



Migrant Workers
Alliance for
Change

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Honourable Susan Holt
Premier of New Brunswick
Place 2000, 250 King Street
Fredericton, New Brunswick, E3B 9M9

December 17, 2024

Dear Premier Holt,

Re: New Brunswick Migrant Agenda for Fairness

Congratulations on forming your new government.

We, the Migrant Workers Alliance for Change, are a membership-based organization of migrants from across Canada. Since 2022, we have been organizing in New Brunswick to address the serious issues faced by migrant workers in the fishery sector. In this short time, we have been able to support migrant workers with labor rights and immigration matters, evictions, and health and safety issues, and today are in regular contact with over 10% of all migrant workers in the province's fisheries sector.

There are over 25,000 migrants in New Brunswick, including temporary foreign workers, international students, work permit holders, refugees, and undocumented residents. These migrants are integral to New Brunswick's economy and to communities across the province, working in a wide range of sectors including fisheries, agriculture, healthcare, and education. Migrants face significant challenges as a result of gaps and weaknesses in provincial laws and policies. We request a meeting with you to discuss how we can advance equal rights and opportunities for migrants.

We urge you to implement this 10-point New Brunswick Migrant Agenda for Fairness:

1. Nothing About Us, Without Us

- Ensure all laws, policies, and regulations affecting migrants are created in consultation with migrant communities and migrant-led organizations. Migrants must have a decision making role in shaping the policies that impact their lives.



2. Strengthening Labour Rights and Protections

- **Equal Rights and Protections**
 - Extend all employment law protections to all New Brunswick residents, regardless of immigration status.
 - Guarantee equal pay and bonuses for work of equal value, ensuring parity with citizens and permanent residents, as outlined in the *Canadian Human Rights Act*.
- **Anti-Retaliation Measures**
 - Prohibit employer retaliation against workers who report unsafe or exploitative conditions, including blacklisting.
 - Explicitly include anti-reprisal protections for migrant workers.
 - Protect concerted activity, granting workers the right to organize for improved working conditions without fear of dismissal or retaliation¹.
 - Implement whistleblower protections to allow migrants to report workplace abuses or layoffs and remain in the province while seeking alternate employment without fear of deportation or immigration consequences.
- **Strengthening Contractual Protections**
 - Require explicit, informed consent for any changes to employment terms, including work outside the agreed contract. Workers must have the right to refuse changes without reprisal or coercion. Signed agreements obtained under duress must be inadmissible in disputes.
- **Cost Protections**
 - Bar employers from charging workers for PPE, uniforms, and other mandatory equipment.
- **Mandatory Emergency Leave**
 - Require employers to provide a minimum of 10 employer-paid emergency leave days per year, with an additional 14 paid days during public health emergencies.

¹ Currently, workers do not have job protection if they collectively ask their employer for improvements to wages and working conditions. This amendment should define concerted activity as actions taken by two or more employees to improve their working conditions, wages, or benefits, and protect employees from retaliation when engaging in such activities. The amendment should also clarify that these protections extend to non-unionized workers and cover individual actions taken on behalf of coworkers. This protection would be similar to provisions in the U.S. National Labor Relations Act. To implement this, New Brunswick should establish clear guidelines for employers and create a mechanism for workers to report violations of these protections.



- **Transportation Access**

- Mandate that employers provide safe, reliable, and affordable transportation for workers including to essential services, grocery shopping, etc particularly in remote or rural areas.

- **Recruiter Regulations**

- Adopt a proactive system of employer registration and recruiter licensing, including inter-provincial recruiters, with the mandatory provision of an irrevocable letter of credit or deposit.
- Require mandatory filing of information about recruitment and employment contracts.
- Ban employers and recruiters from withholding or seizing documents.

- **Exemptions and Oversight**

- Remove all exemptions for:
 - *Agricultural Workers*: End exemptions for small agricultural employers and extend minimum wage and overtime protections to all workers.
 - *Home Care Workers*: Repeal exemptions that allow employers to impose excessive hours without fair compensation.
 - *Transportation Services*: Eliminate exemptions that expose drivers and transport workers to long, unsafe hours without proper oversight.

- **Enhancing Enforcement Mechanisms**

- Establish anonymous and third-party complaint mechanisms to protect workers from employer reprisals².
- Initiate expanded investigations when there is evidence of systemic violations and conduct proactive inspections, especially in high-risk sectors for migrant employment.
- Provide inspection reports to workers and establish an appeals process for complaints not investigated.
- Ensure investigators and decision-makers have the powers necessary to conduct investigations and enforce penalties or remedies efficiently, including monitoring after a hearing.

² Anonymous individual complaints: Workers shall be able to file a claim confidentially (where the worker's name is known to the Ministry, but not to the employer). The Ministry of Labour should follow the policy of the Wage and Hour Division of the US Department of Labour to protect the confidentiality of the complainant in their investigations. If it is necessary to reveal a complainant's name to the employer in order to pursue an investigation, then the Ministry must seek the permission of the worker to do so. Third party complaints: Unions, community organizations, or other individuals or parties should be able to file anonymous complaints on behalf of an individual or a group of workers. Where individual and third party anonymous complaints refer to violations that affect more than one worker, then the complaint shall be reviewed for a workplace inspection (not individual claim investigation). Inspections of employers should aim to detect and assess monetary (e.g., unpaid wages, overtime pay, public holiday and vacation pay, etc.) and non-monetary violations (e.g., hours of work, breaks, agreements to vary standards, etc.), remedy violations with orders to pay for all current employees, and bring the employer into compliance for the future.



- Increase penalties and fines for employers found in violation of legally protected rights to deter future violations.
- Proactive enforcement should be supplemented by collaboration with community organizations.

- **Confidentiality and Privacy Protections**

- Prohibit all provincial bodies from sharing of workers' immigration status, name, or address with federal immigration enforcement to ensure workers feel safe making complaints about problems at work.

3. Strengthening the Occupational Health and Safety Act & WorkSafeNB

- **Amend the Occupational Health and Safety Act:**

- Include specific provisions against workplace harassment and abuse, with clear procedures for complaints and anti-reprisal protections.
- Require health and safety training and materials, including policies, to be provided in workers' preferred languages, covering rights under the OHS Act, hazard identification, and how to refuse unsafe work.
- Introduce regulations addressing heat stress and require regular breaks, hydration, and monitoring during extreme weather for industries with high-temperature exposure.
- Increase proactive workplace inspections in sectors with high migrant employment, ensuring compliance with health and safety standards.
- Develop a provincial emergency response plan that specifically addresses the needs of migrant communities during crises (e.g., pandemics, natural disasters).
- Create guidelines for mandatory gender-based violence and harassment prevention policies and trainings specific to the realities of in-person, high-risk work environments. Employers must be required to provide regular, mandatory training on recognizing and addressing gender-based violence for all staff, including management and workers, on compounded risks facing migrant workers due to race, immigration status, or gender identity. Create clear, accessible reporting mechanisms and strong penalties for non-compliance, with accountability measures that include addressing harassment from clients, supervisors, and third parties.

- **Improving WorkSafeNB Policies:**

- Establish mandatory orientation for migrant workers upon arrival, with information about employment rights, complaints processes, and provincial services provided in multiple languages, with the participation of migrant-led organizations like the Migrant Workers Alliance for Change.



- Expand the claim filing period for migrant workers and allow medical assessments from qualified professionals in the worker's home country.
- Assign independent case managers for migrant workers' claims and ensure all communications are provided directly to workers or their representatives in their preferred language. Extend coverage for work-related injuries, including mental health conditions, and enable continuity of medical coverage even if a worker returns to their home country.
- Develop a policy to accept alternative forms of proof of employment for workers in informal or cash-based jobs, such as witness statements, bank records, or other documentation.

4. Strengthening the Human Rights Act

- Strengthen the New Brunswick Human Rights Act to explicitly prohibit discrimination based on immigration status in all areas, including employment, housing, and access to services.

5. Expanding Health Access

Many migrants lack access to Medicare and face exclusion due to residency requirements and enrollment conditions. Migrants are only eligible for public health care if they can prove they will be residents in the province for 12 months or more. This excludes many seasonal workers who typically have work permits for 6-8 months. International students can only get Medicare if they are enrolled full time - those who move down to part time studies lose their healthcare. Undocumented migrants are completely excluded.

- Amend the Medical Services Payment Act to provide Medicare coverage to all migrants (including undocumented migrants) on arrival, regardless of the length or type of work or study permit.
- Ensure healthcare information is available in multiple languages and that employers and educational institutions clearly explain healthcare rights and private insurance options.
- Develop policies specifically supporting migrant women and families, such as access to reproductive health services regardless of residency status.
- Allocate funding for mental health services specifically tailored for migrants, ensuring services are provided in multiple languages and are sensitive to cultural backgrounds.

6. Ensuring Education Access for All

The Education Act does not explicitly guarantee access to public education for children of temporary and undocumented residents. In October 2022, children of some international students were barred from public schools.



- Amend the Education Act to guarantee free public education access for all children residing in New Brunswick, regardless of immigration status. This should explicitly include children of international students, work permit holders, refugees, and undocumented residents.

7. Strengthening Housing Rights and Tenant Protections

Migrants often depend on employer-provided housing, for which they must pay rent even when there is no work and when the housing conditions are substandard.

- Amend the Residential Tenancies Act to establish rent control including a rent cap and an eviction prevention program.
- Extend the Residential Tenancies Act to cover employer-controlled housing, establishing enforceable health and safety standards and regular inspections.
- Ensure all migrants have access to social and supportive housing, regardless of immigration status.
- Implement a rent bank to offer short-term loans to help renters including migrants find new accommodations.
- Require landlords, including employers, to file leases and damage deposits with the Residential Tenancies Tribunal (Rentalsman) to ensure tenant deposits are properly managed. The province should also simplify the process for migrants who are sent home early or otherwise displaced from their housing to reclaim deposits. This will prevent financial losses for workers. Landlords who fail to file leases must face a penalty.
- Establish a province-wide registry of landlords and rental companies, rather than individual properties. This registry should track tenant complaints and other relevant information, allowing prospective renters, especially newcomers, to make informed decisions about whom they rent from. This registry should also provide transparency around ownership structures, including numbered businesses, to increase accountability for all rental operators.
- Provide a safe, anonymous complaint system that enables migrant tenants to report unsafe or exploitative housing conditions without fear of retaliation from their employers who may also be their landlords or have relationships with landlords.

8. Equal Access to Social Services and Welfare Programs

Migrants in New Brunswick are unable to access most provincial social assistance, leaving them vulnerable during times of crisis.

- Amend the Family Income Security Act to grant equal access to provincial support programs for all migrants, including temporary foreign workers, international students, refugees, and undocumented individuals.



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9. Enhancing Access to Legal Aid and Justice

Non-permanent residents face barriers to legal representation because of language, literacy, and very limited financial resources.

- Amend the Legal Aid Act to establish a dedicated legal aid program for migrants, regardless of immigration status and household income, covering labor, housing, and immigration.

10. Access to Permanent Residency

Permanent resident status is essential for migrants to fully access equal rights and protections.

- Advocate with the federal government to create a regularization program for undocumented individuals, abolish closed work permits and ensure permanent residency on arrival for all migrants.
- Advocate with the federal government to expand the Atlantic Immigration Program or create a provincial program, establishing a specific stream for all migrants in New Brunswick across all industries and all wage categories to get permanent residency. There should be no requirement of third-party documentation, for example, a job offer letter and the program should have as many spots as there are migrants in New Brunswick.
- Advocate with the federal government to create an open work permit program for abused migrants, including temporary foreign workers, international students, refugees and undocumented people. This work permit must include a path to permanent residency.

This is a preliminary set of recommendations to improve the living and working conditions of migrants. We look forward to working with your government to ensure equal rights for all New Brunswickers. Please contact me at hussan@migrantworkersalliance.org and my colleague Niger Saravia at niger@migrantworkersalliance.org to schedule a meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Syed Hussan'.

Syed Hussan

Executive Director, Migrant Workers Alliance for Change

Cc: Alyson Townsend, Minister of Post-Secondary Education, Training and Labour; John Dornan, Minister of Health; David Hickey, Minister responsible for the New Brunswick Housing Corporation; Jean-Claude D'Amours, Minister responsible for Immigration, Luke Randall, Minister responsible for Opportunities NB, Minister responsible for Economic Development and Small Business; Cindy Miles, Minister of Social Development, Minister responsible for the Economic and Social Inclusion Corporation