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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Thursday, April 10, 2008**

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Thursday, April 10, 2008

• (0905)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** Good morning, everyone. We'll call our meeting to order. I want to welcome all of you here today as we continue our cross-country meetings.

[Translation]

I would like to thank Luc Harvey and Raymonde Folco for being here with us today. I would also like to thank the Bloc Québécois members who have attended all our meetings.

[English]

Thank you. If you didn't understand that, I want to welcome Luc Harvey and Madame Folco to our meetings today.

For the benefit of our witnesses, we are the Standing Committee on Citizenship and Immigration. We've been mandated to hold meetings on three items: undocumented and temporary foreign workers, immigration consultants, and Iraqi refugees.

We will be meeting in almost all provinces and will be finishing up next week in St. John's, Newfoundland. By the time we finish up, we will have heard from 52 panels of people like you, who will present their views on any one of these topics or on all of these topics. At the conclusion, of course, our clerks and analysts will do a report, which we will present to the House of Commons.

Your opinions mean a lot to us. Thank you for being here today.

I want to welcome witnesses Sylvie Gravel, professor of work injuries and safety at work at the business school at the University of Quebec at Montreal; and Félicien Ngankoy, from the Congolese Catholic community of Montreal. Welcome. I think we have one more who might be here a little bit later on, and that is Solidarity Across Borders.

You have about seven minutes to make an opening statement, if you wish, after which our committee members will engage you or ask questions. Please feel free to begin at any time.

Go ahead, Ms. Gravel.

[Translation]

**Ms. Sylvie Gravel (Professor, Work injuries, Safety at work, Business School, University of Quebec at Montreal, As an Individual):** Good morning. Thank you for inviting me. This morning, I am going to describe my work and the brief I have prepared for this committee. To stay within the time I am allowed, I am going to follow my paper closely.

As a specialist in occupational injuries and access to compensation for immigrant workers, I would like to draw the attention of committee members to occupational accidents and illnesses suffered by immigrant workers. When I talk about occupational injuries, I refer to both accidents and illnesses.

Since the 1970s, there have been many studies in Europe and North American that have documented two major problems experienced by immigrant workers: overexposure to occupational injuries and under-reporting of injuries for compensation claims.

In a number of countries that import cross-border labour, including France, Germany, Sweden, Australia and the United States, it is estimated that the risk of suffering an occupational injury is two to three times higher for immigrant workers than for national workers. These are epidemiological studies. In addition, the injuries are generally more serious and irreversible. The rates of respiratory tract cancers, burns of all kinds, to the eyes, mucus membranes and hands, amputations of extremities, that is, fingers and hands, and deaths by homicide are much higher for immigrant workers, regardless of whether they have permanent or temporary status or are undocumented, or of the length of time they have been in Canada.

There are many causes of this overexposure, and they operate in combination. There are structural causes relating to the employment market and employer companies, and there are personal causes. The structural causes include the jobs available to immigrant workers seeking jobs that will enable them to integrate economically. They are mainly in industries where jobs are precarious, turnover is high and the risk of injury is very high. They include agriculture, construction, material handling and services. For example, in market gardening, exposure to pesticides and insecticides is associated with cancers and burns. In agriculture, exposure to cutting and slicing machines results in amputations. In the services sector, night work involving handling money, for example in service stations or at rest stops, are jobs in which the risk of physical assault and homicide are elevated.

Although the risks to workers' health and safety in those industries are known, few if any training courses are systematically offered. Because these sectors are composed of small businesses, they are not necessarily subject to oversight by occupational health and safety authorities. Workers in these sectors rarely form associations or unions, although such associations could bring influence to bear to have occupational health and safety measures implemented and adhered to.

When a business has the infrastructure to systematically initiate new workers and give its workforce on the job training in new procedures or new occupational health and safety measures, exposure to risks is generally greatly reduced. However, businesses that adapt their training to the languages skills of their immigrant workers or workers who speak other languages are rare.

Generally, training and safety instructions are given in the official language or languages of Canada. However, when there is an emergency, stress, movement and confusion reduce the ability of people in general, and other language speakers in particular, to understand. The immigrant workers who are best able to understand safety instructions are the ones who were trained in their own language by people from the same background.

The other personal causes for overexposure of immigrant workers include their education level. There are two categories of workers: those who have inadequate education and come from countries where there are virtually no occupational health and safety rules, or they are simply ignored; and those who have come from very educated backgrounds and who, whether they come from developing countries or not, have been trained in a profession, such as doctors, engineers, etc., and who take manual labour jobs for economic survival. These overqualified workers are more exposed to occupational injuries because they have not developed skills for performing manual work that is demanding in terms of physical effort or repetitive movements.

None of the studies to which we refer here distinguished among workers based on their status. However, employment sectors where the risk of serious and irreversible injury is concentrated are those where there are chronic workforce shortages and where seasonal workers from the South, recent immigrant workers and undocumented workers are hired.

● (0910)

In general, these workers all have an injury in the course of a year, but only rarely do they report it.

As in the case of overexposure to occupational injury, there are structural and personal causes that explain under-reporting of injuries by immigrant workers.

Studies on access to compensation, which have mainly been done in the last 10 years, show that there is a system of barriers to access to compensation schemes. Those barriers occur at various stages in the process: when the event, that is, the accident occurs, or when the symptoms of the illness appear, the workplace does not encourage an injured worker or a worker who has an occupational illness to report the situation and claim compensation; when a worker initiates a claim, the attending physicians, the union and the administrative services at the compensation scheme are all necessary and indispensable players in the process, but through inadvertence or negligence they may hinder or block the worker's efforts; when the worker returns to work after receiving compensation, he or she can ideally be reinstated, but some may be refused reinstatement or not allowed to return to their duties, or even dismissed.

Fears of reprisals by employers prompt immigrant workers not to report injuries. In some industries, including the hotel industry in San Francisco, a very large majority of workers, 97%, had an

occupational injury during the year and made no claim. Those workers, most of them of Spanish-speaking or Asian origin, were afraid of reprisals, even though in some communities there are clinic services provided for the community so that the workers can have access to consultations and report their injuries.

Immigrant workers are afraid of losing their right to citizenship, their right to sponsor family and their right of residence. Those fears are unfounded and are based on ignorance of their rights as workers and citizens.

All low-paid workers, whether or not they are immigrants, are afraid of the financial losses they suffer when they take time off work, the cost of compensation proceedings, and especially the legal fees they incur if the employer disputes their entitlement to benefits. Their fears of poverty are unfortunately well founded, because 40% of workers have a substantial loss of income as a result of the waiting period.

All of the studies done of immigrant workers did not take status into account, because of the data. In Canada, as in many other countries, it is impossible to do a study that specifies workers' status, because occupational health and safety files do not record information about workers' origin, mother tongue or status. The data are generally obtained from indirect sources. In this case, we are talking about cross-checking the injuries and the medical records.

What are we to conclude about the status of workers admitted under Canada's temporary worker programs? At present, the industries that benefit from bilateral agreements to admit temporary workers are precisely those industries that are known for their high risk of occupational injuries: agriculture, for the bilateral agreements between Quebec and Mexico, and manufacturing and handling, for the bilateral agreements between Canada and El Salvador.

Despite the strong support for temporary immigration, there are many questions that do not seem to have clear answers at present. What occupational health and safety coverage is provided for these temporary workers? Do they have the same rights as permanent workers when it comes to health care, compensation, rehabilitation and reinstatement in their jobs, during the time they are here and for the years to come? Who trains them in occupational health and safety measures?

● (0915)

**The Vice-Chair (Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ)):**  
Ms. Gravel, I am going to ask you to wrap up quickly.

**Ms. Sylvie Gravel:** I think the committee members should ask themselves some questions about the consequences of unequal or inequitable treatment of temporary immigrant workers on occupational health and safety conditions for workers generally. What responsibility to businesses in the industries that have access to this temporary workforce bear? What authorities are responsible for compliance with occupational health and safety standards in those industries, if those authorities are provincial while the immigration programs are under federal jurisdiction? What authorities will provide epidemiological monitoring of temporary immigrant workers' health?

It must be recalled that occupational health and safety is a feather in the cap of our democracy, and that it guarantees the health, safety and dignity of workers. I believe that treating temporary workers differently would be a blot on our democracy.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much, Ms. Gravel. You will have an opportunity to add the parts of your presentation that you did not have time to give us during the questions and comments period.

Ms. Folco, you have the floor.

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** I would like to say something to you for Ms. Gravel, Mr. Clerk. Given that she did not have time to read her entire brief and that the brief is in French only, she could send it to our chair. I think that we will be able to have it translated and distribute it to the committee members.

**The Vice-Chair (Mr. Thierry St-Cyr):** You have raised a good point, Ms. Folco.

Mr. Ngankoy, you have seven minutes.

**Mr. Félicien Ngankoy (Communauté catholique congolaise de Montréal, As an Individual):** Mr. Chair, Members of Parliament and members of the House of Commons Standing Committee on Citizenship and Immigration, I would like to thank you for the honour and opportunity of appearing before your Committee today to discuss the issue of undocumented workers.

For your information, my name is Félicien Ngankoy Isomi and I am originally from the Democratic Republic of the Congo. I was married here and am the father of two children born here. I am one of the leaders and members of the Communauté Catholique Congolaise de Montréal and would like to share my experience as an undocumented worker in Canada.

I arrived in Canada on September 29, 1999, and my refugee claim was heard before the Immigration and Refugee Board (IRB) a few years later, in September 2002. I personally wrote to the chairperson of the IRB to express my concerns, and he only wrote back to offer regrets. It wasn't until July 2004 that I received a negative decision from the Board, indicating that I was excluded pursuant to section 1F of the Immigration and Refugee Protection Act.

After many unsuccessful attempts, I applied for a pre-removal risk assessment (PRRA), which was rejected in September 2005. Through the application for judicial review that was allowed by the Federal Court in November 2005, I was able to obtain a stay on removal to my country of origin, which is under a moratorium, simply because the moratorium does not apply to my case.

I applied a second time for a PRRA and a visa waiver on humanitarian grounds based on the fact that I was married here and am the father of two children born here, that I had submitted proof of income, and that I had the support of my employer, the Archbishop of Montreal and several organizations, including the Red Cross, where I am a volunteer. I even submitted a decision made by an English judge deferring any removal to the DRC because of torture and instability. But in spite of all this evidence, my application was rejected in December 2007. I could be removed to my country at any time.

I am here before you today as a result of a stay I obtained as a result of the intervention by the United Nations Human Rights Committee, which believes that my removal to the DRC is risky, and because Canada recognizes the widespread insecurity there by maintaining the moratorium on deportation to that country. As well, the Department of Foreign Affairs advises Canadians against travel to the DRC on its website because of that widespread insecurity.

I am now going to talk about my experience as an undocumented worker. I went to university and hold a law degree from my country, but my degree is not recognized here. Therefore, I can neither study or work given that I am unable to obtain equivalencies simply because I do not have the resources to study as a foreign student.

Let me point out that I started working three months after arriving in Canada in 1999, in manufacturing, telemarketing, and so on. Since I am limited by a lack of status, I must renew my work permit every year and there are no guarantees. I am skilled and able to do better for my family, but since my hands are tied, I must work so I can take care of my small family. Although my children were born here, they do not enjoy all the rights, benefits and privileges that are extended to other children, simply because I have no status. My children are undeniably second-class Canadians.

There is no way out. I have no future and no plans, and I cannot allow myself to make plans because I don't know if I'll still be here tomorrow. There is no way to describe how I feel; I am but one of many survivors who cross their fingers, hoping that one day the Canadian government will realize that our situation is inhumane, and that we may finally see the light at the end of the tunnel after so many years of despair.

We worry about getting sick because our temporary health card does not cover all types of care. We are stressed because we are undocumented and end up getting sick, as I did. I was hospitalized for two months, April and May 2007, which included two weeks in intensive care while in a coma at the Maisonneuve Rosemont hospital. I was dying and about to leave my wife and children to fend for themselves. I thank God that I am still alive today.

● (0920)

I have just highlighted what many undocumented workers in Canada, including me, are going through. Their lives are on hold and they have no real prospects of becoming permanent residents. As for me, I have only two options: agree to return home to be arrested and killed, or stay here without status and die a slow death. Those who find themselves in a legal void like me suffer painful and tragic consequences: their job prospects are uncertain and limited; they cannot go to school and continue their education; they are ineligible for the Canada Child Tax Benefit, even though they work and pay taxes like all Canadians; they can only access emergency health care; they cannot travel outside Canada; and they struggle with intense feelings of injustice, despair and hopelessness. All these cases underscore the urgent need for a comprehensive solution.

The following are a few recommendations: call upon the Government of Canada to create a prescribed class that would grant permanent residence to all undocumented workers who have lived in Canada for at least three years, by stipulating specific criteria such as no criminal record and the degree of integration into the host community; improve training for Immigration Canada and border services officers so they can gain a better understanding of international and refugee issues as well as international migration in order to avoid making decisions that are very often questionable; provide the resources to implement the Refugee Appeal Division as set out in the Immigration and Refugee Protection Act; although the Government of Canada funds many programs to bring in workers and immigrants from abroad, many such people are already here and working, contributing to Canada's socio-economic development by paying taxes and ask only to be recognized; allow Canadian children, if possible, to sponsor their parents who are undocumented workers who have been working here for at least three years, because Canadian law recognizes that it is in the children's best interests to live and grow up with their parents.

Thank you for your attention.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you, Mr. Ngankoy.

We will move on to questions.

Mr. Telegdi, you have seven minutes.

[English]

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Thank you very much. I'll be sharing my time with Madame Folco.

Thank you very much for coming.

Particularly on the issue of undocumented workers, Professor Gravel, I wanted to mention what we heard from a professor at York University yesterday. Instead of calling them undocumented, which really creates visions of all the Mexicans going into the United States without any status, she said that in the case of Canada most of them are in precarious status; most of the undocumented workers came into Canada legally and then overstayed their visas and what have you. It's only a very small number.

I've been talking about undocumented workers for a long time, and that really gave us a different perspective, just from the viewpoint that people may think "undocumented" people who are here might be terrorists or were never cleared to come into Canada. It might create that impression. I think having precarious immigration status or having status expired is not quite as threatening as being undocumented. I've been talking about undocumented workers for years and I found that to be an interesting point to make.

I agree in terms of the terrible situations undocumented folks are in. I think we'd be much better off to regularize them and go through a process of regularization to get them out from the shadows so that they're part of mainstream Canadian society.

That's the comment I wanted to make; you can respond to it, and then I'll give it over to Madame Folco.

• (0925)

[Translation]

**Ms. Sylvie Gravel:** I would first like to note that a majority of the studies I refer to and the studies I have done myself relate to documented workers. We are not talking about undocumented workers. Our sample included very few undocumented workers. The workers are very reluctant and suspicious about the idea of participating in studies dealing with occupational injuries, because even with papers they are in a precarious situation.

The last study I did talked about only one of those workers, and we lost him over the course of the study because he went back home as a result of an injury that was not recognized and for which he was not compensated, when ordinarily occupational health and safety boards recognize all workers, regardless of their status. Some temporary and permanent workers have been here for 10 or 12 or 15 years. Their occupational health and safety status over-exposes them to injuries and they under-report those injuries.

I think the problem is much wider than undocumented workers. By allowing massive temporary immigration, what we are still doing, and doing more, is putting the health and safety of immigrant workers at risk. Those workers have no leverage and no association to enforce their rights. They work in industries that are not necessarily monitored by occupational health and safety inspectors. The health of workers in general is being put at risk because what we are doing is introducing a work force that, because of its turnover, can't demand stability and compliance with the standards. That is what is of concern.

The problems of immigrant workers in the United States relate especially to the Spanish-speaking community in that country. The cancer rate, including respiratory tract cancer, is 20 times higher among agricultural workers than in the general population. Those workers come back year after year. They may have no status, but they are a relatively stable workforce in that industry. That is what our bilateral agreements are creating. We have a temporary workforce that comes back year after year and that is fine for the agricultural businesses. But what is the situation for these people? No one is doing epidemiological surveillance of their health. This is a concern because those people are overexposed.

This country, with its demographic and economic growth relying in part on foreign workers, is facing a serious ethical problem. We are also doing to be facing a problem of this nature involving all the other workers who stay in those industries and who are not temporary immigrants, or immigrants at all. In some regions of Canada, that phenomenon is expanding at such a rate that this is becoming a serious concern, even in social terms.

• (0930)

**The Vice-Chair (Mr. Thierry St-Cyr):** Ms. Folco, you still have a minute and 15 seconds.

**Ms. Raymonde Folco:** I am going to pass. Will I be entitled to five minutes next time?

**The Vice-Chair (Mr. Thierry St-Cyr):** You will have three minutes on the next round.

Ms. Raymonde Folco: Two minutes and 15 seconds.

**The Vice-Chair (Mr. Thierry St-Cyr):** I will carry your minute forward to your three minutes on the next round.

Mr. Carrier.

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

I was touched by Mr. Ngankoy's testimony about the situation of temporary workers who become undocumented workers. Since we started these hearings, we have been made very aware of how these people are exploited. They are defenceless and ignorant of their rights. This is a concern. There should be a completely new approach taken in the Department of Citizenship and Immigration.

At the first sitting of the committee I took part in, in October or November, the Minister was boasting about how she had increased the number of undocumented workers. She was very pleased about this. We now see that this is creating more problems. We will work to regularize these people's situation as soon as possible, although that is a major undertaking, a major change that has to be made in the Department.

In the meantime, I am going to address Ms. Gravel, who has studied the current situation. That situation has existed and will go on for several more years before the Department restores balance. Workers are not aware that they are entitled to safe jobs. Certainly you have studied the situation in Quebec, which has the Commission de la santé et de la sécurité au travail. What is missing there? The federal government is the one that issues work permits, but the workers are subject to the labour standards of Quebec or the province where they are working. What is missing for these people to be properly informed about their rights and for them to be treated properly?

**Ms. Sylvie Gravel:** There are a number of players when it comes to occupational health and safety: the company, the union, the [Editor's note: technical difficulties] when there are [Editor's note: technical difficulties] and the CSST. Each one is partially responsible for providing a worker with information. We must keep in mind that when a worker arrives, like Mr. Ngankoy, and is looking for a job in order to survive economically, the worker's priority is obviously to find a job, regardless of those conditions. It is often in very small workplaces where there is no union or employee association. The workers are therefore more or less on their own and they learn their rights in terms of occupational health and safety as events occur. The employer does not necessarily do it. It's the very large companies that have rules and health and safety standards compliance, while small businesses may easily break the rules because of concerns relating to competition, the market, survival, production, and so on.

In workplaces, we have to assume it is often the attending physician who is the gateway to compensation and healthcare for immigrant workers. Foreign workers do not have a family doctor. They enter the healthcare system through the emergency room and are passed from one doctor to another, getting diagnoses that are sometimes inconsistent. Each player bears a share of the responsibility. We cannot assume that immigrant workers have to make a bigger effort.

**Mr. Robert Carrier:** You are describing the details of the current situation, and that's fine, but what do you recommend? What should be improved? Should the provincial government, the ministry of labour in each province, do the follow-up, because it is aware of

what temporary workers are within its jurisdiction with authorization? Should it ensure that these people know their rights and are able to demand good working conditions, like all our workers? In fact, our workers actually are informed about their rights and don't allow themselves to be exploited, in general, even if they are working for small businesses. If no one takes responsibility for the people who don't know anything about it, like foreign workers, and doesn't brief them on their rights, who are they going to talk to if there is a problem? That is why I would like to know whether you have a recommendation to make for improving this system.

• (0935)

**Ms. Sylvie Gravel:** I think that the occupational health and safety commissions are partially responsible for ensuring that all workers have access to information and are aware of their rights. There should be more oversight in industries where the workers are largely immigrants, whether temporary or permanent. There should also be support from community organizations to help them understand their rights, and if necessary to translate them into their language and translate the steps to take when necessary.

If Canada opens the floodgates on its temporary immigration programs, there will have to be at least some oversight of these people's health. If they are injured, we will have to know the circumstances in which it happened and how they are looked after in terms of health after they are injured on the job.

**Mr. Robert Carrier:** I would like to come back to Mr. Ngankoy. You recommend that people who have been here for several years be able to apply for permanent residence, taking into account their experience and the fact that they have no criminal record.

In your case, was it the possibility of a temporary work permit that brought you here, or was it as a refugee? I didn't catch that at the beginning.

**Mr. Félien Ngankoy:** I came here as a refugee.

**Mr. Robert Carrier:** Why was your residence permit revoked? You say your status was virtually illegal, that you had no papers. If you had been accepted as a refugee, was there a hearing, your case had been reviewed and it was decided that you had to leave?

**Mr. Félien Ngankoy:** That's what I said in my presentation. My asylum claim was refused. I made my claim when I arrived, in 1999. It was considered in 2002. That took months. I had no news, I had to write to the chairperson of the board myself to express my concerns. In 2004, four and a half years after I arrived, the board gave me its answer, which was negative. We initiated proceedings, but because there is really no appeal...

**Mr. Robert Carrier:** That's what's missing.

**Mr. Félicien Ngankoy:** That's what's missing. When I arrived in 1999, the old law was in force. In theory, I was supposed to have access to two or three board members. In 2002, the new law was enacted and I appeared before a single member. When it was decided that there would be one member, provision was made for an appeal process. There was a second opportunity, you had an appeal. I met with another board member, but I was not entitled to appeal. It took years of proceedings, and I made applications, specifically for a pre-removal risk assessment. I filed documents proving that the situation in Congo was one of widespread insecurity, and about the fact that at present Congo is still under a moratorium for safety reasons. The Canadian government advises Canadians not to go to Congo because of the widespread insecurity, but my application was denied...

**The Vice-Chair (Mr. Thierry St-Cyr):** You have answered Mr. Carrier's question.

Ms. Chow, you have seven minutes.

[*English*]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** To Mr. Ngankoy, thank you for being here today. It's good that you're here directly, face-to-face with us, and talking about your situation.

Perhaps a lot of the members of Parliament do not know what is happening in Congo. I have some understanding, though not deep. I certainly know the violent history that has occurred in Congo.

If your application has been seen by three board members, and if it were to be reviewed again, based on law and fact—had it been that there was a refugee appeal division as supported by Parliament, if the implementation had actually taken place—what do you think you would say to the appeal board, or to a different panel of the Immigration and Refugee Board?

What would you say about what's happening in Congo, what's happened before? Why is it problematic to go back home? What would you say—putting aside the fact that you've been here for nine years, you've been working, you've been contributing, etc? Perhaps you could talk a little bit about that.

● (0940)

[*Translation*]

**Mr. Félicien Ngankoy:** Thank you for your question, Ms. Chow. It's true, I thought that if I had had an opportunity to be heard by two or three board members, the result would have been different.

My story is clear. I noticed that there were things in the board member's decision that I had never said at the hearing myself. Because the decision was made two years after the hearing, I wondered whether he still remembered what had actually happened. On appeal, I was going to have an opportunity to correct what was in the decision.

For those who may not know, Congo has been at war since 1994, since the Rwandan genocide. The war in Congo is a consequence of what happened in Rwanda, even though nobody talks much about Congo. Since 1998, since Kabila came to power, the war has gone on to this day. We are talking about more than 4.5 million people dead in Congo. That is several times the number of people who died in the Rwandan genocide, several times the number of people who died in the tsunami and several times the number of people who died in

disasters people often talk about. Today, again, I read that practically every day there are more than 45,000 people die in Congo, for various reasons: disease or the war in the east. The war in the east is still going on today. It is recognized that there is no security in Congo today. In fact, it is documented.

I talked about training the officers who make decisions for immigration and border services. It would be important for them to be informed about what is going on in these countries before making decisions. In my case, on the decision, it said "Dominican Republic of Congo". When I saw that, I said there was a problem right there. "Dominican Republic of Congo" was written on the first page.

[*English*]

**Ms. Olivia Chow:** Good God.

[*Translation*]

**Mr. Félicien Ngankoy:** When I saw that, I said that whoever had made that decision had a problem. The decision affected the future of an entire family and the people behind me, not just mine. You see me here, but as an African, I have a large family behind me. That decision does not affect just me. When that decision was made... Right there, on the first page, it said "Dominican Republic of Congo". I said there was a problem.

I do not want to wear out your patience and use up your time, but I can send you a copy of the decision. You can read it and see the inconsistencies, even in terms of the evidence. In the evidence, it was said that people who went to Congo, who were refouled by the English government, were arrested and tortured. There was a decision of an English judge calling for a moratorium on deportations to Congo. That decision was submitted, but to them, that wasn't proof.

That is the situation, Ms. Chow.

[*English*]

**Ms. Olivia Chow:** I know of cases of hundreds of young boys, kids, children, who have to walk through the night in northern parts of Congo in order to find food, safety, etc. It's unbelievable that we would deport anyone to Congo.

I really don't have a lot of questions to ask you. I just want to say thank you for being here.

I have just one question, if I have any time, for the professor. Federal-provincial jurisdiction is always a problem. Of course labour guidelines are provincial. They are under the Quebec government. There have been suggestions in the past panels that there be some kind of coordination, that there be a joint effort, because right now federal says it's provincial, and provincial says it's federal, and then no one goes to the workplace to make sure the workers are not being exploited or abused.

What in your mind is the best solution, given the interjurisdictional problem, or gap?

• (0945)

[Translation]

**Ms. Sylvie Gravel:** I think that if the federal government is going to authorize and promote programs to admit temporary workers it should sign specific agreements with the occupational health and safety commissions in the provinces that are most affected by the admission of a large temporary workforce. Those agreements should deal with the enforcement of occupational health and safety standards in the workplace and monitoring the health of those workers, in terms of occupational injuries and illnesses.

At a conference I attended on March 12, representatives of some provinces said they wanted to see a majority of workers be temporary. We are talking about Alberta and Manitoba, for example. If those provinces take in 500,000 or 600,000 temporary workers, imagine the imbalance that may create in some industries. I think that from the public's perspective, there has to be some coordination between admitting these temporary workers and responsibility for occupational health and safety, which is under provincial jurisdiction.

There has to be coordination, to achieve some consistency between bringing in workers to make up for the scarcity of workers here and the aging of our workforce and making sure that we collectively uphold our occupational health and safety standards. The danger is that we will lower those standards, as has been done in some European countries.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you, Ms. Gravel and Mr. Ngankoy. I would ask you to send your documents to the clerk so he can distribute them to all members of the committee.

Mr. Harvey, you have seven minutes.

**Mr. Luc Harvey (Louis-Hébert, CPC):** I would first like to thank you for being with us today.

I know that ordinarily when issues arise involving cultural communities they are sensitive and generate very emotional responses. I am aware of that situation, particularly because my wife is an immigrant herself. She was given to a Canadian family when she was 11 years old. I am therefore in a position to know what she may have gone through and how sensitive this kind of situation is, because it affects the family. I have been a member of Parliament for two years.

My question is for Mr. Ngankoy.

We are talking about political refugees, and I understand very well, from having visited your country, the Democratic Republic of Congo, and personally met with Mr. Kabila, that things are not necessarily as they should be there. As you said, you have been here since 1999. Your claim has therefore been considered and reconsidered, and there have been challenges, and so on for nine years.

Recently, a young woman, 21 years old, from St. Lucia, in the Caribbean, came to my office. She said she was a political refugee. Well, she was anything but a political refugee, and she admitted it herself. She was pregnant by a Quebec man. She stated she was not living with that person. As of now, she has already had her child. She

is now living in Quebec City and has a health insurance card and a social insurance card, among other things.

How do you think her case should be handled?

In fact, there have been abuses in relation to political refugee status. I know that this may not be true in your case, but there are many people claiming that status, in large numbers, because it is the easy way of applying for permanent residence in Canada.

• (0950)

**The Vice-Chair (Mr. Thierry St-Cyr):** Ms. Folco.

**Ms. Raymonde Folco:** Mr. Harvey, I am not questioning your intentions, but I find it really very insensitive to ask this kind of question of a person who himself has no papers, so who is living in Canada illegally and taking a major risk by appearing before us. I would hope you would withdraw that question. As someone else, but not this gentleman.

**The Vice-Chair (Mr. Thierry St-Cyr):** Just a minute. Ms. Folco, thank you for your comments, although I do not believe that is a point of order. Mr. Harvey can use his time as he likes.

Mr. Ngankoy, you are free to respond or not, as you like.

**Mr. Luc Harvey:** Ms. Gravel, what do you think?

**Ms. Sylvie Gravel:** I would prefer not to answer. My specialty is occupational health and safety, not immigration. I think it is very bad manners, particularly with regard to this gentleman, to ask a question relating to people who have come here in circumstances which may be unfortunate, but do not meet the legal concepts explained in the Geneva Convention. Given that I am a specialist in occupational health and safety, I can talk about the law and the laws that govern that area in Quebec and Canada.

**Mr. Luc Harvey:** Okay. Ms. Gravel, when you do studies of businesses that hire seasonal workers, are those businesses governed by a Canadian charter or a Quebec charter?

**Ms. Sylvie Gravel:** I have never worked on studies about seasonal workers. My work dealt with people who had made compensation claims, for example. We did very detailed studies of their progress from when they made a claim to the CSST. Our samples of workers came from medical clinics, lawyers' offices and the FATA, an organization that provides advocacy services for workers injured on the job. So we have not focused on a particular area of industry.

**Mr. Luc Harvey:** Do you know whether those people were covered by a Canadian charter or a Quebec charter? Whether we like it or not, there is a Labour Code.

**Ms. Sylvie Gravel:** Our ethics committee refused to allow us to ask the people any questions at all about their status.

**Mr. Luc Harvey:** What about the businesses that hired them?

**Ms. Sylvie Gravel:** In doing research, ethics committees are very stringent. In this case, the committee believed that it was not relevant to collect that information for the purposes of the study, that it could be harmful to the individuals involved. I am bound by the ethics committee, which governs our work.

**Mr. Luc Harvey:** Do you agree with that decision?

**Ms. Sylvie Gravel:** Yes.

**Mr. Luc Harvey:** You agree that you were not entitled to know the business or the type of business...

**Ms. Sylvie Gravel:** It wasn't relevant. The purpose of my research was to determine what happened over the 12 months after the occupational injury, from the point at which the people were injured. I did not have to look at what their status was before the injury occurred. We simply wanted to know whether people were born in Canada or outside Canada. In epidemiology, we use control groups. We asked the non-Canadian workers how long they had been in Canada, so we could determine the extent to which the fact that they knew their rights as a citizen and a worker since they arrived had an effect.

**Mr. Luc Harvey:** Ms. Gravel, you know that in Canada the federal government and the provinces each have their labour codes. If these are businesses covered by a provincial charter, it is really the province that is responsible for this. In the case of Quebec, it is the CSST that is responsible for these workers. So the type of charter that governs a business is a crucial factor when it comes to determining who is responsible for those workers.

**Ms. Sylvie Gravel:** That's true. For that reason, I think that the situation of temporary workers is going to become oddly complex. The federal government is going to admit the temporary workers, but each province is going to manage the aspect covered by its own occupational health and safety system. In Quebec, there is only one body that governs occupational health and safety, but in Ontario there are two.

I am not going to deny that if we decide to bring in large numbers of immigrant workers and, in ethical terms, we want to ensure that these people have the same rights and the same access to healthcare and services, it is going to call for some extremely complex organization.

To speak to your question, even though workers employed by a federal undertaking, be it the postal service or marine or air transportation, for example, don't receive occupational health and safety services from the province, there are still no immigrant workers working in those industries. I think that is not going to be an issue in terms of the difficulty of coordinating it all. The difficulty is going to lie much more in industries that are, for the majority of cases, under provincial jurisdiction when it comes to occupational health and safety.

• (0955)

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you. Unfortunately, your time is up, but we are going to have a second round.

Ms. Folco, you have four minutes.

**Ms. Raymonde Folco:** Thank you, Mr. Chair.

I would also like to thank you. I would especially like to thank Mr. Ngankoy for being here. As I said, he is here at his own risk. We appreciate you coming.

I would like to have brief answers because you see how limited our time is.

First, Mr. Ngankoy, you said that your children, who were born in Canada, so they are Canadian citizens because it is a territorial right, are second-class citizens. What did you mean by that?

**Mr. Félicien Ngankoy:** I meant simply that they were born here, they are Canadian citizens, they have Canadian passports, but they do not enjoy all the rights enjoyed by other Canadians.

**Ms. Raymonde Folco:** Which means?

**Mr. Félicien Ngankoy:** Which means they are not entitled to... What are the benefits called?

**Ms. Raymonde Folco:** Child benefits?

**Mr. Félicien Ngankoy:** Child benefits, whether at the provincial or federal level, and even for health insurance, it is somewhat limited. So I don't understand. In some drug stores, when you present the health insurance card, you pay more than in others. I have never understood exactly what the problem is and I always wonder why how they are treated depends on how we are treated. It is something I can't explain.

**Ms. Raymonde Folco:** I understand. I don't know whether you are part of the group that came to Ottawa. I know that there were a number of Congolese there. The group came two or two and a half years ago, more or less.

**Mr. Félicien Ngankoy:** Yes, I was there.

**Ms. Raymonde Folco:** Yes. That was precisely to call for the right of people like you whose status is in fact in limbo.

**Mr. Félicien Ngankoy:** Absolutely.

**Ms. Raymonde Folco:** Canadians are told not to go to Congo because it is too dangerous, and at the same time we are sending people like you back and telling them that for them it isn't dangerous, that everything is fine. If I understood correction, absolutely nothing on the government's side has changed in terms of how cases like yours are handled.

**Mr. Félicien Ngankoy:** No, absolutely nothing, Ms. Folco. You know, the case of Congo, as I said earlier... I know that at present, part of your study deals with Iraqi refugees. I know that for some years there has been a study of Algerian refugees. Three or four years ago, I think, there were decisions about Algerian refugee cases. There were decisions relating to the Lebanese when there was the war and all, but for Congo... Congolese make up the largest black African community in Canada, but there is nothing...

**Ms. Raymonde Folco:** I don't want to interrupt you, but you know the problem.

Ms. Gravel, first, I need some clarification. Several times in your presentation you referred to studies that have been done in San Francisco and elsewhere. Do you have figures relating to your study or all of your studies that relate to the situation in Canada in general, and in Quebec in particular?

**Ms. Sylvie Gravel:** No.

**Ms. Raymonde Folco:** No. So what you have to say is more general.

**Ms. Sylvie Gravel:** In fact, there are few countries that are in a position to systematically document workers' occupational injuries based on their status.

In the Canadian provinces' files, there are no variables we can use to describe the workers' country of birth, mother tongue, origin or status. These are often studies done using indirect samples. Some studies are done concerning compensation, but they often consist of cross-tabulating files, between the Canadian censuses and compensation claims. So it can be done, but we can't do a survey and description of claims for occupational injuries every year.

• (1000)

**Ms. Raymonde Folco:** This cross-tabulating files, we saw this a few years ago in the government of Canada and Parliament in particular. I was the parliamentary secretary to the Minister of Human Resources at the time and we were told...

**The Vice-Chair (Mr. Thierry St-Cyr):** Ms. Folco, your time is up, including the additional minute you had carried forward.

Mr. Carrier, you have three minutes.

**Mr. Robert Carrier:** I'm fine with this. I will let one of my colleagues have the floor.

**The Vice-Chair (Mr. Thierry St-Cyr):** Okay. Mr. Harvey.

**Mr. Luc Harvey:** Mr. Félicien, who is your federal member?

**Mr. Félicien Ngankoy:** When I started my case, I was living in Hochelaga—Maisonnette, and I had support from Réal Ménard, who knows me personally. At present I am living in the east end, and my M.P. is Francine Lalonde, who also knows me personally. There is also Meili Faille, who represented that riding and who wrote a letter of support in my case. She also knows me personally.

**Mr. Luc Harvey:** You have had letters. Is that all you have had?

**Mr. Félicien Ngankoy:** There was support from some organizations, from the Table de concertation pour les personnes réfugiées et immigrantes and all the organizations that assist refugees and immigrants, given that I have always taken part in work...

**Mr. Luc Harvey:** I would invite you to meet with Patrice, my assistant, after the meeting. We will look at your case properly. I am not making any promises, but...

**Mr. Félicien Ngankoy:** Thank you.

**Mr. Luc Harvey:** Ms. Gravel, we were talking about the Labour Code earlier. We were saying that these people might be covered by Quebec's Charter of human rights and freedoms and that they therefore came under the CSST. Here, this is a standing committee, but at the Canadian level. Is the purpose of your submissions here today to ask Canada to oversee or supervise what is done in Quebec? I would like to understand.

**Ms. Sylvie Gravel:** I did not intend to represent anyone or anything when I came here. I answered a call last Friday asking me to come and speak about occupational health and safety. I am not representing any institution or government; I am merely presenting the results of my research, that is all.

**Mr. Luc Harvey:** Okay. It is always a little difficult when we are dealing with somewhat divided jurisdictions. Picking the right approach to take in applying one particular thing becomes relatively complex. That is why I wanted to know what you are proposing. You have raised a number of problems and I would have liked you to talk more about solutions than about problems. You know who should be looking after something, but you haven't said it. You said that it would have to be determined who does what. A specialist like

yourself could have taken the opportunity to tell us how things should happen.

**Ms. Sylvie Gravel:** Listen, I worked in the healthcare system for 22 years. If there are two groups I want to represent, it's immigrant workers who have suffered occupational injuries and the health care systems having to deal with these cases. They don't know what to do with them, because all of a sudden, they are not, administratively speaking, under anyone's jurisdiction, and they don't have the full protection a workers is entitled to. As well, in a lot of cases, they have to get healthcare without making a claim to anyone, because these workers aren't covered. It concerns me that we are importing workers and that these people are all of a sudden in a grey area in terms of health care and occupational health and safety.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much for your testimony, Ms. Gravel.

Thank you, Mr. Ngankoy.

We are now going to take a one-minute break. I would ask members to remain at the table to avoid cutting into the time for the next group of witnesses. And I would invite that group to come forward.

• (1000)

(Pause)

• (1005)

**The Vice-Chair (Mr. Thierry St-Cyr):** Good morning, everyone. Welcome to the House of Commons Standing Committee on Citizenship and Immigration. You will each have seven minutes to speak and make a preliminary statement. To facilitate matters, I will signal you when you have one minute left, so you will know that it is time to wrap up quickly. There will then be a question and answer period with the members that will allow you to complete your presentation.

This morning we have Mowafaq Thomas with us from the Saints-Martyrs-d'Orient Chaldean Church and also Abbass Alnajjar and Hala Alobaidi from the Iraqi Community Centre.

You understand that your organization has seven minutes and you will have to share them. I will leave it up to you to decide how you will do that.

Mr. Thomas, you have seven minutes.

[English]

**Mr. Mowafaq Thomas (Église Chaldéenne des Saints-Martyrs-d'Orient):** Honourable members of Parliament, *bonjour, mesdames et messieurs.*

After the fall of Saddam Hussein in 2003, people around the world were expecting Iraq to become a democratic and prosperous country in the Middle East. After five years, the reality is simply the opposite. The country is almost divided; lawlessness, anarchy, and chaos are everywhere. All the people of the country were affected by this situation, most of all the Christian minorities.

Somebody might ask, who are the Christians of Iraq? Christians of Iraq trace their ancestry to the ancient Assyrians and Babylonians. They are known by various names, such as Assyrians; Chaldeans, for those who belong to the Chaldean church; and Syriacs, for those who are members of the Syrian Orthodox church.

The majority of the Assyrians converted to Christianity during the second century, giving the Assyrians a legitimate claim to being the first Christian nation in history. For centuries they have been persecuted and victims of terrorism. The situation for the original inhabitants of the land, the Christians, is very difficult indeed today in Iraq.

There are no specific statistics about the total population of Christians in Iraq. There are estimated to be about one million.

Saddam Hussein gave the Christians some sort of protection for a very simple reason—the Christians are hard-working, peace-loving, and law-abiding, and they have never been a threat. Their contribution to the well-being of Iraqi society far exceeds their number.

Since the fall of Saddam Hussein, the Christians have been targets of numerous attacks by extremists. For the many Sunni and Shiite militia living in Iraq, Christians are the enemy within. In the last five years, more than half of their very historic churches all over the country have been destroyed or heavily damaged. Thousands of children, women, and men were killed as a result of those bombings, and in addition, thousands were injured.

Militants see an automatic link between Iraqi Christians and the Christians of the west, so they hold them responsible for the invasion and for the subsequent hardships Iraq is going through.

After the Danish cartoon, as you may remember, ladies and gentlemen, car bombs exploded outside churches on January 29 in what appears to have been a coordinated attack. Two churches in Kirkuk and three others in the capital of Baghdad were targeted. More than five people, including a 13-year-old boy, were killed and more than 20 people were injured.

Militant gangs target Christians from all walks of life. Whatever the motive—financial, religious, territorial—the militants have one thing in common: they want the Christians either to convert to Islam or to leave the country.

Because of religious affiliation, economic status, and profession, many people who are doctors, teachers, and even hairdressers are viewed as being anti-Islamic.

The anonymous notes posted to Christian families in the city of Mosul in the north last December say it all: "Leave, crusaders, or we will cut off your heads."

• (1010)

In the Shiite-dominated south there have been many accounts of Christian businessmen being shot dead on the streets for crimes such as running a liquor store or selling goods prohibited by Islamic law.

In Dora, a part of Baghdad, the Christians are living in very bad circumstances. All their churches were bombed. They have to pay a special local tax to live in their own homes and give their sisters or daughters to Muslims to convert to Islam. If they do not, they have to move their homes or they will be killed.

Last year, America's Catholic bishop said Christian persecution in Iraq had reached a crisis point and cited the crucifixion of a teenager in Basra, among several atrocities. Iraq's ambassador to the Vatican,

in July, condemned atrocities and said that nobody can deny that a real persecution of Christians in Iraq is taking place.

On February 29 this year, after celebrating the way of the cross at the Church of the Holy Spirit near the city of Mosul, Archbishop Rahho was kidnapped. Gunmen shot his driver and two companions. His body was found after a few days. This is just one more example of the threat the Christian minority is under in Iraq now. Everybody agrees that the Christians face a different danger than the majority Muslim population of the country.

The support of our beloved country, Canada, for this humanitarian issue is crucial. Victims of torture and detention, individuals at risk of deportation from Jordan, Syria, or Lebanon, and orphaned children are all in urgent need of resettlement and protection. Delays can have devastating consequences for their lives.

It has been proven that Iraqis arriving in Canada have assimilated into Canadian society while sharing their colourful culture. Therefore, Canadians of Iraqi origin should be allowed, through the immigration office and their local churches in Canada, to sponsor their relatives and loved ones to immigrate to Canada. The leading role of Canada in alleviating suffering and providing safety to hundreds of thousands of refugees all over the world is greatly advanced and well recognized worldwide. Please know that the Christians of Iraq feel that they have been abandoned and forgotten by the world community. Those who are unable to flee the country are now waiting for their turn to die.

The Iraqi refugees, and Christians in particular, displaced in Iraq and around the neighbouring countries are calling upon the conscience of this great nation of Canada for your kind attention, support, and advocacy to help in resolving this humanitarian issue.

Thank you very much indeed for your kind attention, and may God bless Canada.

• (1015)

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you, Mr. Thomas.

We will continue with Ms. Alobaidi. You have seven minutes.

[English]

**Ms. Hala Alobaidi (Member, Iraqi Community Centre):** Thank you very much. I have given copies of my presentation for everybody.

I want to give you an idea about what the Iraqi Community Centre is and what we do.

The Iraqi Community Centre was started in 1986. With the coming of the first group of Iraqi immigrants in the 1980s, we saw that there was no organization to take care of them, so a group of Iraqi families grouped together to start this community centre. The objective of the centre is to try to help Iraqis settle down in Canada. Iraqis are not used to immigration; we were not an immigrant society. Coming here, they were a bit lost, and we found that they needed somebody to support them, especially in Montreal. Most Iraqis speak English and don't speak French, so it was a challenge for them.

We don't have funding and we don't have employees. It's a group of volunteers who work together to try to help as many Iraqis as we can. We receive them from airports. Everybody has cars and can go there. You know that when they come here, they cannot find housing, so we try to find housing. We give them our names so that they can find housing to live in. Sometimes we open mosques for families when they come. They call us to say they are coming. The last time, they called for 16 members and they wanted something immediately, so we gave them the mosque. We don't have any way of supporting them other than that: our houses or the religious places.

We also provide them with lawyers and with translation. Every time we have more challenges, because it's a new thing. The immigrants who are coming—not only the refugees, but the immigrants—have different kinds of needs, and we have to adapt to that. This is what the Iraqi centre has been doing, and we try to organize different activities to receive these people.

We tried to get some statistics about the people who are coming to Canada. It's very difficult. I went to Statistics Canada and looked at the numbers. They don't represent the reality of Iraqi Canadians, because there are many more than they show; we know that. But this is what I found in Statistics Canada.

There is the problem also, when they come here, of the changing perception Canadians have of them, because of the image of them that people are seeing on TV. Arriving in Canada is already difficult, but the challenge when they arrive is facing the problem of Canadians' perception. This image will make their lives difficult in finding housing and jobs. We are not a violent nation, but you know how media picture things. This is a challenge we are trying to change. It's why we are trying to organize different kinds of activities with artists from Iraq, to show the community that we are not that bad.

Among the challenges regarding refugee status is that many countries are trying to receive people from different countries, especially Jordan and Syria. I go often to Jordan, and friends of mine who work for the UN in Syria told me that it's really a challenge for them there; millions of people are there. Everybody is coming to me as if I'm responsible for Canadian refugees, asking, "How can we come there? What can we do?"

Often they are doctors, and they cannot practise in Jordan, but they are living there. The standard of living has really gone down; you should see their houses. It hurts when you see people like that. The minimum was done; now they can have a card saying they can stay in Jordan. What was happening is that they were kicking them out. Most of them, if they go back, are threatened. That's why they left. Why would anybody want to suffer and leave the country they are in if they are safe?

With the card the UN gives them saying they are refugees, they have to wait. Sometimes Jordan and Syria respect these cards, but not always, and they're also difficult to get. Information is not available, and people don't understand what's going on.

The problem we are having is that there are many families with people stuck in Iraq. You cannot understand what's happening with the borders of Jordan, especially—about Syria, I'm not sure. You

arrive—you take the airplane now—and either they send you back or they take you in. So they don't know what's happening; they have to take their chances.

• (1020)

Some people don't even have the means to leave; they don't have passports, they don't have papers, and they don't have the money to leave. But all the governments are looking at the refugees in Syria and Jordan and outside. I don't know who would think about the people who are stuck there. I have no idea.

Then the people who manage to leave face another problem, which is financial. What they do is apply as refugees and then go back to Iraq, but then when they come to the interview, they are told, "Oh, you went back to Iraq, so you're not really in need." And they say, "But I don't have money. What do I do?" They are stuck in these procedures and regulations and don't know how to deal with them.

We met with someone from the coalition for refugees. She told us to tell the people not to go back, but they don't have a choice; they have to go back. This is the only alternative, without money. That's why you see that in Syria there are horrible stories about people using their daughters in prostitution and things like that, and living without schools and without any means to survive.

We have been told many times that the process is very long. They ask for many papers that the people are unable to obtain, especially if they ask for some papers that exist in Iraq but not in Syria. And who would go around in Iraq now to get these papers? The father, normally, or the son will go back to Iraq to try to obtain these papers, and then they will lose their chance of obtaining refugee papers.

You have my paper about the challenges. I'm going to jump to what the Iraqi Community Centre would like to see.

We'd like to see higher numbers of refugees accepted. You see that the statistic given is 29,000 people, and I understand it is only 2,000 refugees that they are accepting. Each of us has family there, and everybody wants to bring their family. Many of us are willing to sponsor our families to come here. Just give us the chance to support them.

We'd like to have more speed in the process and also more support for the Iraqi refugees in Jordan and Syria.

Thank you.

• (1025)

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much. You will have an opportunity to complete your presentation during the questions and comments period.

Mr. Telegdi, you have seven minutes.

[English]

**Hon. Andrew Telegdi:** Thank you very much.

I'll just make a short intervention, because I want to pass it over to my colleague.

We can take refugees and we can take them quickly. I was part of the 1956-57 exodus from Hungary during the revolution. There were 200,000 refugees who crossed into mostly Austria and some of the surrounding countries. Canada took 20%, and I dare say 95% of the refugees, of the 40,000 Canada took, arrived in Canada within six months. So there's no question in my mind that we can do it, and you can push for it. And especially with the private sponsorships that you're talking about, we should facilitate it.

It would also help stabilize the situation in that region, which is very unstable. I think that if we want to do some good stuff for the Middle East, this is one of the ways we can do it.

Now I'll pass it on to my colleague.

**Ms. Raymonde Folco:** Thank you very much, Andrew.

What can I say? Thank you, Madame Alobaidi and Mr. Thomas.

As you know, I've been involved with the Iraqi community here—the Iraqi Christian community, particularly—and of course, please accept my regrets on the assassination of the monsignor. I know we'll see one another at the church in a few days.

Some time ago—I think it was two or maybe three years ago—we talked seriously about the possibility of church sponsorship of Iraqi refugees, both in Iraq and in Syria and Jordan. It came to nothing. I bring this up because I would like it to go into the record that I think this is something we as a committee should look into very seriously: private sponsorship, in the sense that you have mentioned, Madame Alobaidi, but also church sponsorship.

My understanding, at the time I went to see the Minister of Immigration, was that the Christian churches themselves were not too keen on sponsoring the Christians out of Iraq and out of Iran. I include Iran because in fact the thousands of years of presence of Iraqi Christians and Iranian Christians and the whole Christian culture in the Middle East stand the chance of disappearing.

Do you know whether the upper echelons of the churches have changed their minds on this and whether they are willing to move forward on it with the help of various governments?

That's the first question I'll ask, and I'll ask it to anyone who wishes to answer.

**Mr. Mowafaq Thomas:** If I talk about the Christians, the Christians of course were, as I mentioned in my speech, the original inhabitants of that land. They have a very rich history in that country. They love that country, and none of them want to leave, but the situation has become so difficult, in fact unbearable, that their lives have become endangered, and people are afraid to continue being there.

**Ms. Raymonde Folco:** Mr. Thomas, I'm going to interrupt you. Time is very short, and I stand the risk of not getting an answer to my question, and I think it's an important question. My question again is what is the reaction, what is the stand of the churches, both the Chaldean church, and generally the Catholic church, in helping Christians in Iran and Iraq to leave? That's my question.

**Mr. Mowafaq Thomas:** They are willing to help. As far as I know, they are willing to help those people who they feel are in danger. And as I mentioned, I would really recommend and request that you allow the churches here to sponsor, through the immigration

office, those people, not necessarily only Christians. I'm an open-minded person. Even my brothers here who are Muslims—all my respect to them, we love them, we are part of them—could come through our churches, and they can sponsor their families, and we will sponsor our families and those who are in need.

• (1030)

**Ms. Raymonde Folco:** Thank you for saying that, because that was one of the problems I ran into in the sponsorship process, that obviously Canada could not be seen as sponsoring people of one religion only. But Mr. Alnajjar and Madame Alobaidi, as I understand, are both Muslims, so they should obviously be included in such a program if such a program existed.

So I would certainly urge this committee to make recommendations to the minister as to the sponsorship.

Mr. Telegdi talked about his own personal experience as a former Hungarian refugee. We've also had the Vietnamese. Canada received the Nansen Medal for the help it gave to the Vietnamese refugees, with the fall of Vietnam to North Vietnam and communist countries.

It seems to me personally that Canada should move forward, not with a few hundred families but in a big way, to help people in Iraq and Iran—and I include Iran in this—be they Christians or Muslims or anything else. They are refugees; they need our help, and I think that Canada should move forward. And I look forward also to the help of the Christian and Muslim faiths here, of the organized communities, to help the Canadian government and to make representations to the Canadian governments through this immigration committee so that this project can move forward.

Thank you.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

Mr. Carrier, you have seven minutes.

**Mr. Robert Carrier:** Thank you, Mr. Chair.

Welcome to this meeting.

Ms. Alobaidi, you mentioned that Iraqis or refugee claimants tend to speak English and that this was a problem in Quebec, but I would like to know whether some refugee claimants who already speak French could be directed to Quebec.

**Ms. Hala Alobaidi:** Unlike the Lebanese and Moroccans, Iraqis speak English and not French, in general. I learned French in Iraq, where there is a French cultural centre. Iraqis have a gift for languages; that is why many of them speak several languages. It is not a problem for them.

Things changed during the 1980s. Now, people coming from Iraq are very educated. They know several languages. In addition, there are a lot of French courses in Quebec. The Iraqi Community Centre encourages people to learn the language. If you come to our activities, you will see that there have been a lot of changes within our community.

**Mr. Robert Carrier:** Thank you. I find that reassuring, because I see that you speak French very well also. So it's not a problem.

You say you are in favour of increasing the number of refugees in Canada. However, as you noted, it is not easy for people to change their culture and get used to a new country. That is not always easily done.

Do you think that Canada could make more efforts on site, with the United Nations High Commission, to try to repatriate people to their country of origin? Can that be considered while at the same time accepting refugees? Could this country improve the situation over there, on site?

**Ms. Hala Alobaidi:** I think so.

It is difficult for me to answer questions like that. I am new to the refugee and immigration issue myself. Personally, I am involved in a different issue. But because I am Iraqi and there is a lot of need, I have got involved in this issue. I am learning, as everyone is. It is only because I am Iraqi and I have a little information.

For suggestions like that, I have to consult people. There are 12 people working for the Iraqi Community Centre. For questions like that, I will consult people who know more than I do.

• (1035)

**Mr. Robert Carrier:** Given Mr. Thomas's clear description of the persecution his community has suffered in Iraq, I would like him to tell me whether that is actually an inherent problem in that country, a pre-existing problem. Is it a hopeless situation that calls for us to take in more refugees, to solve the problem he has described? Are there other efforts to be made on site so that people can live in greater harmony within Iraq?

You mentioned that while Saddam Hussein was in power, you were recognized as hard-working and not demanding. Is it the government they have been trying to put in place for five years that is the problem or is it the way they are changing the direction of the country, with the United States saying it is going very well and success will be achieved in a short time?

[English]

**Mr. Mowafaq Thomas:** Sir, let me explain to you and to the members present.

At the beginning of the 20th century, the Christians in Iraq didn't have a problem. In fact, they were part of society, well accepted, and treated like everybody else. I am an example of that. I had a scholarship from the Iraqi government to study in the United States and then go back. I was like every other citizen of Iraq. I never left Iraq until I came here to Canada in 1996 because the situation had deteriorated.

Now, it's not only Saddam Hussein; I just brought an example of Saddam Hussein. In terms of the situation in Iraq, it's said now that the United States is there that it's high politics. It has something to do with Iraq, something to do with the region, something to do with geopolitics behind our talk here. It's far more complicated than I think.

But for the Christians, there are so many factors involved now. Militants are coming not only from Iraq itself, but from all over. These executions and atrocities are not really done by Iraqis; they're done by people from the outside, people who are coming from Saudi Arabia, Iran, and perhaps Syria. It's all the neighbouring countries.

It's Afghanistan as well, working within certain communities there and creating that chaos in the country. It's political. Everybody is involved, and the neighbouring countries.

The victim is the minority. Because of the association with the west.... The Christians are associated with the west, and consequently they are treated as such. They try to inflict as much harm as possible, indicating to the west, "These are your people." In reality, they are not their people simply because they are Christians.

You mentioned assimilation, bringing these people and assimilating them into the country. This country has a very long history of knowing how to assimilate immigrants from all over the world, whether they are Vietnamese, or from eastern European countries, or even Latin American countries. This country has the experience, the know-how, and—

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** I have to stop you, because Mr. Carrier's time ran out a long time ago. Perhaps other members will want you to continue.

Ms. Chow, you have the floor.

• (1040)

[English]

**Ms. Olivia Chow:** I have a slightly different line. I first got involved in politics in 1979 during the time of the so-called boat people, the Vietnamese refugees. I lobbied the Canadian government to allow private sponsorship to establish a big program to bring in as many refugees as possible. I was working with churches and community groups at that time.

In 1980-81 and in the next few years, massive numbers—tens of thousands—of Vietnamese boat people came to Canada. I worked on a very successful campaign with Howard Adelman of Operation Lifeline, etc.

Just a bit of history.

Of course they settled in Canada very well. It's a great success story, and I have no doubt the Iraqi refugees, if we have such a program again, will settle well, because they're well educated and they would have the drive to do well in Canada. I have no doubt about that.

Having said that, I know how it worked very well before. There was a tremendous amount of political will at that time to make it happen, and the community and the government came together.

What numbers do you think would be appropriate? In the last few years it's been 300, 400, 800—it has been pathetically small. The recent announcements say 2,000—still very small. One percent, I think, of the 2.2 million people who are there would be 20,000. That's my math.

Do you have a ballpark figure on how it would work? Certainly there is the sponsoring of relatives, expanding the family class so that uncles, aunts, brothers, and sisters can come. How would you envision this? First, perhaps you can give me a number, a ballpark figure of what you think would be appropriate.

Second, how do you think such a program would work? Is it mirroring what we did at the time of the Vietnamese boat people or something different? How do you envision it happening? If you were this committee, what would you recommend in a concrete way?

**Ms. Hala Alobaidi:** In terms of exact numbers, that's why I went to Statistics Canada—to give you numbers—but I couldn't, because when I saw the numbers, they were not good numbers.

But if we look at Statistics Canada and talk about Montreal only and say there are 1,000 Iraqi people living in Montreal, most of them—I wouldn't say all of them—have a minimum of one family member to come here, so we're talking about 2,000 people if everyone brings one person only—a mother, a father, a sister. I'm not talking about the family. That's it; we need only 2,000 in Montreal, and you are talking about 29,000.

I'm not asking Canada to accept all these people; it's impossible. But—

**An hon. member:** No, it's not impossible.

**Ms. Hala Alobaidi:** Really? That's good. It's good to hear that, because people are desperate. Every day I see it, especially now when we have had the Canadian coalition group. They have 50 churches sponsoring every year, they told us. They came to present, and since then we receive calls every day. They say, “We would like to sponsor a family. What can we do? What do you need from us?”

So 50 church people were.... We applied only for five Iraqis for the time being, and we have a lot. I don't promise anybody. I don't encourage them, because we don't want to lose our credibility as a community centre, but you have problems putting the Iraqis together because the political situation is affecting us. We are talking here about Christian and Muslim. My family is half and half: my mother is Christian Armenian and my father is Muslim. The Iraqis are like that; we are a mixture of Shia and Sunni. We don't have one label. We are Iraqis.

I really would like to have credibility for our organization, because there isn't an Iraqi.... Before, we couldn't have an organization. There was no concept of non-profit, and now there is a concept of non-profit, and we'd like them to group. We'd have to promise them, but I would not like to promise them before I know there is a commitment from the government, and that we can do it, and that they are willing.

They are good people. They have been here for 25 years. They are well established and they are even willing to hire their people when they come in. I have seen many Iraqi refugees here who were immediately taken by the Iraqi groups and given jobs. The minute they have their work permit, they are hired, so the willingness is there. I can assure you that if not all of the 2,000 would do that, 50% of them would.

But we need a process that is faster. I have a friend in Toronto whose father died in the process of waiting. He had to go to pick up his mother, who is very old, and it took a while. He went between Syria and Jordan, and there was no sympathy. He was so mad because of that.

We need to make sure that the process is good and that people won't spend lots of money. Many of them are willing to sponsor their

family to leave Iraq, but for how long? How many houses can they support?

I can speak for Montreal. There is a willingness. Many families are willing to sponsor their family, but the process and the promises....

● (1045)

**Ms. Olivia Chow:** Well, in the situation of the Vietnamese boat people, a lot of churches sponsored people and families. Five people coming together can sponsor one person. The sponsorship is for one year; that's the private side. The government sponsorship is different.

Then afterwards there were groups to assist the Vietnamese boat people, the refugees, to adapt to Canada, and most of them adapted really well. There are models of how that would happen.

I notice you still haven't answered my question about a ballpark number as to what you think would be appropriate. I know there is shortening the wait list, of course, and that requires more staff, more support, and more target numbers, but what would be a ballpark number?

**The Vice-Chair (Mr. Thierry St-Cyr):** *Rapidement*, quickly.

**Mr. Mowafaq Thomas:** If I may interject in that respect, of course not everybody wants to come to Canada.

**Ms. Olivia Chow:** Of course.

**Mr. Mowafaq Thomas:** We will take those people who are in true danger, people who are vulnerable, people whose lives are in danger, and people who are willing to come and assimilate into the society and become Canadians. If somebody wants to immigrate, we are not going to just bring that person. No, this is not the issue. The issue is people who are in danger and who are willing to come and assimilate into society.

The number in my mind is that around 60,000 people will come over a three-year period, so it would be 20,000 people every year. That is what I believe is the appropriate number.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** I am going to have to stop you. Thank you very much for your answer.

Before moving on to Mr. Harvey, I have to tell you that there are problems with the interpretation because of the interference from your BlackBerry's. So I would ask you to keep them turned off and as far away as possible from the mikes.

Mr. Harvey, you have seven minutes.

[English]

**Mr. Luc Harvey:** Ms. Alobaidi, thank you very much for acting as a volunteer to help your colleagues from Iraq, to help them to act as Canadian citizens here in Montreal. Thank you very much. I know sometimes it can be very difficult. I can't imagine. Thank you.

[Translation]

You are talking about Iraq, but there are also Kenya, Rwanda, Afghanistan, Congo and Haiti. There are also several other countries where the people are experiencing horrors and where they, somewhat like you, are afraid for their families and their fellow citizens. I understand this very well.

It is also not easy for the government. I find it ironic that my Liberal colleagues, who did nothing after 13 years in power, seem to be able to solve the problems and force the government to solve them now that they're in opposition. I am not here to talk, I am here to work with you, with my colleagues, to try to improve make progress on this issue. We understand the situation clearly. Perhaps my colleagues will continue to ask questions or put pressure on us to do the work they didn't do.

You made your presentations and right at the end you said that you calculate that there are about 60,000 Iraqi refugees who might come to Canada over the next three years, that is, about 20,000 refugees a year. They are all refugees, but are there some who should be given priority? How do you see this issue? How do we select those 20,000 refugees?

Mr. Thomas.

• (1050)

[English]

**Mr. Mowafaq Thomas:** You are asking about the criteria. I'm not really fully familiar with immigration law in this country. It's only a proposal I make, having known the situation, when I propose 20,000 a year. I am not aware of the criteria. Of course, as you mentioned, the Liberals and you people, the Conservatives.... I look at it as Canada. I don't look at it as being Canadian; I look at it as Canada, and we have to do something together. You probably have to do it in a bipartisan way, or through the Conservative Party. I don't know how to do it.

But that's the issue I'm facing today, with the suffering of my people.

[Translation]

**Mr. Luc Harvey:** Mr. Thomas, I am going to tell you something. Regardless of who is in government, Liberal or Conservative, it isn't a Liberal law or a Conservative law, it is the law of Canada governing immigration. So if someone tries to make you think it's the Liberals, that's a mistake, if they try to make you think it's the Conservatives, that's a mistake. It's the law of Canada. The party in power has nothing to do with it, it's the law of Canada on immigration.

I am going to ask you this question because in Canada, as you know, we have significant labour shortages. Admitting an immigrant, someone who comes from another country, is one thing, but once he or she arrives here, we have to be able to get the person to work and the person must be capable of taking action, of moving ahead. If we just get the person out of a camp and put him or her in another camp in Canada, we haven't accomplished much. We have to be sure that the person is capable of interacting with Canadians, of finding a job and putting his or her skills to work.

How do you see that?

[English]

**Mr. Mowafaq Thomas:** This is a well-known fact. When somebody comes to Canada or emigrates to anywhere else in the world, they have to join the labour force of that country and contribute to the well-being of that country, and they have to assimilate with that country—to the laws, regulations, and the life of that country. This is a fact that everybody knows. Nobody will

accept anybody unless there is a need. It's the law of supply and demand.

When these Iraqis come, they will definitely come with a certain background. They will come with qualifications. Some of them are doctors, some of them are teachers, and some of them are nurses. With those qualifications, all they need is to assimilate with the country, and this is the whole objective of taking people into Canada. It's the labour force that you need. Yes, of course there is a humanitarian issue, for which Canadians are on top of the list because they sense it more than anybody else. I would imagine this is because of their background or because of their nature, maybe. But it's all these things together. It is true, sir, that these people will come and contribute to the well-being of this country.

Now, you say there is suffering elsewhere in the world. This is true. As long as there is human nature, we will be fighting each other, unfortunately, and there will be suffering and refugees. The human population is increasing, and there will be shortages of this and shortages of that. There will be local wars. That situation will continue.

Five years ago this situation did not exist, but now because of the...I will call it invasion, it has happened. Now we are facing a problem. It's a tragic problem.

• (1055)

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

We are now going to proceed with a second round of exactly three minutes, to keep to our schedule.

Mr. Telegdi.

[English]

**Hon. Andrew Telegdi:** Thank you very much, Mr. Chair.

Let me welcome Mr. Harvey to the committee. I haven't seen him before. I've been on this committee for 10 years.

He raised an interesting issue. He says that the Liberals haven't done anything. Let me just say that one of the things the Liberals did do was resolve a huge crisis that existed in IRB, with the number of people on the backlog. We had it down to a record low of 20,000 people on the backlog and we had 10 vacancies on the 160-member board.

This government has created a crisis on the board. There are 58 vacancies. The backlog right now is at a record high. From the 20,000 we had it down to, it's at 42,300, and it's projected to be going to 62,300, according to the IRB.

So I thought we made a major accomplishment. We depoliticized the system, and the Conservatives came along and totally destroyed it and politicized the system. Refugee stuff should not be partisan. I agree with you. It should be Canadian. But unfortunately, the mindset of the neo-conservatives is really at the forefront on this issue. I raise that because I think that's a very important point to make.

Mr. Harvey, welcome to the committee, but please do not invent information, and maybe you want to reflect on what the information is.

I had a staff member who worked with me for a long time. His name is Mohamed Hamoodi. He had nine members of his family wiped out when they were looking for Chemical Ali. They thought they were bombing Chemical Ali, but they bombed a bunker, with bunker buster bombs, where his family was taking shelter.

The horrors of what has happened to Iraq, which was the cradle of civilization, are just unbelievable. We have to push and push hard. We need big numbers of refugees coming in, because not only are we helping the immediate situation there, but we are also helping the situation in the Middle East. The Iraqi refugee problem is unsettling the whole region.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** You have 30 seconds left.

[English]

**Hon. Andrew Telegdi:** [*Inaudible—Editor*]...IRB, the refugee appeal division, which we were going to put in when we got the backlog down, and the Conservatives have now driven it up from 20,000 to 60,000. Shame.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you.

Mr. Carrier, you have three brief minutes.

**Mr. Robert Carrier:** Thank you, Mr. Chair.

I have followed the committee since the beginning of last week, starting in Vancouver, to here. I have seen the full scope of the regulations and the improvements that have to be made to the Immigration Act. Some of them have been addressed, concerning temporary workers, and there are complex situations to be resolved, so much so that we in the Bloc Québécois are wondering whether this issue should be dealt with in a specific bill, after serious study by the government, which is currently formed by the Conservatives.

I am surprised at the statement by a new member of the committee this morning, when he came in and said that his party wants to resolve the situation. His government wants to resolve immigration by adding a clause at the end of a bill concerning the budget. That seems immoral and hypocritical to me, on the part of a government.

I am now going to ask Mr. Thomas a question about his religion, whose followers are being persecuted in his country.

Do you think that you will be better able to settle here if we accept more refugees who belong to your religion? Is the settlement situation here sufficiently favourable to promote immigration or accept more refugees from your religious group who could adapt to Canada?

• (1100)

[English]

**Mr. Mowafaq Thomas:** Iraqis as a whole are very adaptable people, and for the Christians in particular, their religion has an impact on them of making them even more adaptable. Integration into the society for Iraqis is not difficult at all. Of course there is

some hardship. There is nothing easy in this life, but if there is a will, people will go for it.

If you look at the Iraqi immigrants who came to this country, all of them were able to assimilate very quickly into the society, integrate easily, whether they were Muslims or Christians. Of course, for the Christians it's easier, definitely. I wouldn't call it a Christian society but it's a Christian atmosphere. Let's call it an atmosphere. The atmosphere is there. When it's Christmas, they celebrate Christmas and they celebrate it together. When it's Easter, they celebrate it together. So there is an atmosphere for that, but it doesn't mean that Canada is a Christian country.

So assimilation will not be difficult. Even the churches are willing to play their part in helping these people. It's a humanitarian issue. It's not really that you want to bring somebody just for the sake of bringing somebody for a better life, for instance; it's a case of somebody whose life is in danger, somebody who is feeling his life is threatened.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you, Mr. Thomas. I want to keep three minutes for Mr. Harvey, in conclusion.

**Mr. Luc Harvey:** Yes, once again, it is quite ironic to hear my Liberal colleague boasting about his achievements. When they came to power, there were 50,000 people on the waiting list, and they grew that number to 800,000. If that's success, I'll pass on their kind of success.

As well, the law making an amendment seems to obfuscate it. At present, the law makes it a function of... It is somewhat like at the butcher shop: you take a number and you wait for it to come up. The bill we are proposing is designed to allow someone who deserves to be admitted faster, based on certain priorities, to be taken, for example someone in your situation, to select that person and place him or her at the top of the list.

What is important is that we be capable of analyzing, of seeing things as they are in a situation like the one in Iraq, of saying that there is a priority in Iraq, of taking groups and giving them priority, rather than waiting six or seven or eight years before being able to consider the applications by the people in the group. That is one of the priorities we are adopting. We are aware of, we are sensitive to your applications and we are making sure we will be able to give you a better result. The way things are being processed at present, by 2012 we will be saying that the waiting time will be about 10 years before we can process an immigration application, a refugee claim here in Canada. In 10 years, if it is an application... At that point we would be...

**The Vice-Chair (Mr. Thierry St-Cyr):** Just a minute, please.

Yes, Mr. Telegdi.

[English]

**Hon. Andrew Telegdi:** I have a point of order, Mr. Chairman.

As I said before, I welcome the new member, but to give out false information.... Refugees don't go in the backlog. If Canada wants to move refugees, they can do it very quickly. We should look to the Kosovars as the last example. We moved big numbers very quickly.

That is a point of order, because he is misinforming the committee.

[*Translation*]

**The Vice-Chair (Mr. Thierry St-Cyr):** Mr. Telegdi, you know very well that that is not in any way a point of order.

**Ms. Raymonde Folco:** A point of order, Mr. Chair.

**The Vice-Chair (Mr. Thierry St-Cyr):** Yes, Ms. Folco.

**Ms. Raymonde Folco:** I would like to add that there are now 60 vacancies on the Immigration and Refugee Board, which means that every day there are 60 refugees not being heard by the Board.

• (1105)

**The Vice-Chair (Mr. Thierry St-Cyr):** Ms. Folco, is that your point of order?

Mr. Harvey, you may continue.

**Mr. Luc Harvey:** There needs to be some housecleaning done in the immigration process. We are working on it. We are putting a lot of effort into moving things forward.

There is also another problem. We are in a minority situation, and the opposition parties are not helping us to help you. It is also important to understand that. As I explained when I first spoke to the previous group, my wife is an immigrant. She came when she was 11 years old. Her father gave her to a Canadian family. I am familiar with this situation. When it comes time to invite my mother-in-law or other family members to visit, I know that it means a lot of red tape. I know how much work it all is and most importantly I know how emotional it is. I can simply tell you that we are sensitive to this and we understand your needs. We will try to help you as best we can, to move things along.

Thank you for being here today.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

There is no time left for questions. I would like to thank the panellists who took part in our session.

We are now going to take a very short break so that the next group of witnesses can come forward to the table. I would ask the members not to go too far.

• (1105)

(Pause)

• (1110)

**The Vice-Chair (Mr. Thierry St-Cyr):** I would like to welcome the witnesses who are appearing before us today.

As you certainly know, you are at the House of Commons Standing Committee on Citizenship and Immigration.

You will have seven minutes to make an opening statement. I would warn you that this is very little time, much shorter than you might have thought. To assist you, when there is one minute remaining, I will signal you by raising one finger so you can wrap up. There will then be a questions and comments period with the members.

This morning we have Jill Hanley, Assistant Professor at the McGill School of Social Work, as an individual. From the Union des producteurs agricoles, we have the First Vice-President, Pierre

Lemieux, and H el ene Varvaressos, Director General of d'AGRIcarri eres, Comit e sectoriel de main-d'oeuvre de la production agricole. You may divide up the seven minutes available to you as you wish.

So we can start. Ms. Hanley, you have seven minutes.

[*English*]

**Dr. Jill Hanley (Assistant Professor, McGill School of Social Work, As an Individual):** Good afternoon, everyone. It's my pleasure to be here today.

I'm going to be focusing my comments on the temporary foreign worker program.

I'm here in my capacity as a researcher today. My comments are based on eight years of research done in collaboration with other university-based researchers and in cooperation with community organizations that give services to migrant workers.

Our research has focused on what we call precarious status migrant workers. These are people who come to Canada not as permanent residents but with a range of temporary statuses ranging from undocumented to trafficked to temporary foreign workers, and we actually see that often people who are permanent residents feel themselves to be precarious in terms of their permanent right to stay in Canada.

What I want to express very strongly is a concern about the temporary foreign worker program being used to expand the bringing to Canada of workers without giving them permanent status here. Our work on precarious status workers has clearly demonstrated that there is a problem with these workers' feeling that they have the full rights of Canadian workers. We see that in labour rights, health, education, family separation and reunification, sense of belonging, and unionization—in all of these areas—temporary foreign workers face major barriers. Sometimes the barriers are legal—they are excluded in policy from certain benefits—and sometimes it's the conditions of their work, or their fear of ultimate deportation or refusal of an eventual permanent status here in Canada.

What we are concerned about is that if a temporary foreign worker program, coupled with the Canadian experience class, is being seen as a way to make our immigration system more responsive to the labour market, we feel it has long-term implications. When people come as temporary foreign workers—and under the Canadian experience class it's being suggested that for two years they stay on this status before being able to become permanent residents—in those two years they are not eligible for settlement services. We see that this has a long-term impact on people.

It's also very difficult for people, especially in the low-skill categories, to be accompanied by their families on this status, and having a two-year or longer.... So far, for live-in caregivers, whose program has basically the same structure as the temporary foreign worker program, plus the CEC, we see that they often have four years or more of separation from their family.

I question the wisdom of using a temporary foreign worker program in a wider sense. I feel that it has human rights and social rights implications that are negative for Canada and for the people coming under this program. I would like to see that, rather than our using temporary foreign workers, people who are able to work in Canada and have job offers be offered permanent residency status.

We see that the Canadian permanent residency point system is very skewed towards high-skilled, highly educated migrants, when in fact in our economy we have high demand for lower-skilled migrants. Those who come in as permanent residents usually end up in the lower-skill types of jobs anyway, so we feel there's a disconnect between the exclusive evaluation of the permanent residency and the demand in the labour market.

To summarize, I hope people have questions, but basically in my research everything I've seen about the social rights implications for temporary foreign workers seems to indicate that the very temporary nature of their status creates barriers for their human and social rights. I feel that the objectives of Canada in immigration and social development can be met just as easily by giving these people permanent status from the get-go.

• (1115)

I think most provinces are interested in increasing immigration that is tied to employment and that this can be coupled with a policy to give permanent residency upon arrival to people who have job offers. And this would better respond to all the human rights and social rights concerns they have.

I've tried to make it brief, but that's the main point of what I would look at.

[*Translation*]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

Now it is Mr. Lemieux's or Ms. Varvaressos' turn.

You have seven minutes.

**Mr. Pierre Lemieux (First Vice-President, Union des producteurs agricoles):** Good morning, everyone.

The UPA is an association of two kinds of groups. There are regional federations, based on geography, and production groups, in which producers choose to join together to market their agricultural products.

The UPA relies on the direct commitment of more than 3,000 producers acting as its administrators. Year in and year out, the 50,000 farmers in Quebec invest over \$600 million in the economy of Quebec. As well, there are 35,000 forestry producers, who harvest about eight million cubic metres of wood annually, for a total value of some \$450 million, thus contributing to the 16,000 jobs created by the forestry industry in the regions.

Over 30,000 agricultural enterprises, the majority of them family farms, create employment for about 59,000 people. The Union des producteurs agricoles is involved in the issue of temporary agricultural workers through a non-profit corporation set up by the UPA. The corporation is overseen by the board of directors and members of the general council of the UPA. The corporation has a

Director General, H el ene Varvaressos, and is one of the 30 sectoral workforce committees in Quebec.

I am going to ask Ms. Varvaressos to present the rest of the brief.

**Ms. H el ene Varvaressos (Director General, AGRICarri eres, Comit e sectoriel de main-d'oeuvre de la production agricole, Union des producteurs agricoles):** Good morning, everyone.

In Quebec, the demand for foreign workers has increased dramatically because of labour shortages. In 2007, according to data from Service Canada, there were about 5,175 foreign temporary agricultural workers from Mexico, the Caribbean and Guatemala in Quebec.

Over the past several years, a number of changes have been made to foreign temporary worker programs in order to improve the tools and processes. Programs that were generally reserved to horticultural operations are now open to all agricultural production Quebec.

The UPA has signed agreements with Service Canada to have the regional farm employment centres, 14 of which are located in Quebec, analyze foreign worker applications in order to meet the needs of producers.

The changes being proposed by the Canadian government are worth considering and designed to support the agricultural production sector. We are pleased to be able to rely on the Foreign Worker Program to stabilize the labour requirements of farming operations.

The first and most important point, in our view, is the large number of foreign temporary workers in a single workplace, on farms which in many cases are isolated. That calls for special measures to ensure that these workers are properly integrated.

The UPA believes that farms need more support with their approach to human resources. The farm employment centres that have already been set up in the region can play a valuable role in establishing a network for sharing best practices, success stories and concerns relating to hiring foreign temporary workers.

We want to explore the possibility of playing an active role in introducing a voluntary conciliation process to solve labour relations problems between employers and foreign temporary workers and providing training for employers and supervisors. The farm employment centres could play a valuable role in this area.

The second important factor is integrating foreign temporary workers into rural communities. Integrating several thousand workers into small villages in Quebec presents challenges and can have a significant impact on the local population and settlement services provided to the workers. Employers and communities do not have the tools to do this properly. We therefore propose that the governments concerned provide rural communities with the means to help them settle and integrate foreign temporary workers as best they can, so as to facilitate dialogue with local residents.

The third important point concerning changes to the Foreign Worker Program is to improve the tools and processes. There are no fewer than 13 different institutional players involved at one point or another in the foreign temporary worker application process. The process has to be streamlined and duplication eliminated.

There are currently 5,000 foreign temporary workers and it is anticipated that this number will grow significantly. Given the current capacity of the system, we seriously question its ability to meet the needs adequately without the quality of service declining.

One of the major improvements made by the federal government is on-line posting of employers' notices. We seriously question the usefulness of this approach because high-speed Internet access is not widely available in rural areas. At present, the farm employment centres are helping producers submit their postings. We propose that Service Canada maintain the agreements with the farm employment centres to help producers submit their foreign worker postings.

Because farms do not have human resources specialists in their field, they need outside resources. We recommend that simplified management guides be offered, because at present it is very difficult for people to find their way around them at present. We would also like to see more information on foreign recruitment opportunities. At present, employers are left to their own devices and have to do their own recruiting, and this is not always easy.

We also recommend that the transition from temporary worker to permanent resident status be made easier. At present, some foreign temporary workers, for example from Mexico, have been here for 10 or 15 years. If we want to have them immigrate, immigration constraints and criteria do not favour them, and that is unfortunate, because they are exceptional potential immigrants since they already have work experience and experience with Quebec.

• (1120)

In conclusion, the agriculture sector hopes that it can continue to rely on the Foreign Worker Program. Special attention must be given to the situation of foreign workers because of their vulnerability. The media pay a great deal of attention to this issue, but the government has to properly support businesses to show the public that the program generates benefits.

Obviously I would like to address other aspects, but I will close by reminding you that seasonal agricultural workers are important to the agriculture industry. It is those workers who enable it to expand. Canada's social policies leave it with some gaps in measures to support hiring seasonal agricultural workers and ensuring their loyalty to businesses.

• (1125)

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you. You will certainly have an opportunity to expand on your views during the question period.

To start the second round off well, we will go to Ms. Folco. You have six minutes.

**Ms. Raymonde Folco:** Thank you, Mr. Chair.

Welcome. I am very happy to see all three of you here because agricultural workers are something I have been concerned about for several years. I have met with people in the past who wanted to join

unions. We know that there have been problems in this regard in the past.

Ms. Varvaressos, what does the UPA think about agricultural workers having the opportunity to unionize while they are in Canada? Mr. Lemieux can answer too, if he likes. I would ask you to answer briefly, because our time is limited.

**Mr. Pierre Lemieux:** The Union des producteurs agricoles has not necessarily taken a position; it is neither for nor against unionization for agricultural workers. The normal employer-employee relationship applies...

**Ms. Raymonde Folco:** It is up to the employer to decide terms and so on.

**Mr. Pierre Lemieux:** There still has to be attention paid to the terms. Certainly we try to offer the workers the best possible terms, whether regarding the workplace or other aspects. We offer our people a lot of training. In any event, or organization does not want to get into a debate about unionizing.

**Ms. Raymonde Folco:** Ms. Hanley?

**Dr. Jill Hanley:** We have done interviews with agricultural workers. The fact that their status is temporary and is tied directly to the employer affects the level of confidence they have for taking the risk of trying to unionize. As well, most provinces in Canada set up legal barriers to unionizing, particularly for seasonal agricultural workers. What the employer wants is one thing, but the fact that they are temporary workers prevents them from unionizing freely.

**Ms. Raymonde Folco:** Thank you. I know it's a problem and that's why I wanted to raise it.

In relation to agricultural workers, I am very enthusiastic about the recommendation made by Ms. Varvaressos in relation to diversifying the jobs available. You have already diversified outside the horticultural industry, an industry that is in great demand in my riding, Laval—Les Îles. As you know, that is where we have the Route des Fleurs. So you have moved more broadly toward all agricultural workers.

I would just like the other players to be able to take part in the process. We don't need to have multiple layers here, but different people have to be able to act as intermediaries between a worker who is in a foreign country and the employer here in Canada. In other words, if a new business owner wants to get involved in the process, is it entitled to do so or does it have to go through one or two people who then work with the various consulates and embassies?

**Ms. Hélène Varvaressos:** That is possible at present, under the Service Canada rules. In fact, there is a kind of fast track. Some horticultural producers have adopted a mechanism—FERME—to facilitate recruiting abroad. In agriculture, the only way to recruit abroad, for example in Mexico, Guatemala and the Caribbean, is to go through a group that has taken on a specialized role as intermediary.

We think this is somewhat unfortunate. Employers would like to do their own recruiting, but there is no information available about where to go, the people to talk to or groups that are credible. As well, people wonder whether work visas for Canada are going to be issued once they are here.

• (1130)

**Ms. Raymonde Folco:** Any monopoly is dangerous, in my view, and that includes government monopolies.

On the question of working conditions, I have heard absolutely horrible stories in Quebec. People I have met have described situations that are close to slavery.

Ms. Varvaessos, has the UPA board of directors taken measures in this regard? Do you have rules? When it comes to working conditions, I am not talking just about how these people are isolated, but also about how they are treated and the wages they are offered. Are they entitled to make phone calls, how many people are there per bedroom, and so on?

**Ms. Hélène Varvaessos:** In fact, the UPA has been working on this issue for 20 years, together with its partner organizations. Guidelines have been established. The UPA, which is one of the partners, in fact proposed at the outset that housing standards be put in place.

As well, the farm employment centres help producers in the regions determine what working conditions will facilitate the settlement of foreign temporary workers in the present circumstances. Consulates and governments are also involved.

**Ms. Raymonde Folco:** To what extent are these people...

**The Vice-Chair (Mr. Thierry St-Cyr):** Unfortunately, Ms. Folco, your time is up. I even gave you a few seconds extra so we could hear the answer.

Mr. Carrier, you have six minutes.

**Mr. Robert Carrier:** Thank you.

I would like to welcome you. I am very pleased that you are here. The seasonal agricultural workers program is the one that the Quebec public is most familiar with.

Earlier you said, Ms. Varvaessos, that you expected more from the federal government with respect to [*Editorial note: inaudible*] businesses. I did not quite get your answer. Could you give us some more details on that?

**Ms. Hélène Varvaessos:** I was essentially talking about human resources management. On a medium-sized farm, there is no human resources department. The "human resources" function is really not very sophisticated in those businesses. We are talking about small and medium-sized businesses here. There are outside resources. The farm employment centres, for example, that help producers develop their human resources, are supported in part by the government, but not enough.

One of the important aspects of our work involves developing the full range of human resources management. That calls for outside resources. We think that the farm employment centres can play an important role in human resources development in farming operations. Obviously this calls for financial resources, for support,

and so on. In our brief, we stress assistance for human resources management. There have to be outside resources to help businesses develop and manage their human resources.

**Mr. Robert Carrier:** You said that the number of temporary workers was 5,175 at the moment. Does that meet your demand?

**Ms. Hélène Varvaessos:** Yes, for the moment, needs are being met.

**Mr. Robert Carrier:** And that's satisfactory?

**Ms. Hélène Varvaessos:** Yes, that is the case for foreign temporary workers. On the other hand, we have to make quite extensive use of foreign temporary workers in agriculture because there are problems recruiting local workers. We try to warn businesses not to put all their eggs in one basket. An alternative has to be found. You can't depend on a single pool of labour. Unfortunately, recruiting local workers is more of a problem than hiring foreign workers.

**Mr. Robert Carrier:** Some witnesses suggested that permanent residence be granted to temporary workers who come back every year. That suggestion seems to correspond to what people in this sector want. These workers would be prepared to live here permanently rather than working on contract every year, leaving Canada and coming back. Do you observe the same phenomena among your agricultural workers, in Quebec?

• (1135)

**Ms. Hélène Varvaessos:** Absolutely. It isn't widespread, but still some requests are made to us. We have tried to refer people to the relevant government department, but it wasn't easy. There are no instructions available for helping foreign temporary workers made an immigration application. In fact, we have made a recommendation to that effect on several occasions. A way should be found of explaining to people that it's possible, but in reality the criteria that would be favourable to this kind of immigration are not in effect.

**Mr. Robert Carrier:** What percentage of workers would be interested in staying here permanently rather than returning to their country every year?

**Ms. Hélène Varvaessos:** We have never done an analysis on that. So we don't have any figures.

**Mr. Pierre Lemieux:** We know that quite often our agricultural workers do not even meet the basic admissibility criteria. I think that in future it might be worthwhile to develop this gateway, to enable these people to become Canadian citizens. Eventually, they would have access to the same training mechanisms as the others and work for other employers. It would be an additional gateway.

**Mr. Robert Carrier:** Dr. Hanley, did you want to add something?

**Dr. Jill Hanley:** Yes. It is very important that both parties agree on the fact that the permanent residence criteria in many cases exclude people who ordinarily do this kind of unspecialized work.

We are talking about working conditions and the status of agricultural workers. Employers most for the most part behave properly, but when they don't, the fact that the workers are seasonal and they really want to be hired back the next year keeps them from filing complaints. I have conducted interviews with a number of agricultural workers, and they told me they simply could not imagine filing a complaint with the Commission des normes du travail or the CSST. They believed it was extremely difficult. I think only one worker has succeeded in doing this in Quebec.

The fact that these people are afraid of not getting hired back the next year and that recruiting for all of the employers is done by the same person is a real barrier. Even if a majority of employers behave properly, the ones whose conduct is unacceptable can be prevented from continuing to act as they do by giving these workers permanent status.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you.

Ms. Chow, you have six minutes.

[English]

**Ms. Olivia Chow:** Thank you.

We know the problem; we've heard it throughout, from other cities. Some of the recommendations said to make sure that the recruiters don't charge money and are legitimate. For the temporary foreign workers, we have to ensure that when they come into Canada there will be an orientation session, that there will be checking to make sure the employers are not exploiting them, etc.

Coming back, I'd like to ask Ms. Hanley about the point system that was changed. Perhaps you can give us some historical perspective, because the categories—A, B, C, D—used to be fairly balanced. Now, in the low-skill categories—the C and D, and especially the D—they are hardly given any points. As a result, we see that most of the people coming to Canada would have to speak fluent English or French, plus have degrees, etc.

When did that change take place? What was the reason that change was made to happen? In the 1980s it wasn't the case; it was in the mid-nineties that I noticed it was beginning to go up. At that time, what was the rationale for the Canadian government—I think at that time it was the Liberal Party—to make that change?

What then happened was that the number of temporary foreign workers went up, and then the undocumented workers also went up, because there was no queue for some of these people to come in by.

• (1140)

**Dr. Jill Hanley:** Historically, it's interesting to look at the StatsCan longitudinal study on immigration that came out last year, which showed that the immigrants who came in the 1950s, 1960s, and 1970s, who were from a broader range of educational background, did better in terms of integration. There were many more blue-collar workers who came at that time, and they got blue-collar jobs. For them it wasn't a drop in status; it wasn't depressing.

It has to be said as well that at that time blue-collar jobs were better paid and were unionized, as opposed to now.

**Ms. Olivia Chow:** I've seen those statistics.

**Dr. Jill Hanley:** It's important to look at that difference. In the mid-1990s there was a lot of debate about why this had changed. Some would say that it was a reaction to the recession that happened at the beginning of the 1990s and some concern that they hadn't lowered the rate of immigration at that time, and also I think partly just preconceptions about what... Immigration was changing more and more to be people from the racialized south, and there was a fear that Canada would not be able to integrate people who were seen as so different from the average Canadian. So by having high educational criteria, people maybe felt that they would be more like Canadians, although if you look at our profile, it's not the case.

I don't think there was a really good economic or sound social planning reason behind it, other than to say that we want the cream of the crop, without it really fitting the Canadian social network.

**Ms. Olivia Chow:** What year was that?

**Dr. Jill Hanley:** I'm not sure of the exact year.

**Ms. Olivia Chow:** It was the late 1990s. I think it was around that time.

In Quebec, for example, the forestry industry has been decimated. There is a large number of unemployed, and in the manufacturing industry also, a lot of older workers are unemployed. There really hasn't been much of a training program to help people find some alternatives, and so we're seeing in some parts of Quebec that people are going to Alberta for the oil sands, and yet in the meantime we're bringing in temporary foreign workers.

So some part of me says, okay, that doesn't quite work, because it's really depressing the wages and lowering the wages. And you have high unemployment in some regions; in other regions we need a lot of workers, and in the meantime, they're not coming in as landed immigrants. As a result, they come back year after year and they never get a chance to stay here permanently. They don't have health care, they don't have labour rights, etc. They can't bring their families into Canada, and they're separated from their families eight months of the year.

**Dr. Jill Hanley:** This is why a lot of people are asking whether there really is a labour shortage in Canada to fill these kinds of jobs, or is it the conditions of the jobs that are blocking people here who are unemployed from taking them up.

I was at the National Metropolis Conference this weekend, and there were people from HRSDC and CIC who were saying that the temporary foreign worker program only responds to employer demand, that there's no government plan behind it, and that there is a feeling on the part of employers that temporary foreign workers are quick—the people come in, they do what they ask them to do, and when they are no longer needed, they're gone.

So I think it's a reflection of just-in-time management on an international scale without a look at the long-term needs of Canada to integrate people. The other immigration goals we have are to build a society that is diverse and strong and has a workforce that is healthy.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much. Unfortunately, I have to stop you.

Mr. Harvey, you have six minutes.

**Mr. Luc Harvey:** I would like to thank you for being here today.

This is the first time I have sat on this committee and I am pleased to have an opportunity to see how things work in Quebec and Canada in relation to immigrants.

Mr. Lemieux, I would like you to describe for me how the hiring process works. If you needed 25 workers tomorrow morning, what would you do?

• (1145)

**Mr. Pierre Lemieux:** I would contact the people at my farm employment centre in the region and I would ask them to help me find 25 employees. As producers, we need seasonal labour, primarily during specific peak periods. First, there is the planting period, then harvesting, when there is a very substantial need for labour.

As far as the process, the people at the farm employment centres try to find us local workers, but very often their response is not fast enough. That is why we bring in workers from outside, whom we are authorized to employ. There are certain basic criteria, however. We still have to demonstrate that there is a shortage of workers locally before we can hire foreign workers.

**Mr. Luc Harvey:** Do you pay them the same rate as local workers?

**Mr. Pierre Lemieux:** Yes. Under our farm employment centres policy, the same criteria and the same conditions of employment apply.

**Mr. Luc Harvey:** Do they pay employment insurance and CSST premiums, for example?

**Mr. Pierre Lemieux:** Yes.

**Mr. Luc Harvey:** Okay.

Sylvie Gravel told us earlier that there was a lot of harm: there is practically 20 times more cancer among foreign workers than among local workers.

**Mr. Pierre Lemieux:** Twenty times?

**Mr. Luc Harvey:** Twenty times higher.

**Mr. Pierre Lemieux:** You're talking about productivity?

**Mr. Luc Harvey:** No, I'm talking about cancer or cancerous conditions.

Have you seen cases where people have lost a hand or fingers, but didn't report it and they were put on a plane and sent back home?

**Mr. Pierre Lemieux:** No, not to my knowledge.

Ms. Varvaressos?

**Ms. Hélène Varvaressos:** Are you talking about cancers that developed here?

**Mr. Luc Harvey:** Yes. According to Ms. Gravel, that is what studies show.

**Dr. Jill Hanley:** Her research dealt with migrant workers in general. That is something I have seen among home help workers. The Jewish General Hospital has even set up a working group on cancer in women. It has something to do with stress and the fact that these people have temporary status. They have trouble accessing

preventive health care and they are seen once the diseases are more advanced.

**Mr. Luc Harvey:** When Ms. Gravel talked about it, it seemed to relate more to temporary workers in the agricultural or forestry industries. That is how I understood it. You have nothing to report in that regard?

**Mr. Pierre Lemieux:** No. There are very few foreign agricultural workers in forestry. There are very few workers in that field. To my knowledge, there aren't any. That is not encouraged, either.

There are more foreign workers in agriculture. Those workers are there to do the harvest, that's it. In general, they are no more exposed to dangerous working conditions than the other employees. They all work together.

**Mr. Luc Harvey:** It's the same thing.

The Canada Labour Code applies to federally incorporated undertakings. Are you covered by the Quebec Labour Code or the Canada Labour Code.

**Ms. Hélène Varvaressos:** We are covered by the Quebec Labour Code.

**Mr. Luc Harvey:** Okay.

Does the service you receive from the federal government meet your needs?

**Ms. Hélène Varvaressos:** Are you talking about the Temporary Foreign Worker Program?

**Mr. Luc Harvey:** Yes. Does it meet your needs? Could it be improved?

**Ms. Hélène Varvaressos:** Some changes have been proposed and put into effect. They include the on-line application for foreign workers. Filling out a form on line when you live in a rural area is unrealistic, because there is virtually no high-speed service in Quebec. I imagine it is the same in the rest of Canada. It takes a long time and we are not ready to apply on line yet.

What is important is that we continue to help producers prepare their applications, get their paperwork together and assess the various options before thinking about the last resort solution, which is hiring foreign workers.

• (1150)

**Mr. Pierre Lemieux:** Particularly when the Quebec businesses are smaller than average. There are other factors too. We talked about training producers in human resources management. We have done that, but there is room for improvement.

Social integration in small communities is another factor. Quite often, we hear people saying that their conditions are not good, but they are not talking about their working conditions only. The area where they live after their workday does not offer many social activities. The small communities are not equipped to meet those needs. In future, we should put more emphasis on helping small communities so they can take in 200 to 300 foreign workers during a specific time of year.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much. We will move on to the second round.

Ms. Folco.

**Ms. Raymonde Folco:** Thank you, Mr. Chair.

I would like to come back to a question I asked before.

Ms. Varvaessos, you talked about the UPA and your group in particular, and how it is trying to establish criteria. Is disciplinary action taken against employers who do not comply with the criteria you have laid down yourselves? Do the employers know that if they don't comply with the criteria, they will be facing disciplinary action?

**Ms. Hélène Varvaessos:** Of course. Every year, we give employers training and information about the practices they have to adopt and about employment contracts. This is extremely well documented and monitored by Service Canada, by the consulates, and by FERME. There is a lot of oversight and the Temporary Foreign Workers Program is monitored very closely.

**Ms. Raymonde Folco:** And the disciplinary action that results?

**Ms. Hélène Varvaessos:** Yes. By disciplinary action, do you mean excluding someone from the program, for example? I have never seen that. We don't handle those things. Service Canada, the agency that takes the applications, probably steps in, in those cases. Service Canada and the consulate. The consulates are the ones that agree to the conditions of employment and how things will be done on the farms.

**Ms. Raymonde Folco:** I am going to put some information into the record.

Mr. Harvey asked a question about the various premiums that foreign workers have to pay, for example employment insurance. However, we have to remember that they do not receive employment insurance premiums because when the point at which they are unemployed comes, they go back to their countries.

So given that they are never eligible for employment insurance, I would recommend that they not have to pay premiums. I think this is important.

**Ms. Hélène Varvaessos:** We agree on that point. That is not a problem with the employer, it's a problem with the Canadian policy.

**Ms. Raymonde Folco:** Of course. We are going to be making recommendations, and I will take the opportunity to make mine.

Ms. Varvaessos, you read your recommendations out very quickly. I note that they are not in the leaflet you gave us. Could we get them in writing?

**Ms. Hélène Varvaessos:** We have prepared a brief. So I assume you will have it in the next few days.

**Ms. Raymonde Folco:** Thank you very much.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

Mr. Carrier, you have three minutes.

**Mr. Robert Carrier:** Thank you.

Mr. Lemieux, we were talking earlier about the possibility of agricultural workers unionizing. You seemed to tell us that there was no problem with that. A few days ago, we were told about a worker in Quebec who had made efforts to unionize. In theory, his ability to work toward that was recognized. The employer came back to work in Quebec year after year. But that year the Department of

Citizenship and Immigration denied him a work permit. He said that his usual employer was prepared to hire him back and there didn't seem to be a problem.

Can you give us any details about that case? I've forgotten the name.

**Mr. Pierre Lemieux:** This is the first time I've heard about that.

The UPA does not take a position on unionizing. We think it is the general rule of the unionizing process that applies to workers and employees. The AGRICarrières executive goes so far as to say that unionizing has good and bad sides. It is part of the social game.

• (1155)

**Mr. Robert Carrier:** Does Ms. Varvaessos have more information about this?

**Ms. Hélène Varvaessos:** You have raised the case of a worker who says he didn't get his work permit. You say that the employer was expecting him. I can't answer that. You should perhaps approach the government authorities.

**Mr. Robert Carrier:** That person had made efforts among the workers to unionize them. This case must be fairly well known. I didn't take notes, but in any event...

**Ms. Hélène Varvaessos:** Out of 5,000 workers... If you tell me as well that the employer wanted him to come, I don't know what happened.

**Mr. Robert Carrier:** So you are not aware of that case?

**Ms. Hélène Varvaessos:** No.

**Mr. Robert Carrier:** Are there unions among the people who work for your agricultural producers? Does this exist at any particular employer or group of employers?

**Ms. Hélène Varvaessos:** We did an analysis of the situation in terms of associations or unionizing in agriculture, at AGRICarrières, to determine exactly what the situation was. At the ministère du Travail, we identified 22 collective agreements relating to poultry farms, hog farms and greenhouses. Those collective agreements do exist. We hear a lot more about workers unionizing in greenhouse businesses. Foreign temporary workers have recently applied for certification in a greenhouse—I think it's Hydroserres Mirabel—and the temporary workers in that business succeeded in unionizing.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much. Unfortunately, I have to speak to Mr. Harvey. Perhaps he will leave you a little time to finish.

**Mr. Luc Harvey:** Go ahead, you have 30 seconds.

**Ms. Hélène Varvaessos:** I just want to say that on most farms, seasonal agricultural workers are prevented from unionizing under a Quebec regulation that says there have to be three employees working year-round before they can unionize. This year, there are three farms where Mexican workers tried to unionize, but they were prevented. At present, there is a proceeding to challenge that regulation. There may be unionized businesses, but most of the seasonal workers can't do that.

**Mr. Luc Harvey:** You have answered the question I wanted to ask. The problem with unionizing is more associated with the fact that it is seasonal work, is that right? On the other farms, are seasonal workers able to unionize? I don't know enough about unions to say whether they can do that, based on the periods covered. I don't think it is a problem associated with immigrant workers or anything. I think it's a problem associated with seasonal work.

**Ms. Hélène Varvaressos:** The only three applications for union certification we know about are applications by foreign temporary workers to be certified. The other collective agreements that exist were signed by local unions, for the most part. There are some that are affiliated with the FTQ, but they have never needed to go to court to exercise those rights. It's been settled within the business.

**Mr. Luc Harvey:** Have you heard anything about that, about seasonal workers wanting to unionize?

**Ms. Hélène Varvaressos:** We know about them. Those applications for union certification have been...

**Mr. Luc Harvey:** You say you have seen three?

**Ms. Hélène Varvaressos:** There have been three applications made that were... There were two that were ultimately rejected, and one that was approved.

**Mr. Luc Harvey:** It's the Quebec Labour that applies here.

**Ms. Hélène Varvaressos:** It's the exclusion that is in the Quebec Labour Code, yes.

**Mr. Pierre Lemieux:** The debate has a lot to do with unionizing the workers. We at AGRICarrières and the Union des producteurs agricoles are an intermediary between the workers and the employers. We try to improve relations as much as possible, to provide producers with personnel when they need them, whether locally or from outside.

AGRICarrières always tries to improve employers' training and knowledge and tell them that to keep productivity up, human resources have to be well treated and certain working conditions have to be in place. We even held a seminar in the spring to tell the employers that we think there are winning solutions, to have a productive workforce.

The objective behind all that is for agricultural producers to have workers, for them to be able to find and keep workers, whether the workers are foreign or local. They have to retain their workforce as long as possible. When the workers are well trained, there is automatically higher productivity. In addition, the agricultural producers are competing with a world market.

Quite often, agricultural employers would like to have a little better protection from the outside constraints that have led to the globalization of markets. Quite often, they also have to compete with employers in other countries. Quite often, they also have agricultural workers whose working conditions are far from glowing.

We agree with the social measures, but...

• (1200)

**The Vice-Chair (Mr. Thierry St-Cyr):** I am going to interrupt you Mr. Lemieux, because Dr. Hanley wanted to say something. I am going to give her a few seconds to respond.

**Dr. Jill Hanley:** We just have to point out that there is a big difference for temporary workers in all industries, in agriculture or others, between their rights under the law and their actual rights. Most of those rights depend on the worker. It is up to the worker to make a complaint or express a desire to unionize.

In Canada, because their status is completely dependent on the employer, it is very risky for them to do something that could be seen as being against the employer. For that reason, there is a lot of reluctance among temporary workers to unionize, to file complaints under employment standards or to ask the CSST to step in. We have to remember that their temporary status creates a difference between their rights under the law and their real rights.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

Thank you to everyone for taking part in this meeting.

Hon. members, for your information, lunch will be served in the Soulanges room. I would ask you to come back at 1:00 p. m. so that we can have as much time as possible to hear our guests this afternoon.

The meeting is adjourned.







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