in globally competitive markets (Knott & Neis, 2017). Recent literature has found that seafood workers in Atlantic Canada perform challenging and dangerous jobs, yet they are remunerated poorly, with rent taking up much of their pay, and often pay hefty labour broker fees for immigration (Knott & Marschke, 2021). Marschke et al. (2018) noted that each time a Thai worker returned to Atlantic Canada for the start of the fishing season, they were forced to pay broker fees to have their work visas renewed at the Canadian Embassy in Bangkok. Filipino workers often paid, on average, more than \$1,000 to immigration lawyers to help them secure a new job in a different province (Marschke et al., 2018). A preliminary study exploring the issues surrounding temporary foreign workers in Prince Edward Island found that most workers had paid a recruitment agency to find them a job (Baker, 2012).

COVID-19 has claimed the lives of temporary foreign workers in Canada, with thousands having tested positive for the virus. By August 2020, more than 1,000 migrant farm workers had been diagnosed with COVID-19 and three had died of the disease (Justice for Migrant Workers, 2021). One of the largest COVID outbreaks in Canada occurred at the Cargill meat-packing plant in High River, Alberta, a company noted for hiring migrant workers. During the time of exposure, workers were reportedly standing next to each other "elbow to elbow" (Doyle, 2020).

COVID-19 has made migrant workers in the agricultural sector more visible. Canada has branded the workers as "essential" (Isaac & Elrick, 2021; Macklin, 2020), while noting that groups at risk for contracting COVID-19 include those who work with large numbers of people, live in group settings, or face barriers to accessing health care (Public Health Agency of Canada, 2020); migrant workers in Canadian agriculture and seafood processing check all these boxes. Yet these "essential" workers continue to be exposed to the virus (Arora et al., 2021; Chen, 2020) and Canadian state actors continue to view them as a threat to public health, thus undeserving of public supports (Chen, 2020). The interests of the seafood and agri-food industries appear to trump the health and well-being of the workers (Bejan & Allain, 2021).

The Migrant Workers Alliance for Change (2020) reported more than 1,100 complaints from migrant agricultural workers in Canada between March and May 2020. The nature of these

complaints included excessive increase in workload, threats from employers to withhold wages for unmet production targets, and denial of overtime pay (Landry et al., 2021). Farm employers have argued against safety measures that protect workers. For instance, the owner of Strawberry Hill Farm near Woodstock, New Brunswick argued that it would be less expensive for him and safer for the migrant workers to house workers on his site than in a hotel, as required by the provincial government (Roszell, 2021).

The federal government allocated funds (\$1,500 per worker) to farm, fish, seafood and food processing owners to provide migrant workers with suitable housing and to supplement salaries during the quarantine period (IRCC, 2020b). However, it is not clear whether farmers are being held accountable for how they spent the funds and whether they pressured migrants to work during quarantine (Haley et al., 2020).

In April 2021, the federal government announced the implementation of a temporary public policy to facilitate the granting of permanent residence to a limited number of temporary foreign nationals deemed essential in Canada, in recognition of their economic contribution. With an intake capped at 50,000, the policy will include applications submitted between May 6, 2021 and November 5, 2021 (IRCC, 2021). However, advocates have noted that language requirements and lack of access to language testing will exclude many migrant workers, including some who have been working in Canada over many years (Migrants Rights Network, 2021).

In 2020, at the beginning of the pandemic, the Government of Prince Edward Island made available on its website COVID-19 resources for temporary foreign workers and their employers (Prince Edward Island Chief Public Health Office, 2020). At the same time, the provincial government arranged for workers' accommodations during the mandatory 14-day quarantine period and for their transport to the location of their employment at the end of their hotel quarantine. For the rest of the workers' time in the province, the employers were responsible for offering suitable and affordable housing for the workers and for ensuring compliance with health and safety guidelines, including the provision of information in the workers' languages. The guidance document for seafood processors and agricultural employers includes recommendations for housing conditions, work training, self-isolation, hygiene, physical distancing and transportation. For example, the government recommends that employers set up temporary barriers between beds, such as curtains, to prevent droplet spreading while sleeping. Workers who experience COVID-19 symptoms are required to self-isolate and report their symptoms to 811 and the Chief Public Health Office. Employers are also required "to ensure that cleaning products are readily available, monitored daily and restocked as required" (Prince Edward Island Chief Public Health Office, 2020).

Migrant workers are made vulnerable by the federal TFWP and by the gaps in provincial legislation, programs and services. Most workers have permits that are tied to a single employer. This decreases the likelihood that they will complain about their working or living conditions, for fear of being fired and sent home. In Prince Edward Island, lack of access to healthcare coverage, gaps in services for migrant workers, exemptions from certain provisions of the *Employment Standards Act*, and the unregulated activities of recruitment agencies all contribute to migrant workers' vulnerability (Baker, 2012).

In response to demands by advocacy organizations and workers themselves, Prince Edward Island (2021a) has drafted legislation to protect the rights of migrant workers. The *Temporary Foreign Worker Protection Act* has been tabled in the Legislative Assembly of Prince Edward Island and is expected to pass into law in 2021 or 2022. The legislation will apply to all temporary foreign workers and will require mandatory licensing, reporting and record-keeping for employers and

recruiters. The aim is to better protect migrant workers by regulating employers and recruiters and to give the province control over who can employ migrant workers (Prince Edward Island, 2021b).

Cooper Institute, the Canadian Union of Public Employees (CUPE) Prince Edward Island, the Prince Edward Island Advisory Council on the Status of Women, and other community stakeholders have applauded the licensing requirements while calling for the new legislation to create a public registry of employers who hire temporary foreign workers, to prohibit employers and recruiters from retaining property belonging to the workers, to forbid employers from making reprisals against workers who file a complaint or seek support from a community organization, and to regulate proactive inspections on housing and worksites under the provincial *Employment Standards Act* (Cooper Institute, 2021; CUPE Prince Edward Island, 2021).

It is within this context that this report aims to create a knowledge base to support the adoption and implementation of the *Temporary Foreign Worker Protection Act* in Prince Edward Island, to support community actors in their advocacy work regarding the rights of temporary foreign workers, and to contribute to the body of information surrounding migrant workers in this Maritime province.

Methodology

This study used desk research and qualitative data collection.

As part of the desk research, we submitted several information requests to the federal and provincial governments about the number of temporary foreign worker entries in the province, by sector and occupational classification, type of visa, and type of work permit. The federal government bodies included in our information requests were IRCC, ESDC and Canada Border Services Agency. The provincial government bodies included the Department of Economic Growth, Tourism and Culture; Labour and Industrial Relations; the Workers Compensation Board; the Department of Health and Wellness; and the Access and Privacy Services Office.

We conducted 15 interviews with migrant workers in Prince Edward Island in order to explore their work experiences in the agricultural or seafood processing sectors during the COVID-19 pandemic. Interviews were conducted in Spanish or English, over the phone, between October and December 2020. Some participants were interviewed after they returned to their home countries, while others were interviewed while still in Canada.

We asked participants questions about the process by which they were recruited to come to Canada and about their occupational conditions under COVID-19, such as social distancing measures, self-isolation and quarantine periods. Participants were also asked about their understandings of health protocols and industry procedures in relation to coronavirus testing and the management of potential infections. Interviews lasted approximately one hour. All interviews were transcribed verbatim, with those conducted in Spanish transcribed first in Spanish and then translated in English. Transcripts were manually coded. The analysis was conducted thematically and centered around answering the research questions.

Interview data was collected and analyzed anonymously.

Sample Characteristics

Demographics

All participants entered Prince Edward Island through various streams of Canada's TFWP. None of the participants had permanent residency.

Most participants (13) were Mexican nationals, one was Filipino, and one was Guatemalan. They had various levels of education. Some had completed elementary school (2), middle school (1), junior high school (5), high school (6), and university (1). Three had some university or college training. Our sample was of mixed gender, although participants were not asked to report on gender, race, and other identifiable information in order to maintain anonymity.

Many participants had long histories of coming to Canada and to Prince Edward Island in particular. Workers' time in Canada ranged from 1 to 19 seasons, with nine working 1-5 seasons in Canada; two working 6-10 seasons; and four working more than 11 seasons. Workers were in Prince Edward Island from 1 to 17 years, with three workers having spent some time in other Canadian provinces. Many spent most of their work seasons in Prince Edward Island with the same employer.

All workers, except two, spoke and understood English at a basic level with some capacity to understand and to make themselves understood. (One worker did not speak about English language proficiency.) The Filipino worker interviewed conducted their interview in English and was fluent in the language, although they described their language skills as "not really good."

All other workers spoke Spanish as their first language, and many described a form of social isolation both from the Island community and English-speaking employees that made enhancing their English language skills challenging. Only two Spanish-speaking workers claimed that their English had gotten considerably better over the years they had spent in Canada. Overall, few workers were given the opportunity or time to learn English. The limited amount of time that workers spent away from their jobs and in the community made the project of learning or enhancing their English language proficiency particularly challenging.

The primary reason workers came to Canada was to enhance their financial situation and particularly to support their family. As one participant pointed out, "[The money] is one of the advantages that we have when we go to work in Canada . . . being able to get the family ahead." All but four participants had partners and/or children, and two participants were single parents. Most participants mentioned that supporting families at home was the most important consideration in their decision to work in Prince Edward Island.

Portrait of the Job

In this sample, eight participants worked on farms and seven worked in seafood processing plants located in various Island communities. The majority of the participants had limited knowledge of the region in which they would be working before they arrived to do the work. No participants had travelled to Canada before they first arrived to work in the country.

Participants gave detailed descriptions of their day-to-day work. Fish plant workers had to clean live lobster unloaded by lobster fishers; sort the lobster by size; process lobsters, crabs and shrimp; clean and cut the lobster legs, tails, heads and claws; pack the lobster meat; seal the product bags; and disassemble, clean and re-assemble the processing machines. As one fish plant worker described:

I work with live lobster. We get the live lobster from the fishermen. When they arrive, they unload at the dock and pass them to us. We have to put them in a pond, where they are cleaned of impurities, such as mud, dirt, whatever. Then we separate them by measurements, by size, required by consumers, clients and the company. Once measured, we return them after three days, we change them from the pond to colder water so that the lobsters have a minimum movement, lower their metabolism and because they do not require so much oxygen, food, and do not eat each other.

Agricultural workers had to harvest large quantities of turnip, cabbage, pumpkin, and potatoes, as well as smaller quantities of cauliflower, beets, broccoli and carrots; chop, package and re-plant these vegetables; clean the operating machines; and transport the vegetables. As one worker described:

In the month you arrive, for example we arrived in May, we finished doing the selection of last year's potato and after that, perhaps in June, we began to cut potato to sow it again; and that procedure takes perhaps a week and then we start to sow it and after sowing it, the bosses have us pick up rocks in the fields. After it is plowed with the machine, a lot of rocks appear on the field. And then after that, they put us to clean and wash the machines.

Most workers were housed close to the farms and fish processing plants. Such living arrangements permitted them to walk to work or to drive short distances. It was rare for a house to be located far from the town where migrants worked. In the few instances where workers were not in proximity to their places of work, employers would arrange for their transportation. Workers rarely had to use their own cars to get to work.

Workers' Itineraries

Most Mexican workers were recruited to Canada with the help of the Mexican state. In the case of agricultural workers, the Employment Secretariat Office of the Mexican Government (*Secretaría del Trabajo*) was responsible for placing the workers with specific employers and for ensuring that workers passed their required medical examination, their field-specific agricultural tests, and that they completed the appropriate paperwork. In the case of temporary foreign workers in the seafood industry recruitment was conducted through staffing agencies.

Workers' routes to the Island changed throughout the COVID pandemic. Previously, workers were able to fly directly to the Charlottetown airport. In 2020, however, most arrived at the Halifax airport after a layover in Toronto, having to take a five-hour drive, usually by cab, to a designated hotel in Prince Edward Island where they would quarantine for two weeks. Two of the workers had to pay for the cab themselves. Over the time spent in quarantine, none of the workers developed COVID symptoms and they were regularly checked by medical personnel.

COVID-19 reduced flights in workers' home countries. Most workers were from villages, hence they had to travel to capital cities, such as Mexico City, and oftentimes had to wait overnight, staying with relatives or friends, until they embarked on a flight the next day. One worker traveling from Asia had to pay their own transportation to Hong Kong, with the employer only paying for the flight from Hong Kong to Canada.

Findings

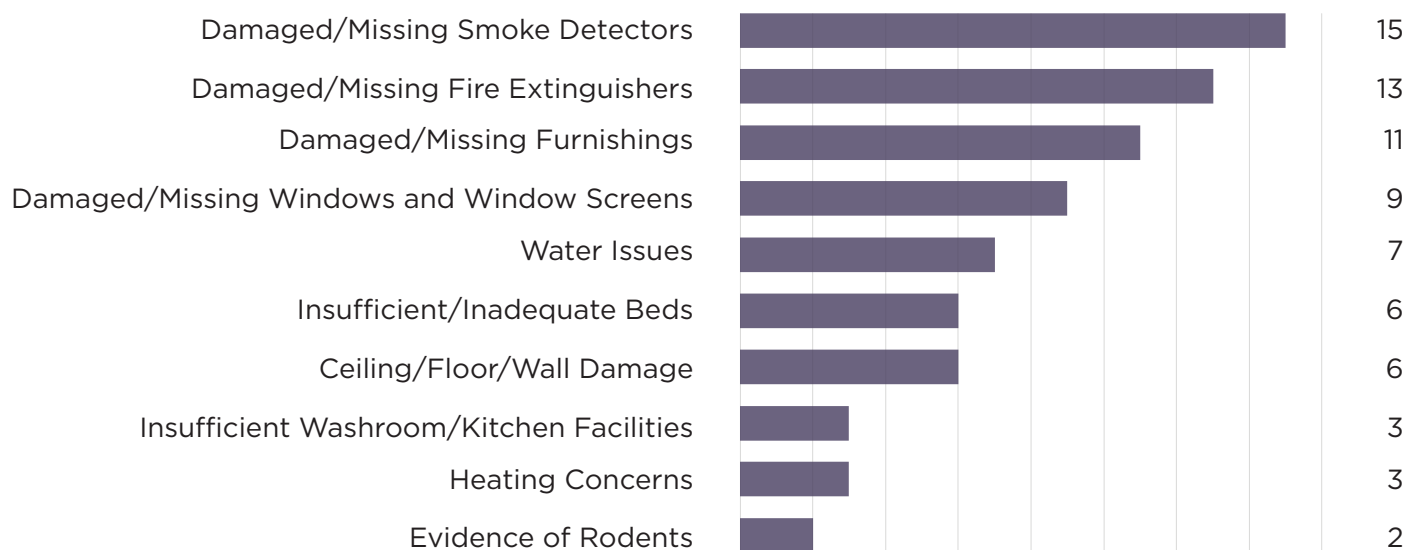
Housing and Workplace Violations

In 2020, 119 unique employers in Prince Edward Island had 1,725 approved positions with positive LMIA's (ESDC, 2021j). Approved LMIA's do not necessarily equate with the number of workers who end up employed in the country, but they provide a well-rounded approximation. South Shore Seafoods had 301 approved temporary foreign worker positions, while Seafood 2000, Royal Star Foods and North Lake Fisheries each had more than 100 positions. There were 755 approved temporary foreign worker positions in the province through the primary agriculture streams. MGS Holdings Ltd. had 152 positions, while Vanco Farms had 66. Other employers had fewer than 15 approved applications (ESDC, 2021a, 2021b, 2021c, 2021d).

Prince Edward Island's Department of Health and Wellness conducted 64 inspections of dwellings connected to employers that had approved temporary foreign worker positions in agriculture in 2020. Half of these inspections noted several code violations at multiple houses (Figure 2). These included damaged or missing smoke detectors; missing or outdated fire extinguishers; missing or damaged furnishings, windows, and window screens; insufficient or inadequate beds; ceiling, wall and floor damage; out of date water samples or contaminated water results; insufficient washrooms/kitchen facilities; heating concerns; and evidence of rodents.

Figure 2

Number of code violations in employer-provided accommodations



*Source: Department of Health, Prince Edward Island.

The department marked three inspections as unsatisfactory and required follow-up visits by inspectors to ensure compliance with safety standards. In the other cases, the employers were asked to address the violations before they housed the workers.

We contacted the Employment Standards Office and the Workers Compensation Board in Prince Edward Island to uncover information on workplace safety violations at sites that employ temporary foreign workers. We were told that the departments do not collect information on the locations of migrant workers, nor on complaints filed by the workers. To get a sense of the kinds of violations being reported, we used the list of employers with positive LMIA for approved migrant worker positions from January to September 2020 (ESDC, 2021a, 2021b, 2021c, 2021d) and requested information on complaints at these workplaces from the Workers Compensation Board. Forty-seven farms and seafood processing plants with approved temporary foreign workers positions were inspected, including Visser Farms, Brookfield Gardens, By the Water Shellfish, Captain Cooke's Seafood, Eastern Farms, Extondale Farms, Jewell's of Prince Edward Island, Kildare Fisheries, MGS Holdings & Distribution, North Lake Fisheries, Perry's Construction, Royal Star Foods, Seafood 2000, South Shore Seafoods, Summerside Seafood, Acadian Supreme Inc., van Diepen Produce, Vanco Farms, Verdant LLC, Victoria Potato Farm and W.P. Griffin. The Workers Compensation Board issued 11 orders to employers found in violation of the *Occupational Health and Safety Act*. These orders related to scaffolds, ladder usage, ramp guardrails and runways, falls, harassment, and job-related training.

Workers at three seafood processing plants filed grievances with Prince Edward Island's Employment Standards Office in 2020: Royal Star Foods, Seafood 2000, and South Shore Seafoods. The complaint against South Shore Seafoods involved termination pay and workers working more than six days in a row. In all cases, the complaints were resolved without any orders being issued.

Unscrupulous Staffing Practices

Recruitment fees paid by migrant farm and seafood workers in Prince Edward Island varied. Some employers paid for workers' flights and some did not. Generally, fish plant workers, who were part of the low-wage stream, had their flights covered, while agricultural workers, who were part of the SAWP, shared the cost with the employer (i.e., half of their flight, around \$500). Employers deducted flight costs in installments, from \$50 to \$100 per paycheque. If workers had to leave their contract early, employers made them foot the bill for their round trips.

I had to leave because of an emergency, a family matter, so I asked my employer if I had to pay for my ticket. He told me, "I don't know, but I'm going to try to help you." . . . But at the end of the day, well, I paid for it. . . . I said to my employer, "But I'm supposed to have paid my half of flight." He told me, "Yes, but you made another contract, so you have to pay."

Even when their flights were covered, workers still had to pay out of their pocket for transportation from their villages to the capital city in their countries. Ancillary fees associated with medical examinations, work permits, biometrics data processing, passport fees, and visa charges were oftentimes paid by the workers as well. The cost for the medical examination was around \$520 and the work permit fee was roughly \$150.

Some participants mentioned that the costs for their protective work equipment, such as garments, gloves and other work materials, were deducted out of their paycheques:

There is a deduction for a smock that we're using in the production. And if we need to use gloves, it's our own expense. . . . If you are going to use a glove, apron, a new apron, a new glove, it is [a] salary deduction. . . . There is a smock that we're using every day, it is deducted. Also, your face towel.

Two workers employed in the seafood industry mentioned their employers withheld their passports and did not provide them with a copy of their contract. Although workers knew this practice was illegal, they felt they had no say in the process for fear of having their contracts revoked or of being deported back to their countries:

We know this is not legal, but they are protected with a document they make us sign where it says that we give consent to hand over our passport and that the company keeps it. . . . I agree, because otherwise there would be no contract.

Participants discussed how employers had the upper hand in selection procedures (i.e., workers could return only if they were requested by the employer), which made them dependent on the employer, making it difficult to report power abuses for fear of not being called back to work the following year.

Participants also expressed concerns about the power that recruiters held over their entry to Canada, as workers' return to the job in subsequent years was also dependent on the recruiting agency. Sometimes recruiters decided to replace a worker, even though that worker had been requested by the employer. Recruiters often made such decisions on an arbitrary basis, for personal reasons and irrespective of the worker's performance. Workers described recruiters in their home countries as rude and arrogant. One participant mentioned that, when they had to terminate their contract early because of a family emergency, the manager in charge, in Mexico, insinuated the worker was at fault for the circumstances.

Crowded Houses: A Health and Safety Concern

Participants had little or no information about their housing situation before they arrived. They did not know how close their housing would be to their work, how many people they would live with, or the layout and condition of the home. The only information workers seemed to have, from their recruitment office in Mexico, was that their housing would be shared. Most participants were misinformed regarding the number of roommates:

It was supposed to be four people for one stove and refrigerator, and [when] we arrived, there were about 15 people and there were only two stoves, two refrigerators, one bathroom.

“Overcrowded,” “expensive,” and “inadequate” is how the workers characterized their housing. Single family homes, which would generally accommodate a family of five to six people, would host up to 17 sleeping in bunk beds across one bedroom. Even larger homes, designed to accommodate 20 people in over a dozen bedrooms, housed too many workers: 30 or even 65 people in one case, with sleeping arrangements organized in one or several large rooms.

Sharing common areas proved difficult. In one instance, there were two bathrooms available for 17 people, one containing two showers and a toilet and one containing one shower and a toilet. In other instances, three washrooms were shared by 31 people, with about ten people sharing a single lavatory facility, five people using one refrigerator, and 45 people sharing four stoves. These issues were common for both fish plant and agricultural workers.

We have one kitchen. We share the kitchen, Everybody. The 31 people will share the kitchen. We have two gas stoves. No, electric stove. We have one dryer, two washing machines, and we have three washrooms.

You have to win the stove to be able to cook and the bathroom to be able to bathe [Laughing].

At home, this year, there were a lot of people. We did complain about the kitchen because it just had . . . four stoves for all the number of people. . . . I sometimes cooked at night when my colleagues were asleep to have space. Now, there were 70 people, let's suppose more or less, all independently cooking their lunch.

Crowded kitchens had no windows or were poorly ventilated, making the space particularly difficult during the summer months.

There are no extractors for the stoves and in the hot season, part of June, July, and August, the kitchen was an oven or a sauna, because, while cooking, we were sweating profusely, and there was no ventilation or any window that could relieve us [from] a bit of the heat, because, well, it was like eight of us cooking at the same time.

For many, there was little to no space for storing their belongings:

We just have the hallway. We just have the laundry area. We just have the living room and the dining room. So we're just putting our things anywhere that we can put [them]. But there is no stock room, there's nothing. We just put our things in [a] container, you know?

The overcrowded housing conditions contributed to workers' overall stress:

[These] are not houses [where we are] working for 16 hours or 14, 13 hours minimum. [You] cannot live in a healthy way. In all the senses, both hygiene and stress, they are houses that do not provide any comfort. . . . The stress is greater when you get home and you have to be cooking with 15 other people and there are only two stoves, there are no prep tables. It is not a kitchen made for 16 people, it is a kitchen made for a single person, right? A housewife or a person who is dedicated to cooking for a family of five. In that sense . . . we suffer a lot.

Overcrowding made it difficult for workers to respect sanitary guidelines. Water shortages and low water pressure were common issues at peak hours, when people were cooking, bathing or washing clothes.

There were also maintenance concerns. One person mentioned their house had leaks during times of rain or bad weather. Others said that they did not have hot water and their washing machines were out of service for weeks.

Housing costs and methods of payment differed, depending for the most part on the occupation of the worker as outlined by the TFWP. For agricultural workers, housing costs and subsequent deductions are determined by the federal government and set in their contracts. For fish plant workers, no housing terms are stipulated in their contracts.

As a result, housing costs were unequally distributed amongst workers and the dollar amounts deducted for rent were inconsistent. Some workers paid \$13-16 per week while others paid \$50-\$60. Some paid \$40 or \$60 on a biweekly basis. Others paid about two to three dollars a day. Monthly amounts ranged from \$38 to \$1,200. In some instances, workers did not pay rent and were only required to pay utilities — for instance, \$12 on a biweekly basis. There seemed to be no relation between the amount of rent paid and the housing conditions or the number of roommates. A worker could pay close to \$300 per month for shared, bunk-bed style accommodations, while another would pay a comparable rate for an individual, private room. Generally, agricultural workers were paying lower amounts for their accommodation compared to the fish plant workers. The workers also described inconsistencies in their payment methods. Some paid their rents directly to their landlords while others paid their employers, who then paid the landlords.

While some employers housed fewer migrants because of the pandemic, accommodations were still crowded. The majority of workers reported no changes in their housing from 2019, even though landlords should have made changes to shield workers from COVID in their homes.

Participants identified other housing issues related to having a mixed-gender house, which often led to frictions between men and women. Others reported sharing premises with the owners, which created challenging living conditions for the workers.

Housing provisions were different for fish plant workers than for the farm workers. Fish plant workers generally rented in the community, although employers sometimes facilitated their accommodation. Farm workers were dependent on their employers to secure their accommodation. The TFWP stipulates that employers hiring temporary foreign workers through the agricultural stream need to provide suitable and affordable housing for workers to match the standards of the Canada Mortgage and Housing Corporation (ESDC, 2020).

In several cases, employers were either renting houses to workers at very high prices or acting as intermediaries between the landlords and the workers. According to some participants, in previous years they had been able to rent accommodation directly from the landlords and negotiate discounted rates if they paid for several months in advance. Once the employers became involved, the discounted rates were no longer available.

Burning the Candle at Both Ends: Migrant Workers' Precarious Jobs

“Tiring and repetitive.” “Heavy and dangerous.” This is how workers described their jobs. People felt overworked, working days were long, and wages were stagnant and low. They would work between ten and 18 hours a day, many working seven days per week. For fish plant workers, this generally occurred during the peak lobster season, which lasts approximately three months.

We would [start] at five in the morning and leave at ten in the night on very high seasons. We [would] put in more than 80 hours a week. . . . As migrant workers, we are regarded as not deserving fair human treatment, or having a right to improvements in work, better hours or simply [being able] to rest at least eight hours. Because sometimes between the end of one shift and the start of another, we have six hours off, and in those six hours, you have to go home, cook, wash and talk with the family.

The amount of time that workers laboured on farms or in fish plants varied from month to month. Many had variable, weather-dependent hours that were contingent on product availability. Fish plant workers were affected by variations in federally mandated, regional fishery seasons and farm workers by seasonal variations.

During planting, production and harvesting, farm workers could work as many as 12–14 hours per day. One participant explained:

Well, we are working from Monday to Saturday. When, for example, we are sowing the fields, we normally work six days a week. In production, as the product cannot wait for more days or longer, there are times when [we] have to work on Sundays from six to eight hours. But that is already an agreement that we have between all the colleagues, to pick up the harvest and to continue having a little more work.

One worker described how these long hours with little rest would contribute to issues with worker safety, potentially resulting in serious bodily injury:

And sometimes it is a very unsafe job, since [those of] us who carry loads, as well as the forklift and truck drivers, work for many hours. . . . We don't perform in the same way [as we do when we are rested]. . . . It causes insecurity at work because any carelessness can be fatal.

All workers generally received two 15-minute breaks per day and a 30-minute lunch. Only one worker mentioned that they received an extra break when their workday was extended beyond eight hours. For some workers, breaks were significantly reduced by time spent removing protective clothing, walking to breakrooms, and then walking back to their workstations. A worker noted how breaktime was consumed:

Because in the working area, maybe it takes more minutes to walk. Because we need to take off the apron, smocks and hairnets and everything that we're using. . . . The working area is a bit far from the break room. So it takes maybe three to five minutes [to] walk before going to sit down at the break room. So the 15 minutes is not exactly 15 minutes, you know?

While some fish plant workers were paid more than the minimum wage, up to \$14.50 an hour, most farm workers complained about the wages being fixed at the minimum provincial level of \$12.85 per hour. One fish plant worker commented:

For the activities we do, the demanding physical work and the non-regular hours we work, I feel that we should receive more, and because in the same company people who do a less demanding job, on a fixed schedule, who do their normal ten hours, earn the same as me and I make a greater effort.

Participants noted these discrepancies in wages in light of the remuneration in other provinces, such as Ontario and British Columbia, where seasonal workers' pay was much higher.

In one instance, a participant mentioned receiving a nominal bonus (\$200) at the end of the season based on seniority; however, most employers did not remunerate participants at increased rates for overtime work:

Not here on the Island, it does not have that, overtime or holidays, as they say. The farmers say they have no obligation to pay them.

Workers in seafood processing plants are paid the overtime rate of time and a half only after putting in 55 hours in any given week, although for most Island workers overtime starts at 48 hours per week. Some workers did not know if they were being paid overtime or not. Many did not feel they had the agency to refuse overtime work, due to fears of not being called back. Their job seemed secure as long as they did not complain.

Hey, I feel that as long as we don't complain a lot . . . we do have a secure job. But if, for example, we start to complain or don't want to work overtime, they criticize us a lot and from there yes, I feel that they no longer want to bring us.

Pay deductions were also complicated for workers. Many commented that it was unfair that they had to pay into government programs, such as Employment Insurance, that they were unable to claim. As one worker remarked, “Well, I believe that we are all dissatisfied with unemployment, right? They also take a lot from us, but we don’t have that right [to claim it].” Another commented:

What I would sometimes agree with is that unemployment insurance, that we, as migrant workers, well, [we] do not use it. Because in my [case] I have been hired for eight months, here. I am paying unemployment insurance and when I go to Mexico, I am unemployed for four months and where is the unemployment insurance?

Days off were also unpaid, as one worker paraphrased the employer: “Days worked, days paid. You don’t work for me, you don’t get paid.”

Migrant workers noticed differences between their working conditions and those of Canadian workers, as employers did not require Canadians to work such long hours.

The bosses think that we are their slaves and [that] we cannot speak, we cannot decide almost anything about the working conditions. So, they force us to work more hours than we want, right?

Sometimes working for 14 hours, the body gets tired obviously, right? We sometimes tell him that we were tired already . . . and they almost force us, they would tell us no, because we have to deliver that order, and that’s like the pressure, right? Mostly the Mexicans, because Canadians and residents, those with residence and all that . . . finish their eight to ten hours and they do not care if they want them to stay or not. On the other hand, Mexicans have to stay to work . . . that’s okay . . . but sometimes, they don’t have much conscience, like one gets tired, right?

Workers sometimes found their jobs tedious. A fish plant worker explained, “It is very, very stressful, very tiring, because it is repetitive. They are companies that work with serial processes. They are very boring and very tedious, very tiring because of that.” Workers who experienced more variety in their jobs sometimes commented that this made work more enjoyable.

Work often involved manual labour, heavy lifting, and — for farm workers — enduring the elements for hours on end. One worker clearly described these challenges:

This is a very physical job, in which we are lifting the weight of each box [of lobster], approximately 47–50 kilos. And we are lifting them, sometimes between two people, but mostly it is this lifting alone because the work is very demanding.

Migrants were unaware of their right to a safe work environment, and none of the participants underwent formalized health and safety or work-related training, beyond basic hygiene instruction.

There is no orientation. I never experienced that [in the more than five years I've been] working in that place. . . . They just put us in the workplace, and somebody will teach us what to do. . . . There's no training, there is no orientation, there's no safety rules that we need to follow, it is just like that.

Most learned their work by watching their colleagues:

Most of the job knowledge I acquired, was on the road. Training was in fact almost nil. The first day of the first season, when I showed up to work, I was doing what the person next to you is doing . . . and that's it. . . . That was all my training, just like that.

Paradoxically, participants stated they were familiar with health and safety regulations, yet they could not name one such regulation. At most, participants equated health and safety training with first aid training. Similarly, many workers commented that they felt safe at work.

One worker complained that their worksite placed them in unsafe conditions for which they were not trained and that they had no access to safety gear to protect themselves. Another worker commented that the employer left bodily protection up to the workers themselves. One participant stated that although the workplace itself was safe, they felt that some of the other workers might make it dangerous.

According to participants, their workplaces were not often inspected. In the few cases where inspections were conducted, workers had no knowledge of who the institutional bodies were, and it was most often the products being inspected (i.e., potatoes), and not necessarily the worksites.

As housing inspections were sometimes conducted by provincial authorities, participants suggested that worksites should be similarly inspected. Only one participant was aware of their work premises being inspected by the public health authorities.

Migrants also complained about work-related threats, disputes and incidents of abusive supervision, and their inability to move from one company to another:

If they have a chance to treat you badly they will grab it. . . . Being a temporary foreign worker is scary, cause . . . the employer could stop you from working, or deport you, they can do [anything] they want to. And you cannot go to another company easily to work because you need to . . . take a LMIA or apply for work permit and then you need to wait for the new work permit. It's really tricky because you don't know where to go. You don't have money to support yourself. And everything is really, really limited for the temporary foreign workers. That's the disadvantage. . . . If [the supervisor] wants to send me back [to my country of origin] because [he] knows that I am under the LMIA, [he can]. . . . What will happen [to my family then]? Because I don't have work. What will happen to me? I have bills, I need to eat.

Supervision was intrusive, careless and oftentimes sexist. Supervisory abuses were not only committed by Canadian employers but also mediated through mid-level management, where positions were held by co-nationals. This often led to preferential treatment of a certain group of workers, retribution from fellow co-nationals, or to management ignoring workplace complaints, as there was no employer oversight of managers. Even in cases of injuries at work, the supervisors did not seem to care if medical help was appropriately provided. Some workers were threatened with deportation if they complained about workplace issues and injuries:

My employer told me that if I continued wanting or taking days off, because we do not have days off on the days we are legally entitled to . . . he told me that I had two options, to work on whatever he put me on or go back to [my home country].

Some were very critical of the Canadian government and stated that it enabled their exploitation:

I thought that Canada was this, as it is commonly said, first world country, with a different lifestyle in every sense including the companies for which the government of Canada apparently becomes a pimp. It becomes an accomplice for companies that ignore everything, no? . . . Despite the fact that we serve . . . the Canadian population, the government, right? Because we are paying taxes. I do not know, help does not return in the same sense, no? It is very very blatant exploitation, no? I do not think it is very good for anyone's health to be in these conditions, but hey, if we compare with what we can get paid in [my home country], that's why we come here.

Others pleaded to the Canadian government to improve the occupational conditions of temporary foreign workers and to help workers, to protect them from abusive employers:

[I] hope the government will change the temporary foreign workers' situation. . . . [I'm] hoping that there is a door for temporary foreign workers who suffer from bad treatment from the employers. Hopefully, there [are] people who can help the temporary foreign workers [that] experience bad treatment from employers. . . . Hopefully the government will see that we are also employees. We pay tax. [I] hope they have . . . room in their heart for the temporary foreign workers, not just for the citizens, not just for the permanent residents. Because temporary foreign workers are hardworking people. I know this 100% because I always do my work 100%. I am never late and I come to work 30 minutes, 15 minutes earlier. I take my break, 15 minutes break, just [as a] ten minutes break. I'll just take that and then I want to go to work because I am very grateful that they give me work. And this work gives me life and the life of my relatives back home.

Another worker commented:

I would improve . . . that they took the workers into account more. They may say, "No, migrants are not necessary." But who was going to harvest their crops? Who was going to pack? Who would bear to extreme temperatures or sometimes rain? . . . But I would like [them] to take the workers more into account and not see that we come to take away their work. We come to do the work they do not want.

Under the Weather: On Health, Illness and Medical Insurance

Employers under the TFWP are required to ensure their employees have access to healthcare coverage, either public or private (ESDC, 2021f). When workers are not eligible for provincial health cards, in instances when their work permits are for fewer than 183 days, the employer must pay for private insurance (ESDC, 2021f; Prince Edward Island, 2021a).

Workers who were interviewed were generally aware they had health insurance, although most struggled to explain what it covered and how it worked. Most described this insurance as something that they paid for and that was deducted from their regular paycheque, even though the federal government requires employers to pay the costs of private health insurance until workers are eligible for the provincial plan (IRCC, 2017). Only two workers could name the company that provided their private insurance. As one worker said, “We do have a health card, but I don’t know [how it works]. I’m not choosing my health card. I never use my health card.”

For those who had used their public health insurance, they were surprised that it did not cover prescription medications and various medical treatments. Some said they were expected to pay for expenses out of pocket and wait months for reimbursement from their insurer:

When we use that card, they tell us [it] is not valid, that we have to pay and then the insurer has to put in a policy so that the company or the insurer reimburses us the money we paid for the consultation or the medicine after four or five months.

Insurance cards are supposed to arrive within 25 days of workers’ arrival. Some workers indicated that their insurance was delayed, and their cards arrived after a couple of months. Others told stories of presenting their cards and receiving care without cost.

Most workers had not experienced the Canadian health system firsthand, as workplace injuries and serious illnesses were uncommon amongst the interview participants. However, one participant did explain that they had once needed to obtain care at the hospital for a potentially serious workplace injury. While the worker was convalescing, they overheard company employees conspiring to send them back home. The worker described their understanding of this, stating, “The doctor had told me to tell them no because I was not fit to travel. Then yes, they practically wanted to send me back to [my home country]. They wanted to get rid of the problem.”

Many of the workers commented that obtaining time off work was simple and usually generated no opposition from their employer. Workers could generally take time off to recuperate when they were tired, overworked or ill, yet they were not generally paid. One participant clarified:

Even though we're not feeling well, we're going to work, okay? But, but, but the company will allow you to take a break, maybe. Yeah. Allowing you to take a break. If you're not feeling well or something like that, they will let you go home also. Yes. Just tell the supervisor that you're not feeling well, and then they will let you go.

When asked if the worker received compensation for the time off, they responded, “No.”

We're Not in This Together: Seasonal Foreign Work During the COVID-19 Pandemic

All the participants interviewed for this project worked in Prince Edward Island during the COVID pandemic. The pandemic affected not only their work, but also their capacity to come to Canada. For one worker, the pandemic affected their ability to return home to their family. Some workers found that closed consular offices and a lack of available medical examinations either severely delayed travel from their home countries to Canada or made it impossible. COVID also affected currency exchanges and many workers had to trade in their Canadian dollars at much lower rates.

Those who travelled to Canada during the pandemic were subject to the federally mandated 14-day quarantine. Workers who travelled at this time were responsible for bringing their own protective equipment and were subject to physical distancing and routine screening protocols throughout their trip. These protocols included mandatory temperature taking and screening questionnaires. One worker described this:

We just followed the hygiene measures that had to be followed, right? Like, at all times putting hand sanitizer, washing your hands, the mask. . . . We took our first flight, and on the second flight there was no problem as well. We also kept our social distance at all times too from [our home country] to the airports here in Canada. Then well, then it was the isolation thing, but that was already here in Canada.

Most workers commented that they were paid for their time at the hotel (60 hours for 14 days). They were provided with food and some access to the outdoors (approximately one hour and 15 minutes per day). All workers found their hotel accommodations satisfactory. Many, however, complained about the food. They found it inadequate, unhealthy and not to their dietary or cultural needs. Only one worker commented that the food was healthy, with most others noting that they were fed mainly fast food, including hamburgers and pizza, despite some workers having health conditions that required modified diets:

There was fast food and restaurant food, such as pizzas and hamburgers, donuts. [This] food [was] far from eating well or have good health. . . . Well, I perceive it that way because I'm not used to that type of food, and I think that most of us Mexicans are not used to that type of food.

When workers arrived at their places of employment, they found them changed due to COVID protocols. Workers were almost always supplied protective equipment, including masks, shields and sanitizer. They often experienced new cleaning and hygiene procedures. Many were separated from other workers, either by new shifts that staggered breaktimes or physical barriers between workstations. Workers were often discouraged or forbidden from interacting with one another. However, this separation seemed to unfold on national lines, where employers segregated migrants from Canadian workers. Temporary foreign workers would eat separately from Canadians.

Generally, all workers felt that their employers took COVID protocols very seriously at their workplace and felt safe from the disease.

The new protocols and increased separation often increased a sense of social isolation. One worker explained that this social distance led to conflict amongst the employees, stating, "It has distanced. The gap between people has increased and there is less . . . less human connection. There are more quarrels there, there is not that affection." Another worker expressed distress at the inability to touch their fellow workers, lamenting, "Well, at first it was very difficult, because [we] enjoy hugging each other, getting close to each other, but obviously with all this, it is no longer allowed."

Workers commented that they received instructions about what to do if they became ill – generally inform a supervisor. Many also received instructions in their first language about COVID protocols. In spite of this, almost no worker knew what would happen if a worker actually fell ill with COVID. They all understood that they should stop coming to work, but beyond that, there was little understanding about the implications of becoming ill. Some workers speculated that they would be quarantined in a different area. As one worker explained, "Yes, [our supervisor] told us that if one of us got sick in work matters, we had to be in quarantine and therefore on medical care." Another worker surmised that workers sick with COVID would be sent home without pay and that possibly the workplace would be closed.

Workers knew they would not be paid for time away from work and sometimes experienced pressures from supervisors to work even when they were feeling unwell. One worker described a situation where their colleague missed work because they felt they had COVID symptoms. They

stated of their friend, “But they told me, ‘I’m not going to go, I’m not going to put people at risk if I have COVID or something like that, and then something happens to me.’”. The worker who stayed home faced the ire of the supervisor who felt they should be working:

Interviewer: *So on the one hand they got mad because they didn’t go to work and then they got mad because [they might have COVID].*

Participant: *Exactly, yes, yes. So it was super weird right? Because my boss does not care if you are sick or not, or anything else, you have to go, but okay.*

Many workers commented that the increased hygiene measures and general cleanliness were preferred over the pre-COVID environment.

Workers also mentioned that COVID increased the precarity of the workers and allowed employers to exercise power in unjust ways. One stated, “The pandemic makes my life so miserable. [The employer] is using the pandemic to treat people badly.”

In spite of the seemingly diligent efforts to protect workers from COVID in the workplace, some believed that similar efforts were not carried forward to their living quarters. Although a few workers lived in less crowded conditions than they had in the years before and were able to exercise social distancing in transit to work, the majority were still subject to overcrowding in their homes. Moreover, employers did not purchase cleaning supplies for their houses or supply personal protective equipment to use in their homes, despite the Island’s Public Health Office outlining these requirements for employers of temporary foreign workers (Prince Edward Island Chief Public Health Office, 2020). One participant remarked on this situation:

In some cases [at work] all of that was kept very very rigorous, but where you did not see changes was in the sense of how we lived. There were the same overcrowding problems as before and in my case, even worse, well, because I went from a house with six people or that had six people living to one that now has 17. . . . We have discussed it among colleagues, because the rules that have been taken within the company, in the workplace are very rigorous, but outside the work area we could also get infected and then what sense does it make that in one part [things are] controlled and in another part there is no control. It seems contradictory to me and my colleagues.

Some workers felt that COVID protocols should not be extended to their homes. These workers found that their employers used COVID to increase surveillance, decrease their personal freedoms

and sometimes threaten them with deportation. Some workers complained about no longer being allowed to have visitors in their homes. Others commented that their employers installed video monitoring systems to prevent them from socializing in their homes, with one explaining, “Ah, no strangers or people from other houses can enter the house. We are not allowed visitors, only those who live inside.” Another commented, “They put cameras in the house to make sure we didn’t leave. We were watched like that. Yes, I was a little uncomfortable because of the fact that the company was watching us.”

Employers limited workers’ capacity to engage in the community, including sometimes preventing them from going grocery shopping, even a month after their arrival, as one participant shared. Workers’ inability to go out in the community also meant they were unable to easily send money home, and many had to remit money using unorthodox methods, such as internet applications that were difficult to manage.

Workers who did not comply with the company’s orders to stay home were sometimes threatened with deportation. One worker shared what happened to their colleague:

They were reprimanded once [when they didn't stay home]; they told them that if they did it again they would send them back to [home country] and in fact, they were spared a second time, and the third time there was no going back and they had to return to [home country] for not complying with the employer's orders.

Attitudes about temporary foreign workers being vectors of disease seemed to have also penetrated the community. One worker remarked on their reception by Island residents:

They saw us as weird and like we carried COVID. I remember that they began to ask me if I did my quarantine. Like very freaked out, as if I came ill or not. And in fact right now they keep asking me a lot if I plan to return to [my country] or not. Because they are scared that I will come back here again and I'm going to infect them, right?

Discussion

Our research revealed how migrant workers were made further vulnerable as they worked to keep Prince Edward Island's seafood and farming industries thriving during the 2020 season and throughout the COVID-19 pandemic. Workers' precarious living and occupational conditions — long work hours with no overtime pay, crowded living spaces, separation from community, reluctance to complain for fear of being fired — existed pre-COVID-19, yet they became more acute during the pandemic.

Findings point to numerous inconsistencies surfacing within the TFWP in Prince Edward Island, including irregularities between fish plant workers and farm workers, between the type of accommodation and its cost, and between the costs associated with recruitment and transportation. Some workers, especially in the seafood processing sector, are stringently controlled by employers, who hold workers' passports and fail to provide workers with copies of their contracts.

Findings demonstrate the need to regulate workers' contracts so that employers cover the ancillary expenses deducted from workers' paycheques. For example, employers lawfully charged workers for their work-related garments and/or a portion of their flights, according to the federal guidelines of the TFWP. In the latter case, agricultural workers pay half of their ticket to Canada because it is stipulated in their contracts and within the framework of Canada-Mexico institutional agreements. The state enables such abuses, and employers often take advantage of unfair employment practices to reduce their operating costs. Yet considering that workers are far away from their families, that they often work for minimum wage, and that they are likely to put in overtime hours with no additional pay — thus saving employers the costs associated with having Canadian employees — the TFWP guidelines could be revised to demand that employers, at the very least, cover flights and other transportation costs for the workers.

While the proposed *Temporary Foreign Worker Protection Act* requires licensing, reporting, and record-keeping for employers and recruiters in the province (Prince Edward Island, 2021b), it is not yet law, and will not come into effect until at least the 2022 season.

Provincial guidelines are needed for the provision of protective gear and other work equipment. These are work-related requirements, demanded by the place of employment, and therefore should be covered by the employer. The findings here mirror similar findings from Atlantic Canada, where workers were found to pay fees of \$6 daily for gloves when picking fish from processing lines (Knott & Marschke, 2021).

The discrepancy in housing costs was, by far, the most profound difference in the way in which workers were treated. Why do some workers pay \$12 in monthly rental costs while others pay \$1,200?

Almost every worker we interviewed referred to overcrowding and the inadequate provision of bathroom and kitchen facilities. Workers' stories mirrored the data we gathered from the province's Department of Health and Wellness, which found code violations in half of the inspected employer-provided housing facilities for agricultural workers. Housing conditions are most likely exacerbated for fish plant workers, as there is no governmental division tasked with inspecting their housing. This generates greater vulnerability for fish plant workers.

Some of the rent paid by the migrant workers resembled hotelier rates. A three-bedroom house lodging 17 people, each paying \$290 (the average amount paid by one worker interviewed there), totals \$4,930 a month. Yet the average rent for a three-bedroom house on the Island costs between \$1,500 and \$2,000 dollars per month.

Having employers act as the intermediary between the landlord and the workers leaves room for abuse in the contracting chain. Employers could easily lease properties at discounted rates, then charge workers the full (or inflated) price. In such instances, employers could extract a twofold profit on the backs of the workers: from their labour and from charging them rent above the market rate.

It is important to ask why employers are not required to provide housing to their workers free of charge, or at least at an affordable, reasonable rate. This is especially important given that workers' wages are often dependent on external conditions, such as the weather. Notably, workers are required to pay rent even when they cannot work, including in the off-season.

Without union representation, migrants' jobs are precarious, consisting of long hours with little to no overtime pay. Prince Edward Island's *Employment Standards Act* stipulates workers must receive one-and-a-half hours of paid time for each hour of overtime if they work more than 48 hours in any week. However, workers in the seafood processing industry must work up to 55 hours to qualify for overtime pay. Provisions outlined in the *Employment Standards Act*, with the exception of payment and protection of pay, do not apply to farm labourers, including migrant farm labourers, in Prince Edward Island (Prince Edward Island Legislative Counsel Office, 2018), hence agricultural migrant workers are not legally entitled to overtime pay.

The *Employment Standards Act* also indicates that after three months, an employee is entitled to an unpaid leave of absence of up to three days for sick leave. Yet migrant workers are reluctant to take unpaid leave from work when ill or exhausted, driven by the need to support themselves and, at the same time, to provide income for their families at home.

Lack of paid sick days was not the only health concern workers experienced. Workers who were able to qualify for a provincial health card were concerned about the lack of coverage for prescription medication. Those with private coverage were unaware of how to access their health insurance if needed. This issue was particularly concerning in light of the COVID-19 pandemic.

While the Employment Standards officer conducts proactive site visits with known employers, workplace inspections on the Island are complaints-driven, planned, and infrequent. This means that they are unlikely to uncover workplace safety violations. In a study of Ontario migrant agricultural workers, Casey et al. (2019) noted that a complaint-based enforcement regime of employment standards cannot ensure that the rights of temporary foreign workers are respected. Through our information requests, we were told that the Employment Standards Office and the Workers Compensation Board in Prince Edward Island do not record the locations of temporary foreign workers, nor do they collect information on complaints filed by temporary foreign workers or on inspections of workplaces with temporary foreign workers. The Department of Health and Wellness is the only provincial body that keeps track of temporary foreign workers to inspect their housing. These inspections, conducted only before workers arrive, are limited to accommodations provided by employers of agricultural workers.

Migrant workers' lack of formal training also contributes to their precarious occupational positions. This results of this research echo recently released findings for the Atlantic region: that workers have no experience in the seafood processing sector before coming to Canada, no access to adequate training, and are often fearful to voice dissent (Knott & Marschke, 2021).

Findings also suggest that there is a double standard at play. When migrants are deemed “visible” (i.e., at the worksites) they must be kept safe; hence, employers implement COVID protections. In contrast, where invisibility prevails, at home, employers and landlords do not protect workers. On the one hand, workplaces are disinfected, hand sanitizer is always in sight, personal protection equipment — such as facial masks and face-shield protection — are provided, and temperature checks are conducted. On the other hand, homes are left unprotected. Workers are made more vulnerable in their homes, which they may share with more than a dozen other people, contributing to the spread of disease in times of a pandemic.

Sanitizing worksites then becomes performative. Employers are publicly seen as caring. But behind closed doors, workers live in overcrowded dwellings, with insufficient cleaning supplies and without personal protective equipment. Caring about workers not being exposed to COVID-19 becomes a façade for protecting private profits. In order for employers to go about their business, they need to appear to play by the rules and protect the workers. In reality, no full protection can occur when workers are safe at work yet unsafe in their homes.

The invasion of privacy in connection to the pandemic (i.e., having cameras inside homes so workers do not leave) and the stay-at-home restrictions (i.e., forbidding workers from entering a grocery store up to one month after their arrival) point to discrepancies along national lines. The mobility of temporary foreign workers is severely restricted and monitored. However, there are no similar protective concerns for Canadian workers, who can freely mingle in the community. Moreover, Canadians coming from abroad are not subject to such scrutiny, not even during the quarantine periods. Even at the end of their self-isolation, migrants had their every move observed. The performance of safety protocols could reflect xenophobic reasoning, where employers see migrants solely as vectors of disease; at the same time, it could be easily manipulated by employers to portray consideration for the workers, despite most likely being determined by efforts to avoid negative public attention if infections were to occur amongst migrant workers.

The separation of workers in common areas (i.e., at lunch) also points to a differentiation on national lines, where only foreigners were seen as potential vectors of infection, and Canadians, by contrast, were viewed as at risk of being infected. Such thinking goes against the widespread indication that COVID is an occupational disease (Feldman, 2021), mainly affecting those performing essential work, and therefore going beyond national lines (and lunch table divisions

based on nationality) in its epidemiological spread. Similar reactions surfaced in the community, where one worker suggested that nativists felt that workers were a potential infection threat to the “local” population. Again, these attitudes disregard the myriad ways that migrant workers have been among the most affected by the pandemic, evidenced by national and international outbreaks at farms and meat processing plants staffed by migrants. Why then do employers and others in the community perceive COVID solely as a disease of foreignness? Why do they view migrant workers as those who are unilaterally infecting, and Canadians as those who have the unilateral right to be protected?

For years, activists, journalists and migration scholars have written about overcrowded housing conditions, unsatisfactory wages, long working hours and the precarious occupational conditions of seasonal agricultural workers. This same interest, however, has not been shown with regard to fish plant workers. Without public attention, seafood-processing employers have been let off the hook and have made fish plant migrant workers’ lives harder, putting their safety in jeopardy. It is within such a context that this research sheds light on one of the more obscure labour forces in Canada, migrant workers in seafood processing plants, alongside seasonal farm workers, in one of the Maritime provinces.

COVID closed Canadian borders to many foreign nationals. However, Canada allowed foreign bodies, in the form of temporary labourers, to cross them. National boundaries became flexible to benefit the Canadian economy. While the federal government’s April 2021 decision to temporarily extend permanent residency for those workers deemed essential is welcome, it does little to alleviate the precarious working conditions forced on many temporary foreign workers.

When employers commit labour abuses, migrants are left unprotected, not knowing to whom to turn or where to make a complaint. Regulatory protections for temporary foreign workers are inadequate, poorly monitored, and lack enforcement. Tying work permits to employers increases workers’ vulnerability. As migrants continue to arrive on Canadian farms and fish processing plants, it is imperative that the federal and provincial governments regulate their recruitment and occupational conditions, working to center migrants’ needs, safety and concerns.

Permanent immigration status is not simply about “being allowed” to stay in Canada. It is about accessing the basic rights so highly valued in this country, and the legal protections, programs and services that are designed to keep its citizens healthy and safe. Mending gaps in the system, implementing higher standards for accommodations, eliminating closed work permits and improving employment standards are all welcome yet the fundamental change to make the most lasting difference in the lives of migrant workers can only happen when and if workers upon whom Canada depends are granted permanent status on arrival in the country.

Recommendations

1. Grant permanent residency status.

The Government of Canada must grant migrant workers permanent residency on arrival in Canada. The precarious situation of migrant workers in Prince Edward Island has been made worse by the pandemic, as COVID-19 has exacerbated existing issues, including health and safety concerns, inadequate living conditions, and lack of privacy. Migrant workers are essential workers and permanent residency on arrival would ensure their access to healthcare and social services, as well as to the legislative protections already available to permanent residents and citizens.

2. Provide open work permits.

The Government of Canada must stop issuing employer-specific work permits and provide open work permits for migrant workers. Work permits that tie a worker to a single employer create vulnerability. Workers are fearful of making a complaint when their rights are being violated or when their safety is at risk. Open work permits would diminish the power employers have over workers.

3. Require union representation.

The Government of Canada must make union representation a necessary condition of the Temporary Foreign Worker Program, as the best practical measure providing representation and protection to Canada's most precarious and vulnerable worker population.

4. Provide health care on arrival.

The Government of Prince Edward Island must ensure that all workers arriving in the province are provided with a health card. Prince Edward Island requires that anyone who arrives in the province must present a valid work permit of at least 183 days in order to apply for a health card. At the same time, the federal government has made it more attractive for seafood processors to hire workers for 180 days at a time, which means that many workers are unable to get a provincial health card. Access to provincial Medicare would mean more comprehensive and accessible healthcare for migrant workers.

5. Implement and enforce the *Temporary Foreign Worker Protection Act*.

The Government of Prince Edward Island must implement the *Temporary Foreign Worker Protection Act* and strengthen its power to hold employers accountable. Introducing fines for non-compliance and developing proactive enforcement measures will strengthen the guidelines on regulating and registering the recruiters and employers of temporary foreign workers.

6. Conduct regular site inspections.

The Government of Prince Edward Island must carry out regular site inspections to ensure that employers are adhering to the provisions of the *Temporary Foreign Worker Protection Act* and the *Employment Standards Act*. A complaints-based system has limited value when it comes to protecting workers' rights. The Employment Standards Office must ensure that employers provide adequate rest periods and days off for workers, and that employers abide by other legal obligations.

7. Implement transparent processes for sharing data.

The Government of Canada must systematically make public, in a timely fashion, its data on migrant workers arriving to Canada. This data should include the numbers of temporary foreign workers by sector and job classification, stream, employer, and location. Having direct access to data would allow provincial bodies to enforce the provisions of the *Employment Standards Act* and *Occupational Health and Safety Act*, as well as the anticipated *Temporary Foreign Worker Protection Act*.

8. Make public the proposed registry of employers of temporary foreign workers.

The Government of Prince Edward Island must make public the registry of employers about to be included in the *Temporary Foreign Worker Protection Act*. A public registry would improve the ability of community organizations to offer services to the workers and minimize workers' vulnerability by increasing their visibility in the community.

9. Ensure all workers have access to safe, affordable and dignified housing.

a) The Government of Canada must create guidelines to improve accommodations for temporary foreign workers. These guidelines should also include mechanisms for monitoring and enforcing housing conditions so that every worker is provided with privacy, dignity and security.

b) The Government of Prince Edward Island must inspect employer-provided residences for seasonal agricultural workers on a continuous basis. Living conditions do change over the course of a season. In 2020, in response to COVID-19, additional inspections took place. We recommend that mid-season inspections be made mandatory

c) The Public Health Office in Prince Edward Island must create clear complaint processes for third parties in cases of overcrowding, unsafe or poorly equipped living conditions. Fish plant workers, who are part of the low-wage stream, are living in housing stock that is part of the regular rental market. It may be that their employer is their landlord or is related in some way to their landlord. This relationship makes it unlikely that workers will make a formal complaint in the case of inadequate, unsafe or overcrowded conditions.

d) The Government of Prince Edward Island must investigate the role of the employers in housing provisions. This research reveals the inflated profits accrued to some landlords when workers — who may be living with 20 other people — are individually paying rent on a weekly or monthly basis. Provincial legislation should prevent this method of profit-making at the expense of migrant workers.

10. Improve Employment Standards.

The Government of Prince Edward Island must undertake a comprehensive review of the *Provincial Employment Standards Act*. The longstanding exemption of farm workers from most sections of the Act and the 55-hour standard work week for seafood processing workers need to be removed. All migrant workers must be compensated for overtime hours worked.

11. Improve access to Employment Insurance.

The Government of Canada must ensure that all workers have access to the Employment Insurance benefits that they have paid for. The government must make the process of applying for Employment Insurance fully accessible to all workers by providing clear and accurate information and interpretation services when necessary. Regulations to eliminate discriminatory disentitlements to benefits for workers who are outside of the country also need to be amended.

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