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Chair

Mr. Norman Doyle

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•(1310)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): We'll call our meeting to order.

I want to welcome all of you here today as we begin our second leg of our journey across the country to study three very important matters.

We are the Standing Committee on Citizenship and Immigration. We have been mandated to hold hearings on three issues, as I said a moment ago: undocumented workers, Iraqi refugees, and immigration consultants. We're going to be meeting in almost every province between Vancouver and St. John's. We have approximately 52 panels to hear from on these topics. Of course, at the conclusion of our meetings, we will compile a report, with the assistance of our capable officials and analysts, and have that report presented to the House of Commons and to the Department of Citizenship and Immigration.

We begin our meetings today here in Edmonton. We have on our first panel the Edmonton Mennonite Centre for Newcomers. We want to welcome Mr. Jim Gurnett. And we have Yessy Byl and Bill Diachuk.

I think you're very well aware of how the committee operates. You will have an opening statement of roughly seven minutes, and then we'll interact and ask questions or what have you.

So I'll leave it to you.

Mr. Jim Gurnett (Director, Edmonton Mennonite Centre for Newcomers): I want to welcome you to Edmonton.

There's been a dramatic change in Alberta over the past two years. When I drive up to Peace River country in the northwest to visit my grandchildren these days, whether I stop for coffee in Valleyview, for gas at Fox Creek, for lunch at Whitecourt, or at the mall in Grande Prairie to buy some gifts before heading on to their house, the probability is that the service people I'll encounter all along that route will be temporary workers. Last year in Alberta, more temporary workers came here than immigrants.

So I want to begin by presenting some suggestions to address the many difficulties that arise for temporary workers, especially those in the low and unskilled occupation categories. I'm not going to take the time in these very few minutes to provide any samples of the horror stories that the staff of our community organization receive, because I suspect you're familiar with a lot of those. So I want to touch on some possible ideas to resolve some of these concerns.

There is quite a bit more detail in the full presentation, the full written paper, that we've provided to you, but I will just highlight some ideas.

The first thing is that I think we need to reconsider the whole idea of this list of expedited occupations, where the labour market opinion process has been abbreviated. In fact, we believe it would be useful to enact more careful and more cautious assessments of whether there is an actual need for temporary workers in any situation.

Second, I think we need to ensure that better and more first language information on all aspects of working and living in Canada is available to temporary workers in these categories.

Third, we need to improve the processes for workers with work visas to move to new employment quickly when an employment situation breaks down.

Fourth, we need to require employers to provide temporary workers with settlement services that are equivalent to those funded by government for immigrants and not believe that they know how to do this work and that we don't have to ensure equality in it.

Next we need to improve the ability to protect workers in the workplace and to reduce the unmonitored self-reporting by employers.

We need to require that the brokers and the agents involved in the recruitment of temporary workers meet clear standards and are registered.

Finally, we recommend making sure that all temporary workers, before coming to Canada, get thorough information about issues of immigration so that we can break the myths that are being perpetuated, especially by brokers, about how being a temporary worker is a quick route into immigration and permanent status in Canada.

However, these are only measures to patch up a program, a program that our organization believes is not good for Canada or the foreign workers involved. So I also want to take a couple of minutes to touch on some larger recommendations about how better public policy and practices regarding immigration could make most of what's happening with temporary workers unnecessary.

First of all, and not surprisingly, I think the immigrant-serving sector needs to be more fully involved in consultation on matters related to immigration. There's a national body now for immigrant-serving organizations, which I happen to chair. That sector now has the ability to provide input much more effectively than it has in the past.

Secondly, I think there should be reconsideration of the recently proposed amendments to IRPA as a way of dealing with the difficulties of the immigration process. We should instead back up and take a look at approaches, such as better staffing of the department and revisions to the criteria for becoming an independent immigrant, to address some of these things, rather than putting more power in the minister's office.

Third, we recommend that making improvements to the economic outcomes of new immigrants be made a top priority, through measures such as more appropriate and available language programs and effective use of prior learning, to achieve better employment incomes. Until we address the economic underachievement of immigrants, it's hard to resist the temptation for temporary workers.

We need to clearly distinguish public discussion about immigration from matters involving temporary workers. These things have increasingly been blurred together by governments and others over the last couple of years.

● (1315)

Finally, Canada should sign the international convention on the protection of the rights of migrant workers as a public and symbolic way to show that we're concerned about this issue.

Bringing temporary workers to Canada should be seen as a last resort. We should make a renewed effort to have a healthy and effective body of immigration policies and practices that ensure we are bringing a rich variety of great new people to establish themselves in Canada, people who are committing to be part of our communities.

The current enthusiasm for temporary workers is shortsighted and has many dangers, both for the temporary workers and for the larger Canadian society.

Thank you.

The Chair: Thank you, Mr. Gurnett.

Next we have the Alberta Federation of Labour. Welcome.

Ms. Yessy Byl (Temporary Foreign Worker Advocate, Alberta Federation of Labour): I'd echo Jim's welcome to Edmonton.

I have been working with temporary foreign workers on a regular basis for the last two years, both as a volunteer lawyer for the Edmonton Community Legal Centre and, for the last year, as a temporary foreign worker advisor paid for by the Alberta Federation of Labour. My work is with the people who are coming here as temporary foreign workers; they are not the agriculture workers or the domestic live-in care workers.

There are three comments I would like to make right off the bat.

The first is that my conclusion is that the temporary foreign worker program is inherently exploitative. We are saying to people,

“We just want your work; you are disposable. As soon as we don't want your work, you leave. Your rights and liberties in this country are tied only to that.”

That's not the way I think Canadians see their society as working. I think the very inherently exploitative nature of this program has to be examined.

The second thing I want to comment on is that of the hundreds and hundreds of temporary foreign workers I have dealt with over the last two years, almost all have come here not to work temporarily but to immigrate to this country. Because our immigration system is so dysfunctional, the only way we can bring people into this country and the only way they can come here is as temporary foreign workers.

It becomes even more tragic. Treating these people as disposable workers means we are treating our future immigrants badly. If you don't think our reputation as a country is suffering back in their countries of India, eastern Europe, and Latin America, and all those countries, I can assure you our reputation has suffered a great deal over the last two years, directly as a result of this temporary foreign worker program.

My third comment is that I'm completely appalled at the growing problem of undocumented—I'll call them—illegal workers. The whole temporary foreign worker program is so bureaucratized that in effect it forces people to go underground. Either they come here to find there are no jobs for them or they find themselves in untenable situations, and their only choice to stay alive is to work underground. That has created a huge social problem.

I don't think we have a clue as to how great this problem is. I think there are thousands and thousands of undocumented workers in Alberta alone. There's no system by which we can try to legitimize their presence here, to try to enforce.... The biggest problem I have is that I've got undocumented workers who want to have legitimate status here. We need them—we need them desperately—and there's no way of addressing that.

I go to Immigration, and they say, “Sorry, maybe we'll let them stay, but maybe we're going to deport them.” The workers have no choice then, or they feel as though they don't have a choice. In the meantime, the brokers who brought them here and the employers who are exploiting them are running around unchecked, because those workers can't deal with the problem in an upfront manner.

Those three are I think critical issues.

The problems with the program don't extend just to the low-skilled workers; they extend to the skilled workers. I can't begin to tell you how many welders I have helped out who have been dumped by their companies, companies you may hear from. They're laid off; the companies claim they're just not competent to work as welders in Alberta, yet subsequent employers I have found have said these guys are great, they're wonderful, they work well. We have no protections for those people. These are welders we desperately need, yet there's very little protection for them.

• (1320)

The exploitation that I have come across takes many forms. Housing is one. I have had many workers living in houses of anywhere from 10 to 14 people, being charged anywhere from \$300 to \$500 each. There are brokers and employers making huge sums of money in renting out housing to their foreign workers. Isn't that nice?

Wages are another big problem. Let me give you an example. A worker at a fast-food restaurant phoned me up and said, "My employer says I don't get overtime because I'm a temporary foreign worker." That is, again, unfortunately not uncommon. There are people—welders and machinists—getting paid \$15 an hour, usually because they are not legally working. There is a huge exploitation there.

Concerning occupational health and safety, one of the workers I worked with almost lost his eye because the employer handed him a chainsaw and said, "You pull this cord and you go and use it." Thirty-six stitches later, one half inch from his eye...that kind of story is, again, not uncommon.

Finally, in regard to deductions from wages, employers are charging employees for recruitment costs: "Well, it cost us money to find you in El Salvador, so you owe us \$4,000." What is far more common is the huge number of brokers in Alberta who are having a field day.

I call them brokers; they're employment agencies or recruiters. There are some legitimate people who are doing a good job. There are many more, unfortunately, who are exploiting workers. They're charging workers to come here.

For example, Fijian cooks working in the hotel industry are being told, "Hey, you can come to Canada and make \$12 an hour." For them, that's a huge amount of money, because they're making \$2 an hour in Fiji. So when the broker says to them, "We'll just charge you \$6,000," they're thinking they're going to be rich, so that's okay. They come here only to find themselves on the wrong side of the poverty line and to find that the agent is legally not entitled to charge them.

I talked to an employer one day who went to a government seminar on temporary foreign workers, and they explained that charging recruitment fees is illegal in Alberta. The broker said, "Hey, I can get you cooks for nothing." The employer said, "Haven't you just heard? It's illegal." "Well," the broker said, "they'll never find me. Are you kidding? They'll never catch up with me."

Most of the provinces in Canada don't make it illegal to charge foreign workers recruitment fees. The bureaucracy is completely out

of control for temporary foreign workers. It's taking eight months to get a labour market opinion in Alberta.

Quite frankly, I'm not terribly sympathetic to most employers, but for the employees who I'm trying to help get a new job, what are they supposed to do? I'm supposed to try to find an employer with a labour market opinion, and it takes eight months to get one? I don't think so.

The problem is that if you have a temporary foreign worker with a problem, there is no legitimized way in which we can help those people out. I have to call in favours, I have to beg, that kind of thing.

• (1325)

The Chair: Could you wrap up? Generally, it's seven minutes, but we're into nine.

Ms. Yessy Byl: Sorry. I could talk forever on this.

I would like to say one last thing. There are no controls and no protections placed for employees in terms of granting labour market opinions to employers. There is no guarantee that there will be continued employment. There is no charge if somebody is let go. That needs to be fixed.

Overall, I really hope your committee can help Canada restore its reputation as a welcoming country, not one that exploits its temporary foreign workers.

Thank you.

The Chair: That's our intention, and thank you very much.

From Ukrainian Canadian Social Services, we have Bill Diachuk.

Welcome, Bill.

Mr. Bill Diachuk (President, Edmonton, Ukrainian Canadian Social Services): Thank you, Mr. Chairman.

At the outset I want to share with you that Jim Gurnett and I used to be both in the legislature together. We were of different political stripes, but we worked very collaboratively together, and I welcome Jim's comments, particularly because the Mennonite Centre is a well-respected centre and does a lot of good work.

We do not try to reinvent the wheel at Ukrainian Canadian Social Services. We particularly focus on workers from eastern Europe. Back in 2005 I made a presentation to the then-standing committee that the immigration of people from eastern Europe, particularly Ukraine, has been very slow and difficult. One of the highest rejection rates by our country is in the Canadian embassy in Kiev. We keep finding out that it takes almost a year to get a visa.

Particularly when Canada is looking at immigration—and I am going to lead into the temporary foreign workers, and I commend the federal government for the temporary foreign worker program, because I'm from the business side of our community, but I do want to say that it has neglected many of the other things—it needs to make sure that the recruiters have somebody, some agency in Alberta, to look after needs other than the employment needs. Recently there was a conference at Catholic Social Services, and a gentleman representing the Spanish community from Central America echoed the same thing I did, that the workers need more.

One of the problems we've had, ladies and gentlemen, is that many of the temporary foreign workers are not coming here with their families. It was a welcome picture in the *Edmonton Journal* several weeks ago to see a family from Mexico—husband, wife, and three children—here in the local community of Thorsby, working and all together.

The biggest tragedy is, and I've shared this with the federal justice minister when he was here in Sherwood Park last fall, that we shouldn't break up families. I don't care what country they come from; this is wrong. But, ladies and gentlemen, even within the last week we had a temporary foreign worker who wanted his wife to join him in Grande Prairie, and she was rejected because she didn't give the visa officer assurance that she will return to Ukraine.

We have on one hand a great campaign for immigration, and on the other hand, we have staff—and I still haven't been able to sort out who is responsible for and directs these visa officers.... Somebody has to say we have to be parallel with our immigration, because if we had, as was mentioned, a good immigration success story, we wouldn't need the temporary foreign workers.

I want to share with you, ladies and gentlemen, that the biggest challenge is for employers. Our agency doesn't get involved in it—we just do settlement work—but we are almost every day dealing, as my friend from the Alberta Federation of Labour said, with problems that workers have encountered. Many employers are actually counselled by their recruiter—and some of these recruiters are outside of Alberta and some are outside of Canada, settling workers in Alberta—that they don't have to pay workers the full wage but may judge what workers are capable of doing.

Thank God the former minister of immigration for Alberta, Iris Evans—a very good friend of mine and my own MLA—appointed a couple of investigators, one lady in Calgary and one in Edmonton, and they are doing a very successful job. But as today's news item said, “Foreign workers file 800 complaints”. Both of these ladies are just saddled with problems.

This is possibly overdue. Maybe it should have been happening earlier, that the provincial people should have been involved in the labour standards, in some of these issues that really don't fall under the federal government. Somehow it didn't happen, and I'm encouraging this committee to make sure that this is more efficiently carried out with the provincial government, particularly now that we have a minister of immigration.

• (1330)

Last but not least, I want to encourage more temporary foreign workers, because I hear that said, and even the Iraqi refugees.

Ladies and gentlemen, back in 1993, as a former politician in Alberta and a former minister, I spent five days in a refugee camp in Austria; I had special permission. I have always committed myself to helping refugees come to this country, because we welcome them. But there is no better way than to bring them in as temporary foreign workers.

I believe, not knowing them but meeting a few of the people from the area of Asia Minor, which would include Iraq and other countries, that most could handle practically any of these temporary foreign worker jobs that much need to be filled here in this province. There is no better way to introduce them to Alberta. They would, then, not only be refugees but working people in this country.

With that, I encourage the committee to expedite some of these much-needed.... We don't need these headlines. Two former speakers very eloquently covered some of the problems; we have many of them.

We as agencies, both the Mennonite Centre, myself, and others, will continue to cooperate with any government. I can assure you that our agency isn't funded at all by either provincial or federal government. It's only funded by the community; therefore, I'm a sort of poor cousin here.

Thank you very much.

The Chair: Thank you, Mr. Diachuk. Those were very interesting comments.

We will go now to our committee members, who obviously have some questions, and first of all to Mr. Karygiannis.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Thank you, Mr. Chair.

I want to thank the panel for coming today and enlightening us and sharing with us some of the difficulties they have.

Mr. Diachuk, you were talking about timelines and the waiting game that is happening in Kiev. I have recently requested through access to information the timelines in different ports or posts, and Kiev certainly is one of those posts where it takes a great length of time for people to apply to come to Canada. Since 2005, timelines have gone up by about 20%, while the inventory of people who are applying has gone down by about 2%.

There are some horror stories. You talked about Kiev. There are horror stories in China, where in the last two years the increase in timelines has gone up by about 48%, while the application inventory has gone down by 41%. But that's a different story.

Certainly, this is why this minister is bringing in new legislation, thinking they can fix things, as we did in 2000. It's only because of the backbench MPs of the Liberal Party screaming and yelling and the lawyers taking Immigration to court that they have seen the light. The same thing is going to happen this time around.

However, you talked about undocumented workers and people who have been taking advantage and people who are made to do things that everyday Canadian citizens and/or landed immigrants wouldn't do. You shared some of those stories. We have in this country, depending on whom you talk to, anywhere from 25,000 to a quarter of a million to half a million undocumented workers.

It has been the push by a lot of members around this table, as well as other individuals, that somehow we should either come up with an amnesty or come up with some form of regularizing them. We always hear minister after minister say we can't do it, that there are security issues, that CBSA will not cooperate with Immigration Canada. The immigration minister is out, and the provinces certainly don't want to talk to the federal immigration minister. The police have problems, and even yesterday we heard "We don't track these people once they come to Canada, so we don't know where they are or where they go", and about exit controls and all that stuff.

So I was wondering, since you're the front-line workers, whether you would like to share with us your views on undocumented workers. Should we move into regularizing them? Should we move to say, "You've been in Canada for 10 years, and if you have a job, a union base, an employer, if you've been filling out your income tax, if you don't have problems with the police, then yes, it's time for you to land"?

Should we land people who have been here for five or ten years undocumented? What's the feeling in the community you're talking to? Is there some sort of wish to have an amnesty? Is there some sort of mechanism we can use that says, "You've been in Canada for five years and have been working, we haven't been able to kick you out, you've been paying taxes, your kids have been going to school, and you're a good citizen"?

Can you share some of your insights, please—any one of you?

I would like to share the remainder of my time with my colleague, Mr. Telegdi.

• (1335)

Mr. Jim Gurnett: Here is a quick response I would make. We're a community-serving organization that has more than 100 staff working with immigrants in the city, and I think a lot of our staff would agree that fear and isolation are two of the most dangerous issues in people's lives. They erode their own health and well-being and erode the well-being of the whole community. Undocumented people who are living in the community are amongst the most vulnerable, and their lives are controlled to a large extent by fear and isolation, by the very nature of being undocumented. So we think it makes sense.

I don't have a strategy and a set of actual steps to take, but to ignore the issue and continue to let it grow—and the whole thing happening with temporary workers is going to actually cause a spike in people who are in the community with this status—is foolish to

our minds. We have to find a way that understands that these are human beings and to respond.

Hon. Jim Karygiannis: What's the answer? Is it amnesty after five years, three years...?

Mr. Jim Gurnett: We've had discussions, and even amongst my staff there's a range of views. The main view is that you can't continue to ignore it and that we need a careful look at ways to regularize these people's status.

Ms. Yessy Byl: I think amnesty is essential to deal with this problem. I don't think it should be time-connected.

I will tell you that of the illegal workers I have been working with, there are two groups. I met with one last night. He was brought here by a recruiter, assured that the paperwork was in order or would be shortly, and he has been working illegally. Now he's with a partner who's expecting a child. That child will suffer as a result of having an illegal father. The social problems abound. That's one group.

The other group are people who come here with all the documentation in place only to find no jobs, or they're laid off within a month and are on the streets. They're in critical situations very quickly.

There has to be a program dealing with those people, because as time goes on, there are more and more of them.

The recruiters? There are more and more of those recruiters bringing people in from Central America who are working illegally—thousands of them in this province—and we have to stop that. The best way to stop it is to extend some kind of amnesty, so that people can report these recruiters and report the employers who are following this course of action.

• (1340)

The Chair: You may as well keep on going for another 10 seconds. Your time is up. You shared it, but if you want to be a little bit flexible on time, it seems to me we have a good bit of time today.

Do you want a couple of minutes, Andrew? Go ahead.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Yes, I'd like a couple.

Mr. Diachuk, I too was a refugee and I spent time as a refugee in Austria. Yesterday we were told by SUCCESS, which represents Chinese Canadians helping Chinese people come into the country, that the system is broken.

I totally agree with that. The problem we are suffering from was created by the last Immigration Act, when we changed the point system to disallow the people the economy actually needs. The committee has heard me many a time.

I don't blame the ministers so much, because unfortunately they didn't know enough; I blame the bureaucracy, because they seem to get their way, and with this Bill C-50 we're going to have real problems as well.

Mr. Bill Diachuk: I want to add to my two colleagues here that I've been very unhappy with the recruiters we have. That is an area that the federal government has to take a good look at; it's not a provincial responsibility.

Some of them who are immigration consultants—and they take that tag themselves to whatever country they go to, and most of them go back to the homeland from which they originated—are so corrupt that they bring their own fellow countrymen to this country. This is a very frustrating part for me too.

With regard to the amnesty, I'm not sure that amnesty is the answer, if we could go back to make sure that applications for immigration to Canada....

Mr. Karygiannis, you indicated that there isn't much interest in Kiev, and that's true. There are some seven million people working outside of the Ukraine in other European countries. There's very little immigration—

Hon. Jim Karygiannis: No. What I said is that the timelines in Kiev were such that it is taking a long time to forward applications to Canada. That was my comment.

Mr. Bill Diachuk: There's another reason, from what we've learned. They can travel by bus to Portugal, or they can travel to Russia, and instead of having to come with a big plane fare to Canada, they choose that route.

We've had some attempts made to try to help these temporary foreign workers. Many of them are working illegally in those countries. We've been trying to interest them in coming to Canada, but the access is so much easier there.

As a matter of fact, information we're getting is that the 2012 World Cup games in Ukraine are going to need some of these workers to come back from all the countries to help them rebuild their facilities there, and that's a serious situation. We too haven't seen any immigration from eastern Europe to Alberta recently, other than the temporary foreign workers.

The Chair: Thank you, Mr. Diachuk.

Mr. St-Cyr.

(Due to a recording error, French-language interventions are not available; proceedings have been transcribed from simultaneous interpretation provided at the time of the meeting.)

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ) (Interpretation): Thank you to all of you.

I would like to follow up with the issue of amnesty for undocumented workers. That is a problematic issue, namely because there are many people who are here and who experience difficult conditions, given that they are undocumented workers. But there are also people who make claims through the legitimate system and who also face difficulties because they have yet to receive responses from the government.

Of course, we would like to expedite the process, and it would be nice to be able to deal with all the claims and be able to invest more money. But if we were to choose between giving a status to people who follow the regular legislative status, whether it's through a refugee process or immigrant status, or to give a status to someone who has not respected Canadian law, to whom do you think we should give priority?

• (1345)

Mr. Jim Gurnett: *[Inaudible—Editor]* ...have to be very careful about making it either/or, because the reality is that situations that people from other places find themselves in here in Canada are so diverse and have so many complexities and intricacies.

We're not doing a very good job with the speed and the skill with which we address refugee claimants, people inside the country who are seeking to have a claim considered; we've been ignoring the issue of undocumented people who are living, working, and continuing life in Canada; and we have far too long a waiting list of people outside waiting to come here. All of those things need to be part of a comprehensive, improved approach.

What troubles our organization is that instead of working on any of those issues, all of which need attention, we've created this enthusiasm for temporary workers, which is creating another strand of problems and challenges and even in the medium term is not going to make things better for anyone.

Ms. Yessy Byl: I think Jim made an excellent point. The whole temporary foreign worker program is just escalating this problem of undocumented workers. The very first priority should be to ensure that we put into place protection so as to avoid that problem, to put into place restrictions on employers and protections for employees.

When I talk about trying to offer amnesty, I don't mean necessarily to provide temporary foreign workers who end up working illegally with permanent residency status, but to allow them to at least apply for the proper temporary foreign worker work permit so that they can then, if they choose, follow through with the process. I think that's a little different.

Mr. Thierry St-Cyr (Interpretation): It's a bit different, but it's quite important to say. There's a difference between giving automatic permanent residency to someone who has been working legally for ten years and allowing them to file a claim in Canada, and then they find themselves on an equal footing with all those who've filed claims.

Ms. Byl, you also talked about the disastrous bureaucratic problems we are facing. There has been a lack of immigration commissioners for a number years, and that's a situation of concern. Waiting lists have increased. Do you not believe to some extent that is getting people to get around the system? Others have told us that among the refugee claimants there are many people who should make immigration claims, but since it takes so long, they try to get around the system by making refugee claims in order to expedite the process. Others simply work illegally and don't even go through the trouble of obtaining a status.

Do you believe the so-called anarchy that we might see within the immigration system is not a way to turn the system itself?

Ms. Yessy Byl: There are farm workers here in Alberta who are stranded. I'm not particularly concerned with employers trying to bring in people at the outset. Once they are here and in trouble—either they have no job or they're in a totally untenable work situation—the very fastest that I can get them out and into a new job is approximately three months, unless I've got a real emergency. Then people will go beyond the system. But if you follow the fastest bureaucratic process, it takes up to three months. In the meantime, what are they going to do?

• (1350)

Mr. Thierry St-Cyr (Interpretation): What I was trying to get at was whether you agreed, given that the waiting times are so long.... Arbitrary decisions are made and there is no appeal. All this has made the system untenable, and people are ready to do everything—even lie, in certain cases—because they have the impression that they have no reasonable choice to make it through the system. The government wants to go ahead with guidelines from the minister rather than policies adopted by the House. Ultimately, rather than accusing people of lying, are we not encouraging them through our system to do anything to make it?

Ms. Yessy Byl: It is encouraging that. Quite frankly, and pardon me for saying so, we're already operating solely on the basis of ministerial discretion and a system of guidelines. Very many of our rules are strictly guidelines and policies, and people don't have a clue what their rights are, if any.

The rules change on a daily basis, and what we need is a cohesive legislative system that protects people's rights. You can't do that through guidelines. As I've said, that's the basis on which we've been operating for the last years: it's all guidelines.

The Chair: Thank you, Mr. St-Cyr.

Ms. Chow is next.

Ms. Olivia Chow (Trinity—Spadina, NDP): President Diachuk, I have a question about the advocacy centre. Of course, you know that Alberta is one of the very few provinces that had the foresight to set up an advocacy centre. We just came from British Columbia and there's no such thing. The people there said, "Isn't it wonderful, in Alberta you have such a centre". It's not big enough, and obviously it's overworked.

Do you think that given the federal-provincial relationship—the mandate of labour laws is really provincial—the federal government should provide some kind of incentive fund or some kind of support or direction? I don't know what kind, but something to encourage the provinces to establish and expand advocacy centres for the foreign workers.

How would you assist? You talked about the federal role. What precisely could that role be?

Mr. Bill Diachuk: Madam Chow, I'm a little bit of a protectionist, being a former politician, like Jim. I think, and I've said this publicly, the federal government's temporary foreign worker program was a good idea, but they lacked collaboration with the provinces.

The discussion here was about the illegal workers. I know for a fact that some of the workers who were brought in here by the Kyiv Labor Youth Center to Brooks, Alberta, or to Red Deer are now working illegally in Toronto. So I think that where employers are

hiring these illegal workers, this is something the Ontario government has to clamp down on, because, first of all, they're definitely abusing the system, and secondly, they may not even be working safely.

Ms. Olivia Chow: That's all provincial responsibility. The federal —

Mr. Bill Diachuk: Yes, there are provincial responsibilities that have not...and I have argued with my former colleagues in Alberta for many years to get some of this done. I have indicated to you that I complimented the former minister of immigration, Iris Evans, when she appointed these two workers. And they're flogged with work, but that was overdue maybe five years. The federal government has to say to the provinces, "We have this legislation, but labour standards and everything are provincial matters. Get on it."

• (1355)

Ms. Olivia Chow: We can encourage them. Should we do the encouragement by funding or just moral suasion?

Mr. Bill Diachuk: You're talking to an Albertan who doesn't need funding—

Voices: Oh, oh!

Mr. Bill Diachuk: —but I do say that it has to be more than encouragement. It has to be an agreement, a working agreement.

Ms. Olivia Chow: Some kind of agreement, okay.

Mr. Jim Gurnett: If I can, I'll just supplement that very quickly, a little bit, and I go into more detail in our full paper that accompanies this submission today.

One of the things we've said would be that if as part of the LMO being issued by an employer there was a fee attached that employers had to pay that was equivalent to the per-person funding for immigrants, that would create a funding pool to ensure that instead of having to depend on the province, a whole range of services—related not just to labour market employment standards but to other settlement issues—could be made available through organizations that are expert at this kind of work, in an equitable way to all temporary workers.

Ms. Olivia Chow: So it would be collected by HRSDC and then transferred to the province—here, for example.

Mr. Jim Gurnett: That's right.

Ms. Olivia Chow: Okay.

Since you just finished speaking, let me ask you this. What do you think currently the minister is doing right or wrong? What do we need more of or less of? How do you see what's happening currently? You mentioned it briefly.

Mr. Jim Gurnett: Our point, and it would be about not only the Minister of Citizenship and Immigration but the overall approach, is that the enthusiasm for temporary workers is a dangerous and incorrect direction to go in. We do need to do something in the way of bandages to deal with this whole range of problems that we now have in our communities for the workers and for the rest of the community. But fundamentally, the minister should go back and re-examine all the reasons why they got into this and why they're continuing to pursue it so enthusiastically.

I met with the previous Minister of Citizenship and Immigration in November of 2006 and spent time going through a whole list of predicted problems that would arise if we started this dramatic increase in temporary workers. The next day the minister announced measures to bring far more temporary workers, and sure enough, every issue in the year and a half since then, we're now dealing with this as community organizations.

Ms. Olivia Chow: I have a last question for Madam Byl. You haven't had a chance to answer my questions yet.

The Chair: Be very brief.

Ms. Olivia Chow: You talked about overseas recruiters sometimes charging huge fees. According to the immigration rules, they're not supposed to.

What do you think of the idea of having some kind of agreement between Canada and the source country—let's say Mexico—to say to the Mexican government that they really need to make sure people who are assisting or companies who recruit overseas are operating in the most legal manner, according to both Canadian and Mexican law?

Ms. Yessy Byl: I think it's critical. We've heard too many horror stories about families being forced to give mortgages on their family homes to recruiters in some of the foreign countries and of people being held hostage as a result.

I don't think it's difficult for the government to say that you can only bring temporary foreign workers from countries that protect the rights, that prohibit the charging of fees. We already do it. We do it in the context of the agricultural program; to some degree we do it with domestic living caregivers. Why can we not extend that to temporary foreign workers generally?

I will say that some of the worst stories stem from the abuses of recruiters in conjunction with the employers, and that should be controlled, absolutely.

The Chair: Thank you, Ms. Chow.

Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): That was a very interesting presentation. While the questions have obviously covered quite a range of areas, my sense tells me that what you're saying to us is that you'd like to see a realignment of the immigration system to better align it with the economic needs and eventual settlement and integration of the communities. We want to get the right people to the right place at the right time and ensure that they succeed in centres outside, let's say, Montreal, Toronto, and Vancouver.

Have I capsulized what you're trying to tell me? You can respond one after the other.

• (1400)

Mr. Jim Gurnett: That's very much the heart of our position, that we could do a much better job of immigration and make temporary workers an almost unnecessary issue.

Mr. Ed Komarnicki: As a corollary to that, I think Ms. Byl was telling us that it takes eight months to get a labour market opinion for temporary foreign workers, which obviously for an employer would hardly be acceptable. There are some steps taken to expedite the process; there are some offices open in Vancouver and Alberta and in fact out east. But some skilled workers have to wait for years to get in, to get through the system. It seems there's a blockage there or a problem that is creating other problems that we may try to resolve in some other way.

Would you agree with me that the answer would be to try to deal with the fundamental issue of getting the people who need to be here quicker and much more expeditiously?

Mr. Jim Gurnett: And it would be much better for Canada's reputation abroad.

But yes, what we seem to do here is repeatedly either have these sudden short-term solutions, such as the currently proposed amendments to the act, or chase after temporary workers, as ways to deal with something for which we should instead be going back to really assess how IRPA works and how to make the process work, as you've said, quickly and effectively for Canada and for prospective immigrants.

Mr. Ed Komarnicki: What we know is that having 800,000 in the backlog is not the answer, and waiting six years to get a skilled worker is absolutely not the answer. That has to change and it has to change quite radically. Would you not agree with me?

Mr. Jim Gurnett: Absolutely.

Mr. Bill Diachuk: Let me just add to Mr. Komarnicki's comment that I think part of the problem is that employers then resort to what our friend the lawyer has indicated. It takes them so long to get an LMO that they go ahead and hire the people illegally and pay them cash, and there's no record. That also has to definitely improve. I can't understand why it takes six to eight months to get a labour market opinion.

Mr. Ed Komarnicki: So there needs to be some reform with respect to that.

The other part I take from what you're saying is that if we're going to have temporary foreign workers, there are some things we could do with that, and there may be disagreement as to how much. But essentially we need to be able to bring not only the skilled worker or the person filling a job, but his family, so that we can grow the communities.

What I hear you saying is that we need to find a way of getting them in. I know we've been talking about a "Canadian experience" class in which we say that if you've worked in Canada as a temporary foreign worker of a certain type, or if you were, let's say, a foreign student here and lived in Canada and went to school, we should allow you to apply for permanent residence from within Canada.

What are your thoughts about incorporating something like that into the system?

The Chair: Before you answer, I think Mr. Telegdi has a request. He wants his executive assistant to take a picture of the panellists and all of us—

Mr. Ed Komarnicki: Not on my time.

The Chair: I said it was okay, but I won't deduct it from your time. Is that okay? I'm asking the committee if that's okay.

Some hon. members: Agreed.

The Chair: Go ahead. Obviously he has a householder he wants to get out, and we have to respect that, I suppose.

You're okay with that, are you?

Hon. Jim Karygiannis: That avoids the question of whether Mr. Telegdi is going to be outside the room.

The Chair: I don't think we'll include him in the picture.

Who had a comment?

Mr. Ed Komarnicki: Am I still on?

The Chair: Yes, you're still on. You go right ahead. You've got five minutes yet.

Mr. Ed Komarnicki: Fair enough.

We were talking about the importance of getting newcomers or immigrants, if you want to phrase it that way, through either temporary foreign workers or on a regular basis, who have some opportunity in a reasonable period of time to become permanent residents and also to bring their wives, husbands, or children to settle into the community.

Ms. Yessy Byl: The problem with this whole thing is that temporary foreign workers are being used not as truly temporary foreign workers but as a replacement for a totally dysfunctional immigration system. Let's be clear about that. Those people are not here on a temporary basis. Even Immigration knows this.

• (1405)

Mr. Ed Komarnicki: So what we're saying is there's a need to be filled with respect to the growth of our economy and the expectation of the community. That need has to be met in some fashion, and that should translate somehow into permanent residence in our country.

Ms. Yessy Byl: Well, that's what the need is; it's for permanent residency. From a humanitarian point of view, it's the permanent residency that grants people rights in this country, and that's the problem. Temporary foreign workers have very limited rights.

Mr. Ed Komarnicki: My time is limited, and I want to move to the amnesty thing.

From what you're saying, I gather that if there are going to be temporary foreign workers, we need to have some basic fundamental rights that are respected across the nation—national rights as opposed to provincial—because essentially right now the labour standards of each province are what takes care of it. Is that a common thought?

Ms. Yessy Byl: I think that's true, yes.

Mr. Ed Komarnicki: With respect to amnesty—and I'll close with that—there have been several attempts to have amnesty for

those who come illegally. They have limited success, and of course in a short while after the amnesty you get a number of more thousands and you deal with them again.

To me the fundamental issue seems to be that people are trying to come in because they haven't got a legitimate means to do so, and we should be focusing on creating legitimate ways for people to come in, in an expedited way, to meet the demands of the economy. At the same time, there will always be those who wish to come in without going through the system.

What do you say to the people who use the system if you're going to simply regularize those who came outside the system? Don't you have to balance that off somehow by stipulating that a provision for amnesty has to be conditional, because others are coming through a number of means—including, for example, the provincial nominee program, through which the province can nominate them—on a fairly efficient basis?

I'll start with Mr. Diachuk and go on that way.

The Chair: We've only got about half a minute, and I'm trying to get one more speaker in.

Mr. Bill Diachuk: I do want to say something about the provincial nominee programs in the provinces that have them, and I'm not too sure which ones do. Here in Alberta, the provincial government has doubled the number of nominees they're going to process, but again, even that takes time, because it still has to be approved by Canada Immigration. That nomination isn't automatic.

Mr. Ed Komarnicki: Well, that's because there are, of course, security and criminality issues. That's essentially when the federal government steps in, while the province dominates. The actual matching of person to job is provincial.

Mr. Bill Diachuk: I'm aware that it's working very effectively both in Alberta and in Saskatchewan, where you come from.

Mr. Ed Komarnicki: And in Manitoba as well.

We'll maybe get another round and we'll come back to you.

The Chair: Okay. That's fine.

Mr. Karygiannis has a point of clarification.

Hon. Jim Karygiannis: Yessy Byl, am I correct in understanding that you're a lawyer?

Ms. Yessy Byl: Yes, I am.

Hon. Jim Karygiannis: You made a statement that the rights of people in Canada, as I understood it, are only for landed immigrants and for citizens. Don't—

Ms. Yessy Byl: No, that's not what I said. Let me explain what I meant.

The Chair: You have to give Ms. Byl time to answer, and then I have to move on, because I have five to six minutes that I'm going to divide up between Ms. Beaumier and Mr. Carrier.

Ms. Byl.

Ms. Yessy Byl: Temporary foreign workers are covered by some of the legislation, such as employment standards, WCB, and some of that kind of legislation. However, their rights as people who are entitled to be in Canada are completely dependent on the work permit, so if they don't have a work permit, they are not entitled to work in this country, unlike everybody else who has either refugee status or permanent residency. Their mobility rights are non-existent; they cannot move to another job without having a new work permit. So their rights in that respect are not the same as other people's, and that's what I meant.

The Chair: That's a very good explanation, and we will leave it there.

Ms. Beaumier and Mr. Carrier, you have three minutes each, please.

We'll be over our time, but that's okay.

• (1410)

Ms. Colleen Beaumier (Brampton West, Lib.): Thank you.

Thank you for your presentations.

Mr. Gurnett, as a politician you know that when you come before committee, you have to have some answers and not sit on the fence, okay?

We're talking about different situations here. We're talking about the temporary worker program, which includes a different group from the people we have living underground and working within our society. Obviously, these people are very necessary, certainly in Toronto and in the building industry. The last time I heard, which was a couple of years ago at hearings, the estimate was that there were 30,000 Polish—and this only covers the Polish community—underground workers. We obviously need these people. If we found them all and deported them, our building industry would fall flat on its face, and it would be a detriment to our economy.

Mr. Diachuk, you were saying that these people need to be ferreted out, that we have to be stricter. If we could get enough police to police people in Revenue Canada and get all our tax revenue in, then we wouldn't have to worry about these people: we could provide them with social assistance and all of the other benefits and bring them into our society.

The only way you're going to find these people and the only way the provinces can clamp down is with more policing, and I think that has to be out of the question.

Mr. Komarnicki was saying that amnesties don't work. Well, we haven't had an amnesty for 35 years. In the last Parliament—and I'm going to be accused of being partisan—one of the things I was very proud of that Joe Volpe brought in was the financing to give these underground workers the ability to come forward, get a work permit, and work for two years, at which time they could apply for permanent resident status from within Canada. I don't know whether you would call that an amnesty. I think everybody's afraid of the word "amnesty".

Mr. Diachuk, do you have a problem with having these people come out voluntarily? That way, we can check for security, and if they've already learned the language, if their kids are in school, why

send them out to start all over again with people who don't have these...?

Mr. Bill Diachuk: My position here in Alberta is, as I've indicated, that the Alberta government was too late in bringing in these temporary foreign worker problem-solvers. And the two ladies are doing an excellent job; maybe we need about three in each city, or more. But they are dealing with these workers who are falling between the cracks. I'm aware of that.

However, it took them too long, and possibly this is why I indicated that the federal government should have gone to the provincial government and said, get somebody to make sure these workers we bring in as temporary foreign workers through the recruiters.... And please understand that I really am unhappy with the recruiters who are outside of the country, because—

Ms. Colleen Beaumier: What do we do with the people who are already here, who have lived here, some for 15 years?

The Chair: I have to stop here because we're running a lot over time and I have to get on to Mr. Carrier.

Maybe you can save that question, Ms. Beaumier, for the next group that is coming. Thank you very much.

Mr. Carrier.

Mr. Robert Carrier (Alfred-Pellan, BQ) (Interpretation): Thank you, Mr. Chair.

I would like to welcome you to the committee. I was very pleased to hear your concerns regarding the conditions in which foreign workers live, especially the temporary foreign workers. I think these concerns are very important.

You noted that there were a lot of temporary foreign workers because our immigration system is dysfunctional. You said it was a consequence of a dysfunctional system. I think undocumented workers can be important. We have to help temporary foreign workers, and this doesn't necessarily mean they will become immigrants afterwards.

I think the federal government has a role to play. The government must meet the need for seasonal workers in certain regions. There must be a contract that would be signed by the province. If the federal government gives permits, it's to meet the needs of a specific province—for example, Alberta. The Government of Alberta also has to meet its responsibilities. Temporary workers should not be left at the mercy of employers and they should not be exploited.

I believe...and this is what we really want to do in our committee; this is what we're going to tell the committee to do. We think the federal government should have a certain process that would enable each provincial government to contribute to work norms. We have to resolve this issue first and foremost. If we want to improve the immigration system because it's not working right now, that's another question. We won't be able to solve the temporary foreign worker problem just by accepting them as immigrants.

What do you think about that statement?

•(1415)

Mr. Jim Gurnett: I think you're summarizing a situation that I have a high amount of agreement with. The reason you're gathering information about temporary workers is because there has been a decision, very poorly examined, very poorly analyzed, to run to the idea of temporary workers as a labour market solution in Canada at a time when the immigration system isn't working well and the economic achievement of immigrants who are already here is inexcusably poor. So we've jumped on a bandwagon, and I think we need to back up.

When temporary workers involved highly skilled professionals and seasonal agriculture workers, we didn't have nearly the range of problems. It's been this move to bring in large numbers of tradespeople and low-skilled workers that has all the problems arising. I think it's time to back up from there.

The Chair: Thank you. The committee appreciates the contribution you've made to our discussions today. It was very good indeed. Thank you for coming along.

We'll just suspend for a moment or two to give the Ledcor Group of Companies time to come to the table.

• _____ (Pause) _____

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•(1420)

The Chair: We're ready now to begin.

The Ledcor Group of Companies is not here, I am told.

I want to welcome to our meeting, from T.C. Hunter, Trevor Mahl, who is president. Welcome, Trevor. From Sunterra Meats at Innisfail we have Miles Kliner.

It's good to have you gentlemen here. You were here for the other presentation, so you know you may have an opening statement.

Go ahead.

Mr. Miles Kliner (General Manager, Sunterra Meats - Innisfail): Thank you, Mr. Chairman. Thanks for inviting us here today. I don't have a brief, so what I will do is try as best I can to give you a perspective from a business standpoint, and in particular our business' standpoint.

I am with Sunterra Meats. We have a series of companies in the province—agriculture, meat processing, and retail—and I'm the general manager of the Innisfail plant. We've been involved in hiring foreign workers for I guess about two and a half years now. I would characterize our experience with the temporary foreign worker program, at least as it relates to our business, as nothing short of fantastic. That would be the way I would characterize it.

Back in 2003, BSE in our country hit and created a great number of problems for the livestock sector, in particular the cattle or ruminant sector. Our company, being in the meat processing industry, tried to be a part of the solution at that time and attempted to expand our business, in particular to be able to process additional cattle at a really crucial time.

We found, when we embarked on that expansion, that the ensuing labour challenges that we had in Alberta and in our sector were a

huge stumbling block to our being able to deliver on the strategy we'd embarked on, as far as that growth and our being able to play a reasonable role in assisting with the glut of cattle, if you will, and the BSE issue that our agricultural sector was facing were concerned.

At the same time, our sister plant in Trochu, which is a hog processing facility, was experiencing the same or even greater labour challenges, and in 2006 actually had to discontinue operations at their plant for a good 50% of their business, in particular the value-added part of their business, just because the labour challenges made it so difficult.

We developed a strategy around utilizing temporary foreign workers as part of our go-forward strategy for not only stabilizing but trying to grow our business. Today we're very stable, from a labour standpoint. If I look back on the challenges we faced in 2005-06 and at where we are today, I'd clearly say it's been a huge success. The temporary foreign worker program in our business has been a huge success.

One of the things we've noticed, from a people standpoint, is that the folks we have working for us always bear the brunt of labour shortages, particularly in our type of industry—it's a manual labour industry—and morale takes a hit. We lost a lot of what I would say were very good people, people we'd invested a fair amount of time in, from a skills standpoint.

We're actually seeing some of those folks come back, because word travels pretty quickly. They understand that our business has stabilized and that from a labour standpoint there aren't the same strains and pressures that were placed on them when they were with us previously. We've seen several of the people we had with us previously come back to our business. That's a huge boost for us, too, because they come back with skills that we already helped them to develop.

I would say that we don't really view it as a temporary program. We very much see it as a program that will be part of our strategy at least for the foreseeable future, and I see that as being several years, not individual years. So from our perspective, the provincial nominee program that exists here in Alberta is very much a part of our go-forward strategy. We recruit and select on the basis that we want these folks to be a part of our team long term, not just on a temporary basis, obviously recognizing that in some cases it will be temporary, but we really don't see it as a temporary strategy from our business standpoint.

•(1425)

I would say that as far as managing the foreign recruiting process is concerned, clearly the processing times we face are extremely slow, and sometimes they burn up a lot of resources just from our constantly trying to stay in contact with the government folks. Their resources are stretched at the best of times, and processing times in the embassies seem to be even slower yet and less predictable. When you're trying to build a business strategy that involves labour and have the qualified labour going forward, that predictability is very important. But we're lacking, as far as predictability is concerned, at this stage of the game.

I would also say that from a resource or a program perspective, we're looking at where dollars are best put from a training standpoint. Clearly, in the foreign worker arena, we have a lot of language challenges, etc. Those are areas I think that should be given consideration going forward, in terms of how those temporary foreign workers are supported through a variety of other government training programs.

That's my overview.

The Chair: Thank you.

Yours is a meat packing plant, is it?

Mr. Miles Kliner: Yes, we have two meat packing plants in central Alberta. We also have a farm division, which is both livestock and farming, and we have a retail store division as well.

•(1430)

The Chair: Good. Thank you.

Mr. Mahl. Did I get it right?

Mr. Trevor Mahl (President, TC Hunter): Yes.

The Chair: Your company, TC Hunter, is a recruiting company, is it?

Mr. Trevor Mahl: We're different. We're not an employer, but we work with many companies in the oil and gas industry, mainly in construction. The types of people we're recruiting are skilled trades. The process we go through is governed by the Government of Alberta—the Alberta apprenticeship and industry training department—which essentially oversees the quality and the certification of the workers who are coming into Canada.

I don't really like to call us a recruiter because we're not. We get calls from recruiters around the world. Essentially, we're an outsource solution for companies that really don't want to deal with the entire recruitment process of ensuring that the workers have the proper qualifications, the language skills, and all those things that are required, as well as ensuring that they're settled into Canada.

We're based in Sherwood Park, which is about a 15-minute drive from here. Our office is right in the hub of all the major oil companies that are building the upgraders about half an hour from here, in Fort Saskatchewan. The companies we work with are really servicing these upgraders. They need an estimated 32,000 tradespeople over the next five years to complete these projects. On average, these projects are anywhere from \$5 billion to \$10 billion in size. Some are getting up into the \$20 billion range, in terms of

labour costs and the escalating cost of materials. So our company, needless to say, is a little busy.

We get a lot of inquiries from companies that don't know about the temporary foreign worker program. A lot of them don't even know about the LMO process. So we're there to work with organizations, to walk them through what they need to do as an employer, and then our commitment to them is to find them the workers to come to Canada. So we are a big part of the whole program. We're the ones in the trenches who are typically dealing with immigration and the various embassies around the world.

I just wanted to make some comments today. To be honest, our experience to date has been good. I wouldn't say anything negative about the immigration process. There are certainly things that we see as a company that is charged with the responsibility of—I guess in construction terms—finding people yesterday. The reality is that it just won't happen, and we're there to explain to organizations that if they need workers in a week, it's just not going to happen. So we're there to educate them. But as I said, our experience has been good.

Currently, we have mobilized 200 workers into Alberta over the past year. We need close to 4,000 skilled trades over the next year and a half. And to be honest, it's going to be a very difficult feat. It comes down to the organizations and their planning for resources and for people. Also, there are some things that I think, if they can be done, would improve the process from the government's standpoint.

I just made some notes. I talked to three major players in the market—construction companies—that are needing to bring in these workers, and I wanted to get some of their comments, because they obviously couldn't be here today. But I think it's important that some of their comments are noted.

One of the things we're facing right now in the process is the work permit. I heard one of the previous speakers mention that there's limited mobilization for a temporary foreign worker once they arrive in Canada. They come in on a work permit under one company; they are responsible for working with that company, and it is the company's responsibility to take care of that worker.

In a perfect world, everyone will come in and be happy and have a job for as long as they're needed under the temporary foreign worker program, but in reality, that doesn't happen. There are companies that abuse the system, and you may know of them. They're companies that have absolutely no intention of making the workers successful. They're brought in under a temporary basis to do the work that maybe, on one front, a Canadian worker wouldn't do.

•(1435)

There are definitely safety issues that come into play on some of these jobs. Another reason would be working conditions. It is not just safety but the ability to work in an environment that I know I wouldn't work in.

So we see these companies. They pop up. From time to time, they call us, and we politely let them know they should look elsewhere. But we do a good job of screening.

The organizations we work with, the construction companies, have made a commitment to training and to making these workers successful when they come to Canada. When a worker is laid off and not brought here but is perhaps paid fees, sometimes you find out and sometimes you don't.

That's where the speaker before mentioned that...I think it was Yessy Byl, who is a major part of this program in Alberta. She has seen it because we've talked to her. She has contacted us and the companies we work with to see if there are any job opportunities for these workers who are brought here under false pretenses and locked into the program without a job. We do what we can for them. And recent experience—

The Chair: She is still here.

Mr. Trevor Mahl: That's great. Yes. She is fantastic.

We recently had a group of workers—this is just an example—who were brought over and only worked a short period of time; they were promised long-term work under their work permit, but they were left literally out in the cold. When it was minus 50 here in Edmonton in January, these workers were let go and really had no place to work.

We were fortunate. We had work for them. However, the restriction that happened with these individuals was that they couldn't go to work because their work permit had another employer's name on it. We were told when we contacted Immigration that it would take two months to process and make the change to the work permit so they could start working again. Unfortunately, companies will not wait that long. When it happens that they have a need and there are people available, it is a natural instinct to want to hire them right away.

So that is one area that I know we've seen that would warrant looking at. Some ideas that we have come up with that could be shared with you are that perhaps some of these workers can go to work for another company while they're waiting for their work permit to be processed—

The Chair: Maybe you can address some of these things in Q and A. Thank you.

Mr. Telegdi.

Hon. Andrew Telegdi: Thank you very much.

Essentially your business is to recruit temporary foreign workers for companies.

Mr. Trevor Mahl: Yes.

Hon. Andrew Telegdi: Would your company possibly not be as profitable if you were to recruit foreign workers to fill needs and when these people come they'd be landed immigrants?

Mr. Trevor Mahl: You are asking that if they become landed immigrants we would become more profitable? I don't understand.

Hon. Andrew Telegdi: What I am saying is that right now, the way it is set up, you're dealing with temporary foreign workers, and there is a great deal of discomfort among many people about the number of temporary foreign workers who are coming into this country. And it continues to grow.

What I am saying is that if we had a program where people could come here as landed immigrants, to fulfill some of these roles, by giving points under the points system so that they can actually get here, that would not harm the business of your company, would it?

Mr. Trevor Mahl: Not at all, no. I think we would prefer that.

The reality is that a lot of these workers don't want to come here on a permanent basis. They've made it very clear to us that they're here to work, they're here to make money. I can only speak for construction. I can't speak for manufacturing or some of the other areas, but they're here to make money. These are lifestyle changes for these individuals who do work in these countries. The conditions are good. They're taken care of, and in a lot of cases they don't want to stay here forever. They want to go back to their home countries.

But in some cases, you're right. They do want to come here, move their families, and become landed immigrants. The provincial nominee program enables them to do that, for those people who do want to stay and remain in Alberta or in Canada and become a citizen of Canada.

•(1440)

The Chair: We'll go to three five-minute segments here. I have to manage the time a little more effectively. We have to leave here by 5 p.m. I've got two more groups, which is two hours, so....

Andrew, please go ahead.

Hon. Andrew Telegdi: My experience has been that a lot of the people coming to my office are people who want to stay, and the government is expending a great deal of resources to try to get rid of them. The money would be much better utilized in starting to deal with the backlog and having a system that reflects the needs of the economy, but you, I am glad to say, would prefer having people who could stay as landed immigrants.

Mr. Trevor Mahl: Absolutely.

Hon. Andrew Telegdi: I appreciate that response.

I'll conclude by saying we have an immigration system that is broken. What is fundamentally needed is a points system that reflects the needs of the economy.

I get concerned when I look at the experiences in other countries that have a large number of guest workers, if you will—Germany is one case in point—and the kinds of problems that entails. I think it would be best for everybody if we could get people in as immigrants, get them landed, and give them status, so they're not open to exploitation and all the other problems going along with it.

I appreciate the answer you gave. Thank you.

The Chair: Thank you, Andrew.

Go ahead, Mr. St-Cyr.

Mr. Thierry St-Cyr: (Interpretation) Thank you to you all.

Mr. Klinier, give me an idea of the scope. How many workers in the temporary worker program work with your company?

Mr. Miles Klinier: There are 42 out of 110.

Mr. Thierry St-Cyr: (Interpretation) What is that in terms of percentage?

Mr. Miles Klinier: It is 15%.

Mr. Thierry St-Cyr: (Interpretation) I got the impression that the skill level of people who work with your company is quite low. It's basically manual labour. Am I correct?

Mr. Miles Klinier: They are semi-skilled.

Mr. Thierry St-Cyr: (Interpretation) You say there are problems on the labour market at present. Many people are concerned about whether employers have really used all the tools available to them and whether all efforts were made to ensure that local workers were recruited before trying to recruit foreign workers. This is a concern we hear often around this table and outside. When employers use this program, how do you respond to the people who have those concerns? What can you tell us to demonstrate that every possible avenue has been used to hire local workers?

Mr. Miles Klinier: I think that's a fair concern that folks might develop. Certainly the LMO process requires that we show due diligence in that regard—show that we've done everything we can to attract workers from the local market. It's done through whatever traditional means, but in addition to that there are creative means to attract local workers.

I gave an example a little earlier. Because our workforce is more stable, we have people who worked for us at one time now coming back to us, and we're making sure we're taking them back. It makes sense. It's an obvious benefit to our business when we have people coming back to us who have developed skills previously in our business, in our industry, and for us to be able to incorporate them into our business, particularly when we're growing and want to grow.

I can't see why you wouldn't want to incorporate them. That's our strategy. That's our approach as far as that's concerned. We exhausted every possible means available to us, I feel, and probably then some, in terms of creativity.

•(1445)

Mr. Thierry St-Cyr: (Interpretation) I'm asking you the question because we have the opportunity of having an employer with us who can give us his side of the story. Of course, there are good employers and there are employers who are not as good; there are good employees, etc.

We talked about how those workers can be exploited. If you are before us today, it's because you're probably a model employer and you want to retain those workers, so it's all to your advantage. But I'm sure you've already heard of cases in which workers were exploited. What solutions could you recommend to the committee in order to prevent such cases of exploitation by unscrupulous employers?

Mr. Trevor Mahl: I have a comment on that very good question.

Certainly you can't control everybody. You can't control everything that they're thinking and their motives for bringing in workers. We see it; we see it all the time. Workers are brought here, and they pay big fees. They will pay those fees because they simply want a job. They're used to making \$2,000 or \$3,000 a year wherever they're working. In our experience, most of these workers are from the Middle East and have been working on the various oil projects. They come here and make, in some cases, up to \$35 per hour. That's a salary of \$80,000 a year. That's a life-changing experience, so they will pay that.

The problem is that when they do come here, the employers are taking advantage of that, and the recruiters overseas are obviously trying to profit from their coming to Canada.

I don't know what the answer is, to be honest. I think it comes up to companies like TC Hunter. They are working in Alberta and trying to screen out these people, because there is absolutely no benefit in anyone having to pay fees.

We let the advocate know if we hear of any cases. We're the first to make a call to Immigration if we hear of a company operating like that.

I'll mention one of the concerns we have in Alberta. Obviously you know it is illegal in Alberta to charge a fee for an Alberta company. You are probably aware that in Ontario it's legal to charge a fee, so many of these companies are surfacing in Ontario, and we see it.

When we get a phone call from an Ontario recruitment firm, the very first question we ask is what they are charging as fees. They won't go into it and they won't explain to you, but it is legal there. A lot of them will set up their shop there—wherever they are, in their basement—and then they will be the filter for the workers coming into Ontario. Usually they'll come into Ontario through Pearson, and then they'll get mobilized to go on from there.

That's one way of catching them. If they're operating in Ontario, that's probably a good place to look.

The Chair: Ms. Chow is next—

Mr. Thierry St-Cyr: (Interpretation): Your only compensation—

The Chair: We are long over our time.

Ms. Olivia Chow: I'll give him a minute.

The Chair: Go ahead, Mr. St-Cyr.

Mr. Thierry St-Cyr: (Interpretation) So your only compensation comes from the employer, and no money comes from people who are recruited.

Mr. Trevor Mahl: We are compensated by them.

The Chair: Good. Thank you.

Go ahead, Ms. Chow.

Ms. Olivia Chow: You suggested monitoring the subcontractors. That would then give the contract to another subcontractor. The other subcontractor would then hire temporary foreign workers and end up paying them half the wages of the industrial standard.

How did your company monitor it, for example?

• (1450)

Mr. Trevor Mahl: We haven't seen that. The companies we work with typically are under CLAC, which is the Christian Labour Association of Canada, and the union. They are all governed under a collective agreement. The wages are fixed, so there is no possibility of paying outside that wage scale.

Ms. Olivia Chow: But you have other companies that operate in Toronto and British Columbia.

Mr. Trevor Mahl: We don't. Our firm doesn't. We are an Alberta-based company.

As I say, we've heard of these companies, and they are sneaking into the construction industry. Typically they've been known in the unskilled sector. Meat packing is probably one area, and it's been in the news—workers were brought over from other countries and paid very large sums of money to work—but in the construction sector there isn't a lot of opportunity for a company to skew outside of those wages.

Although I'm saying that, some companies we call ask if they can't just pay this worker the minimum wage. It's up to us if we want to work with a company like that, and our response is no. But they are out there.

We, as a company—and we're just one company—can keep our eyes on that and make the government aware, but I don't know the answer. That's a good question—how to eliminate companies from paying below the wage that they should be.

Ms. Olivia Chow: You obviously support advocacy centres. Earlier on there was a suggestion of asking the employer to pay a certain amount, and that dollar amount would then go to a fund. The fund then would go to support the advocacy centre.

Is that something that you or your colleagues in the industry would support?

Mr. Trevor Mahl: I think it would be an option for sure, if it came up, if it eliminated unscrupulous recruiters and unscrupulous acts.

We don't have an association in Alberta that governs the recruitment industry. We have the Government of Alberta that governs the recruitment industry. Because it is, as I said, illegal—you go to jail if you charge placement fees, but you don't go to jail if you mistreat workers. That's where the Alberta labour standards come in. We know it has worked because there was a company whose LMO was removed because they were abusing the system.

That would be an option. We'd certainly be open to any suggestions.

Ms. Olivia Chow: What do you think of changes that would fit all the criteria? Let's say you apply for a group of workers to come, and

then even after you fit all the criteria, the workers are not given the visas for whatever reason. Is that something you're worried about?

Mr. Trevor Mahl: I'm sorry, if they're not given a visa...?

Ms. Olivia Chow: Yes. After the criteria are all met, for whatever reason they still would not get their visa.

Mr. Trevor Mahl: We have run into that. The timing of that question is good. We were just in one of the embassies with a large construction company asking about that, because certainly if a worker doesn't get a visa and they've been through the process with the immigration officer and that immigration officer deems they are not fit for Canada, then that's the right answer.

Ms. Olivia Chow: Right now you could appeal, right? If you have the funds, you can hire a lawyer and then you can appeal it. But if the change is that you no longer have the legal right to appeal it, would that cause you some concern?

Mr. Trevor Mahl: It would because we've been through this process and we've appealed it ourselves.

We're not immigration lawyers, nor do we have a lawyer on staff. That is by choice. We deal with a law firm in Edmonton that deals with matters, and the companies we work with have their own lawyers. We had a situation—can I give an example or make a comment?

Ms. Olivia Chow: Yes.

Mr. Trevor Mahl: We've had very good success in terms of visas for candidates to come over. As I said earlier, they go through a process with the Alberta government where they are accredited. It's called AIT, and they check every application with every employer that the candidate worked for to ensure they have the proper qualifications to work in Canada. Part of getting their journeyman, their Red Seal status, is they have to go through this.

• (1455)

Ms. Olivia Chow: Were you successful in your appeal?

Mr. Trevor Mahl: We were, but the two—

The Chair: We're out of time here. I only have about 10 minutes left.

Ms. Grewal.

Maybe you can get your comments in again, Ms. Chow.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Yesterday, as well as today, we have heard from various witnesses about their views on the exploitation of these workers. How do we protect these vulnerable individuals from being exploited? Are there any laws in place? This is my main concern.

Mr. Trevor Mahl: Yes, actually there are. The RCMP is heavily involved in this. We had a conversation with individuals heading up that program.

It's called human trafficking, and they're now being treated as victims. If an individual is brought here under false pretenses and has paid a fee—or even if they didn't pay a fee but were brought here and lied to here and they arrived in Alberta—they will be treated as victims. It is Canada. It's a Canadian-funded program. The company and the individuals who were responsible for bringing these workers over under false pretenses will be prosecuted, absolutely. But they can't do anything unless somebody brings it to their attention.

Mrs. Nina Grewal: What improvements would you recommend to the current temporary worker program? What would you suggest?

Mr. Trevor Mahl: Improvements to the program?

Mrs. Nina Grewal: Yes, what improvements would you recommend to the temporary worker program?

Mr. Trevor Mahl: Did you want to...?

Mr. Miles Klinier: Speaking purely from our experience—and I guess from an employer's experience—once the LMO pre-approval has been completed, the confirmation process tends to be an area where things get dramatically bogged down. It seems to me there are really no timetables within which those steps are expected to take, and secondly, at the embassy level, we experience the same types of problems.

I recognize you can't just throw more people resources at it, but I think the process could be streamlined beyond what it is currently. I think that would assist both government agencies and employers, or recruiters, in being able to manage the timelines in which they are expecting to be able to recruit foreign workers.

The Chair: Okay. We're going to go to one, two, and three pretty quickly. You have a couple of minutes each because I have to manage the time.

We'll start with Ms. Beaumier, then Mr. Karygiannis, and Mr. Carrier.

Ms. Colleen Beaumier: I'll go first.

I'm a bit like a dog with a bone. In the Toronto area and Ontario, as you are probably aware, there are 10,000 underground workers—skilled labourers—who are currently working illegally in the construction industry. If someone comes to you and they have been working under these conditions, can you get them a working visa? You certainly can't get it in Ontario; they will be deported.

We have people who have lived here for 10 or 15 years; they have children who have gone into the school system because they originally claimed refugee status, so their kids were entitled. They are now working in Canada. We have a shortage of skilled labour. Do you see a way of wedding what you need out here with giving these people a second chance so that they can work here and eventually apply to be landed if they are skilled workers?

Mr. Trevor Mahl: We work with a group of pretty fantastic companies, and I can say that with confidence because of the programs they have developed in their own companies to train the workers, to put them through cultural awareness programs, and to go

above and beyond. These are presidents of companies saying, "Come into my home for dinner."

We have the companies. We have the jobs. As you said, it's the same thing in Ontario. Obviously, they have to come in legally with a proper LMO and an offer letter.

Ms. Colleen Beaumier: In other words, people who are here illegally are being deported.

Mr. Trevor Mahl: Yes.

I would like to just comment on it. In Alberta, as far as I know, they are here legally. They have an LMO and they have a work permit.

● (1500)

Ms. Colleen Beaumier: But that's not what I'm talking about. I wanted solutions for my tens of thousands of people when they come to my office. I just can't say, "Nice seeing you. Hide your sorry ass or you're going to be shipped out." This is basically all we can do in Ontario.

Mr. Trevor Mahl: Yes.

We can use workers in Alberta. There is no doubt. There are tons of jobs.

Ms. Colleen Beaumier: Well, we have them in Ontario.

Mr. Trevor Mahl: I know that, and I know there are a lot of workers in Quebec as well.

Ms. Colleen Beaumier: And they're being exploited in Ontario.

Mr. Trevor Mahl: They have to go through the proper process. They have to be here legally. I would say that for certain. If they go through the proper work permit process, we can help them. Call me and we can find them a place.

The Chair: Thank you.

Mr. Karygiannis and Mr. Carrier, please proceed quickly.

Hon. Jim Karygiannis: Mr. Miles, are you a union shop or a non-union shop?

Mr. Miles Klinier: We're non-union.

Hon. Jim Karygiannis: Has there been an attempt to unionize you?

Mr. Miles Klinier: There hasn't in my memory.

Hon. Jim Karygiannis: How many people do you employ?

Mr. Miles Klinier: We have 110 at our facility.

Hon. Jim Karygiannis: How many of them are foreign workers?

Mr. Miles Klinier: We currently have 42.

Hon. Jim Karygiannis: And if a union were to try to get in, would you welcome a union?

Mr. Miles Klinier: I'm not sure there's any need for us to.

Hon. Jim Karygiannis: Mr. Mahl, in the recruiting that you do, what countries do you mostly recruit from?

Mr. Trevor Mahl: We recruit from the United States, India, and the Philippines.

Hon. Jim Karygiannis: In India and the Philippines, do you have local contacts? Do you have people there that are in an office?

Mr. Trevor Mahl: We're actually in the process of setting up our own office in the Philippines under—

Hon. Jim Karygiannis: Will that have locally engaged staff?

Mr. Trevor Mahl: Yes.

Hon. Jim Karygiannis: And they would use the practices that are used in the Philippines?

Mr. Trevor Mahl: Yes, they would. It will not be for fees. That's why we're looking at opening an office there—because unfortunately no company there will help you find a worker without paying a placement fee—

Hon. Jim Karygiannis: Are you right now bringing people in out of India and the Philippines?

Mr. Trevor Mahl: Yes.

Hon. Jim Karygiannis: Aren't you paying any fees to the people?

Mr. Trevor Mahl: Do you mean to the recruiters?

Hon. Jim Karygiannis: You have people in India who are recruiting, right?

Mr. Trevor Mahl: As I say, we've set up an office in the Philippines, so there are no fees that are—

Hon. Jim Karygiannis: You do have people in India who are recruiting for you?

Mr. Trevor Mahl: Yes.

Hon. Jim Karygiannis: Are you paying the recruiters, yes or no?

Mr. Trevor Mahl: Yes.

Hon. Jim Karygiannis: You are paying the recruiters?

Mr. Trevor Mahl: We pay them a portion of the fee that is paid to us by the company.

Hon. Jim Karygiannis: Okay, and do you know if the people the recruiters get are also paying the recruiters?

Mr. Trevor Mahl: I'm sorry, do you mean other recruitment firms or these people? I don't understand.

Hon. Jim Karygiannis: No. Your recruiters are being paid by you.

Mr. Trevor Mahl: Yes.

Hon. Jim Karygiannis: Do you know if the employees you're getting are also paying the recruiters?

Mr. Trevor Mahl: Yes. They don't pay a fee. That's why we—

Hon. Jim Karygiannis: Do you ask them?

Mr. Trevor Mahl: Oh yes, absolutely. We've gone through this process. We've gone through it—

Hon. Jim Karygiannis: So you've done due diligence on every person you're getting.

Mr. Trevor Mahl: Absolutely.

Hon. Jim Karygiannis: Can I ask what fees you're paying your recruiters? What is the percentage?

Mr. Trevor Mahl: I'd prefer not to discuss the dollars here in front of a group, but I would say close to 50% of our fee goes to that.

Hon. Jim Karygiannis: Fifty percent of your fee goes to the recruiting agent.

Mr. Trevor Mahl: Yes.

Hon. Jim Karygiannis: Are other companies paying that much or are they paying this?

Mr. Trevor Mahl: No, absolutely not.

Hon. Jim Karygiannis: They're paying this.

Mr. Trevor Mahl: I can tell you other companies are using people who charge fees to the workers.

Hon. Jim Karygiannis: So they get it from both ends. There you go.

Mr. Trevor Mahl: Yes.

The Chair: Let's bring this to a close. Thank you.

Mr. Carrier.

Mr. Robert Carrier: (Interpretation) Thank you, Mr. Chair.

I have a brief question for Mr. Mahl. Earlier Ms. Byl spoke to us about the exploitation of temporary workers with regard to salaries, housing, and a lack of control in working conditions. Are you aware of the same kind of information? Given that you are an important stakeholder in that area, by whom are you made aware of the laxness? It is probably not by workers who do not necessarily know you as a stakeholder. Or is the information given to you by the Alberta labour association? When you are made aware of such information, how do you react and how do you deal with the employer with whom you've provided employees? Do you tell them you will no longer provide them with employees if you face such situations?

Mr. Trevor Mahl: We would tell them if we were faced with that situation, absolutely.

We have been fortunate enough to steer away from those companies. The companies that we have chosen to work with, and that obviously have chosen our company to help them find people, do provide accommodations. In Edmonton there is something called living allowance for the worker to pay for their hotel costs, and in Fort McMurray they have camps, so their accommodations are all paid for.

So we haven't seen it, but I certainly know it's out there. You read it in the news. We've been fortunate enough, again being in the skilled sector and the construction industry, that we haven't faced those companies.

● (1505)

Mr. Robert Carrier: (Interpretation) So are you satisfied when you have to go back to those companies to correct those situations? Would you recommend that the Alberta government provide greater checks and controls of employers or that the federal government pick up the slack with regard to the monitoring of the working conditions? What kind of recommendation could you make to us?

Mr. Trevor Mahl: The Alberta government has a responsibility, because they're working in Alberta. They're on Alberta soil, I guess you'd say. But they're obviously in Canada, so it's a combination of both. I know Yessy is definitely and obviously an advocate, and she gets a lot of phone calls; she's the first line of contact for the worker when something like this has occurred, when they've been mistreated.

I'm sure Yessy would say that she could probably use more of her to handle the volume of complaints, but I think the Alberta government has a responsibility, and I think there is a responsibility also with the Canadian government to ensure that these workers are taken care of and that they are handled properly.

Mr. Robert Carrier: Merci.

The Chair: Thank you.

I wish we had more time to give you. It's very interesting.

We will be making recommendations to government, and your submissions will certainly be taken into account and placed in our recommendations to government.

Thank you. We appreciate it.

Mr. Trevor Mahl: All right.

The Chair: In a moment or two we will ask the Alberta Federation of Labour, Catholic Social Services, the International Brotherhood of Electrical Workers, and the United Food and Commercial Workers Union to come to the table, please.

• _____ (Pause) _____

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• (1510)

The Chair: Committee members, come to the table, please.

I want to welcome today, from the Alberta Federation of Labour, Mr. Gil McGowan, president; from Catholic Social Services, Alice Colak, chief operating officer of the immigration and settlement division; from the International Brotherhood of Electrical Workers, Local 424, Al Brown, assistant business manager, and William Begemann, assistant business manager as well; and from the United Food and Commercial Workers Union, Local 1118, Michael Toal.

Welcome.

You have been sitting and watching the other proceedings, so you're aware that you have opening comments of about seven minutes. I will give it to you first, Mr. McGowan, or whomever. Go ahead.

Mr. Gil McGowan (President, Alberta Federation of Labour): Good afternoon.

As the chair said, my name is Gil McGowan. I'm president of the Alberta Federation of Labour. As you probably know, the AFL is the largest union organization in Alberta. Unions affiliated with our federation represent about 140,000 workers across the province in both the public and private sectors.

At the AFL we deal with a broad range of issues, everything from labour law to workplace health and safety, to oil sands policy, to fighting to preserve our public services. Over the past two years

we've been focusing a growing amount of our energy and resources on a new issue, and that's the issue of temporary foreign workers. In particular, as an organization we've been attempting to focus both public and political attention on what we perceive as the growing problems caused by the massive—and we would argue ill-advised and ill-conceived—expansion of the federal government's temporary foreign worker program.

Towards that end, our federation decided about a year ago to establish our own advocacy office for temporary foreign workers, and you heard from our advocate, Yessy Byl, earlier this afternoon.

We opened our advocacy office partly to gain a window into the inner workings of the temporary foreign worker program, but we also did it for purely human and compassionate reasons. Temporary foreign workers were literally showing up on our doorstep with horror stories to tell and nowhere to turn. These were people who had experienced mistreatment and outright abuse at the hands of employers and so-called employment brokers.

But at the time the federal government wasn't helping them and the provincial government wasn't helping them, so we knew we couldn't turn these people away and we knew we couldn't turn away from the issue. That's why we're so pleased that your committee has decided to launch an investigation into what's going on with the temporary foreign worker program.

Alberta has become ground zero for what is essentially a huge social and economic experiment, an experiment that we think is in the process of going horribly wrong. We think your hearings are just what's needed to shine a light in what are frankly some dark corners and to rein in what has become, in our view, a runaway federal program that is no longer functioning in the broader interests of the Canadian public.

With the limited time available to me today, I'd like to do three things. First, I'd like to underline for the members of the committee the scope and scale of the changes that have been made to the temporary foreign worker program over the past five years, changes that have accelerated particularly dramatically since the election of the Harper government in 2006.

Second, I want to talk about how these changes are affecting temporary foreign workers, Canadian workers, and the Canadian labour market, particularly the Alberta labour market.

Finally, I want to highlight a number of concrete policy recommendations that our temporary foreign worker advocate presented in her report, entitled "Alberta's Disposable Workforce", which I'm told we're not allowed to distribute to you because it's not translated. We will see if we can get over that hurdle, because I think it's important that you guys read what we've seen and the lessons we've drawn from our experience here in Alberta.

When it comes to the scope of the changes that have been made to the temporary foreign worker program, you can't help but use words like "massive", "sweeping", and "unprecedented". It's true that the program has been around for more than 40 years, so the name is not new, but almost everything else is. In particular, the size of the program is new, the kinds of workers brought into the country under the program are new, and the purpose or use to which the program is being put by employers is new. I'd like to take a minute to unpack each of these points, starting with the size of the program.

Until relatively recently, the temporary foreign worker program was a relatively small, sleepy corner of the federal bureaucracy. Ten years ago, for example, the program was used to bring only about 7,000 or 8,000 workers into Alberta each year. But in 2006, which is the last year for which full statistics are available, nearly 24,000 workers were brought into Alberta under the program. This number is significant because it marks the first time in Canadian history that a province brought more people into the country as temporary foreign workers than under the mainline immigration programs. We had more temporary foreign workers in 2006 in Alberta than people accepted as permanent residents.

As large as the 2006 numbers were, we now know that they pale in comparison to the number of temporary foreign workers we have in Alberta today. Just last week, Service Canada told the *Calgary Herald* that it had processed 100,000 individual applications from Alberta employers looking for temporary foreign workers in 2007—100,000 applications in one province in one year.

● (1515)

Now, we know that all these applications probably didn't actually lead to visas being issued, but we think it's fair to estimate that there are now between 50,000 and 60,000 temporary foreign workers in Alberta alone. Clearly, the temporary foreign worker program is no longer a sleepy corner of the bureaucracy. And clearly, from our perspective, it's being used to do an end run around the mainline immigration system.

As I said, it's not just the size of the program that has changed. There has also been a significant change in the kinds of workers brought into the country under the program. The program was originally designed and conceived for use by professionals—engineers, accountants, professors, specialized technicians. In general, they are workers who are in a better position to take care of themselves in the labour market. But now the doors have been thrown open.

In November 2006, Monte Solberg unveiled the government's now infamous list of occupations under pressure. Here in Alberta there are now more than 170 occupations on that list. In the old days, employers could use the temporary foreign worker program only for a narrow range of workers, and they had to prove that they had literally beaten the bushes looking for Canadians before they were granted the right to use the program. Now, as a result of recent changes, the list is no longer only for professionals. In fact, the majority of occupations on the list and the majority of workers being brought into the country under the program fall into the semi- and low-skilled categories.

But the list isn't only being used to widen the pipe. It's also being used to grease it. If you're an employer and you're hiring for an

occupation that's on the list, it is assumed that there's a shortage, so there's no need any more for proof or due diligence.

The Chair: Maybe I could stop you there, because you're going into eight minutes. I'm sure you'll get your points across.

I have three more. We have two from the same federation.

We'll go to Ms. Colak. Thank you.

Mrs. Alice Colak (Chief Operating Officer, Immigration and Settlement Service, Catholic Social Services): Good afternoon.

Thank you for the opportunity to participate in these hearings and the opportunity to share our observations and experiences. I guess they are based from the front lines. I work for Catholic Social Services, which is a social service agency, and among our other responsibilities we are a settlement service agency working with many immigrants and refugees, basically facilitating their settlement, integration, and contribution and participation in all aspects of life in Canada.

We have programs in Edmonton and Red Deer, and the comments I'm going to be making reflect our experiences in both of those communities. Red Deer is in central Alberta, about 150 kilometres from Edmonton. I also wanted to note that in addition to comments I'm making on behalf of my organization, we are a member of our provincial umbrella group, the Alberta Association of Immigrant Serving Agencies.

I think some of my colleagues may have been here ahead of me earlier this afternoon, Jim Gurnett from the Mennonite Centre and so on, so probably some of my remarks will be similar to his. Our 20 member agencies represent communities from Fort McMurray to Medicine Hat and Brooks. So we're throughout Alberta, in large and small centres, and the complex issues facing temporary foreign workers are a concern to all of our members.

To start with, as I say, these are observations and experiences from the front lines of a community social service agency. As Gil has mentioned, with the issue of temporary foreign workers we have seen such a tremendous increase over the past two years. Going back to our records through 2005, we saw maybe five, ten workers approaching our organization for assistance. In 2006 and 2007 that number rose significantly to more than 100 to 130 per month. So it's a significant increase and an unexpected piece of business that we are attempting to manage.

Before I go on, I just want to say that we are a social service agency, so people who come to us have issues and problems. I do want to acknowledge that of the employers who bring in temporary foreign workers, I don't know how many there are, but probably a significant number, if not the majority, are responsible employers who do provide adequate support for the workers they're bringing into Canada. I just wanted to make that note.

I know I have limited time, so to summarize, as I said, we provide services to over 100 temporary foreign workers. They come from various countries, but the top source countries are Mexico, the Philippines, Sri Lanka, India, Pakistan, and numerous eastern European countries, such as Poland, Croatia, Bosnia, Serbia, etc.

The majority come to our office indicating that they feel they are mistreated, neglected, and often exploited. There are four areas that they come to us to seek support and assistance for. I should also say they come to us because many of them—the majority, we feel—are vulnerable. They don't speak sufficient English; they're not fluent in English. They don't know their rights and responsibilities in their position as a temporary foreign worker in our country.

So the four key areas are employment-related concerns, employment standards. Basically they're not receiving the wages they were promised or they expected before they arrived in Alberta. The work conditions have changed. They're not being compensated for overtime. Their work conditions regarding responsibilities, what they expected to do and what they are actually being asked to do on the job, are at significant variance.

Housing and living conditions: the majority complain that they are concerned about poor and crowded conditions and the high cost of paying for those poor and crowded conditions.

Brokers and recruiters are a significant source of concern.

● (1520)

On the fees, people who come to us tell us they had to pay between \$6,000 and \$25,000 to secure a job in Alberta. The cost of recruiters continues after they are here, because the recruiters continue to charge for things like translation of documents, interpretation of services, settlement services, and so on.

Probably the biggest distress faced by temporary foreign workers is that they feel they were provided inaccurate information about what their lives would be like in Canada. They expected a fast track to permanent residency, and that is not always possible. They expected to be reunited with family members shortly upon arrival. So there is a lot of stress and distress that people are faced with, in addition to the high fees they need to repay. Many of them are living in poverty, accessing support from community organizations, food banks, faith and church communities, cultural communities, and so on, to make ends meet.

I think those are the key issues, and there are some recommendations.

● (1525)

The Chair: Thank you. That was very interesting indeed.

Mr. Brown will be presenting for Local 424.

Go ahead.

Mr. Al Brown (Assistant Business Manager, International Brotherhood of Electrical Workers - Local 424): Thank you.

On behalf of the over 6,000 members of the Brotherhood of Electrical Workers Local 424, I'd like to thank you for taking the time to hear our submission.

As you are aware, Alberta's economy has been growing at an astounding rate for a number of years. While there is no doubt that this has put a strain on the availability of labour in the construction industry, the use of temporary foreign workers is nothing more than a band-aid solution.

Those Canadians and Albertans who have worked through the apprenticeship program to receive their journeyman's certification are proud of this accomplishment. They believe their trade certification will provide stability and prosperity for them and their families. However, they now look around and see temporary foreign workers doing the same job they are.

Quite often they see temporary foreign workers segregated from other employees, possibly due to language barriers. In northern Alberta they saw a 27-year-old Chinese scaffolder and a 33-year-old electrical engineer killed, and four others injured, when the roof of the oil tank container they were working on collapsed. They saw a second tank collapse on the same project and wondered if these workers were safe. They work alongside some of the temporary foreign workers and question if they are really qualified to do the work. The temporary foreign worker can only work for one employer, and they wonder if they will be laid off before the temporary foreign worker. These are the concerns of the working electrician in this province.

For the first time in the history of Alberta, in 2006 there were more temporary foreign workers than permanent immigrants arriving in our province. As Gil said, the number of temporary foreign workers in Alberta has tripled since 1997. The use of these workers has become the norm for business owners, to the extent that in 2006 Canada had more guest workers than the United States.

We believe there are enough electricians available across Canada to deal with the upcoming construction. We only need to look at the training systems and available manpower pools to come up with viable solutions.

The evidence shows that thousands of people are getting into the trades in Canada, but less than 60% are completing their apprenticeships. This bill you have raised is unacceptable, and it is a clear indication that the system is failing both workers and employers alike. Although Canada is one of the 20 most wealthy industrialized nations, Canada is also one of the lowest spenders on skills training and other labour supports.

Let's look to where we can find these pools of new workers.

There is the Canadian youth. Stats Canada figures for February 2008 show that the unemployment rate for workers aged 15 to 24 is 11.4%. This is the group of workers our industry needs to focus on as baby boomers begin to retire. We need to increase funding within the school system to change the existing perceptions of tradespeople and remove the existing barriers to mobility. Incentives to relocate, subsidies for housing costs, and child care funding could be offered to young workers in areas of high unemployment.

Another large untapped pool in Canada is aboriginal peoples. In 2001, the unemployment rate for aboriginal men was 21.4% compared to the average national unemployment rate of 7.6%. The rate for aboriginal women was 17% versus 7% for non-aboriginal women. We need to increase funding for training programs on reserves and other rural and urban aboriginal communities.

There are women in the workforce. In 2006, females accounted for 53% of Canadians classified as having low incomes. Skills training initiatives geared toward low-income women, including child care and post-training support, are crucial elements in reducing women's poverty.

With respect to immigration—and we spoke on this earlier today—Citizenship and Immigration Canada's point system is biased towards economic class immigration applicants with university education. The points system should be adjusted to recognize prior learning in a range of occupations. This would allow workers of various skill levels to emigrate to Canada.

On the issue of NAFTA, perhaps the best avenue for qualified trades people would be to allow work permits to be issued from the United States. They have similar codes and practices, no language barriers, and they use a similar training system.

● (1530)

In the past, Canadian electricians, including me, have worked in the United States on a work visa program. With the United States being our largest trading partner and with their economy slipping, we could provide much needed job opportunities.

This is not to suggest that there is no problem. However, the problem is not so extreme as to warrant the widespread use of temporary foreign workers. Should we require the use of temporary foreign workers, then we need to protect the rights of these workers as well as the rights of the Canadian workers they may displace.

The AFL found that foreign workers are at a disadvantage because they are not aware of their rights, do not know how to access these protections, and can be easily persuaded or dissuaded by employers from seeking due compensation. Most importantly, Alberta's employment standards system is complaint driven. Therefore, no complaint, no problem.

In fact on May 30, 2007, the Honourable Iris Evans, who at the time was Alberta's Minister of Employment, Immigration and Industry, said, "we don't know how to protect them because we don't even know who they are".

The IBEW endorses the following recommendations made by the AFL advocate on behalf of temporary foreign workers.

One, temporary foreign workers who have worked the equivalent of two years' employment within a three-year period should be entitled to apply for permanent immigration status. A similar system is in place already for domestic live-in caregivers.

Two, temporary foreign workers' work permits should not state the employer name. Permits should be issued for a particular occupation and province so the temporary foreign worker is not tied to a specific employer. This would allow them to switch to another qualified employer without penalty if required.

Three, the federal government should explicitly prohibit the charging of fees to temporary foreign workers by brokers or by employers.

Four, employer obligations regarding housing should be clarified and strengthened. Accommodation standards (i.e. occupancy limits, and quality criteria) should be explicit, and employers should be prohibited from earning profits from accommodation of temporary foreign workers. These obligations should be encoded in the LMO approval.

Five, employers importing workers in the certified trades should be required to provide proof of efforts to use and train domestic apprentices before being issued an LMO.

And finally, six, certified trade occupations should be required, as part of their LMO approval, to provide training, education support, and language assistance to temporary foreign workers, and to provide proof that such training is arranged before a worker is issued a work permit. Employers who fail to provide assistance should be barred from future LMOs.

Thank you very much.

The Chair: Thank you, Mr. Brown.

Mr. Toal, from the United Food and Commercial Workers Union, welcome.

Mr. Michael Toal (Representative, Local 1118, United Food and Commercial Workers Union): I am primarily here today to advise that I've been dealing with temporary foreign workers in the program since 2004. My focus and representations to you are on some of the recurring problems we see. So I'm basically speaking from the trenches, because I deal with these people on a daily basis.

It is becoming increasingly apparent that the influx of temporary foreign workers is being driven by employers, particularly in the province of Alberta, notwithstanding the fact that numerous Canadians and landed immigrants—shall we say, Canadian residents in Alberta—are unemployed. Employers still maintain there is a labour shortage and therefore strive to maximize their production through the lowest common denominator: cheap labour.

For example, in Calgary within the last three weeks, Gienow Windows and Doors laid off 22 of its highest-paid workers on the basis that there was a work shortage. Ironically, that same company is bringing in 54 Mexican workers at a lower rate of pay. The LMO they applied for had to be in place prior to this layoff, but they still pursued the LMO at the expense of already working Canadians.

This is particularly noticeable with employers ignoring those guidelines established by HRDC, jumping on the cheap labour band wagon, requesting accelerated LMOs, and endeavouring to bypass all stakeholders, including unions. The process the government has in place is here and presumably will not go away, so it is now necessary to revamp, re-establish, and reorganize the process, given the ever-increasing number of abuses, infractions, and outright human rights violations perpetrated by large and small companies alike. We have many examples in the UFCW of inappropriate behaviour by employers, so-called labour brokers, and, ironically, HRDC itself.

Dealing with important issues, I would bring to the attention of the committee brokers or so-called brokers. Canada has initiated a new industry of third-party recruiters answering to no one. These brokers are not interested in the well-being of the workers; they are interested in lining their pockets with dollars from the unfortunate in other countries, dollars being their focus.

For example, one such company is Golden Horizon. It is sanctioned by the Alberta government, endorsed by the Alberta government, and blatantly acting illegally. One hundred and ninety-five workers from the Philippines were each charged between \$3,000 and \$5,000, supposedly for fees over and above those paid out by companies and/or the government. They have found a way around the system and continue to do so.

Although the Alberta government has been advised, Golden Horizon remains endorsed. Many questions need to be answered. This company should be held accountable, if not boycotted, until answers are received. I am talking about real answers, not wishy-washy answers from Golden Horizon itself.

The 195 Filipino workers are prepared to lay witness to the act of labour trafficking. This is just one example of many openly ignored by the system and those supposedly overseeing it.

Misinformation provided by large companies is a primary concern. Workers in Latin America are told they will earn \$15 an hour when the actual wage is \$11.08 per hour. They are told they are going to Lethbridge and then sent to Edmonton. I have work permits issued by the federal government as proof. The workers are not informed of taxes, CPP, EI, or the cost of living. In essence, they are not provided with the correct information to make an informed decision. They have basically been shown a carrot.

The regulation or licensing of these brokers and more open submissions to HRDC by employers should be required to substantiate a request for an LMO or ELMO and should include all information, particularly copies of the contract, in their native language. The fast-tracking of LMOs should cease.

Where there is union involvement there should be clear and open communication. Companies who enter into agreements with a union should be held to that agreement, as per the HRDC regulations. It is clearly stated that the unions are to be involved. If not, the employer should provide reasons that are open for discussion.

•(1535)

The undermining of union involvement can only lead to ill feeling and grave suspicion. Because of requests for ELMOs, HRSDC is ignoring the detail necessary to ensure union involvement and

communication, giving employers the example to do likewise. Maple Leaf, a leading Canadian company and supposedly a leader in the process, has ignored the UFCW 1118 agreement and refused to address the numerous concerns raised by this union, particularly the issues presented here today. This flies in the face of HRSDC and Alberta government guidelines.

Notwithstanding the so-called efforts of employers, many new Canadian workers—and I call them “Canadian workers”, not “temporary foreign workers”—are being misled when it comes to housing, wages, and benefits. Seventeen temporary foreign workers were crammed into a side-by-side duplex. Second-hand, unsanitized bedding was provided and an outbreak of scabies resulted. Despite the infestation, these workers were told to remain at work in the food industry dealing with chicken. No information was given to their co-workers.

To this day, that employer has not complied with a union request to ensure this does not happen again. In fact, this company has refused to admit to the facts, hoping it will go away. The employer's focus was production at all costs. There was a lack of fundamental human rights. This can be corroborated through video evidence. The statement the company made when questioned was that it is a darn sight better than what they came from.

Edmonton has a tenancy law limiting a house to five unrelated adults. A bedroom must consist of a door and a window. This is being abused by employers. As recently as last week, seven individuals were residing in a house, and the open basement was considered a bedroom for both male and female.

•(1540)

The Chair: Can I stop you there? Maybe you can work in the rest of your points a bit later.

I have 20 minutes. You're first for five minutes, Mr. Karygiannis.

Hon. Jim Karygiannis: I want to thank you for coming today.

Primarily, you're union based and your interests are for your union members. Am I correct in this?

Mr. Michael Toal: Yes.

Hon. Jim Karygiannis: The spirit of the foreign worker program is not in question. I think the conditions these people are living under is in question here. Although those conditions could be addressed, I don't think the immigration committee is the prime location for talking about them. We might need checks and balances, but the checks and balances are with the employment standards, the provincial police, and the provincial stakeholders. The need for people to come and work here is something created by the employers.

We had the gentleman before say he's not a unionized shop. But there's nothing to stop you from unionizing that plant, is there?

Mr. Al Brown: If a temporary foreign worker is indentured to one employer, it's very unlikely he'll support the unionization of his employer.

Hon. Jim Karygiannis: But there's nothing to stop you from unionizing the shop. As a matter of fact, if you unionize the shop and you start working with foreign temporary workers, you could probably get them to where you want to bring them, and certainly working with them, you could probably even start doing the new program the minister is planning with the in-Canada working-class experience.

Mr. Gil McGowan: With all due respect, I have to question the premise of your question. You began by saying that the demand for this program came from employers, and therefore we must expand the program. That's the starting point of our concern and our argument.

Over the last two years especially, this program has been allowed to grow exponentially, and it was in response to pressure from the business community, but it was the result of decisions made by the federal government. Up until very recently, this was a very narrow program that brought in a very narrow group of workers. But over the last five years, and especially two years, it's been allowed to explode into a whole bunch of areas of employment and a whole bunch of occupations that were never being brought in.

What we're saying is that there's a responsibility for the federal government, as the level of government responsible for the program, to make sure that if we are expanding this program, necessary safeguards are put in place. And with all due respect, these reassurances about the provincial governments taking care of these workers and the RCMP taking care of these workers are misplaced. The federal government does have a responsibility because it's the federal government's program—

• (1545)

Hon. Jim Karygiannis: Sir, labour standards are set by which level of government?

Mr. Gil McGowan: The temporary foreign worker program is a federal program, which is jointly administered by the Department of Immigration and—

Hon. Jim Karygiannis: Sir, can you answer the question? Labour standards are set at what level of government: municipal, provincial, or federal?

Mr. Gil McGowan: I'm saying the federal government, more than any other level of government, is responsible for the program and that more than any level of government it has dropped the ball in terms of making sure this program works.

Hon. Jim Karygiannis: Let me ask the question again, please.

Which level of government looks after labour standards?

Mr. Gil McGowan: The provincial level of government, and to their credit, our province has actually stepped up to the plate in the last couple of months—

Hon. Jim Karygiannis: It's the provincial level of government.

Mr. Gil McGowan: But the federal government is responsible for issuing the labour market opinions through HRSDC, and you're responsible for issuing the work permits through Immigration. One of the things we're saying is that the federal government has put in

place no mechanisms, no enforcement, to make sure that's what is actually written on the LMOs in terms of wages, for example, the place of employment, the kind of employment. No one has—

Hon. Jim Karygiannis: At which level of government again?

Mr. Gil McGowan: The wages for temporary foreign workers are clearly outlined in the labour market opinion. And what we're finding—

Hon. Jim Karygiannis: And they're set by which level of government?

Mr. Gil McGowan: By the federal level.

What we're finding—

Hon. Jim Karygiannis: Sorry, the wages are set by which? The federal government?

Mr. Gil McGowan: The wages are set in the labour market opinion for the workers we're talking about.

One of our points is that—

Hon. Jim Karygiannis: Just hold on a second.

My professor used to say that BS baffles brains. And although I come from a strong union family, what I'm hearing here are complaints that should be addressed at different levels of government.

Mr. Gil McGowan: With due respect, I disagree.

We have addressed these issues with the provincial level of government, and we've addressed them very vigorously.

We want to take this opportunity to talk about that portion of the responsibility that falls in the federal realm. What I'm trying to say is that the labour market opinions, as an example, do clearly outline what wages are paid, but in many cases we're finding that—

Hon. Jim Karygiannis: So they are governed by the provincial government—

Mr. Gil McGowan: No, they are not, sir. No, they are not, and they're being ignored.

We've got employers who have promised in their LMOs to pay \$24 an hour, and when the workers get here they're paid \$12 or something. The problem is that there's no federal mechanism in place, there are no inspection officers, there are no compliance officers, who can actually go to the employer and do audits. There's no ombudsperson to make sure that what's said in the LMO is actually in practice on the ground. And that's just one example.

The Chair: That's a good point, an excellent point, and I'm glad you made it. You got it out.

Mr. St-Cyr.

Mr. Thierry St-Cyr: (Interpretation) Thank you very much.

An hon. member: [*Inaudible—Editor*]

The Chair: You were over five minutes. What do you want?

Mr. Thierry St-Cyr: You will have another turn for clarification. It's my turn now.

The Chair: Okay, I'll come back to you.

Mr. St-Cyr.

Mr. Thierry St-Cyr: (Interpretation) Thank you very much.

I'm very pleased that you all came today to this hearing, and unlike Mr. Karygiannis, I believe that you really want to protect workers. I know you want to protect foreign workers and you also want to protect Canadian workers.

I was reading your briefs. There were several briefs. There are six recommendations from the International Brotherhood, with several recommendations about protecting foreign workers. Had Mr. Karigiannis not been spending time playing "Brick Breaker" on his BlackBerry, he might have grasped your position more clearly. That's what they would have seen.

I would like to come back to what one of you mentioned.

Mr. McGowan, you noted that in the last years your program had changed in several aspects. You said the numbers had changed, and you also talked about the range of the program that was broadened. It has broadened in the last years, and you didn't have a lot of time to finish your brief. I was just wondering what the other changes were that happened recently in the program.

● (1550)

Mr. Gil McGowan: A major, and we think significant, change is the use to which the program is being put by employers. When this program was first established more than 40 years ago, it was clear that the temporary foreign worker program should only be used as a stopgap measure and as a tool of last resort for human resources.

But increasingly across the country, but especially here in Alberta, employers are looking at the temporary foreign worker program not as a stopgap measure, not as a tool of last resort, but as their first choice for finding workers for their projects. Just as an example, I had a recent conversation with a project manager—

Mr. Thierry St-Cyr: (Interpretation) I'll have to interrupt you because I want to get to the point. Were there any other changes you'd like to tell us about?

Mr. Gil McGowan: But there are all sorts of problems.

Mr. Thierry St-Cyr: (Interpretation) Almost all of you talked about the fact that the name of the employer was on the visa. You were saying that temporary worker visas were linked to a specific employer and the employer's name. No employers support this. Everyone says this should go. Do any of you know why? Can you tell us, when they created this policy, why that was the case? Why do we force foreign workers to have a name on their visa and to work only in a specific area? Do you know any philosophical reasons for that? I know this isn't an easy question to answer because you're all against this principle, but why do you think it exists?

Mr. Gil McGowan: Probably because of the way the program was initially organized, and also, frankly, it's an effort to control the workers. They want to know where they are.

That's speculation, but the practice and the result is that employers are able to exercise undue influence on the workers because they can't move from one employer to another, as Canadians can, if they're mistreated. The employer holds a very heavy hammer over their heads, and this lack of mobility is one of the big reasons why these workers are much more vulnerable in the workplace than Canadian workers.

Mr. Thierry St-Cyr: (Interpretation) Thank you.

Almost all of you mentioned the fact that recruiters are paid directly by temporary workers. I think this is illegal in Alberta. You said this should be forbidden everywhere and that this wasn't a good practice. How does this happen? What should we do? Can you give us any suggestions as to how we should deal with this when these transactions are happening in other countries?

Mr. Gil McGowan: With all due respect, these transactions are not always happening in other countries. They're often being charged here in Alberta or in other provinces; we just don't know about it. One of the big problems is that the brokers themselves are largely unregulated. As a result of the expansion of this program, we've created a very shady industry with very few rules.

One of the best ways to deal with the problem would be to impose stricter regulations and controls on the brokers themselves. We have rules, for example, for immigration brokers. We have no rules for employment brokers. As a very small first step, we should impose the same kinds of restrictions on temporary foreign worker brokers that we already impose on immigration brokers in the main-line immigration system.

The Chair: Thank you.

Ms. Chow, maybe you can work your comments in. I have a strict timeline here, because I have a full hour of hearings yet to come and there are flight considerations and what have you.

Go ahead, Ms. Chow.

Ms. Olivia Chow: Thank you, Mr. Chair.

So far I've heard three or four key recommendations. I totally agree that this temporary foreign workers program should be a stopgap, and if the people are good enough to work here, they're good enough to stay here, so we should bring them in as landed immigrants.

Putting that aside, if we are to have a program, it sounds as though you want the visas going to the trade and not to the employer; you want decent enforcement that includes a joint compliance team to do checks without announcements so that you know the standards are being enforced; you want the federal government to at least get a work plan from the provincial government to see the overall coordination. I'm hearing that you do not want labour market opinions to be given again to employers who have shown violations. I'm hearing that you want Canada to sign—and I'm not sure if this is the one—some kinds of conditions maybe with foreign countries, so that we can stop those recruiters who are unscrupulous right at the source, because right now it's buck-passing as to which country and which level of government is really responsible, right? You want advocacy centres that are jointly run by stakeholders and you folks and the government, with the funding coming perhaps from the employer or maybe from the feds and the province, so they are jointly funded; you want decent orientation programs in different languages especially. And you want the Canadian class to provide them the opportunity to stay here after two years, just as the live-in caregivers program does, right?

It's not just the top skills; it's A, B, C, D, and even those that are lower skills, so there is hope at the end of the tunnel.

Now, having said all that, I've heard the minister recently, even in the last few days, saying that Canada needs lots of workers, and that's why we're changing the rules here and there in different ways. We need to make the backlog a lot shorter, etc. How are the different unions—especially from the federation side, the UFCW, the electrical workers, and the associations—going to be able to persuade all the members of Parliament, from all parties, that these kinds of recommendations are critically important to making sure that Canadian working families have living wages and that we don't pit temporary foreign workers, a lot of them visible minorities, against the Canadian working families and therefore cause resentment that doesn't call for a very good, healthy, inclusive community?

I'm worried about the racial overtone that's in this conflict, and I can see it coming. So how are you going to be able to persuade us, the different MPs, that this is something that we really must put in place?

• (1555)

Mr. Al Brown: I'm going to say that the argument of persuasion is fairness. It's simply put this way.

The first panellist asked me whether I couldn't just go and organize these people. Yes, I want to. In fact, that's what I do. I am the lead organizer for the province for the Brotherhood of Electrical Workers. So when I say these people, our temporary foreign workers, are afraid to organize because they're afraid of being sent back to their home country prematurely, it is a fact.

Please, whatever legislation is put in place, do not put us at a disadvantage for organizing these people. They must have multiple employers. Second, please do not use temporary foreign workers as leverage against Canadian workers. If Canadian workers are not filling a set of jobs because they will not work under those conditions or for those wages, please do not use temporary foreign workers as a way to leverage Canadians to work for lower standards and lower conditions.

Temporary foreign workers and immigrants coming to Canada should be treated as Canadians. They should have the same abilities to get work. They should be treated the same under the law, and they should have the ability to organize into local unions if that's what they desire. That's only fair. I think everyone in this room, and in Canada in general, agrees that fairness—looking at our laws, if we take them into account from a position of fairness—is what we should build our laws and our legislation on.

Mr. Gil McGowan: Canada is a country that's been built on immigration. We in the labour movement acknowledge that and we celebrate it. We also agree, here in Alberta and across the country, that there is a constant need for people to come to the country from elsewhere in the world. That's how we built our economy and that's how we'll do it in the future.

However, we don't think this particular program, the temporary farm worker program, is a way to build a workforce for the future. If we need people in this country to build houses, work on our construction sites, serve our coffee, then we should bring them in as

permanent residents and prospective citizens, rather than as a new second class of disposable workers.

We're very concerned that what's happening with this program is incredibly counterproductive for the economic future of Canada. We are a country that relies on immigration, but we're afraid that we're in the process of tarnishing our hard-earned international reputation by allowing a program that is, frankly, mistreating workers. People from around the world have choices to make. They could go to other countries. If we continue down this road, we're going to be driving away exactly the people we need to build our economy.

We should stick with the tried and true. We have an immigration program that has worked for us. We have a social compact with immigrants. I think this is important. We've made a deal with immigrants historically: they come here, they work hard, and in exchange we give them citizenship. What we're doing now is saying we'll take your work, and when we're finished with you, goodbye. That's not the Canadian way, and it won't build the country we want for the future.

• (1600)

The Chair: Thank you, Mr. McGowan.

Mr. Komarnicki.

Mr. Ed Komarnicki: Thank you, and I'll be relatively brief.

The Chair: If you address your question to Mr. McGowan, that's the five minutes.

Mr. Ed Komarnicki: First of all, I'd like to make a few comments.

I'd like to say to Ms. Alice Colak that we certainly appreciate the work the settlement and immigration people do. It seems that somebody needs to be on the ground to ensure there's an element of fairness and a potential for success for those who are there. I want you to know that we appreciate the work you do. I know there are many organizations like yours across the country, and they are a very valuable asset.

I know that our economy in Canada—Alberta in particular and Saskatchewan in large measure—has taken on a dimension that requires a number of employment positions to be filled. Whether we like it or whether we don't, the demographics show that although our population has increased over the last five years by 1.6 million, 1.1 million of that is through immigration. We're going to have to face the fact that we will be having newcomers coming to our country. The idea is how do we best do that and what systems do we put in place for it.

It's fine to say you can come through the regular system and not use temporary foreign workers. The fact is there's a backlog of 800,000 and a wait time of about six years in some cases. That's not what employers and people tell us they want. They want something faster that meets their needs in getting the right people in the right place at the right time. I think it's time for reform. There's no question about that.

With respect to temporary foreign workers, we are considering the option of having for some of them, including students who come in from foreign countries, the opportunity of applying for permanent residence in Canada after they've been here for a time, to give them permanent residence and then bring their families with them.

Do you see that as a positive step forward?

Mr. Gil McGowan: The short answer is yes. In fact, it's one of the recommendations that we included in the report from our foreign temporary advocate office. I hope you guys get a chance to look at this. We spent a lot of time working on the front lines on this issue, and as a result of our experience, we put together about 21 recommendations, about one-third of which relate directly to the federal realm. That is one of the recommendations we made.

However, I should make it clear that what we've heard from the federal government is that this experience rating will be extended to only a small number of workers. We're saying that if we're bringing these temporary workers into the country, they should all be able to apply for permanent residence once they've worked here for two years or so.

Mr. Ed Komarnicki: That's a fair comment. But it's the direction that we're talking about, and generally that's a direction that you would agree with. Obviously, if we're going to meet some of these needs, the better way perhaps would be through an original application of immigration, but that's not working at present because of time and backlog. Those are two big things we have to overcome in the meantime.

If we're going to continue to use the temporary foreign worker program, I gather from many of you in what you've said that we need to have some basic national standards that employers would have to abide by, regardless of what province it is and what the labour standards of each province might be. That's what I see.

You're union people, I guess, and you're concerned about cheap labour, you're concerned about people in Canada being displaced. But put that argument aside, because we can argue that back and forth, if you like.

Would you be prepared as a union to sort of shepherd or advocate on behalf of temporary foreign workers if you had a baseline to work from, bring them in under your umbrella?

• (1605)

Mr. Gil McGowan: Well, we already have. In fact, there's a growing number of employers in unionized settings who are bringing temporary foreign workers into the country. When they come in, we move very quickly to get them involved in our organizations. In fact, both IBEW and UFCW have been leaders in that regard in Alberta. We offer them settlement services. We offer them English as a second language.

I want to make it clear that we are certainly not suggesting that we stop bringing people into the country from other parts of the world, and we're certainly not suggesting that the problem is with individual temporary foreign workers. The problem is the program, not the people.

Mr. Ed Komarnicki: I appreciate that. That's why I think it's ripe for reform. The point....

Are you cutting me off?

The Chair: Yes, your time is up.

Mr. Ed Komarnicki: All right.

The Chair: It's been pointed out to me that we have only three people on our next panel. I believe it's only three on our next panel. So we might go five minutes over the time here, because I have about three questions people want to get in. They're telling me we have a very interesting panel before us now, and I couldn't agree more.

So, Ed, I'm going to leave you right there and I'm going to go to Ms. Beaumier for a minute or so, and then to Mr. Telegdi and Mr. Carrier.

Go ahead, Ms. Beaumier.

Ms. Colleen Beaumier: It is clarification I want. Mr. Mahl, from the previous panel, told us that in Alberta it is against the law to take a fee from workers. Mr. Toal not only says that they are taking fees from workers, but he's named the companies. It's been reported to the government, and there has been no prosecution against these companies by the authorities. Is this against the law in Alberta or is it not against the law?

Mr. Gil McGowan: It's against the law. It's against the Fair Trading Act.

Ms. Colleen Beaumier: Why, do you believe, has prosecution not occurred?

Mr. Michael Toal: We have not received any answers to that. We have asked the questions. We have not received any answers from the provincial government. The provincial government continues to endorse that particular company in the Philippines.

Ms. Colleen Beaumier: Okay, the company is located in the Philippines.

Mr. Michael Toal: The company is located in the Philippines.

Ms. Colleen Beaumier: But it is still being endorsed by the government.

Mr. Michael Toal: Absolutely. I have it on good authority that the company has made its way to Calgary to try to track down the 195 workers.

The Chair: Thank you.

Thank you, Mr. Toal.

We'll go to Mr. Telegdi.

Hon. Andrew Telegdi: Thank you very much.

We have a broken immigration system. The last set of changes, which make it impossible to endorse workers that the economy needs, be it trades or be it lower skills, has created a real problem.

That blueprint was drawn up by the bureaucracy. Make no mistake. When you hear that the minister has this power or that power, it's the bureaucrats in action. One thing I've found about the bureaucracy is that they're not so interested in defending their minister as in defending past decisions. This whole process of cutting back, of eliminating from the point system people they commonly need, really gives a push to the undocumented worker category. Instead of admitting the mistake and doing some regularization programs and fixing the system so that we actually get people here as landed immigrants, the new fix is to have the temporary foreign worker. If you're dealing with captains of industry or what have you, I have no problem. But when you're dealing with people with no power, which is most of the temporary foreign workers, I have a huge problem.

We brought in the Chinese to build the railway. It seems to me that they want to bring in another group to build the tar sands and to then get rid of them.

The sooner we can get and limit the program, the better. It's so bothersome when you know you have agricultural workers coming back year after year after year, for decades. They should be able to come in as immigrants. They're contributing to the economy. The EI they pay is just ridiculous; they can't collect EI. That should be paid to an advocacy group.

The Chair: Does anyone want to make a comment on what Mr. Telegdi said?

If not, we'll move along to Mr. Carrier. You can do a wrap-up comment, maybe, to his comments.

Go ahead, Mr. Carrier.

• (1610)

Mr. Robert Carrier: (Interpretation) I have a question for Mr. Michael Toal. Earlier he spoke of a company that was found to mistreat temporary workers, and there was a judgment. I would like you to perhaps repeat the name of the company that was accused of mistreating its temporary employees.

Mr. Michael Toal: I didn't name a particular company.

Mr. Robert Carrier: (Interpretation) You didn't name Golden Horizon?

Mr. Michael Toal: They're a broker in the Philippines.

Mr. Robert Carrier: (Interpretation) So they're a broker and they recruited temporary workers for a specific employer here in Alberta.

Mr. Michael Toal: It was actually for Tyson Foods in Brooks.

Mr. Robert Carrier: (Interpretation) So you do not want to name the company in question. It's not in the public domain?

Mr. Michael Toal: I just did name Tyson Foods as using Golden Horizon in the Philippines to bring in the workers.

Mr. Robert Carrier: (Interpretation) Okay.

According to what you said earlier, do you believe the Government of Alberta has come up short with regard to labour standards? I'm from Quebec, with the Bloc Québécois, and we don't hear about such problems in Quebec. I want to know why the

situation is so serious here in Alberta and why there's such a great need.

Mr. McGowan said there were 24,000 temporary workers last year here in Alberta. Why can't local workers meet the demand? Do you find it normal that we're in a situation where a country is risking its international reputation?

The Chair: We are eating into the time of our next panel, and we have to be out of here by 5 o'clock. It's essential. As Don Newman says, I have to manage time.

Mr. Al Brown: Mr. Chair, I can answer a bit of that.

You asked why we don't hear of these employment standards violations, etc., so much in Quebec. Quebec has the highest union density of all provinces in Canada. Alberta has the lowest. That tells you something about the employment standards legislation in this province.

The Chair: Thank you.

This has been a very interesting afternoon, a very interesting hour. Thank you very much. You made some great submissions, and I think we're going to be able to use a lot of what you said.

We'll take a short break while our next witnesses come to the table.

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_____ (Pause) _____

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• (1615)

The Chair: I want to welcome today Lynn Gaudet, immigration consultant; Tanveer Sharief, immigration consultant; and Peter Veress, founder and president of Vermax.

I think you know the way we operate. You can make an opening statement, and then we will go to committee members for questions and comments. Feel free to make your statements in whatever order you like.

Thank you.

Ms. Gaudet.

Ms. Lynn Gaudet (Immigration Consultant, As an Individual): Thank you.

Members of the committee, thank you for this opportunity. It is not with pleasure that I come before you, but with a heavy sense of responsibility. I speak as one member of CSIC, but as you can see from the consultants at the table and in the audience who have come from Calgary today to support this submission, I am not alone.

I have been a CSIC member since the outset. I also maintain my membership in the Canadian bar and am active in the immigration section in Calgary. I have supported the CSIC initiative in a myriad of ways, and continue to do so through my time and leadership in various industry initiatives.

For over 20 years, in the course of my legal career, I have worked with non-lawyers in one way or another, teaching and writing about the law, to allow them to take up roles in the legal system responsibly for the public benefit. I left a copy of my CV with the clerk, if the committee is interested. This initiative is no different, but I know that the long-term success of CSIC requires the mandate to be carried out with transparency and accountability, and that is not happening.

The public's interest here is that all consultants be competent and ethical, and the board itself is making many questionable decisions in that regard. So I raise my voice before such a worthy initiative as this, designed to counter one untenable situation, becomes a blight on the good reputation of Canada's immigration program.

Accreditation and discipline are the core of the mandate. Indeed, if these were tackled diligently, the education part would look after itself. There are numerous education tools in the immigration marketplace today, and CSIC could simply support them and focus on the unique aspects of its core mandate.

It could, for instance, develop a five-year plan, including such things as the number of consultants that could feasibly be brought on stream each year and absorbed into the industry. The plan should be debated and endorsed by the members so that we are all on the same page. But the members have gradually come to realize that the board has no intention of seeking members' approval for any direction of the society, now or ever.

On the contrary, it has adopted a go-it-alone attitude that is damaging the initiative greatly. At CSIC there is no plan or transparency on important matters of interest to members, especially financial affairs. There is no democracy in decision-making, as members have been denied all normal means of holding the board accountable. I outline 10 of these in my brief, but the main ones are: the denial of an in-person annual general meeting, the denial of the ability to compel a special meeting of members, and the denial of the right of members to bring forward motions for changes we want to see in the society. Hence, there is no accountability.

We see the results. Decision after decision seems to many of us to be too ad hoc, ill-considered, outside the letters patent, overly extravagant, poorly implemented, etc. But members have no ability to act, as the board does not consult with us or meet with us. I think it is a dangerous path for program integrity.

Because the board has systematically denied members their rightful role in overseeing the society, members are powerless to prevent any abuses or excesses of the mandate. They also cannot take up that responsibility now because specific institutional barriers have been erected to prevent that. These need to be dismantled.

There are five main rights denied to CSIC members that must be reinstated immediately. First is an AGM. Despite the bylaws that provide, in my view, for an in-person AGM, we have not had one because the board will not call one. The board refuses to meet with members in person to discuss the affairs of the society. So we need the right to an in-person AGM.

● (1620)

We have no ability to requisition a special meeting no matter how serious the concern and no matter how many members sign a written

request. The board simply deleted the provision for special meetings in the final version of the bylaws, which it passed unilaterally without member input or consultation.

We have no right and no fair process to put motions forward for discussion. We need the right to put motions forward so that changes that a member seeks can be made.

We have no transparency. We need a transparency policy. There are very few things in a member-funded organization that would not be known to members. If there are exceptions, they can be listed, but the principle should be openness.

Minutes of board and committee meetings must be available to members so that we can exercise our right to oversee the affairs of the society and to call special meetings when necessary.

And finally, on financial oversight, we have no finance committee of members that is advising the CEO and the treasurer concerning the financial affairs of the society, with a careful eye on members' funds.

If we had these tools, we would not likely have the issue we now have, which is a second organization. By some sleight of hand, CSIC has morphed into two organizations with two CEOs and the concomitant dilution of the core mandate. Now CSIC members are compelled to pay for two organizations. The costs, the conflicts of interest, the inefficiency, and the distraction from the core mandate have not been justified to members.

If directors can form commercial subsidiaries without the members' approval, as happened here, where does this end? Next year will we see the world migration institute with three CEOs and a branch office in China?

Frankly, I think that CMI Inc. is a vivid illustration of the type of nonsense that members would have outright rejected if they had a voice.

● (1625)

The Chair: I'm sorry, I have to interrupt you.

Ms. Lynn Gaudet: Are we pressed for time?

The Chair: We're going to need some time for questioning, so maybe you can get the rest of your comments in when we go into the question and answer period.

Could I just go to Ms. Sharief, and I'm sure there'll be plenty of questions for you, Lynn, about what you had to say.

Ms. Lynn Gaudet: Thank you.

The Chair: Thank you.

Ms. Sharief.

Ms. Tanveer Sharief (Immigration Consultant, Commissioner for Oath, Immigration Plus, As an Individual): Thank you.

Distinguished members of the standing committee, colleagues, and ladies and gentlemen, good evening. I'm honoured to be here today as a member of the Canadian Society of Immigration Consultants. I'm here to point out some of the items related to the high costs of CSIC and its effects on the members and the public.

Members pay a very high membership fee of \$2,562 a year, which includes an administration fee of \$100 for payment by installment, an insurance fee of \$150, and an administration fee of \$75 to pay the insurance. Members also must accumulate 40 CPD points per year, at a very high cost, to retain their membership.

Last year, to receive 15 mandatory CPD points, members paid \$800 plus air travel, hotel, and other expenses to attend CSIC's two-day mandated CPD seminar. You can imagine for the rest of the 25 we have to have thousands of dollars to buy those CPD points. Those who could not attend the conference had to buy the video for \$800, even though much of the information would be outdated. Excessive penalties for late payment and NSF cheques are applied.

CSIC's board requires a lot of funds to maintain its lifestyle. The expensive Bay Street office's lease costs about \$238,000 a year. The board members have paid themselves a high compensation package without input from the members. There is no ceiling on the number of meetings, phone conferences, trips to Toronto, etc., and there are monthly flights, hotels, meals, and additional perks. Both chair and vice-chair have taken \$12,000 courses to learn how to be a director—at our expense.

Last year, they announced international trips to China, Australia, and New Zealand. The board chair as well as board members and the CEO have made trips at the expense of members.

There is also conflict of interest. They have set up CMI Inc. Actually, CSIC is a non-profit organization, yet CSIC directors have incorporated a for-profit organization, which is CMI Inc., to sell education courses at a very high cost in their own personal capacity, which is against the letters of patent of CSIC. They're awarding substantially more points for expensive courses that generate large revenue, while discounting education that members find very useful by giving fewer points.

For example, CMI Inc.'s two-day course in Toronto costs about \$800, and the instructors are CSIC directors and staff. It is worth 20 CPD points, whereas the two-day CBA conference is awarded only 10 CPD points. So they're discouraging members from taking something that has educational value.

CSIC has entered into a competition with other education providers in the industry, like the CBA conference, the Immigration Consultants' Listserv, the *Immigration Practitioners' Handbook*, and CAPIC's courses. They are available, but CSIC will not advertise them on its website.

On March 20, we heard that the CEO, Mr. Ross Eastley, was moving over to CMI Inc. to be the managing director and John Ryan will be the CEO of CSIC. So we're going to be paying for two sets of directors' fees and two sets of books and websites.

The AGM is another conflict for us because the current bylaw requires an in-person AGM. The CSIC board of directors has insisted on an online AGM only, so it doesn't have to answer the members. All of our petitions for a special meeting and an in-person AGM are ignored. All of our motions for the AGM were rejected. The motions were actually submitted by Lynn.

There is a desperate effort being made by the CSIC board to raise funds. Now CSIC has invited Ontario paralegals to join CSIC without having to do any immigration practitioner program, which is against CSIC bylaw 10.13, sections (b) and (c), which require an applicant to go through an immigration practitioner program, meet the language requirements, and pass a full membership exam.

● (1630)

There are hundreds of students in Toronto, Vancouver, and Calgary. They are planning to have student membership fees and the CPD again from the students.

The high cost of learning fees have an impact on the mandate. It's affecting members as well as discouraging potential members from joining.

The membership fees could have been used on discipline, because fraud and incompetence is the reality that is hurting the industry.

My request to the standing committee will be to recommend that the visa board establish a finance committee of members to oversee the financial operations of the board and also to set up a commission of inquiry to investigate the directors' compensation and to set up the managing audit so they can be reported to members.

I don't think this board is working with the members and it should be removed and an interim management team should be appointed.

Some way should be found to reduce the membership fees, alternative premises for CSIC offices should be found, and an alternative to current CPD requirements should be set up by other means, because this is not working out for the members.

It is really difficult for us to communicate, to compel them to listen to members—and they're not listening to us—so we can have some kind of transparency, accountability, and democracy in CSIC so members can communicate to the directors.

Those are all my requests for today.

The Chair: Thank you, Ms. Sharief. Very well said.

Mr. Veress.

Mr. Peter Veress (Founder and President, Vermax Group Inc., As an Individual): Thank you very much, and thank you for the opportunity to address the committee.

Today I appear before the committee to speak about two issues. One is immigration consultants, and, more important, the other is the undocumented workers. Unfortunately, due to an administrative oversight and problems, I have to forgo the second issue. In the interests of time, I'll leave my speaking notes with the members so they can look at them at their leisure.

The issue was that we were looking specifically at the rights of the employer as opposed to just the workers' rights. I think it's an important piece that's missing from the discourse about foreign workers.

I invite you to take a look at those speaking notes and perhaps take those notes into consideration as you deliberate.

On the matter of regulation of immigration consultants, I wish to go on record as adding my voice in support of the points made by Ms. Gaudet and Ms. Sharief. Both submissions speak to the main challenge facing the regulating body and the members it purports to regulate, the society's lack of accountability, and its seeming inability to fulfill its mandate due to the gross inefficiencies and lack of focus that created quite a bit of grief for the system and I think for the members it purports to regulate.

I do not wish to take up the very valuable time of the committee reiterating the points that were made. There is little I can add, but I would certainly be here to entertain any questions you may have.

Thank you for this opportunity.

• (1635)

The Chair: Thank you. We have plenty of time for questions, so I will go to Mr. St-Cyr first. Everyone will get a chance.

Mr. St-Cyr, Mr. Komarnicki, Ms. Chow, and Ms. Grewal. Go ahead.

Mr. Thierry St-Cyr (Interpretation): *C'est bon.*

I listened to your presentations and I read through the briefs you submitted to us, Ms. Gaudet and Ms. Sharief.

In your presentation, Ms. Gaudet, you used the term "Kafkaesque", and I find that really describes appropriately what you've said. It's disconcerting to see that a society that was created by federal statutes and that receives money from the federal government can be so mismanaged.

A few years ago, I was in a student movement when I was at university, and not a single student association would behave in such a grotesque manner, at least not in Quebec. It's quite unfortunate to see what's happening.

I have a few questions for you, to better understand the situation.

First, you said the federal government would have to intervene. It seems very obvious. I would like to know whether you approached the government on this issue, and if yes, what its response was, what its attitude was.

Second, when I read this, I wonder if another solution would simply be to put the society under another authority, or perhaps there could be a less drastic solution that you could tell us about.

Ms. Lynn Gaudet: [*Inaudible—Editor*]...brought this first to the attention of the current minister, Diane Finley. *The Toronto Star* published an exposé last summer in which it made a concerted effort to find out what was happening with the area of discipline. They produced an award-winning series of news articles. Members were very concerned about that, as were other immigration watchers in the country. I actually wrote to the minister at that time, because someone on the minister's staff was quoted in that article as saying that it was up to the members to evaluate CSIC.

I wrote a lengthy letter to the minister, setting out the specific steps that the board had taken to make sure that members did not have any such ability, even though, of course, that was the intention, that was the vision. I can understand why anyone would think the organization was operating that way, as most organizations do, but in our case that was not happening. I sent that out in July to the minister, and I received a non-committal letter, indicating that they would look into it.

On your second point about another authority, I'm not aware of another authority that would be the logical one here, with a federal mandate like this. I think the matter of principles has to be established. No matter who is sitting in the chair, there have to be expectations that in this country things work on accountability—that is what protects the mandate—and if the members who are interested, and have been involved for as long as some of us have, had the ability to make a plan.... We have lots of experience; we have lots of good ideas, but the principles have to be established, and that's what has happened here.

It's a unique operation in that for three years the board did have the legal right to make all decisions unilaterally, and there was a reason for that: there were no members. But still and all, I put myself in that situation. If I knew that it was a team effort here and that you people were all going to be members, I would have been consulting, and certainly on the bylaws, which are the contracts between the members and the board. There was lots of opportunity. Unfortunately, what happened was that the board became increasingly enshrined in the lack of input, and now we have the situation we do.

• (1640)

Mr. Thierry St-Cyr: (Interpretation) I'm not sure I was quite well understood. I used the term in the sense to be put under a certain form of control; there should be some independent, external body appointed by the government that should perhaps make decisions. Given what the board has done, and if what you're saying is true, I don't see how you can get out of the situation. I don't want to rain on you right now, but it seems to be an extremely difficult situation.

I would ask that the society appear before us and explain their actions, and I do hope that the other parties support me in calling them to appear. If unfortunately they are not accountable to you, but if other parties will support the Bloc Québécois, I believe they will have to appear before the committee and be accountable before the committee here.

I find it quite astounding that in a democratic society such as ours an organization that isn't a private organization but an organization created by federal statute can act in the manner that you've described in quite some detail. I don't usually make such long comments. I like to leave time for people to respond, but the situation seems to be so astounding that I thought it was important to underscore that I believe the society will have to be accountable before the committee.

However, I would like to ask you a question. In Quebec, and as far as the same situation in other provinces is concerned, we have legislation governing professional boards. For instance, I'm an engineer, so there is legislation governing us and other professions, whether those be nurses, notaries, lawyers, etc. Do you not believe it would be better for consultants if their profession could be regulated by the provinces, provinces that have competencies to regulate professional orders, rather than at the federal level where there is no such expertise?

The Chair: [*Inaudible—Editor*]...Toronto for a full hour.

Whoever wishes can make a comment.

Ms. Lynn Gaudet: It's not something, quite frankly, that I really thought much about, so I really don't have anything to add to that.

The Chair: Okay. Let's go to Mr. Komarnicki.

Did somebody else have a comment, who I just slipped by?

Ms. Tanveer Sharief: I would love to see somebody oversee that society. Otherwise we have no recourse, whatever we say or whatever we do. I hope something can be done.

The Chair: Good. Thank you.

Mr. Komarnicki, you have five minutes or so.

Mr. Ed Komarnicki: Thank you for your presentation and comments.

As Mr. Veress indicated earlier, we heard the union's position; we hadn't heard from the employer. I think it's important to hear both. I'm pleased that you're filing your presentation before us, because we'd certainly like to have a look at it. But by the same token, as we hear some of the issues you have with respect to representation, membership on the board, and so on, it is important for us to hear from the other side and the society itself to see what they have to say on this issue. There are usually two sides to the story, and we are keen to hear both sides of that.

With respect to Ms. Gaudet, I gather you're a lawyer. That said, you wouldn't necessarily have to have a membership in CSIC to proceed with immigration matters.

Ms. Lynn Gaudet: Yes.

In my personal situation what happened was I got out of the practice of law and developed another career. I'm also a power engineer. I eventually had a job at the refugee board. It was just easier. It was available. But, yes, it's open to me as a personal option to become a member of the law society and to practise immigration law.

• (1645)

Mr. Ed Komarnicki: That wasn't my key point.

The law society is a self-governing body. Its membership elects a board of directors who actually conduct the business on behalf of the law society. There are fees, and some of them are fairly extensive. When you were practising with the law society, I gather you would have paid some of those fees yourself. Is that correct?

Ms. Lynn Gaudet: Right.

Mr. Ed Komarnicki: Similarly, this should be a self-regulating body for its membership. Does the membership have any input into the election of the board of directors?

Ms. Lynn Gaudet: The system was set up in the initial bylaws, and the effect of the system is that although members get a vote every year, there are two factors that make it impossible for the members now to elect a new critical mass of members, shall we say, who would take a different direction for the society.

In the bylaws, the system is set up so that you go from vice-chair to chair to past chair, for several years running. So we have a system in which the same individuals are going to be there for many years. Secondly, only two consultants can be elected in each election. Even if you had one or two progressive voices, we have seven others who have made and built this system, so....

Mr. Ed Komarnicki: Fair enough.

Ms. Lynn Gaudet: It's possible, yes, through elections to get different people elected.

Mr. Ed Komarnicki: There is a process.

Ms. Lynn Gaudet: Yes, for sure. We have a vote every year and we can vote for two.

Mr. Ed Komarnicki: Did the membership approve the bylaws that were initially set up?

Ms. Lynn Gaudet: No.

Mr. Ed Komarnicki: There was never that approval.

Ms. Lynn Gaudet: Correct.

Mr. Ed Komarnicki: Those are the kinds of things that happen in a maturing of an organization. It needs to be beefed up or fixed to work better. But would you agree that it's a good idea, fundamentally—the principle of having a body that oversees consultants?

Ms. Lynn Gaudet: Yes.

Mr. Ed Komarnicki: Secondly, in order to protect members of the public from unscrupulous consultants, those who are not competent, you would need some fairly stringent rules or requirements for consultants to meet. Would you agree with that?

Ms. Lynn Gaudet: Yes.

Mr. Ed Komarnicki: It would seem that whatever the organization, you would have to have a professional standards component. Would you agree with that?

Ms. Lynn Gaudet: Yes.

Mr. Ed Komarnicki: The membership would need to aspire to the professional standards in order to be registered.

Ms. Lynn Gaudet: Yes.

Mr. Ed Komarnicki: You would probably have to have a discipline section to it, to discipline those who acted inappropriately. Would you agree?

Ms. Lynn Gaudet: I think those are the two core aspects of the mandate, yes.

Mr. Ed Komarnicki: The third, I would say, based on the law society and how it functions, is an ethics section to deal with ethical issues. Would you agree with that?

Ms. Lynn Gaudet: Yes, that's part of discipline.

Mr. Ed Komarnicki: Does this CSIC as it is now, imperfect or less than perfect, cover those three mandates?

Ms. Lynn Gaudet: Yes. There's nothing wrong with the mandate.

Mr. Ed Komarnicki: Okay. I'm just going to go through that to see the bottom of it.

Ms. Lynn Gaudet: Okay.

Mr. Ed Komarnicki: Have there been some disciplinary hearings, that you know of?

I understand there have been three.

Ms. Lynn Gaudet: Actually, I couldn't say.

Mr. Ed Komarnicki: But there have been disciplinary hearings?

Ms. Lynn Gaudet: I assume so. I do recall getting a notice about one woman. I remember one. That's all I remember.

Mr. Ed Komarnicki: Have there been requirements for professional standards, basic minimum requirements that consultants need to meet?

Ms. Lynn Gaudet: Yes.

Mr. Ed Komarnicki: Okay.

What's the consequence, in the organization as it now is? How do you punish members who need to be punished or disciplined? What's the disciplinary range?

• (1650)

Ms. Lynn Gaudet: A person can be spoken to, right up to having their membership revoked.

Mr. Ed Komarnicki: So the most serious would be a revocation of membership.

Ms. Lynn Gaudet: Right.

Mr. Ed Komarnicki: Are there any provisions in the bylaws for actual fines or disciplinary action other than just losing one's membership?

Ms. Lynn Gaudet: It's not on the top of my head, but I remember reading the discipline system at length about a year ago. Yes, there was a gradation of punishment.

Mr. Ed Komarnicki: The fundamentals are there to protect the public and to preserve a certain measure of integrity in the consultant arena, if you want to call it that. Would you agree that there is that fundamental aspect to it?

Ms. Lynn Gaudet: Yes, the mechanisms are there, I think.

Mr. Ed Komarnicki: You'd just like to see the governance of it changed. Is that correct?

Ms. Lynn Gaudet: Yes. The focus is very important as part of the governance, and the things you've identified I would say are the core mandate. But when I looked on the website yesterday before I came, there were no suspended members. I don't understand that. We have

so much fraud and incompetence that we know about from working in the industry.

Where is the focus? What we see is that there is enormous focus on education and a new organization.

Mr. Ed Komarnicki: There's no question, under the Immigration and Refugee Protection Act, that if there's misrepresentation or an attempted misrepresentation of fraud, those can be charged separately. Would you agree with that?

Ms. Lynn Gaudet: That's right.

Mr. Ed Komarnicki: So there's an issue of how you might best proceed within the organization to achieve what we're talking about, and maybe there need to be some fixes made to make it work better, but fundamentally would you agree that a vehicle like it is necessary?

Ms. Lynn Gaudet: Yes. I'm not challenging the basic vehicle.

The Chair: Okay, thank you.

Thank you, Mr. Komarnicki.

Mr. Carrier, did I already go to you for a question?

Mr. Robert Carrier: No.

The Chair: Okay, go ahead. Sorry about that.

Mr. Robert Carrier: (Interpretation) Thank you.

Good day to you. Of course, this raises a number of questions, and this is the objective of our tour, to understand the problems in immigration, especially regarding temporary workers.

The mandate of the Canadian immigration consultants society, the functioning of which you are denouncing.... Do immigration consultants necessarily have to be members of the society?

Ms. Lynn Gaudet: [Inaudible—Editor]...the public for advice and who are not lawyers have to be members of CSIC. That's the general answer.

Mr. Robert Carrier: (Interpretation) So it would be illegal for someone who isn't a lawyer to provide immigration services.

Ms. Lynn Gaudet: The act actually says that a person shall not consult with, advise, or represent a person who has an application before the minister or the board, so that's a different stage. It would be possible to have an office where you simply gave advice to the public and did not deal with the department. That is not captured by IRPA. I've always maintained that this should be captured by legal profession legislation that says that no person in the province can give advice to the public for a fee unless they're a member of a law society. So I think that would, in theory, be able to be captured by legal profession legislation.

Mr. Robert Carrier: (Interpretation) In your understanding, for someone who wants to become a member of the society, is it the society that establishes membership criteria if bylaws have already been voted on?

Ms. Lynn Gaudet: [Inaudible—Editor]...unilaterally by the board.

Mr. Robert Carrier: (Interpretation) Now those criteria must have been accepted by the department.

Ms. Lynn Gaudet: [*Inaudible—Editor*]...acceptable to the immigration department of the day, because they were overseeing operations for three years. But it's very interesting—the denial of the special meeting provision, for example. We've had various discussions with Industry Canada about that, and the fact is that Industry Canada has a policy. They want to see that special meeting right in the bylaws of non-profits, and that is in the public interest.

In this case, when we went to them and said, "It's not in our bylaws; it's in your template, but they took it out of our bylaws", all they could say was, "Well, it's a done deal now. That's registered." Yes, it is registered, so we're stuck with these bylaws. We have to bring motions to amend them that require a two-thirds vote at the annual general meeting, but we haven't been able to do that. We put forward a motion last time, signed by numerous members, to bring back the right to requisition a special meeting, but the board would not put that on the agenda.

•(1655)

Mr. Robert Carrier: (Interpretation) When you addressed the minister you said it was her responsibility to put some order into that society. I would like to ask the persons responsible on the committee to provide us with the document that authorized the creation of the society. It would be interesting to read it.

The Chair: [*Inaudible—Editor*]

Mr. Robert Carrier: (Interpretation) Do I have any time left?

The Chair: [*Inaudible—Editor*]...and then I'll go to Madam Chow.

Mr. Robert Carrier: (Interpretation) I just have a brief question. I would like to know if the society has to submit an annual report to the immigration minister.

Ms. Lynn Gaudet: [*Inaudible—Editor*]...has now been changed after the first three years. I don't know that they have to submit that annual report, but for three years, during the startup period, the department had a designated person. In fact, that person was on the board for the first couple of years. There was a relationship so that the department could get the organization started, but that's over now. I assume they give an annual report. I think there's an annual report on our website. They do an annual report.

The Chair: This is the parliamentary secretary. Is there a monthly report that has to go to the minister on this?

Mr. Ed Komarnicki: I wouldn't know.

The Chair: You wouldn't even venture...?

Mr. Ed Komarnicki: I wouldn't even venture to guess. I was hoping to get on the speaking list. I was trying to get your attention.

The Chair: No. You've had your chance.

Go ahead, Madam Chow.

Mr. Ed Komarnicki: You can slot me in after Mrs. Chow.

The Chair: No, I'm sorry. Maybe a minute.

Ms. Olivia Chow: I want to thank you for listing this. You have done a lot of research in what you have presented. I didn't realize that the CBA courses, the Canadian Bar Association courses, only get 10 points, and CSIC courses get 20 points.

A witness: Exactly.

Ms. Olivia Chow: That's interesting. You know, you pay \$800, and you have to come to Toronto. I'm from Toronto, and I love Toronto, but you have to come. You get 20 points to attend the conference, and it doesn't matter whether you write any exams after the conference. Do you just show up and get 20 points? Is that how it works?

A witness: Yes.

Ms. Olivia Chow: Okay.

It's not in Quebec. Why is it just in Toronto? Why not in Montreal?

Ms. Lynn Gaudet: This conference hasn't been held yet, but for the one last year, in May 2007, it wasn't even a matter of showing up. If you didn't attend, you had to pay the same fee, the \$800—

Ms. Olivia Chow: And you'd get 20 points?

Ms. Lynn Gaudet: No, it was 15 points—to purchase the video of the conference. And we have until November 2008 to do this.

In immigration—I don't know how closely you work with it—we get updates weekly. There is an enormous amount happening in immigration law, between decisions the courts are making and every PNP program changing its website every week. The skilled worker program is this week.

Think of this. I now have to pay \$800 before November, sometime in October, for a series of programs that were held last May 2007. I am so far updated from that material that I won't watch it, but I have to pay the \$800 anyway, I am told, or be suspended.

Mr. Peter Veress: May I add something to that, just very briefly?

I'm almost embarrassed to even say this. One of our members inquired as to the difference between the 20 points and the 10 points, 20 for the CSIC conference or seminar and 10 for the CBA. The response came back saying that the CSIC seminar consists of two days, and that's why. It's 10 for one and 10 for the other. It's embarrassing, quite frankly, and insulting for me as a member to receive such an answer, and that's the official answer we received.

Just to add one more thing, again, there is a lot of emotional charge in all of this when you talk about the \$800 video. I personally sent a note to CSIC asking whether we can share that video among four colleagues who work in the exact same office in our building. We are different companies, but we share the same resources, we go to the same conferences, and we educate ourselves on many issues. And I haven't even received a reply to that question.

•(1700)

Ms. Olivia Chow: You have the parliamentary assistant to the minister here.

Mr. Ed Komarnicki: It's the parliamentary secretary.

Ms. Olivia Chow: It's the secretary, I'm sorry. Pardon me. That's what I meant.

I see that the recommendations basically ask for reports of financial transparency, accountability, and all of that. Aside from all that, you talked about fundamental changes. What kinds of fundamental changes? Aside from all the administrative pieces you are asking for, what proposal do you have? Is it basically the same body? I noticed that you said there are two bodies now, and then there is another company for education purposes. What do you want to recommend?

Ms. Tanveer Sharief: I think they should remove CMI Inc. totally, because CSIC is a non-profit organization.

Isn't it a conflict of interest for a non-profit organization, whose members go forth in a personal capacity, to open a for-profit corporation to sell education courses? The directors are the same directors who are sitting on CMI Inc. Isn't this a conflict of interest?

The Chair: Do you have a closing comment, Lynn?

Ms. Lynn Gaudet: I would say, in answer to Ms. Chow's question, that one thing I want to leave the panel with is that the members haven't been given a chance, so I don't think that accountability is an end in itself. I hope it would be a means of trying to get the organization on a more sustainable course. The members would not have made most of the decisions that have been

made at the governance level of this organization. The measures don't make economic sense; they don't make industry sense. So I'm asking that the members be given a chance, to see if that could work. But there has to be very strict back-up for the fact that those members, democratically, have the right to set the directions of the society.

Thank you.

The Chair: Good point—a good wrap-up point.

It will be interesting to have CSIC come before our committee in Toronto. I know they have representatives in the room, as a matter of fact. So you've given us a lot of good fodder to question CSIC. So thank you. It was really, really good.

Look for our recommendations in the near future. I don't know how near, but you can look for them in a month from now, I suppose.

In any event, thank you. It was a very good submission. I really appreciate it.

Ms. Tanveer Sharief: I hope we will not pay for coming here and bringing all these matters—

The Chair: Well, you let us know if you do.

Ms. Tanveer Sharief: Thank you.

The Chair: The meeting is adjourned.

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