



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 031 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Monday, April 14, 2008

—
Chair

Mr. Norman Doyle

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Citizenship and Immigration

Monday, April 14, 2008

• (1305)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): Order, please.

As we continue our cross-country meetings, I want to welcome here today Eugénie Depatie-Pelletier, a research associate of the Canada Research Chair on the International Law of Migration, University of Montreal.

As you're aware, we're the Standing Committee on Citizenship and Immigration of the House of Commons. We've been mandated to hold hearings on three very important items—temporary and foreign workers, immigration consultants, and Iraqi refugees. We will be meeting, hopefully, in all the provinces. We started in British Columbia and we're working our way east. Today it's here, and tomorrow Fredericton and Halifax, and on to St. John's, Newfoundland.

We're going to hear, by the time we're through, about 50 panels of witnesses who want to present their views on any of these items that we have been mandated to hear. Our committee, as you're aware, is made up of representatives from all parties in the House of Commons.

We want to welcome you and thank you for coming here today to make your views known. Generally when we have a panel, we will allow about seven minutes for individuals to present, and then we'll go to committee members who might want to make comments or ask questions. In your case today, of course, it's only one, so I don't think we're going to hold you to seven minutes.

You have a presentation to make, and we'd be very pleased and happy to hear your presentation. At the end of it all, we're going to write a report for the House of Commons, for the minister, with the help of our officials. We will be making recommendations to the minister on these three items that we've been mandated to hear. I would imagine these recommendations will be based upon what we've been hearing as we go.

So it's all yours. Take it away.

Thank you.

[Translation]

Ms. Eugénie Depatie-Pelletier (Research Associate, Canada Research Chair on International Law of Migration, University of Montreal, As an Individual): Good afternoon, and thank you for inviting me to make a presentation.

[English]

The Chair: If you want to, you can listen to French, by the way, on your little translator.

I'm sorry about the interruption. You go right ahead.

Ms. Eugénie Depatie-Pelletier: To be honest, I just presented it in Halifax to CIC and HRSDC officials last week, so I've the whole thing in English. I might as well present it in English, actually, I don't know, but the majority here are French.

The Chair: It doesn't make any difference. You go ahead and do it in the language you feel most comfortable.

[Translation]

Ms. Eugénie Depatie-Pelletier: All the research in this field and all the documentation are in English. All the concepts have been defined in English. It will be very difficult for me to translate into French as we go along. Since most of the parliamentarians are francophone, I'll make an effort. I didn't know there was interpretation. I've brought some copies which, in fact, contain a lot more statistics and details on all the Canadian programs. I'll nevertheless file the copies in French and English for those who want to delve into the issue by reading the article I sent you.

My presentation will consist of three parts. There is the normative framework, the international conventions, the Canadian Charter of Rights and Freedoms, Canada's statutes, the Immigration and Refugee Protection Act. In fact, three-quarters of my presentation and most of the things contained in this article concern administrative directives. The Immigration and Refugee Protection Act is touched upon, but very little in fact. I'm mainly concerned with the directives of Citizenship and Immigration Canada and Human Resources and Social Development Canada.

Canada signed the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery in 1957. I don't know whether you've had time to read some of the article, but this convention concerns four types of practices similar to slavery: debt bondage, serfdom, abusive marriage and abusive adoption. The convention defines them very clearly. It states that, if someone cannot change status and is, under the law or an agreement, required to reside with and work for a specific person, that person has servile status. These are individuals whose situation is humanly similar to that of slaves, under the UN convention.

As you'll see in the report I'm going to leave with you at the end, there are approximately 60 programs for temporary foreign workers in Canada. This is very complex and very heterogeneous.

I'm concerned more particularly with five of those 60 or so programs. My research shows that there are approximately nine programs in Canada for what are called unskilled jobs. Of those nine programs, five violate the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. Everyone is very familiar with three of them: the Live-in Caregiver Program, or LCP, the Seasonal Agricultural Workers Program, or SAWP, and the third, which is very much in fashion, the Pilot Project for Occupations Requiring Lower Levels of Formal Training.

In addition, two other programs violate the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. They are two programs established by Citizenship and Immigration Canada for foreign workers in unskilled jobs. They are authorized to work without work permits. There are two classes. The first concerns those that are called domestic workers who work for non-Canadians. That means that their employer is a foreign national in Canada, but these women are not subject to the Live-in Caregiver Program. However, they cannot change employers: they are required to live at the home of their employer in Canada. They are not free to change their status. They also have servile status.

The other type of program is for all temporary foreign workers in unskilled jobs who work for a foreign employer. For example, that could be a firm in China that pays them. Foreign workers whose employer is not Canadian can legally work in Canada without a permit. Those who have an unskilled job are not entitled to change status. They are required to work for that employer and, potentially, by contract, they may be required to reside at the home of an employer.

• (1310)

All these factors mean that there may be persons with servile status in Canada.

In Canadian terms, that means that the rights defined in section 2—which concerns the right of association—and section 7—which concerns the right to freedom and security of the person—of the Canadian Charter of Rights and Freedoms are vastly limited in the case of these persons in Canada.

In fact, the 25 pages of references are really interesting. You'll have to take a look at that. These programs were started in 1995. At first, they only concerned women from the Caribbean. Subsequently, they only concerned agricultural workers from the Caribbean. Now they concern all economic sectors of all countries. The origin of this program framework for invited workers dates back to 1955, before the Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms were passed. So it's a very old framework, and the courts have never been asked to consider the question whether these restrictions of rights and freedoms were justified in a free and democratic society within the meaning of section 1.

Lastly, I have studied this entire question. In the past 50 years, sociologists, anthropologists, political scientists and lawyers have studied the question and noted systematic violations of rights and systematic abuses, especially against domestic workers and agricultural workers. This is now happening in new sectors. There is little documentation, but the Alberta Federation of Labour has

gathered data on the subject. The Canadian Labour Congress has also done some work, but this is starting in other sectors. It has been years since sociologists surveyed cases in the agricultural sector.

You must go and look at the references at the end. However, all the newspaper articles are missing. I didn't have the time to insert them, because there are an enormous number of them. The systematic abuses are always typical cases. These involve, for example, individuals confined to the farm for seven months, who must work seven days a week, who do not have 15-minute breaks, who are not entitled to water, and so on.

I know you've heard a lot of presentations on cases involving domestic workers. So I won't dwell on that; I'll move on to the other type of violation. People bring in individuals from so-called "white" countries, such as Australia, United States, New Zealand, Armenia, the Czech Republic, all the European countries and what is called the white Commonwealth. They bring in unskilled workers who work as domestic or agricultural workers, but they aren't given open or semi-open permits; there are administrative restrictions. However, if workers are unfortunate enough to come from a poor country, they are given highly restrictive permits, permits that will subject them to servile status in Canada.

There is also a violation of equality rights among unskilled workers themselves, that is to say the right not to be subjected to discrimination on the basis of country of origin. There may be Australians and Guatemaltecs in agricultural sectors in Alberta, but the Guatemaltecs will have permits reducing them to servile status, whereas the Australians will have open permits and will be able to change employers and employment sectors.

• (1315)

All that to say that there is discrimination based on country of origin. That is illegal under the Charter. Considering, obviously, the scope of the human rights violations, what I'm saying is that these aren't appropriate or even proportionate measures, regardless of the policy objective that might originally justify treating Guatemaltecs and Mexicans in one way and treating French, Australians and Romanians in another way. So there is a form of racialization.

The other thing, obviously, is another type of discrimination, again based on the right to equality, but which more concerns discrimination based on gender; that is to say that we in Canada have decided to give more human rights to individuals who have... In fact, this is a kind of devaluing of female qualifications in sectors such as the care of elderly persons, child care, domestic work and so on. There is a devaluing of these tasks. As a result, we give less, we recognize fewer human rights and we give less protection to the human rights of individuals in that class, who have these kinds of qualifications, and we value other types of qualifications such as, for example, engineering degrees and so on. The rights of those who have engineering degrees, those who come to support our country in that field, not only human rights, such as, for example, the right to be able to change employers, and so on, but also the right to bring in one's family and the right to immigrate upon arrival, that is to say the independent right to seek permanent status.

As regards other types of workers who are as much in demand in Canada, if not more so, such as caregivers and those who provide home care, home care workers, we don't even recognize their human rights, that is to say we don't even allow them to change employers, even in cases where employers often violate their rights every day. But these women obviously won't risk... What's happening is that they technically have the opportunity to leave a job. However, that means jeopardizing the opportunity to work in Canada, to have permanent status in Canada. It's these kinds of things that these women can't really consider as an option.

In the recognition of temporary family reunification rights, that is to say the right to bring in one's family during the worker's stay in Canada, and also with regard to recognition of the right to seek permanent status, we see that there is discrimination based on gender, on sex, and also on the basis of certain countries of origin. For example, Guatemaltecs are commonly labourers, and most Guatemaltecs in Canada are never entitled to immigrate permanently. So there's a correlation between the type of qualifications and the country and type of qualifications and gender, as a result of which, even if these are workers who are increasingly needed in Canada...

I work in demography. We know that the population is aging, that there will be shortages in various employment sectors. In agriculture, the matter isn't complicated. Since 1955, labour shortages have been increasing. The same is true of work in the home, since women now work outside the home. This is a completely new economic step that we're preparing to take, not to mention the aging of the population and the fact that there will now be more home care. This is a sector that will begin to expand.

Instead of granting the right to immigrate based on the needs of the Canadian economy, there is discrimination. So we can keep these workers in place for years. I know of the case of someone who has worked in the fields in Canada for 27 years, but has no rights, no recognition in terms of belonging to Canada.

That was a brief summary of the issue concerning the Canadian Charter, and to tell you in what way these five programs violate the Canadian Charter, that is to say freedom of association, the right to freedom and security of the person and, lastly, the right to equality, that is to say to non-discrimination based on gender and country of origin.

What is happening is that, in addition to the Slavery Convention and the Canadian Charter, there is also another convention, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. That convention isn't too much to take. We're talking about minimum standards for the protection of human rights. Canada hasn't ratified it for a billion reasons, more or less. I conducted a study for UNESCO and the reasons why Canada hadn't ratified the convention. You can consult it in the references.

• (1320)

[*English*]

The Chair: Maybe we can have some interaction from the panel, if you don't mind.

Ms. Eugénie Depatie-Pelletier: Sure, or I could just close.

• (1325)

The Chair: Okay, if you want. That'll be around 15 or 16 minutes. You can have another minute.

[*Translation*]

Ms. Eugénie Depatie-Pelletier: I simply want to add that there is a convention. One of the most important things in the convention is that migrant workers, temporary workers, must not be authorized in sectors where it is illegal to unionize. In Ontario and Quebec, it is illegal to unionize in agriculture. So we're bringing in workers to work in sectors that are not yet properly regulated. The same is true in Quebec. Domestic workers are not entitled to CSST and are not automatically covered. The international convention specifically states that these people should not work in these sectors unless they are given protection.

I'll stop there, and I'm prepared to answer your questions.

[*English*]

The Chair: Good. Thank you. We appreciate it.

We have about 35 minutes. We can go seven minutes for each individual, if you want. We have five people. So you make up your mind which way you want to do it—you, Madame Folco, or whoever.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): First of all, thank you very much for coming forward and making your presentation.

I saw in your brief that you talked about farm workers, and I was shocked when I saw 60 years. Do we actually have somebody who has been a farm worker, coming in for 60 years? On page 4, you have 20, 40, or 60.

The Chair: On page 5 in French, okay.

Hon. Andrew Telegdi: On page 4 of the English translation, second line from the bottom.

Ms. Eugénie Depatie-Pelletier: No, no, what I'm saying—maybe it was a weird way of saying it. What I was trying to say in these parentheses is that whatever the number of years, these women will never be entitled to ask for permanent status. This is contrary to the LCP worker, to the live-in caregiver program. In the case of these women, if their employer doesn't authorize a switch to the LCP, they won't have any rights even after—

Hon. Andrew Telegdi: Okay, I understand.

I heard that for about 40 years people have come back under that program. Of course, they come, they work, and then they leave.

I'm really glad that you came and put this into this perspective, as we have heard about it. I've always had a certain misgiving about this temporary foreign worker program, because having people without the rights we are supposedly enjoying under the charter just doesn't seem to be quite right.

I would agree with you; I really have serious charter questions pertaining to the temporary foreign worker program. It reminds me of the time when we brought in the Chinese to build the railway; then, when that was done, we were going to shovel out the redundant.

There's a beautiful book out, written by Barbara Roberts, entitled *Whence they Came: Deportation from Canada, 1900-1935*. What it means is that where you came from is where you were deported to. It documents abuses that... I wish I had brought the book; I was looking at it on the weekend. It talked about domestics. If they were raped and complained, they would be deported for being women of loose morals.

The mindset that exists in this department has always bothered me. They operated in the shadows back in those times, and in many ways they're operating in the shadows now, outside of the supervision of Parliament, really, and certainly, as much as possible, of the courts. There's always been a reluctance by the department to be answerable to the courts, and every time they try to do something, they're trying to get back to the "good old days". I see this battle going on all the time.

This is what your presentation has very strongly reminded me of, and I would recommend that book to anybody around the table to read: *Whence they Came*, by Barbara Roberts. It really is a wonderful piece. I never cease to be shocked at how this happens.

The next question I have is, what kind of society are we building when we're relying more and more on temporary foreign workers? The issue that comes to my mind is the guest worker program in Germany and the problems it caused there. The other one is that with our present immigration system, 95% of the people who came here as immigrants at one point in time would not get in. I include people such as Frank Stronach of Magna International, Frank Hasenfratz, who's the head of Linamar Corporation, and also Mike Lazaridis, who invented the BlackBerry and employs 6,000 people. This strikes me. To me, it comes to asking what kind of country we are trying to build.

Do you have some comments on that?

• (1330)

Ms. Eugénie Dépatie-Pelletier: Yes, I do, actually.

In the document I will leave with you there are many more statistics. One thing we can see is that indeed there have been many more temporary foreign workers than foreign workers admitted as immigrants during the last 10 years. What is striking is how the temporary foreign worker program has increased in numbers. In Alberta last year, I believe there were more of them than there were of immigrants. So there's absolutely a switch going on.

One important thing—this is related to the point system, as you mentioned it—is that employers want people from all skill levels, and not temporarily, but they are forced to use the temporary foreign worker program. One important thing will have to be, for sure, to adapt the point system in order to maybe have this guest worker program only work for temporary labour shortages and not permanent labour shortages, whereby we put temporary people under temporary status.

Hon. Andrew Telegdi: The question then becomes that we have some low-skill jobs, which will always exist in Canada, jobs that Canadians now will not do. Surely, to my way of thinking, if we give these folks landed status and let them raise their families here, they have a much better quality of life and we as Canada become stronger for it.

In Waterloo we have two universities, and one thing I always notice when I go to the graduation programs, and the thing that never ceases to amaze me, is that in the most difficult programs at the university you always find a huge number of people who came here as refugees or as immigrants, because the kids recognize what an opportunity they have and do much better in a lot of ways than kids born here. We're losing that.

Do you have a comment?

Ms. Eugénie Dépatie-Pelletier: I totally agree.

In the appendix that I brought, which I'm going to leave with you, there's a list of recommendations that came out this year from community groups and human rights NGOs from Quebec. One of the main recommendations in terms of this temporary foreign worker program concerns the immigration system, the point system. So we have to see that this is related.

There's also one thing that I would like to say. Now we have the Canadian experience class program. Some of these temporary foreign workers are invited to apply for immigration. But one important thing that has to be understood here is that most human rights abuses of domestic workers are linked to the fact that there's an obligation to get the sponsorship from the employer. This is a mistake. I believe this is the wrong direction that PNPs, provincial nominee programs, are going in, and also this Canadian experience class program.

I'm not saying this is not good. If somebody is sponsored by an employer, that's great. Actually, that should count in the... However, if there's abuse—and there have been cases and cases of employers saying, "I never hired her. I don't know her"—all abused people are deported. I'm just saying that we also have to think about things that appear to be detailed. In this immigration category, I think it's important to say that workers unions and NGOs must be allowed to sponsor, as well as employers, so that we don't deport people who are abused.

• (1335)

The Chair: Mr. St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Thank you, Mr. Chairman.

Thank you for being here today, Ms. Depatie-Pelletier. You've submitted a very comprehensive brief to us. You had a lot of things to tell us.

I would like to go back over a few points. First, in your presentation, you emphasized what you present as items that simply contravene the Constitution and the Canadian Charter of Rights and Freedoms. No one here is judging, but you claim that these programs are simply unconstitutional.

Ms. Eugénie Depatie-Pelletier: Exactly. According to the Charter, rights and freedoms cannot be restricted in Canada. The government may limit rights and freedoms, but that must be demonstrably justified in a free and democratic society. In this case

Mr. Thierry St-Cyr: You claim that isn't the case.

Ms. Eugénie Depatie-Pelletier: Exactly. Furthermore, one of our main recommendations, which I'm going to leave with you, concerns the work permit that is currently linked to a single employer. It would be enough simply to limit it to an employment sector for everything to become constitutional and legal.

Mr. Thierry St-Cyr: I'm going to go back to that because the committee discusses the subject a lot.

To your knowledge, has the constitutional aspect of these programs been challenged in one way or another?

Ms. Eugénie Depatie-Pelletier: It has never been challenged yet.

Mr. Thierry St-Cyr: How do you explain that? You mentioned 55 or 57—

Ms. Eugénie Depatie-Pelletier: That's an excellent question.

It must be understood that we invest millions of dollars to integrate refugees and immigrants in Canada. Hundreds of NGOs and community groups are paid to support and assist these persons.

There's nothing for the temporary foreign workers we're talking about. Not one dollar is invested, ever.

I'm going to contradict myself. In the past four months, the Government of Alberta has created a new aid office because there are so many abuses that it does not know what to do. So that's the first time there's been recognition, that is to say a government office that I believe will have NGO funding.

Mr. Thierry St-Cyr: Ultimately, you're saying that this has never been challenged because no one can afford to do so.

Ms. Eugénie Depatie-Pelletier: These workers are involved in employment sectors that cannot be unionized. The unions have never been in those sectors. They've only started to enter them in the past few years.

Mr. Thierry St-Cyr: With regard to the parameters that sharply restrict the freedom of these temporary foreign workers, we've talked a lot about the fact that the visas were closed and that they are

assigned to one employer in particular. It seems clear to me that the situation makes no sense since it creates a disproportionate power relationship in the employer's favour.

That said, many employers have come and told us that some employers are indeed unscrupulous, but that a responsible employer nevertheless has to bear the costs associated with hiring a foreign worker, particularly for recruitment and transportation.

I think we should perhaps opt for an open visa in a field of employment because there are labour-management issues, but, if the person changes employers, that new employer should bear the cost of the previous employer to prevent that employer from incurring losses.

Do you find that restriction acceptable? Could it solve some of the problems?

Ms. Eugénie Depatie-Pelletier: In fact, I think that's a promising proposal. However, if an employer systematically abuses his employees and the employees leave him... You have to plan for mechanisms so that employers can't simply bring in someone else.

However, I think it could be a good idea to restrict employers by province. Don't let the person go to Alberta because workers there are better paid in a given area of employment, but if it's a provincial permit and—

• (1340)

Mr. Thierry St-Cyr: I understand what you mean. However, from the moment an employee changes employers and finds a better job, it's easier for that employee to take steps to report the former employer so that these practices cease.

Ms. Eugénie Depatie-Pelletier: Absolutely.

Mr. Thierry St-Cyr: Currently, that's virtually impossible.

If we simply remove the obligation for domestic workers to live at the employer's home, would that be enough to bring the program into line with our charters?

Ms. Eugénie Depatie-Pelletier: Two obligations must be removed for agricultural and domestic workers: the obligation to work for a single employer and the obligation to sleep at the employer's home. Why? No one will say it too loudly, but, according to a number of sociological studies done on domestic workers, an enormous number of employers taking part in the program don't want these workers to sleep at their homes.

Ultimately, the domestic worker and the employer could make arrangements by contract, but to say that, in Canada, a person breaks the law if she doesn't sleep at her employer's home, that makes things... As soon as workers leave for one night, they'll be afraid and feel they're in an illegal situation. If they are given the right to change employers, but are required to select from among the employers who want to take them, that makes their job search extremely difficult.

I think it's better for that to be optional. If the employer wants to impose it, so much the better. But since a lot of employers in the domestic worker program don't do it—

Mr. Thierry St-Cyr: I know it's not easy. You think it's a bad provision, and I tend to think so as well. Why was this kind of provision created? If it isn't to the advantage of the domestic workers or employers, is it really a heresy or bad faith? Why did the government originally propose this provision?

Ms. Eugénie Depatie-Pelletier: Approximately 70% of employers want someone who sleeps at their home. So this meets an employer need, but especially a need for an asymmetrical power relationship. Employers want to be able to ask someone, 24 hours a day, to take care of a baby that cries, for example, at three o'clock in the morning.

[English]

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

Mr. Blaney.

[Translation]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you very much, Mr. Chairman.

Thank you for welcoming me to the Citizenship and Immigration Committee. I want to say hello to the permanent members of the committee, to welcome them and wish them a productive trip. It's by going out into the field that you can gather a lot of information.

Without further ado, I'll turn to you, Ms. Depatie-Pelletier. Thank you for coming to meet with us. I was surprised at the tone of your remarks. The least we can say is that you are an immigration law expert. You have taken a fairly troubling reading of certain classes of workers. For example, according to the statistics, we took in more than 430,000 immigrants last year. The percentage of workers you referred to, who are not under an umbrella... I'd like to hear what you have to say on that subject.

Ms. Eugénie Depatie-Pelletier: When you say 400,000, were they all temporary residents?

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Especially don't make the same mistake as the Conservatives, Mr. Blaney.

Mr. Steven Blaney: I want to understand the scope of the problem.

Ms. Eugénie Depatie-Pelletier: To understand the scope—

Mr. Steven Blaney: I want to get an overall picture. I'm a neophyte.

Ms. Eugénie Depatie-Pelletier: There are approximately 400,000 temporary residents, which includes foreign students, refugee claimants, other types of temporary residents, that is to say diplomats, spouses of residents and so on, and what we call temporary foreign workers.

In 2006, 166,000 temporary foreign workers entered Canada. That number includes those who are authorized to come to Canada without a work permit and concerning whom we don't have any statistics. We don't know the number of domestic workers working for foreign nationals in Canada. In 2006, 51,000 workers were recruited through the Live-in Caregiver Program, the Seasonal Agricultural Worker Program and the Pilot Project for Occupations Requiring Lower Levels of Formal Training. That figure has been growing almost exponentially for 10 years. It continues to grow, but will reach a plateau at some point.

• (1345)

Mr. Steven Blaney: There are approximately 400,000 of these workers in Canada.

Ms. Eugénie Depatie-Pelletier: No, there are approximately 160,000. Of those 160,000, only 60,000 have servile status. All the others have open or semi-open permits.

Mr. Steven Blaney: I'm referring to the 400,000 immigrants who receive citizenship.

Ms. Eugénie Depatie-Pelletier: There are approximately 250,000 of those a year. Of that number, only 50,000 were chosen because they were workers.

Mr. Steven Blaney: All right, they are workers.

Ms. Eugénie Depatie-Pelletier: That number never changed between 1997 and 2007. We bring in 50,000 workers, who are selected for their qualifications. We bring in three times as many each year on temporary status.

Mr. Steven Blaney: I'm going to ask a question that will be of interest to Ms. Folco.

In 2002, we amended the Immigration and Refugee Protection Regulations. Could some of these points be addressed in a legislative revision?

Ms. Eugénie Depatie-Pelletier: In fact, there is one—

Mr. Steven Blaney: If so, why wasn't that done at that time?

Ms. Eugénie Depatie-Pelletier: Some sociologists and anthropologists have been trying to document the abuses for 50 years. It never really worked. However, there is now a critical mass of abuses. That is why the journalists and unions are getting involved. The NGOs are also beginning to take an interest in the issue. We're talking about individuals who are isolated in houses and in the fields. Consequently, they are socially isolated, and the abuses are hard to see and document.

I'll be honest with you. The act contains one element that, based on the slavery convention, seems unconstitutional. It is the regulatory obligation for domestic workers to reside at the employer's home. That's a parliamentary issue. However, all the rest of it comes under government administrative directives, which are not monitored to a great degree, even by the media.

CIC will ultimately do something, but, in forgetting that the province won't... A super combination of administrative restrictions limits the rights of these persons. It's the combination of those restrictions that's unconstitutional.

Mr. Steven Blaney: You say that the obligation for domestic workers to reside at the employer's home is a major irritant.

Ms. Eugénie Depatie-Pelletier: According to the slavery convention, that obligation places these persons in a situation equivalent to slavery.

Mr. Steven Blaney: Of the five situations you described, is this the most critical?

Ms. Eugénie Depatie-Pelletier: The workers recruited under the Live-in Caregiver Program and the Seasonal Agricultural Worker Program are also required to live at the homes of their employers. In Canada, domestic workers without permits who work for foreign employers are also required to live with those employers. These workers will automatically have servile status equivalent to slavery, whereas, for unskilled workers, that will depend on the contract. The restriction is not necessarily administrative in nature, but rather contractual. However, it is validated in administrative terms.

Mr. Steven Blaney: Thank you, Ms. Depatie-Pelletier.

[English]

The Chair: Thank you, Mr. Blaney.

Madam Folco, please.

[Translation]

Ms. Raymonde Folco: Thank you, Mr. Chairman.

I'm going to give the first minute to my colleague, who is good with figures. Perhaps he can put a little order in all this.

[English]

Hon. Andrew Telegdi: *Merci beaucoup, madame Folco.*

As a point of information, I want to point out the latest statistics, that there's something like 428,000 people who came in—indeed, my colleague Mr. Blaney is correct—but out of that, only 251,000 were actually landed. The other ones are students and temporary foreign workers.

The numbers of temporary foreign workers are on the rise, and that is what's so very frightening about what's happening right now. Is that the way we're going to make it, or are we going to do it by bringing in people as immigrants?

Thank you.

• (1350)

The Chair: Go ahead, Madam Folco.

[Translation]

Ms. Raymonde Folco: I'm going to continue in the same vein as my colleague, since the question I wanted to ask first concerned the open permit and the closed permit.

Ms. Depatie-Pelletier, I must admit to you that I found your presentation very interesting, because, in it, I heard a point of view that I have never heard before. And I've been interested in immigration for a long time.

Would it be possible—if you can't do so immediately, perhaps you could do it at another time—to let us know how many persons, in the past year or past five years, have obtained what you call open permits, compared to those who have obtained closed permits, and in what employment categories?

I find this extremely interesting. We in Canada have always boasted, at least in the past 40 years, that we have an immigration policy that supposedly did not take into account country of origin, religion, and so on, whereas we know very well that's not entirely the case.

The example you give shows precisely that that is not entirely the case, and I'd like to take a closer look at that aspect.

Furthermore, with regard to temporary workers, I'm pleased that my colleague Andrew Telegdi gave that figure. We're trying to tell the public that the government considers immigration figures as overall figures. All right, we can very well do that, but it is important to see, in that overall figure, how many individuals are entitled to stay in Canada, and thus who are really immigrants, and how many are here for a limited period of time, either because they haven't yet been accepted as refugees, or because they are different types of temporary workers. We really have to make the distinction.

Canada's policy, the aim of which is to go and quickly select qualified workers in a very specific way, wouldn't be bad if it were accompanied by a number of actions.

First, when these people arrive in Canada, is there really a job for them and are they entitled to get that job? Often there are jobs, but Company X doesn't let them get them. The connection with what happens once they have crossed the Atlantic or the Pacific is important.

Second, it seems that this is a policy that looks at Canada's demographic and economic future through glasses that only show the short term. I believe that the best immigration policy Canada has had was the one under which we let people come into the country with their families within a short period of time. I'm thinking of the old waves of immigration that came from Italy, Greece and so on in the 1950s and 1960s. Those people, because they were already with their families, were able to settle immediately, and their children went to school. All that made these people Canadians.

Third, I know that it isn't very popular to say this, but, last year, I organized an evening event in Ottawa to commemorate the 15th anniversary of the first arrival of domestic workers from the Caribbean, that is to say from Barbados and Jamaica. You can say bad things about that program, but you can say good things about it as well. The program helped show Canadians that the presence of people of colour in Canada perhaps wasn't a bad thing, that those people were like everyone else, that those women had the right to settle and to bring in their families and so on.

So that opened the immigration doors to what we now call people of colour. There are positive aspects to that kind of program.

I would like to hear your comments.

Ms. Eugénie Depatie-Pelletier: You touched on a lot of aspects, including the matter of the arrival of the women from the Caribbean, then of Caribbean men a little later for agriculture. At the time, Canada opened its doors to black immigration under pressure from the United Kingdom, to set an example for other Commonwealth countries so that we would accept more people from those countries, from the Caribbean. What I mean is that this was supposed to be a major anti-racist step. According to the Charter, however, we now treat them differently from whites. That's where there is still progress to be made. However, I entirely agree with you that that was an enormous step toward openness at the time and that it nevertheless gave rise to migration from racialized countries, as they say.

There are a number of studies, in particular a study by Statistics Canada, which explains that highly skilled immigrants who have recently arrived in Canada are now doing less and less well in entering the labour market. It must be understood that, in the past 10 years, there has also been exponential development in the recruitment of employers through the temporary program. It think that's related. I recently saw a presentation that explained that the employers aren't there, that they aren't very available when it comes to job entry programs for these immigrants who arrive in Canada. What must be understood is that, for the employers, it's much more advantageous to bring in people through the temporary program. Where they have servile status, we can understand why that might be interesting for an employer, but apart from that, things go much more quickly. That was given priority by the government over permanent immigration. In addition, if an employer wants to sponsor workers for permanent residence, that's extremely complicated. It's much more complicated than to do it for a temporary worker. That means that Canada's immigration system doesn't at all recognize labour market needs, if you will.

• (1355)

[English]

The Chair: I have to go to Mr. Carrier for the last five or six minutes.

Go ahead.

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): Thank you very much, Mr. Chairman.

Good afternoon, Ms. Depatie-Pelletier. You paint a different picture following the testimony of many witnesses received to date. I'm surprised. This is the first time I've heard that our legal practices may be similar to slavery. This is the first time I've heard that statement. A number of groups have definitely criticized the fact that temporary workers were exploited and victims of abuse. That was denounced on a number of occasions, except that here we have the term "slavery" in reference to a UN convention. That seems to me to be more serious.

Ms. Eugénie Depatie-Pelletier: On the one hand, there's all the documentation on abuses, which, I would say, occur increasingly, among other things, because there are now 20,000 domestic workers in Canada, compared to a few thousand at the time. The number of agricultural workers has also grown exponentially. There too the abuses are increasingly known. What is interesting with regard to the convention on practices similar to slavery is that that simply gives us an explanation. In fact, what the UN convention did was to sound the alarm to say that, when there is a certain type of legal framework, it's the equivalent of a condition of slavery. That ultimately explains why there have been so many abuses in the past 50 years.

All I'm saying is that five of our programs meet the convention definition. It would be quite simple to make it so they don't violate the convention by giving the workers either the right to immigrate from the moment they arrive or a work permit enabling them to change employers: one or the other.

Mr. Robert Carrier: I'm going to ask another question since the time is going by quickly.

Attention has often been drawn to an inconsistency between the two levels of government regarding the working conditions of temporary workers. Some interested parties at the provincial level say that the federal government should handle that since it's a federal program. At the federal level, they respond that labour standards are controlled by the provinces.

Is the situation we're currently experiencing, which wasn't necessarily desired, somewhat a consequence of this kind of legal void between the two levels of government? Could that void be reduced so as to correct the situation through a collaborative effort, no doubt a much greater one, between the government that issues a work permit and the one that receives those workers and undertakes to enforce labour standards respecting them?

• (1400)

Ms. Eugénie Depatie-Pelletier: You're entirely right. I'll try to be brief.

Ultimately, for tens of years now, the federal government's official excuse has been that this matter is a provincial jurisdiction. When asked the question, the provincial immigration departments don't even know what temporary workers are.

Ms. Raymonde Folco: Except in Quebec.

Ms. Eugénie Depatie-Pelletier: Exactly. It's new even in Quebec. There has been consultation. I spoke to a number of public servants who weren't even aware that the situation of these workers was different from that of immigrants. And yet Quebec has full jurisdiction in this field. Like all the other provinces, Quebec has always let the federal government handle these matters. Even though the federal government didn't have jurisdiction, it was always in touch with the foreign consulates that were supposed to supervise this area.

However, the foreign consulates were placed in competition with one another. The Guatemalteco government is trying to do... Perhaps we don't have the time to go into those details. Nevertheless, these workers aren't protected. A number of studies show that they would like to unionize. Why? Because agricultural workers, among others, say that their consulate can't protect them. The consulates' objective is to maintain good relations with employers so the latter don't go after Thais, Sir Lankans or Philipinos if they're not nice.

In conclusion, the federal government said that it left all that to the employers, if not to the consulates and the provinces.

[English]

The Chair: We'll give Mr. Carrier one last question, and then we have to wrap up.

[Translation]

Mr. Robert Carrier: Since you're a research expert, you've no doubt studied other countries that have a more unitarian government than our two-tier system of governance. In countries where there is a single responsibility, which are responsible both for issuing permits and for labour standards, are solutions easier to achieve and appropriate?

Ms. Eugénie Depatie-Pelletier: The answer is more or less no. The United States and Europe, where there are millions of unskilled migrant workers, focus on Africa, Eastern Europe and Mexico. It's a completely different dynamic: that of undocumented workers. There are 13 million undocumented workers in the United States and six to seven million in Europe. Those governments are facing other types... Ultimately, they operate through regularization. Canada's case is quite unique.

[English]

The Chair: Thank you very much for your presentation today. Thank you for coming. You've given us a lot of very interesting information. I'm sure it will be quite valuable when we do our recommendations.

We'll take a two-minute break to allow our next panel to come to the table. So grab a coffee, if you wish, or a juice or a cookie.

We'll be back in two minutes.

- _____ (Pause) _____
-
- (1405)

The Chair: Order, please.

We're creeping up now to five minutes past two o'clock, so in the interests of staying on schedule, I want to welcome our next panel: Mr. Marc-André Dowd, vice-president, Quebec Human Rights Commission and Youth Rights Commission, and Carole Fiset, human rights educator, education and cooperation; and Yvon Boudreau, representative and consultant, Quebec Chamber of Commerce.

Welcome to all of you.

I don't know if you're aware of how our committee works, but you generally have about seven minutes to make your opening statements, and then we will go to members, who will make comments or ask questions.

Whoever you wish to go first may begin.

Mr. Dowd.

[Translation]

Mr. Marc-André Dowd (Vice-President, Quebec Human Rights and Youth Rights Commission): Thank you, Mr. Chairman.

The Quebec Charter of Human Rights and Freedoms, the basic act passed by the National Assembly in 1975 which our commission is responsible for implementing, recognizes and guarantees the same rights to all persons residing in Quebec, regardless of gender, colour, ethnic or national origin or the length of time they're on Quebec soil.

In recent years, in response to requests for investigations, consultation and legal education activities, the commission was led to take a look at the situation of two groups of temporary foreign workers: the workers from the Seasonal Agricultural Worker Program and those who came to Quebec under the Live-in Caregiver Program.

With respect to the seasonal agricultural workers, Quebec has had a shortage of unskilled agricultural labour for many years now. We

took in 4,237 agricultural workers in 2006 and more than 5,300 in the 2007 season. The demand is constantly growing. The shortage of unskilled labour in Quebec's agricultural sector therefore does not appear to be declining.

As Class D unskilled temporary migrant workers, seasonal agricultural workers stay in Quebec for a maximum of eight months a year. They have very little or no knowledge of either of Canada's official languages. Their knowledge of our society, and of the recourse and services it offers is limited. They work in the regions, far from the major centres. They are dependent on their employer or their consulate in exercising recourse. Despite all the efforts made to inform and support these workers, they constitute a vulnerable group with regard to the exercise of rights, particularly those protected by the Charter of Human Rights and Freedoms. That is why we offer the following thoughts and proposals.

Point one: Exercising the right of association. I'm referring to clause 3 of the Charter. When evaluating the offer of employment, one of the criteria examined by Quebec's Department of Immigration and cultural communities and Service Canada is to ensure that, and I quote: "The use of a foreign worker is not likely to undermine the settlement of a labour dispute".

Under section 3 of the Charter of Human Rights and Freedoms, every person enjoys freedom of association. We've recently seen unionization requests highly contested by employers, mainly from groups of workers from Mexico. The commission wants to make the committee aware that employers are trying to use labour from countries other than Mexico in order to circumvent to unionization movement mainly associated with those seasonal agricultural workers. This kind of procedure, seemingly under a neutral rule, could have the effect of introducing discriminatory exclusion based on ethnic or national origin of those workers and undermine the equality rights protected by the Quebec charter. Tolerance of this kind of attitude on the part of Quebec and Canadian employers would also contravene the provisions of the international instruments, including the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Point two: Constitute an independent arbitration body. When a disagreement arises between a seasonal agricultural worker and his employer, the outcome of the dispute may result in the quick repatriation of the temporary migrant worker to his country of origin. Despite the major efforts made by the consulates and Human Resources and Social Development Canada to guarantee the rights of workers and employers in the event of a dispute, this situation establishes an employer-employee power relationship that is generally not seen among other Quebec workers. To ensure equal protection for the rights of seasonal agricultural workers, the commission proposes that an independent appeal structure be put in place with arbitration powers and empowered to rule on disputes between seasonal agricultural workers and their employers.

Point three: Introduce a worker representation mechanism. Under the Seasonal Agricultural Workers Program, annual meetings are held to determine the working conditions that will prevail in the following year, such as wages, etc. They involve the various decision-makers such as Citizenship and Immigration Canada, Human Resources and Social Development Canada, employer representatives and representatives of the labour exporting countries.

To ensure equal protection of the rights of seasonal agricultural workers, the commission suggests that a worker consultation mechanism be introduced and that workers be granted a right of representation at those annual meetings.

The federal program involves provisions that may be extended in the contract of employment between the Quebec employer and the seasonal agricultural worker. That contract of employment is under Quebec's jurisdiction. Certain clauses cited in the contract are of concern for the commission from the standpoint of respect for and the exercise of rights and freedoms. I am referring, of course, to the residence obligation.

The contract states the worker's obligation to work and live in the place of work or in any other place determined by the employer and approved by the government's representative. That obligation, in the context of the Mexico and Caribbean agreement, also applies in the context of the agreement concerning workers from Guatemala.

● (1410)

Living on the employer's property puts workers in a situation in which, outside working hours, exercising their right to privacy under section 5 of the Quebec Charter could be subordinated to the owner-employer's right to limit access to his private property and lands. In those circumstances, the free movement of the workers or their visitors could be compromised. This limitation could constitute an obstacle to the exercise of their freedom of association and freedom of opinion, which are also protected by the Charter.

This freedom of association includes the freedom to join a union organization or any association working for everyone. The residence obligation does not apply to non-migrant Quebec workers. In that sense, it may undermine the exercise of temporary foreign workers' equality rights, which are protected under section 10 of the Quebec Charter, as a result of their ethnic or national origin.

In the case of Mexico and the Caribbean, the contract provides for the employer's obligation to provide workers with suitable accommodation free of charge. That provision results from the necessity for the employer to check the quality and safety of housing from time to time. Here too, the commission draws the committee's attention to the importance of respect for workers' privacy, but also to the inviolable nature of the residence as protected under sections 5 and 7 of the Quebec Charter. This employer-owner role thus places the farm business in an extremely delicate situation with regard to respect for the rights of housed workers.

Now I'll talk about the detainment of workers' identity papers. In February 2006, we acted on a request by the Coalition d'appui aux travailleurs et travailleuses agricoles to intervene with respect to the retaining of workers' identity papers by their employers.

To guarantee seasonal agricultural workers respect for their right to be helped and their right to privacy and to the free use of their property, the commission made a community reconciliation effort with all the players concerned by this problem. At the end of that consultation, the commission recommended that employers not detain workers' papers and that they take measures for workers to be able to safely retain their papers.

On this point, the commission recommends that this kind of provision be included in the binding contract between employer and employee.

● (1415)

[*English*]

The Chair: I will stop you there, because we've gone on for eight minutes. Maybe you will get a chance in question and answers to make some of your points.

Mr. Boudreau.

[*Translation*]

Mr. Yvon Boudreau (Representative, Consultant, Fédération des chambres de commerce du Québec): Thank you. Good afternoon, ladies and gentlemen.

As you know, the recourse available to immigrants in their capacity as temporary workers has developed to a certain degree in recent years in Quebec. In 2006, for example, 19,257 temporary work permits were granted to immigrants, and 5,229 extensions of stay for work purposes were granted to foreign nationals. Note that, in that year, Quebec took in 44,686 permanent immigrants. You have 45,000 permanent immigrants on the one hand, and approximately 25,000 persons receiving temporary permits on the other. I hope my figures will be corroborated by your expert. Those figures are obviously those for Quebec. I will only talk about Quebec today.

This situation obviously isn't unrelated to the improvement in the Quebec labour market. In a number of regions in the past two or three years, we've experienced a situation close to full employment, and we've begun to feel labour shortages at various qualification levels. I would emphasize this point: there are problems of recruitment and labour availability at various qualification levels, and not only among highly skilled workers. This phenomenon can only become amplified in the foreseeable future. Starting in 2011-2012, more people will leave the labour market, mainly to retire, then new workers will come into the labour force. And 2011-2012 is virtually the day after tomorrow. Using immigration is thus unavoidable, despite the productivity gains that we must achieve in other areas.

In recent years, the federal government has softened entry rules for temporary workers. In particular, it has increased the period for these foreign workers' stay from 12 to 24 months. The Fédération des chambres de commerce du Québec hails this initiative. We all know that the temporary worker recruitment process is much simpler and quicker than the immigrant selection process, since the country's commitment to candidates, and vice-versa, is obviously not the same in both situations.

Thus far, most temporary workers welcomed in Quebec have been skilled workers coming to fill positions requiring certain skills that are hard to find in Quebec and Canada. There are two exceptions, of course: agricultural workers and domestic workers. When these sought-after skilled workers come on a temporary basis, they also enable certain businesses to respond to non-recurring intensive work periods for which it would be hard to hire permanent staff.

The unions have been very watchful of immigrant worker programs, fearing that the influx of large numbers of workers will lower wages and working conditions. In the present circumstances, we recognize from the outset that businesses must make the work attractive for people from here, particularly in terms of wages and working conditions. The fact nevertheless remains that some unskilled jobs find fewer and fewer takers among Quebecers. There has recently been a lot of talk about seasonal agricultural workers, which clearly illustrates this situation because it has been around for a number of years.

Theoretically, at harvest time, there are enough students, unemployed workers, and welfare recipients able to work and other unoccupied individuals. So enough people are available to do the harvests, but that is not how it works in real life. This balance is entirely theoretical. In actual fact, if we didn't bring in nearly 5,000 Mexicans and other South Americans every spring and summer, the crops would rot in the fields. Last year, there were more than 5,000 of them. A distinction must therefore be drawn between the theoretical fit and the real possibility of recruiting workers, even in reasonable market conditions.

• (1420)

The question will soon arise about unskilled jobs that Quebecers clearly do not want to occupy. Think of manual jobs in slaughterhouses, restaurants, hotels, warehouses and transportation. The response to these needs will inevitably come, at least in part, from immigration. We acknowledge from the outset that temporary workers are more vulnerable, due to the fact that their dismissal generally means immediate repatriation to their country of origin. As a society, and as members of the government, we therefore have a responsibility to put in place conditions in which the fundamental rights of these workers are respected and they are offered working conditions and a welcome that preserves their dignity and safety.

With that premise laid down, Quebec, like many other developed societies, can use the foreign method, on a temporary or permanent basis, to occupy jobs that are very hard to fill here at home for all kinds of reasons.

The businesses that we represent consider it highly important that they be able to resort to, call upon skilled and unskilled foreign workers in order to continue their development and wealth and job creation in Quebec.

Thank you.

[English]

The Chair: Thank you, Mr. Boudreau.

Madam Folco, you have seven minutes, please.

[Translation]

Ms. Raymonde Folco: Thank you, Mr. Chairman and Mr. Boudreau.

My question is for all three guests. There is one thing that I can't understand. I've been working in immigration for a long time and, as Ms. Fiset reminded me, I've had an interest in the issue of temporary workers for a long time as well. I would like someone to explain to me clearly the difference between an Italian immigrant who arrived in Montreal in the 1950s, and who worked at the Port of Montreal or

building roads and highways in the province, and a temporary worker who comes from Mexico or Guatemala and who works on Quebec farms for six or seven months.

In the first case, the Italians, Greeks and all the immigrants in that wave arrived and were able to reunite their families immediately. They settled in Quebec and are now on the third or fourth generations. In the second case, people have trouble even finding a telephone to call their families. I would like someone to explain to me the logic behind the difference between those two cases, if you can do that.

Ms. Carole Fiset (Human Rights Educator, Education and Cooperation Department, Quebec Human Rights and Youth Rights Commission): The logic is that there is an unskilled temporary workers program that is extremely restrictive with regard to the exercise of rights. We didn't have the opportunity to complete the presentation, but there is, in particular, the fundamental freedom of every individual to move—

Ms. Raymonde Folco: Pardon me for interrupting you, but time is very strictly allocated to us. The logic isn't basic logic, but rather an instrumentalization logic.

• (1425)

Ms. Carole Fiset: That's it. And one of status. These workers, as a result of their status, are restricted in the exercise of their rights and freedoms.

Ms. Raymonde Folco: The purpose of the question I was asking was to determine the difference between a person in the 1950s and another person in the 2000s.

Mr. Boudreau, you have something to add?

Mr. Yvon Boudreau: I'm not a historian or an immigration expert, but what I can say is that, in the past 15 years, Quebec has sought to grant highly educated immigrants a distinct priority. That's a longstanding policy.

Ms. Raymonde Folco: To French-speaking immigrants?

Mr. Yvon Boudreau: Who speak French or who are francophiles. That's among the major criteria. Quebec long resisted the temptation to use temporary workers. We had a high unemployment rate and we thought that, by making the necessary efforts, we would manage to find unemployed workers to do the work. We had our own Mexicans, of course.

It's really in the past few years that we've realized that temporary workers could be a solution. I would say that's related, in particular, to the fact that, rightly or wrongly—and I'm not making any judgments here—the immigrant recruitment procedures are quite slow. Unlike the Ontarians, who for years brought in tens of thousands of workers, we resisted that trend. We proceeded very gradually.

Furthermore, in highly skilled sectors such as data processing, among other things, labour needs were felt, and it was quite easy to show that personnel could not be recruited quickly here. We began to consider the possibility of a better match with labour market needs.

We are now at another stage, but I don't think the situations can be compared. However, I wanted to express a wish—

Ms. Raymonde Folco: I'm asking you to convince me, Mr. Boudreau. For the moment, I think they compare.

Mr. Yvon Boudreau: I believe that there will be a need for various classes of labour in the labour market in the near future. I would say we'll need technical workers, not highly skilled, just highly qualified workers. The number of university graduates that Quebec has produced in recent years is too high relative to the number of workers trained in technical fields. In addition, immigration amplifies this phenomenon. We'll have to set aside the idea that immigrants with university training can adjust to the labour market more easily. That's a highly theoretical point of view.

Ms. Raymonde Folco: They adjust very well to the labour market for taxi drivers.

Ms. Fiset.

Ms. Carole Fiset: I'd like to add to Mr. Boudreau's remarks by saying that, when they arrived in Canada, the Italian and Greek immigrants from the 1950s were welcomed as immigrants. They had to fit into Quebec society, but, as the hearings of the Bouchard-Taylor Commission on accommodation practices showed us, work was the best way to integrate individuals into their host society. Those individuals found work, could bring their families into Canada and so on. Their rights were fully recognized.

Migrant workers, for their part, don't have any status except that of temporary workers. Seasonal agricultural workers, in particular, don't have to learn either official language because they only have to perform unskilled work. Most of the time, the employers learn their language, Spanish in this case.

As regards Quebec's policies, I quite agree with Mr. Boudreau that we'll one day or another have to recognize the shortage of unskilled labour. Recently, announcements by our Quebec government stated that it would once again make it easier for members of the families of skilled or unskilled temporary workers to come. Although those announcements were really recently made, there's no talk about making it easier for the families of temporary migrant workers to come here or, consequently, to facilitate their integration into the host society.

• (1430)

[English]

The Chair: This is your last question—one little one.

[Translation]

Ms. Raymonde Folco: I understand what you're saying, but perhaps I worded my question poorly. I meant that, in my view, the individuals who came from Europe and, among other things, built roads in Quebec and Canada during the 1950s and 1960s met a worker shortage. At the time, Canadians could have done that work, but, for all kinds of reasons, they didn't.

The present situation can't be identical, obviously, but certain aspects can be compared. That's what I was trying to bring out. On the one hand, there are immigrant workers, and, on the other, temporary workers, but that's a result. Perhaps I'm venturing too far, I don't know, but it seems to me that, on the whole, conditions are

not that different with regard to the arrival of immigrants and that of temporary workers.

[English]

The Chair: Let's have a brief response.

[Translation]

Ms. Carole Fiset: You'll note that temporary immigration currently comes from "poor" or developing countries.

Ms. Raymonde Folco: [Inaudible - Editor]

Ms. Carole Fiset: Yes, but industrialized countries are currently bringing in labour from developing countries, such as live-in caregivers who come from the Philippines.

[English]

The Chair: Thank you, Madame Fiset.

Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman.

Thank you for being here. I have a few questions to ask the people from the commission.

We talked about the detention of legal documents. Can you tell me whether that is legal? Can an employer require it? If not, how does it work? What kind of agreement can there be?

Mr. Marc-André Dowd: Based on our analysis, it's illegal, particularly under the Charter and the articles that I cited. However, the practice of some employers is to demand that they keep identity papers.

Mr. Thierry St-Cyr: You consider it illegal to require it. In your opinion, if there is a private agreement, it would be legal in the present context.

Mr. Marc-André Dowd: Absolutely, that is to say that, if a worker says that it suits him that his employer retains his passport or his identity cards, that's his personal choice, and there's no problem. However, that's not how it's presented, because it's a requirement in some cases.

In our community consultation with the organizations, we suggested that the employer instead retain a copy of the identity paper and that the employee keep the original at all times. If he needs his passport—

Mr. Thierry St-Cyr: You say it is prohibited to require it, and you discourage the idea of the employer retaining it. You prefer the employer to keep a copy.

Mr. Marc-André Dowd: That's correct.

Mr. Thierry St-Cyr: A number of groups that have come before us reported a lot of situations of abuse. For example, in my riding, some groups told me about them and you've reported that to us as well.

How is it that this situation persists in an advanced society like ours? Who monitors the situation? Is it you? The labour inspectors in Quebec City or the Commission des normes du travail? People describe an extremely difficult situation to us and many cases of abuse. How is it that this situation continues?

Mr. Marc-André Dowd: There are a number of answers. First of all, this is a legally complex situation of shared responsibilities between the federal and provincial governments. You've also had occasion to hear about that.

A number of players have responsibilities. Our commission has responsibility in this area, and we have been working actively on this file for three years. We've obtained a judgment against an agricultural business that had established completely segregational working conditions between two classes of workers. We're in contact with the organizations.

We talked about agricultural workers, but that's not yet true in the case of domestic workers, who are extremely vulnerable. When you're extremely vulnerable, you don't complain, you endure conditions because you want to keep your job and because you don't want to be sent back to your country. We believe that worker vulnerability is definitely an important point that prevents people from reporting situations.

• (1435)

Mr. Thierry St-Cyr: Shouldn't we change our approach? Our system, for citizens in general, is quite passive, because we don't interfere in relations between individuals as long as they don't complain. Since that doesn't work, should we think about introducing some kind of organization, for example? At one point, you talked about an independent body in the event of disputes. Shouldn't we be more proactive and go and see whether the working conditions and rights of individuals are respected, rather than wait for a complaint?

It seems to me that it's been shown that the passive system doesn't work.

Ms. Carole Fiset: It's probably for that reason, in the absence of submissions or neutral bodies to refer to, that five applications for union accreditation were made in 2006-2007.

Mr. Thierry St-Cyr: You talked about Quebec and federal jurisdictions in this matter. When people arrive in Quebec, they essentially have relations with the Government of Quebec. The Quebec government is responsible for working conditions, man-power training and all civil exchanges.

Wouldn't it be simpler and more effective if immigration programs, like those for temporary workers, were the direct responsibility of the Quebec government? Wouldn't there be better accountability? We wouldn't have this kind of situation that the organizations have described to us: they go to see the federal government, which says that that comes under labour standards and that they must therefore deal with the Quebec government, which in turn says that it's an immigration matter and that's the federal government's responsibility, and so on.

In any case, that will happen at the Quebec level once they're here. Shouldn't that be Quebec's responsibility?

Mr. Marc-André Dowd: We would at least be able to clarify the legal situation for everyone. From the commission's perspective, one thing is certain: when a person—and I mean a person, not necessarily a citizen—is on Quebec soil, Quebec's Charter of Human Rights and Freedoms applies to that person, and he or she

may, at all times, contact the commission, for example. That's what some have done, which explains our involvement in this matter.

Mr. Thierry St-Cyr: Neither the commission nor any Quebec government entity can monitor people who have a temporary work permit, since Ottawa has the list of visas issued and no exchange is done.

Ms. Carole Fiset: I know that our department of immigration and cultural communities do a certain amount of monitoring, particularly in the case of live-in caregivers. Year after year, it conducts about 20 investigations a month. Officials go and check with employers to see how things are going, and so on, but that's a grain of sand.

Mr. Thierry St-Cyr: Are these investigations conducted after complaints have been filed, or are they done spontaneously? Are these random checks?

Ms. Carole Fiset: They're done randomly. Indeed, there should be a body that provides direct services to these workers. If we rely solely on the contract binding the seasonal agricultural workers to their employer and if, for example, the employer doesn't act on a request for the worker's health insurance card, how can the worker obtain care? With whom can he go to medical centres to receive care?

Last summer, for example, the commission decided, on its own initiative, to investigate the situation of a seasonal agricultural worker who was having problems obtaining his health insurance card and getting care. Neither the consulate, the employer, nor the other bodies were responsible. Nothing in the employment contract states who is responsible for driving the worker and having him cared for if he has a health problem.

• (1440)

[English]

The Chair: Thank you.

Mr. Blaney.

[Translation]

Mr. Steven Blaney: Thank you, Mr. Doyle.

Thank you, Mr. Chairman.

Thank you for being with us today. I've carefully followed your remarks. My Conservative colleagues who are permanent members of this committee aren't with me today, but they will be getting a summary. Most are in the House and they will rejoin the committee for its tour in eastern Canada.

Mr. Boudreau, you clearly described a serious trend that we find here in Quebec. I think that temporary and immigrant workers are here to stay and that there will be more and more of them. I also liked your remarks on educated immigration. It's as though we had, I wouldn't say two classes of immigrants... We must explore that side further. It's not because you don't have a bachelor's degree or a master's degree that you can't be a full-fledged citizen and contribute to society.

Do you want to make a comment immediately?

Mr. Yvon Boudreau: It's true that people who are better trained and more educated are theoretically supposed to be more flexible in the labour market. If they lose their jobs, they can adjust to new conditions and get a new job. Theoretically, it's true, but, in real life, it's not completely true. That has to be highly qualified.

First, workers—let's forget the question of credentialing and the right to practise—who have high-level training also have greater aspirations, and often the host society, for good reasons and not so good reasons, is unable to offer conditions of practice so that their talent is fully used.

Second, we forget that many workers with a more technical profile are also highly flexible people in the labour market. Trades people have always earned a very good living. There has been a shortage of bakers in Quebec for years. If we brought in 200, 300 or 400 bakers a year, they wouldn't go unemployed. You have to be suspicious of certain theoretical concepts.

Honestly, our education system places considerable value on university training in certain respects, to the detriment of technical training and training in the trades. In an economy, we need more mechanics than economists. Nearly 25% of jobs, a maximum of 30%, rely on university skills. So there's no point in arranging for 50% of the immigrants we take in to consist of university graduates.

Mr. Steven Blaney: Yes, I see. We also have to take into account the area of jurisdiction, when we select the people we take in.

You heard the previous testimony, which described a certain problem concerning rights and freedoms. My colleague opposite says that's never been tested. I would like to hear your comments on that. What recommendations would you like to find in the standing committee's report?

Mr. Marc-André Dowd: We briefly addressed the issue of residence obligation, for both agriculture workers and live-in caregivers. We also recommend that the work permit be open, that it not be limited to a single employer. That was also addressed by Ms. Depatie-Pelletier. We entirely support that recommendation. That measure would prevent people who arrive here from winding up in a situation of great vulnerability.

We criticized the practice of certain agencies of bringing in a surplus of live-in caregivers. These individuals wind up here without being able to be placed immediately with an employer. They are then in a situation of utter vulnerability. We think these two elements are very important.

Do you want to add something, Carole?

Ms. Carole Fiset: Since the permit is closed, that is to say restricted to a single employer, live-in caregivers are highly vulnerable. Between two employers, they wind up at the mercy of clandestine work, with all that can entail. There are also types of recourse to which they do not have access as a result of their illegal situation, such as recourse before the Canadian Human Rights Commission. However, they can contact Quebec's Commission des droits de la personne et des droits de la jeunesse. We can take them in if they are subjected to sexual harassment or racism.

In addition, these are Class B and C workers. They thus hold diplomas equivalent to our college or university diplomas. We know that approximately 60% of them have received college and

university-level training. However, as a result of their status, they are considered as Level D; it's as though they were unskilled. Consequently, they are subject to the residence obligation and to a permit restricted to one employer. In our opinion, this may possibly violate the right to equality because they are women.

• (1445)

Mr. Steven Blaney: The Canadian Charter of Rights of Freedoms has been around for a long time. There seemed to be some consensus in the community on the points that you raised earlier. We talked about evidence gathered by university researchers, community groups, NGOs and unions.

How is it that this situation continues? There are some cases. You referred to the specific case of an agricultural worker, but I'm thinking, among other things, of live-in caregivers.

Mr. Marc-André Dowd: We'll talk more about the application of Quebec's Charter of Human Rights and Freedoms, which comes within our area of jurisdiction.

As I said, this is a very close community. As there is a situation of very great vulnerability, there are few complaints, few incidents of whistle-blowing. There's also a major language barrier. It's a community that's hard to penetrate.

I'll simply say that very significant efforts are being made to increase awareness of rights. We've prepared a brochure in French and Spanish for agricultural workers. We ensure it is distributed so that agricultural workers know their rights when they are in Quebec. We have also established a project to inform workers in the Live-in Caregiver Program of their rights in English—

Ms. Carole Fiset: —in Tagalog and in French.

[English]

The Chair: Thank you, Mr. Dowd. Thank you, Mr. Blaney.

Mr. Telegdi is next.

Hon. Andrew Telegdi: Thank you, Mr. Chair.

Mr. Boudreau, Madame Folco asked a question. She asked what's different from when we got the Italians, the Croatians, the Hungarians, or Portuguese, or all the people who.... What they really had going for them is that they wanted to come to Canada, they wanted to work hard, and they wanted to build a country. My parents came in 1957 during the Hungarian revolution. You have a fair number of Hungarian Canadians now in Quebec.

I'll ask you the question I asked the business folk in Winnipeg. If you could get workers into Quebec who would fill those job vacancies as permanent immigrants and who would make a commitment to Canada and wanted to build a nation, wouldn't that be preferable to temporary foreign workers?

[Translation]

Mr. Yvon Boudreau: Absolutely, but that's something of a theoretical question. In actual fact—and we may lament it—it takes a certain time—some say nearly two years—to go through the entire immigrant selection procedure.

[English]

Hon. Andrew Telegdi: Let me stop you there, Mr. Boudreau. There were 40,000 Hungarian refugees who ended up in Austria. Within less than six months, 90% of them were in Canada. So it's not impossible.

We have a bureaucratic system that doesn't respond to the needs of the market. The 2002 change in the point system was a total, complete, utter disaster. I agree with you wholeheartedly. We need mechanics, we need bricklayers, we need carpenters, we need people in the trades, and we need to be working with our unions, instead of setting up a situation where temporary foreign workers are brought in and create a very hostile environment.

The only thing I would say to your group is this: demand that the government pay attention to immigration. In the last two years—in less than one year—this government brought in two ministers, neither one of whom knew anything about citizenship and immigration. Unfortunately, while I'd love to say that the Liberal ministers preceding them were much more knowledgeable, they weren't.

Until we have the political will and the demand that we don't want to become a country of servitude, where we have temporary foreign workers.... Take a look at what happened to Germany, with their guest worker program. It can create all sorts of problems. Having a whole pile of single males coming here, with their families far away, is a horrific situation to work in.

Yes, I agree with you, it's totally inexcusable that it takes so long for people to get here. But I don't think the answer is to bring in temporary foreign workers who can be exploited. And I agree, in terms of why they haven't accessed the charter, that for a temporary foreign worker to get to the Supreme Court of Canada is virtually impossible. It's bad enough for groups that are from here to get there.

I think, Monsieur Boudreau, you might want to push the government and tell them not to take us down this path. I can tell you that bureaucrats have been trying to do this ever since I was first in this Parliament, and that goes back many years. They tried to put in place a system exactly like this, whereby we use people and discard them.

Well, the fact of the matter is that we need people to come in and to help build this country, and there are very legitimate situations for low-skilled people. Mr. Mike Lazaridis, the inventor of the BlackBerry I'm holding, would never get in here today. He is now employing 6,000 Canadians, and I'll bet you in the next year it's going to be 10,000 Canadians, and it's going to be more and more. Frank Stronach would never get into the country today. Frank Hasenfratz of Linamar would never get into the country today.

The problem we have is that we have a dysfunctional system, but dammit, we can demand from the politicians that they fix it, and demand it from whichever government is in power, because this exploitation that we're undertaking with temporary foreign workers is not helping to build Canada.

● (1450)

[Translation]

Mr. Yvon Boudreau: If I put on my hat as a representative of a business employers organization, I entirely share your point of view. One of the major purposes of immigration is nevertheless to contribute to the wealth of Canadian society and, in particular, through labour market entry. As you said, when you have a job, the rest comes somewhat in addition to it.

I'm simply trying to say that, in actual fact, immigration is not entirely a placement agency. It's a little more complicated than that. I can understand that there are other objectives and that, especially in these years after 2001, that a certain number of checks have to be done and that that takes a little time, even though we can deplore the fact that there indeed seems to be more bureaucracy in this sphere of activity. I willingly admit that. We can clearly do better, and go faster. Some criteria used to select immigrants clearly help submerge employment-related criteria. There is a kind of dilution of these criteria. So I agree with you.

However, having regard to all that—and I'll close on this point—it is important that, while working very hard, while insisting that government simplify these procedures, we also have a mechanism or a release valve, as it were, that is faster, temporary workers, while putting in place conditions so that these workers are not exploited. In that respect, I entirely agree with the organizations that have testified here.

[English]

The Chair: Mr. Carrier, you have the last six minutes. Go right to it, sir.

[Translation]

Mr. Robert Carrier: Thank you, Mr. Chairman.

I'm going to continue in the same vein and speak to Mr. Boudreau as well.

You tell us that the labour shortage in certain technical fields is filled by temporary workers, and you justify that by saying that the immigration process is too long. So we quickly resort to temporary workers. The fact remains that we act as though they were goods to be used one year and set aside the following year. However, the testimony we've heard in the past two weeks in various regions of the country has made us aware of all the problems this causes for temporary workers.

Other workers have suggested that we grant permanent residence to those who come to work here for a number of consecutive years. However, the backlog of unprocessed immigration applications has been highlighted and we've wondered whether granting permanent residence to these workers wouldn't mean favouring them to the detriment of those who filed applications a long time ago. That's a whole issue.

We see that the use of temporary workers is merely a short-term solution that we repeat year after year. Mr. Telegdi cited the example of Hungarian immigrants who arrived in large numbers because there was an urgent labour need. You said that the people who were granted permanent residence also had to meet other non-work-related criteria. We want them to be good citizens for the country.

If you had the choice, would you press the government to accelerate the immigration process and establish specific criteria to meet labour needs in each of the regions, which would eliminate the necessity of resorting to temporary workers?

• (1455)

Mr. Yvon Boudreau: The federation has spoken out on the increase in the number of immigrants admitted each year. That number is currently 45,000 and, according to one of its scenarios, the Quebec government wants to increase it to 55,000. The federation agrees. Since we'll be short of labour, it's just as well to see to the matter immediately.

Of course, we want these people to integrate into the economy as quickly as possible, to occupy jobs for which it is hard to recruit. We will clearly prefer by far to make use of permanent residents rather than temporary workers. However, it's not necessarily one or the other.

There are seasonal jobs. Harvests normally last only a few months. I don't see why we would look for people who would then stay here permanently and have all the troubles in the world keeping themselves busy the rest of the year. Many countries in the world make recurrent use of temporary workers. In addition, the number of persons they use is much higher than here, but they do things in an entirely proper way.

Mr. Robert Carrier: What percentage of the 25,000 temporary permits is granted to seasonal workers?

Mr. Yvon Boudreau: Approximately 5,000 permits are intended for agricultural workers.

[English]

The Chair: I think Madam Fiset has a comment she wants to make.

Did you have a comment?

[Translation]

Ms. Carole Fiset: I'd like to answer.

[English]

The Chair: Okay, you go ahead.

[Translation]

Ms. Carole Fiset: For eight or 10 months, there is indeed a turnover of foreign seasonal workers. They mainly come to work in the agricultural sector. You're right. However, and this is also true for old stock Quebec workers, regional agreements are reached with processing businesses which must process their food products during the rest of the year. There is often a labour shortage in this sector in the regions.

Temporary seasonal agricultural workers could very well stay in the country as permanent residents because, during the rest of the year, they could meet labour shortages in the processing industry. I know because I've seen that commonly happens, particularly in Montérégie. The argument concerning harvest and planting times and so on should be qualified. Once again, it's not certain that this labour force couldn't have work throughout the year.

• (1500)

Mr. Yvon Boudreau: I'm going to cite another example. Take the tourist industry. The tourist industry's peak period in Mexico is winter. Here it's summer. We could completely meet the needs of Mexican workers who come to work here in the summer during the tourist season and who return home in winter through an arrangement that would be acceptable. Everyone would benefit from it. But the primary purpose is first to recruit permanent immigrants who meet the needs of our labour market. There's no doubt about that.

Mr. Robert Carrier: Thank you.

Do I have any time left?

[English]

The Chair: Your time is up. Do you have one last little question? Madam Folco has a point she wants to make.

[Translation]

Mr. Robert Carrier: I wanted to tell the people from the Commission des droits de la personne et des droits de la jeunesse that I very much appreciated their recommendation that there be a right of association adapted to temporary workers and even a structure to oversee that right.

According to your recommendation, who would be responsible for that? Would it be the Commission des normes du travail? How would that be managed?

Mr. Marc-André Dowd: We don't have a specific model. It remains to be developed. For example, we wondered how we would include the right to be consulted. Very simply put, we could conduct a survey or administer a questionnaire at the end of the season and ask what working condition problems they had had and what should be improved the following year. There we would have an initial reaction to the problems experienced by the people directly involved. Currently we don't even have that reaction.

[English]

The Chair: Did you have a point of information you wanted to give us?

[Translation]

Ms. Raymonde Folco: I would like to submit a proposal. Let's refer to the history of domestic workers. When I was in the Quebec government, as Ms. Fiset will remember, we worked very hard so that those workers could become permanent residents after two years. We did a lot of work on that at the time. I wonder what prevents us from doing the same thing for temporary workers.

I could submit that recommendation to the committee. Temporary workers could have access to permanent residence under certain conditions. We can study the details at another time. That would meet the needs of the industry, as Mr. Boudreau clearly indicated, and the needs of these temporary workers.

Going back to the Italians, the Italians didn't do much in winter. They stayed at home and did small jobs, like everyone does.

Thank you.

[English]

The Chair: Thank you very much for coming in today. You've given us a lot of really good information, and I'm sure it will be very valuable to our analysts and to us, as a committee, when we do our report.

Pardon me?

Ms. Carole Fiset: Can we do a conclusion?

The Chair: If you want to each take a minute for a conclusion, go ahead.

[Translation]

Ms. Carole Fiset: The commission is currently conducting two investigations into allegations of discrimination in the exercise of rights of seasonal agricultural workers. We are also examining the situation at [Inaudible - Editor] and the protection of live-in caregivers regarding occupational health and safety.

Lastly, the commission emphasizes the importance of respect for the rights of migrant workers, in particular those of agricultural workers and live-in caregivers who are vulnerable. Consequently, we believe that the Government of Canada should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Joining that convention would make it possible to revise the program as a whole in order to offer the best possible protection for the rights of temporary migrant workers, but also to guarantee them internationally recognized human rights protection.

We thank committee members for receiving us in the context of these hearings.

[English]

The Chair: Okay, thank you very much. We appreciate it.

Mr. Boudreau.

[Translation]

Mr. Yvon Boudreau: In conclusion, I'd like to say that I'm very comfortable with the proposal that Ms. Folco has made. Workers who come here on a temporary basis and who have the opportunity to diversify, as Ms. Folco said, could advantageously fill jobs that we don't want to occupy for all kinds of good or bad reasons.

[English]

The Chair: Thank you very much again for coming in today. We really appreciate it.

We'll have a two-minute break and we'll get ready to bring our third panel to the table.

Thank you.

- _____ (Pause) _____
-
- (1510)

The Chair: We'll try to bring our meeting to order.

We welcome an individual from the Canadian Society of Immigration Practitioners, Mireille Gauthier, chief executive officer; and Mr. Prashant Ajmera, as an individual, who will be presenting today.

You have seven minutes each, please, and then our committee members will ask questions or make comments.

You first, Ms. Gauthier.

Ms. Mireille Gauthier (Chief Executive Officer, Montreal, Canadian Society of Immigration Practitioners): May I point out before I start that my colleague is representing himself, obviously, but he is also a member of the association in question.

The Chair: Okay, thank you very much for that.

Ms. Gauthier.

Ms. Mireille Gauthier: Mr. Chairman, members, my name is Mireille Gauthier. I'm officer 6901 and a member of the Canadian Society of Immigration Practitioners, commonly known as CSIP, which was created in the year 2005.

[Translation]

Mr. Thierry St-Cyr: You know that you can speak French, if you prefer.

Ms. Mireille Gauthier: I'll do a small part in French.

Mr. Thierry St-Cyr: All right.

Ms. Mireille Gauthier: For the moment, the text is in English, and it's easier to read. I'll deal with that a little later.

Mr. Thierry St-Cyr: Perfect.

Ms. Mireille Gauthier: Thank you. The accent is obvious, I'll give you that. You do your best.

[English]

Obviously CSIP is never to be confused with CSIC, which is the Canadian Society of Immigration Consultants, counting approximately 1,000 members who have indicated to us their desire to join and leave CSIC.

CSIP is chaired by Mrs. Nancy Salloum, and her association regroups 9,170 satisfied accredited members throughout the world, anxious to profess immigration duties with honour, competence, experience, and honesty.

Our philosophy as a unified regulatory body for our members is to represent the interests of the practitioners in Canada and abroad. We are therefore seeking self-regulation with federal recognition as paid representatives.

Mrs. Salloum requested that I be here today to represent her as CEO and as a member of her association since March 1 of this year. Now, if you permit me, I would like to give you a very brief overview of my business experience to date.

[Translation]

I started working as a senior information officer for two federal departments, Transport Canada, followed by Statistics Canada. They were temporary positions, and when my term was over, I was hired on a full-time basis by Consumer and Corporate Affairs Canada, from 1982 to 1987. I was given the title of Director of Communications for Quebec. That position was intended to bring together the main communications components, such as press relations, advertising, sales and so on. When I headed the communications service in Montreal, I was assigned to Ottawa to the same duties for three years.

Then, from 1987 to 1999, I was employed by Citizenship and Immigration Canada, which is a federal department, as an officer responsible for presenting cases, and I presented immigration cases in court. I was subsequently promoted to the position of minister's representative at that time. I had to appear in various immigration courts to defend the department's interests and those of the minister of the day. Since 1999, I have managed my private practice, where I advise clients and prepare the best programs to meet their needs, again in immigration.

I'll continue in English, with your permission.

• (1515)

[English]

I'm here today, however, to prove that CSIC has built up prejudice against certain individuals who, in the year 2004, were anxious to join their society as willing and experienced consultants. I am one of their victims, and I was not able to find out to my satisfaction why the society had created a wall of resistance against me.

To elaborate on the subject that I just mentioned, I would like to give you as proof two examples of the "less than acceptable" treatment that CSIC has given me in the past.

I took the knowledge test six times—March 27, 2006; June 26, 2006; October 30, 2006; December 17, 2006; March 25, 2007; September 30, 2007—at a cost of approximately \$553 each time, payable in advance. I failed the written test every time. When I requested results of my failures, it was to no avail.

It is difficult for me, obviously, to understand, if my knowledge of the immigration law regulations was not sufficient, why did the government or Immigration Canada retain me on their staff for so long? My knowledge is also definitely superior to others with only one or two years of immigration experience in the private sector, as I have 12 years of experience in the private sector.

I entitled my number two example "Non-Respect of Confidentiality".

On November 30, 2004, Maître Andrea Snizynsky of Montreal filed a complaint against me to CSIC, based on her opinion that only lawyers could file an application for judicial review with the Federal Court. Three years later CSIC exonerated me for lack of evidence.

Afterward, a very strange incident occurred while I was sitting in my office. I deposited the documents as proof with your secretary. On April 17, 2007, I received an anonymous fax containing signed letters and elements of my personal claim file. After research, I could not find the origin of the fax number, which was 514-344-8134.

I immediately informed CSIC's Maître Setton-Lemar, of the complaints and discipline department, of the incident. She agreed with me that the breach of confidentiality on the part of CSIC was evident and she would secure an investigator to look into the matter. May I point out that I never heard from her again on this subject, nor did anyone else contact me on said subject.

Now, this incident is a serious one. Who within the association had access to my personal file? Why are the claim files not kept in a secure environment? What were the intentions of the person who

faxed me a copy of my file, making certain that his or her identity would be kept secret?

• (1520)

Perhaps the individual faxing me the documents had entertained the intention of sending them to the media, tarnishing my image forever. Was the CSIC investigation clean, exchanging evidence without my knowledge? These concerns were never answered.

There are two things to remember here: the lack of security for the protection of members' private files, and the lack of action on the part of CSIC to find out who sent me the documents and why.

The Chair: Madame Gauthier, may I interrupt you for a moment? We're into 12 or 13 minutes now, and I realize you have quite a number of pages there that you wish to present to us. When we get into the question and answer period, you may be able to give us some information in the answers you give us. But could I now go to Mr. Ajmera? It's in the interests of time management that I have to do it, and I'm sure our members have questions that they want to ask as well.

Thank you very much.

Mr. Ajmera.

Mr. Prashant Ajmera (As an Individual): Before we start, I just want to ask whether everybody has a copy of my presentation.

The Chair: It has to be bilingual.

Mr. Prashant Ajmera: No, it's only in English.

Mr. Norman Doyle: That's all right. We'll get it later.

Mr. Blaney.

Mr. Steven Blaney: Mr. Chair, this is just a reminder that the witness can submit it to you, and through you, we can get it in both French and English versions.

The Chair: Yes, we'll have it translated and we will certainly have it.

Mr. Ajmera.

Mr. Prashant Ajmera: Let me start officially by saying thank you very much, Mr. Chair and members of Parliament, for giving me an opportunity to present my views on the immigration industry, which is the only profession I practise or which I know how to do in Canada.

Let me give you a brief introduction about myself. My name is Prashant Ajmera. I am an Indian lawyer, and in India I practised in provincial high court, in the federal government attorney's office, for six years before I immigrated to Canada. I have been associated with an immigration law firm here in Montreal since I arrived in 1993 and have been practising as an immigration consultant since 1995.

Before coming to Canada, I was living and studying in the United Kingdom, where I completed my third degree, which was in corporate management. I applied for immigration to Canada under the Quebec program and arrived with my family—my wife and a daughter—in 1993.

The next point I want to talk about is in general the Canadian licensing system and CSIC licensing. As we all know, the Canadian Constitution has accorded the provincial governments the power to regulate the professions, except the profession of immigration consultant. However, over a period of time, the provincial governments gave these powers to professionals in each respective profession, who then formed the self-regulating licensing bodies for more than 45 professions in each province across Canada.

These self-regulating bodies are governed and managed by professionals who are practising in the same profession. It is but human nature that these professionals have had and will continue to have a vested interest in protecting their practice and interest by limiting the number of new professionals entering the profession. Certainly these self-regulating bodies cannot stop Canadian-educated professionals from entering into their profession. But each and every professional licensing body in Canada has been successful in making it difficult, or in many cases impossible, for foreign-trained professionals to acquire a Canadian licence to practise their profession in Canada.

These self-regulating bodies have successfully achieved their objective by setting impossibly high and impractical standards in the name of consumer protection and Canadian standards.

The Canadian Society of Immigration Consultants is a classic example of this flawed licensing system in Canada. It is managed by people who have vested interests in the immigration industry in Canada and set unrealistically high standards for consultants to obtain a licence to practise immigration law, in the name of consumer protection. This has resulted in the elimination of more than 800 consultants from the society. Many of these consultants continue to practise immigration without being a CSIC member or hiring the services of a CSIC member or a lawyer.

Concerning my experience with CSIC, rather than regulating and disciplining immigration consultants against whom complaints have been received by CSIC, the Canadian Society of Immigration Consultants began to intimidate hand-picked consultants who had resigned and raised their voices against the society and its operation. This was very well orchestrated by the former CSIC investigator, now an Immigration and Refugee Board member, who appeared before this committee on March 12, 2008.

I myself was a victim of CSIC's high-handed policy. You can read about my experience in the detailed submission provided.

Regarding regulating immigration consultants in Canada, one of the general recommendations I would like to make is that there should be several classes of consultants, as most consultants do not and cannot provide services in every area of immigration law. These classes of consultants can be divided into consultants who wish to practise only refugee and detention law and wish to appear before the Immigration and Refugee Board; consultants who wish to process cases belonging to the economic class, temporary resident

class, and family class; and consultants who wish to practise in every area of the immigration law.

● (1525)

The Law Society of Upper Canada in Ontario makes such a distinction when it certifies the lawyers who specialize in different areas of immigration law. In order to identify the problem in the immigration industry and regulate it, we need to look at each area of temporary and permanent immigration with a category to understand in which area the consumer may be most vulnerable and most likely to be exploited by an immigration consultant or a lawyer.

One is visitor visas. The only consultants who can be regulated in these categories are consultants who hold a Canadian immigration consultant's licence.

Second is the student visa. Due to the difficulties in obtaining an immigration consultant's licence and long delays in immigration processing, many consultants operating outside of Canada are now involved in an immigration practice for foreign student recruitment by becoming an agent of a Canadian education institute. This class of consultant is specifically exempted from IRPA and from being regulated by CSIC or any such licensing body. The Canadian education institutes should be asked to hire the services of only licensed consultants.

Third are work permits and job offers for permanent immigrations and PNP skilled workers. This is the area that needs to be regulated very closely. Due to long delays in the immigration process, job offers for temporary workers and permanent immigration applications are being arranged by immigration consultants and lawyers to expedite the process. Immigrating to a new country with a job offer provides a sense of security to the applicants and it also helps to expedite the immigration process. As a result of this, the largest number of frauds committed by lawyers and consultants within the immigration industry occurs in this category, where the consultants can arrange to obtain job offers from Canadian employers and charge high fees to prospective immigrants.

Also, the latest policy by Citizenship and Immigration Canada to fast-track permanent immigration processing of applicants with a related job offer will add fuel to the fire. The applicants are ready to pay any amount of money to consultants or a lawyer who can arrange an HRSDC-approved job offer from a Canadian employer.

Similarly, except for in the province of Quebec, all provincial nominee programs have a prerequisite of a related job offer, and in those cases also, these problems exist.

A fourth category includes refugees, detentions, and IRB tribunal cases. This is another area of immigration practice where many frauds are being committed by consultants and lawyers. The foreign person claiming refugee status is most vulnerable in this category for a simple reason: that economic, political, or social conditions in the applicant's home country are not favourable. The applicant may have taken help from some agent or individual to reach Canada, may have little or no money, and may have minimum qualifications or understanding of the English and French languages. These are the people who have little hope, and in such situations, anyone who gives them any kind of hope is a godsend. Hence, they become easy targets for greedy consultants and lawyers.

Most immigration frauds are committed within Canada, and if the right action is taken to find this fraud, a major problem in the immigration industry can be solved, at least within Canada.

The last point is on the skilled workers and the business class. These applicants live outside Canada and they may be represented by consultants or lawyers from Canada as well as consultants originating outside Canada. However, a very small problem exists in this class, and no special measures are warranted, in my opinion. However, it is important that the consultants in and outside of Canada be regulated by means of a fair, transparent, and reasonable licensing system operated by the federal government.

Thank you very much.

• (1530)

The Chair: Thank you.

Mr. Telegdi.

Hon. Andrew Telegdi: Mr. Ajmera, how long did it take you to get to Canada once you applied?

Mr. Prashant Ajmera: In 1993? In 1993, the immigration department was a new department, and I got my interview in six months' time, but within two years, I was in Canada.

Hon. Andrew Telegdi: How are you finding the experiences now for people in situations similar to yours?

Mr. Prashant Ajmera: They're waiting six years plus, sir. The clients who applied in 2002—in India in particular, since I am of Indian origin—are receiving interview notices.

For example, there is a businessman who owns a very big house in the province of Gujarat, where I come from. Before I left, I received an interview notice for his file, which he filed on his own. He wants me to represent him or prepare him for an interview. He's a multi-millionaire businessman in India who would like to establish himself in Canada. He sent me that application in 2003.

• (1535)

Hon. Andrew Telegdi: From your experience, what is the biggest hang-up for it taking so long now?

Mr. Prashant Ajmera: We have to go back in history a little bit.

One hang-up I see is the ministers in the immigration department. We have seen more than a dozen ministers since 1993, starting with Mr. Gerry Weiner to the present minister. I have probably met each one of them.

The problem arises with the bureaucrats. They go for what is politically correct or PC. We don't have the power, so let's go and change the regulations and get the power. In the last regulations, they wanted to change or introduce the language exam. They held onto applications, sat on them for a number of years, and we had two years of wrangling in Parliament, and two class actions. The first one was initiated by my law firm, the Dragan case, just to introduce the English-language exam. So what I see is that the bureaucrats—not the members of Parliament—lack the field knowledge of what's to be done.

The simple solution at the time would have been to tell the applicants, "Look, we do not have the powers to ask you to take an exam"—which was the case under the old system—"but we want

you to take this exam, whereby we can expedite your process or we can waive your interview." If that simple thing was told to the people, we could have solved this problem in 1999 or 2000. Rather, they sat on the applications for 18 months, and then we got into the retroactivity, which was challenged in the first case by our law firm, the Dragan case. It was subsequently followed by a class action across the country and resulted in \$3 million being paid to the lawyers for the class action.

Hon. Andrew Telegdi: The Dragan case, number two, was subsequent, Mr. Chairman, to the change in the point system back in 2002. I just want to say for the record that some of the members on the committee might want to revisit what the committee had to say at the time, because we were very much against what was happening. One of the things that came out in the Dragan case was that the bureaucrats essentially lied to the committee. And it's in the records. I bring that up because I think it's important for us to know where the problems come from.

I have been on the committee for the last 10 years, and I have lived through seven different ministers in the last 10 years. If one wonders who runs the department, it very much is the bureaucracy, and they're not very open, accountable, and transparent.

Mr. Prashant Ajmera: Clearly, on paper everybody wants to be transparent. But when it comes to reality, it doesn't happen.

If you look at the Dragan case, the judge mentions a very specific case about Mr. Majumdar. He was my client. I visited him in Indonesia, and we made so many requests in the Hong Kong office just to get an answer about when our clients could expect an interview. Six or seven faxes were unanswered, and in that specific case the federal judge said that this was unacceptable.

Hon. Andrew Telegdi: The judgment also made reference to misleading Parliament on the part of—

Mr. Prashant Ajmera: Yes, subsequently, because what was presented by the lawyers in this particular case and what was coming in a deposition from the federal government and the bureaucrats were totally contradictory—the numbers given to the committee.

Hon. Andrew Telegdi: I'm delighted that you're at this committee now, seeing the position you work at.

Now, you work as a consultant for the law firm.

Mr. Prashant Ajmera: From the very beginning. That's the law firm that sponsored me to come to Canada. I was in England and I saw their advertisement in Wayback. I said I was a lawyer, and that's how we started working. It's the law firm of Brownstein Brownstein & Associates.

Hon. Andrew Telegdi: I had occasion last year to meet a person in the Punjab who was in exactly the same situation as you are in, and he is now practising as an immigration consultant in the Lower Mainland of British Columbia. He waited six years. What struck me was that we got you here at age 43, but it would have been better if we'd had you here at 37, because you would have had six more years to contribute, instead of being put on hold and waiting.

Since you work as a consultant and for a law firm—and I didn't see your submission—I wonder if you could make some recommendations to us as to how we could improve the regulation of consultants.

• (1540)

Mr. Prashant Ajmera: Yes, I have it here.

Immigration consulting is my passion. Since I come from a legal background—I can't get a licence as a lawyer, which is another reality—this is the closest I can be to the legal profession.

On March 7, the immigration department in New Zealand introduced a licensing system for consultants. It's a federally regulated body; it's not given to the consultants. For example, if you are a farmer and you have 1,000 cows and you want to take care of them, you'll put them in one place and include them all, rather than exclude some.

The present system has been established with licensing systems for every profession in Canada. You're trying to exclude people because they don't have this or that; they don't have the language. You're not going to regulate people like that. You cannot, because if people are going all over the place and this is their livelihood, they're going to do it.

I'll put it in very loose terms, from my 15 years of experience in this field. The immigration profession from the outside, in other countries, is seen to be like the drug business. Because human smuggling in other countries is so rampant and so much money is involved in this, people wish to get into this business legally or illegally. Very few want to have legitimate businesses, but there are also people who want to have illegitimate businesses.

For example—and obviously I can't give you proof for this one—I started my practice way back in 1993 in India, in a small office, working with the law firm Brownstein and Brownstein. In the very first month after I put an advertisement in the newspaper, a gentleman came to me with a bag full of money. He said, “Mr. Ajmera, I work as a human smuggler. I saw your advertisement that you can send people to Canada. If you help me and my people, I will give you \$15,000 per person.” I said, “Look, I'm a lawyer. My father was a lawyer, and my grandfather was a lawyer under British rule. That's the last thing I would like to do.”

As of today—this was overheard, and I don't have proof—the going rate to smuggle people from India to Canada or America is \$80,000 Canadian.

The Chair: Really? It's that much—\$80,000.

Mr. Prashant Ajmera: So it's like the drug business. The money involved in the drug business is there. Whatever we want to do, the financial motivations of people are in this so much.

I'll give you an example. We introduced this system of licensing consultants, and particularly giving points in the job offer. So even if I have minimum English and meet the 67-point requirement....

There was a leading law firm in Toronto. A lot of the consultants and lawyers started making HRDC-approved job offers to people abroad because it gave them 15 points. That law firm approached me in my law firm and said, “If you have a federal applicant who cannot make 67 points, pass them on to us. We can find them an HRDC-approved job and they will get 15 points.” When I asked how much he charged, he said it was \$15,000. I said, “Look, I don't know your operation. I don't know how you do it, but with the fees you are trying to charge me, I don't think it's a legitimate operation.” That's exactly what happened. Six months later the RCMP found—

• (1545)

The Chair: I'm going to have to go to Mr. St-Cyr.

This is really interesting, Mr. Ajmera.

[*Translation*]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman, and thank you for being here today.

First of all, Ms. Gauthier, I encourage you to make your presentation in French because no one made any presentations to us in French during our stays in the rest of Canada. I wanted my Anglophone colleagues to be able to practise their French. You took away an opportunity for them to do so, and I had promised them that.

Ms. Mireille Gauthier: I didn't speak in French because, when I was asked to prepare a text, I started typing it in English. I presented the text to my supervisor, Nancy Salloum, who speaks more in English.

Mr. Thierry St-Cyr: I'd like to understand who you are. Are you from the Canadian Society of Immigration Consultants?

Ms. Mireille Gauthier: No, we are practitioners.

Mr. Thierry St-Cyr: You are immigration practitioners. So this is an association of consultants, but you aren't from the Canadian Society of Immigration Consultants, which regulates or should regulate the...

You represent the Canadian Society of Immigration Practitioners. Your presentation was very personal, and you used it as an example to show the position of your association.

Ms. Mireille Gauthier: That's what I was asked to do.

Mr. Thierry St-Cyr: Since you are an immigration consultant in everyday life, are you also a member of the Canadian Society of Immigration Consultants? Have you managed to become a member?

Ms. Mireille Gauthier: No. As I pointed out in my brief, I failed the test six times. Six times is the maximum number. You can't continue to practise. I'm doing work—

Mr. Thierry St-Cyr: I'm going to interrupt you. I simply wanted to clarify that because I wasn't sure I understood. I have a few minutes left and I want to ask Mr. Ajmera the same questions.

Ms. Mireille Gauthier: Without wanting to trouble you, may I qualify a minor point?

Mr. Thierry St-Cyr: Yes.

Ms. Mireille Gauthier: I work, but, in actual fact, I'm not working.

Mr. Thierry St-Cyr: All right. You can't do it?

Ms. Mireille Gauthier: I can't do it. So I'm working with the Government of Quebec, where I can do it.

Mr. Thierry St-Cyr: Mr. Ajmera, you've come as an individual. Are you a member of the Canadian Society of Immigration Consultants?

[English]

Mr. Prashant Ajmera: No.

[Translation]

Mr. Thierry St-Cyr: Are you a member of the Canadian Society of Immigration Practitioners?

[English]

Mr. Prashant Ajmera: That's right.

[Translation]

Mr. Thierry St-Cyr: In your presentations, you both underscored the deficiencies in the Canadian Society of Immigration Consultants. That's not new. Everywhere during our trip, people have made extremely troubling presentations to us on problems of governance, democracy and participation. I would even say a general lack of professionalism. Ms. Gauthier, you mentioned problems of data confidentiality. These are comments that were made to us.

I often told people who came to speak to us that this professional regulating body was probably not in the right place. Mr. Ajmera said at the start of his presentation that it is normally the provinces that regulate the professions. That's the provinces' area of jurisdiction. In French, you even used the expression “champ de compétence”. I particularly like that expression because it contains the word “compétence”. The provinces are used to governing the professions because they have done it for years. They have a very big regulatory framework.

The Office des professions du Québec, for example, controls each of the professions. There is an imposing regulatory framework, whereas the regulatory framework that gives the Canadian Society of Immigration Consultants a monopoly is only a few paragraphs long. There's no comparison.

Would it be more effective if the provinces controlled the consulting profession through the existing professional control structures? That would avoid the problems of governance, democracy and dubious or debatable ethical strategy. What do you think of that?

• (1550)

Ms. Mireille Gauthier: I'm going to answer you in French.

[English]

Mr. Prashant Ajmera: Thank you. That goes back to the question of what has specifically been asked. Yes, it should be given to the provincial governments, but there are two reasons why it's impossible to do it at this time.

First of all, we have a judgment from the British Supreme Court in the Mangat case, where the court decided it's the federal government that decides who will appear before the quasi-judicial authority.

Second, across Canada there are about 5,000 immigration consultants all together—good consultants and bad consultants. So if we start regulating province by province, probably British Columbia, Ontario, and Quebec will have the majority of the consultants being regulated by the licensing bodies. But as for setting up a body in a province like New Brunswick, there probably aren't more than 10 consultants there, so that's another problem I see in doing that.

[Translation]

Mr. Thierry St-Cyr: I'll let Ms. Gauthier answer, but just before that, I want to respond to your two points.

First, the court decision stipulates that the federal government is free to choose whom it will authorize to make submissions to it. That doesn't prevent the federal government from saying that, to make submissions, you have to be a member of your provincial professional association. That's the case of the bar, for example. To plead before the Supreme Court, you have to be a member of the bar of your province, period. As to the question of numbers, if there are 10 immigration consultants in a province, that's not where there are the most problems. I can understand that one might not cover those 10 cases, but that's not where the problem lies.

Ms. Gauthier, what do you think of that?

Ms. Mireille Gauthier: I think that's an excellent idea; that's the way I'm least familiar with. I have another similar suggestion, with your permission.

[English]

The Chair: Are you finished? I'm sorry to interrupt. Go ahead.

[Translation]

Ms. Mireille Gauthier: The addition to the Immigration Act states that only a notary who is a member of the Chambre des notaires du Québec, a lawyer or a member of the CSIC may practise and be paid as an immigration representative.

We may ask the Governor in Council to amend that part of the regulations and simply to add the CSIC and the CSIP. It seems that everyone might be happy. That would be another way of doing it.

[English]

The Chair: Would Mr. Carrier and Mr. Telegdi like to split ten minutes? No? Okay.

Mr. Telegdi, you wanted to ask a few questions. We have about ten minutes left for you and either Mr. St-Cyr or Mr. Carrier. Go ahead.

•(1555)

Hon. Andrew Telegdi: Mr. Ajmera, I'd like to get back to you, because we don't often have this opportunity.

I want to deal with malfeasance that you're aware of in India. I continually hear about it in my constituency office. I have a concern with people who try to get visas who are refused, and of course we have locally engaged staff. I find it problematic for people who want to come to Canada for a visit being refused so often. This is something the committee has struggled with over the years, and we have tried to look at some alternative systems.

One of the ways we thought it could have worked—and we talked about it at our committee and we heard witnesses—is that if somebody over here wants to sponsor somebody from India, if they put up a guarantee or do an undertaking, as we normally do in our courts each day when people sign sureties, which in the United States they call bail, that might be able to expedite the entry of that person, take him out of the backlog, and make sure that person gets into Canada. I think we could be doing it right locally. When somebody comes into my office and says they want somebody to come and visit, I know the person who is doing the asking, maybe. I think it would be a lot better if that person could say he's going to guarantee that this individual will return and do what we already do in our court systems every day, particularly for the ones who got turned down, because it's very hard to get a refusal on a visa overturned, particularly by the office.

If you were to do that, then we would have a critical mass of people who could do some quality control checks to see which visa officers are refusing way too many, because we'd be able to measure them against the ones who got here in spite of what the visa officer said. If you find that certain visa officers are turning down too many who are coming and fulfilling their obligations and returning as they're supposed to, it would give us some kind of quality control. Right now we don't have that. Too often I find that visa officers are turning down people unnecessarily.

Mr. Prashant Ajmera: So your question is, should we introduce a deposit system or something?

Hon. Andrew Telegdi: Yes, say for people who got turned down and they have to go through quickly.

Mr. Prashant Ajmera: In principle, it's a good idea, sir.

When this subject was before the committee, it came to our law firm as well. My immediate reaction was that if we do a good check, then the people who are giving the bond, as we call it here, if he is a good citizen in every respect, can be tied to that. If he makes sure I put this person back on the plane, off to Delhi, then it will work. Otherwise, as I've said before, it could be a motivation that, even if I lose that money, I can get people into Canada.

So the deposit system is good in theory, but probably the proper checks aren't being made about the credibility of the person who wants to put up a bond here in Canada—that if this person doesn't go back, I'm putting up \$20,000 or \$50,000; I'm giving you my personal guarantee he is my nephew, and if he doesn't go back I will go back, and if he does go back I will provide the proof here.

Another problem in our present system is that we do not have an exit visa. I might have come today in time, but I can go back after

two years and nobody would know I overstayed one and a half years in Canada.

Hon. Andrew Telegdi: Well, we make sure we get proof that the people we get over here through my office go back. Otherwise, it becomes a battle with the bureaucrats.

My biggest concern in this whole visa system is that we really don't have any quality assurance that a visa officer isn't unduly turning down too many people. That assurance isn't there. These visa officers have incredible power.

•(1600)

Mr. Prashant Ajmera: An average person looks at the CIC website or the VFS office website in India or in China and other countries. They make a list of documents, and 30 or 40 documents ask whether this or that has been provided. They obviously don't read the rules and regulations and act, and the one line that says you have to satisfy the officer that you are not a likely immigrant into Canada and you will go back. That one line makes the whole pile of five-inch-thick documents.... In 30 seconds, it's yes and no, and you are out of the door.

Those are the cases that trouble me—for instance, the business people. With respect to the businessmen who are trying to come to Canada, under the federal regulations and the Quebec regulation it is provided that they will get an extra point if they make an exploratory trip to see how we conduct business in Ontario, British Columbia, Quebec, or wherever they want to do business. Most of the time these people are being rejected. So in those types of cases there could be a way to look at what you are suggesting.

The Chair: Mr. St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: Mr. Chairman, I would like to go back to a more technical point, the use of French.

On a number of occasions during our trip, people have talked to us about the CSIC and about the fact that they had to speak English in order to become an official consultant recognized by that organization. It seems quite clear to me that, to be a consultant and to deal with the government, you have to speak English in the rest of Canada. However, it also seems quite clear to me that you have to speak French in order to practise in Quebec.

Does the CSIC require that candidates speak French in order to be recognized as consultants in Quebec?

Ms. Mireille Gauthier: Are you talking about the CSIC or the CSIP?

Mr. Thierry St-Cyr: Both.

Ms. Mireille Gauthier: Let's talk about the CSIC, since that's the organization that I tried to join, without success. Those people operate in English, and Quebec troubles them. It troubles them because we speak, write and take exams them in French.

Mr. Thierry St-Cyr: Were the exams you wrote in French?

Ms. Mireille Gauthier: I took them in English.

Mr. Thierry St-Cyr: Was that your choice?

Ms. Mireille Gauthier: Yes, because the French exams contained too many errors. I was convinced I wouldn't pass them because the work was too poorly prepared. So I decided to take them in English.

Mr. Thierry St-Cyr: And what about the CPIC?

Ms. Mireille Gauthier: I haven't taken any exams with the CPIC yet. However, Ms. Salloum is very open to the French language. She comes from Lebanon and speaks French. That's also the case of a number of her advisors. Unlike the CSIC, the CPIC shows great objectivity. We trouble them at the CSIC, but we're welcome at the CPIC, regardless of the language we speak.

Mr. Thierry St-Cyr: In my opinion, there are two aspects to this matter. First, all those who, like you, want to take exams in French must be allowed to do so. These exams must be available and be of equal quality. Second, to practise in Quebec, you obviously have to have a minimum knowledge of French. That's the case of all professions, whether it be engineers, doctors or lawyers, in particular.

Ms. Mireille Gauthier: At the CSIC, Francophones are the poor cousins, to such an extent that the first exam was so poorly prepared that the candidates received 10 extra points for correcting the problem.

Mr. Thierry St-Cyr: Are CSIC's communications in English and French of equal quality?

• (1605)

Ms. Mireille Gauthier: Telephone conversations are normal because the lady who deals with Francophones comes from Haiti.

Mr. Thierry St-Cyr: What about the website, written communications, news releases?

Ms. Mireille Gauthier: I'm pleased that you talked to me about that because the fact that we're considered second-class citizens was weighing on me.

What was I saying?

Mr. Thierry St-Cyr: That French Canadians are like second-class citizens.

Ms. Mireille Gauthier: Yes. I'll give you the best example there is.

In my little spiel, I said that a complaint had been filed against me. The person who handled the complaint was an anglophone and didn't want to hear a word of French. When he called me, he only spoke to me in English. I was really in a bad position because the lawyer who had filed the complaint against me was an anglophone. She got along well with the investigator. However, when he called me, I wasn't happy because I didn't understand him.

That went on for three years, until they hired Mr. Setton Lemar, who spoke both languages. I informed him in writing that I was going to find a lawyer and that they were going to hear my case in French.

[*English*]

The Chair: I have to cut it off here because we have a schedule to meet—an airport schedule to meet, and a bus schedule to meet.

Thank you very much for coming today. We really appreciate it. As we said before, your submissions will form the basis of some recommendations, I'm sure. Thank you and goodbye.

This meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.