



NEWS

Labour trafficking, wage theft occurring in N.B.: advocate



Aditya Rao, founding board member of the Madhu Verma Migrant Justice Centre, says labour trafficking and wage theft isn't uncommon for migrant workers to experience in New Brunswick.

Photo: Madhu Verma Migrant Justice Centre/Submitted

A case of foreign nationals who were moved to New Brunswick to work without permits during the pandemic and went unpaid isn't at all shocking for those who work on the front lines with migrant workers in the province.

“We have assisted workers who have experienced wage theft in the province,” said Aditya Rao, of the Madhu Verma Migrant Justice Centre.

“We have assisted workers who have effectively experienced trafficking in the province as well, so we can say the story doesn't really come as a surprise...”

Rao wouldn't comment on whether the Fredericton-based centre had provided assistance to the workers in this specific case involving special care homes in the province, but a new report authored in part by the Canadian Centre to End Human Trafficking contains allegations from Ontario-based migrant

workers of trafficking during the pandemic.

Sixty-four Mexican workers, who alleged they were exploited through an international human trafficking ring, were also aided by police in the Toronto area just last week.

“Maybe it’s something new we’re hearing here in Atlantic Canada, but it’s certainly not something new and these kinds of operations have been active for a long time,” said Sonia Aviles, of Migrant Workers Alliance for Change Miramichi.

Liliana Medina-Chia, 36, of Toronto, pleaded guilty in Moncton court last week for her role in employing foreign nationals without work permits in New Brunswick. She moved them to the province where they were employed in several special care homes during the height of the pandemic, court heard last week.

Originally from Colombia, Medina-Chia was working illegally at the time for a company subcontracted to find workers for these homes, according to Crown prosecutor Bernard Roux. Some of these homes were in Moncton, Miramichi, Bathurst and

Edmundston.

Details of exactly when these foreign nationals arrived in Canada and how they were recruited were not heard in court, but it was revealed that some of the workers – including Medina-Chia herself – were unpaid.

A phone message and an email left for Moncton lawyer Richard Phillips, who represented Medina-Chia in court, were not returned as of press time Friday. Efforts to contact Medina-Chia independently were also unsuccessful.

Migrants' rights advocates say this case further illustrates the systemic problems with immigration and labour laws in Canada with respect to migrant workers.

“We need to take a good hard look at ourselves in the mirror in the way we have structured our labour markets, specifically, for example, this practice of closed work permits and keeping people in immigration precarity that forces people into situations of exploitation and makes them more susceptible and vulnerable to

people who want to exploit them as we saw in this case,” Rao said.

How foreign nationals can be victimized

Foreign nationals – which is how these workers were described in court – encompasses a broad group of people, including temporary foreign workers, international students and tourists, as well as those without documentation to be in Canada.

Aviles said temporary foreign workers typically come to Canada on a closed work permit, meaning they’re only allowed to work for one specific employer.

“What happens is a lot of people leave their employer because they’re being abused, and they end up losing their immigration status, so a lot of people who you hear saying, ‘Oh, they’re not authorized to work,’ well the majority of those people had a work permit at one point,” she said.

Migrant rights’ advocates have been calling for permanent residency status to be extended to all migrants, including those

who are undocumented, meaning all would be legally able to work in Canada and have the freedom to move from employer to employer.

A call for the New Brunswick government to regulate third-party recruiters has also been made by advocates. These recruiters are often responsible for finding migrant labour for the low-wage stream of the temporary foreign worker program, charging workers unregulated fees for the opportunity to come to Canada.

A New Brunswick-based migrant worker reportedly paid \$11,000 to a recruiter for their contract during the pandemic, according to a new report studying primarily the use of temporary foreign workers in the province's seafood industry. On average, most of the interviewed workers paid in the range of \$1,000 to \$2,000, the Dalhousie University-led report stated.

Aviles called it common for third-party recruiters to be involved in finding workers in the personal care and health-care sectors in Canada.

“Sometimes there are larger recruiting agencies that have people back home, or sometimes they operate directly from Canada,” she said.

In this recent case in the Moncton region, the Province of New Brunswick had contacted WINMAR, a property restoration company, for help in finding special care home workers, the court heard, and in turn, WINMAR consulted with a sister company in Ontario who subcontracted that job out to other companies.

In an interview with Brunswick News Friday, Social Development Minister Dorothy Shephard said she wasn't aware of the situation until the newspaper contacted her, but department staff will now be gathering information and briefing her on case within the next few days. Special care homes are under her department's purview.

“Once I have that information I will understand what my options could be with regard to a review or an investigation,” Shephard said.

"It's very important to understand the process that was in place, how it happened, and then what we knew about it."

Questions certainly need to be asked of the provincial government in this case, Rao said.

"The province is involved very closely in facilitating industry access to migrant workers, so the fact that the province was implicated in this is not surprising to us," he said.

"Our understanding is that the province sees its role as facilitating industry access to migrant workers and somewhere along the line the rights of these workers have been cast aside."

- With files from Sarah Seeley

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