

WORKER PROFILE: Immigrant Workers



When the so-called Dean Report came out in Ontario in Dec. 2010, it noted that during the Panel's review of Ontario's OHS system, stakeholders identified several groups of vulnerable workers, including recent immigrants and foreign workers hired to address temporary or seasonal labour shortages, especially in the agriculture, hotel/hospitality and construction sectors. The vulnerability of these workers is hardly unique to Ontario, though. This edition of WORKER PROFILE looks at both the unique health and safety issues faced by immigrant workers and the laws you need to take into account when implementing measures to protect them in your workplace.

THE HEALTH & SAFETY ISSUES

The Dean Panel isn't the only group that has identified immigrant workers as vulnerable to injury and illness on the job. For example, the Institute for Work and Health (IWH) has done several studies on immigrant workers and safety:

Immigrant work experience study.

In one IWH study, researchers looking at the overall experience of immigrant workers in the Canadian labour market found that newer immigrants experience labour conditions that could make them more vulnerable to workplace illness or injury. For example, immigrants who've earned their highest educational degree from outside of Canada are more likely to be employed in a physically demanding occupation and/or unskilled occupation for which they're overqualified than

[box]Immigrant Workers Resources

Some jurisdictions provide resources on immigrant worker safety. For example, jurisdictions such as BC, MB and ON provide safety information, such as guidelines, handouts, posters,

immigrants who obtained their highest degree inside Canada. In addition, immigrant workers are often employed in small workplaces, where OHS practices may not be as organized, and in non-unionized workplaces, which may not have the same protections from workplace hazards as unionized workplaces. And immigrant workers whose first language wasn't English were more likely to find themselves in physically demanding occupations where a language barrier may impact their ability to learn safe work practices and refuse unsafe work.

Workplace injury study. Another IWH study compared differences in self-reported, work-related injuries between immigrant and Canadian-born workers. Based on the results of interviews with workers, the researchers came to the following conclusions:

- For injuries in general, the proportion of injuries requiring medical attention was substantially higher among the most recent immigrants than among the Canadian-born workers;
- Male immigrant workers who'd been in Canada for five years or less were twice as likely to suffer a work-related injury requiring medical attention than Canadian-born workers; and
- 90% of all work-related injuries suffered by recent immigrants required medical attention, compared to 65% for Canadian-born workers.

Causes of Their Vulnerability

Why are immigrant workers seemingly more vulnerable to workplace injuries? One explanation is that immigrants often face financial strain associated with resettling in a new country. The fear of losing their jobs may make them less likely to speak up about unsafe work or request training, which may increase their risk of injury. It may also make them less likely to report injuries. And the fear of being deported if they lose their job could also be a factor.

Language barriers are another reason. The risk of injury increases if immigrant workers aren't proficient in English or French. The language issue also heightens concerns about immigrants' knowledge of their rights, access to information on safe work practices, ability to refuse unsafe work and understanding of safety training.

Another possible factor is that immigrant workers are new to the workplace and 'newness' has been shown to increase the risk of a workplace injury. (For more information on the relationship between newness and workplace safety, see 'Making the Business Case for Safety: How 'Newness' Increases Safety Risks,' June 2010, p. 14.)

In addition, the fact that 90% of all work-related injuries suffered by recent immigrants required medical attention may mean that they're sustaining more serious injuries, possibly because they're working in more hazardous settings.

etc., in a wide variety of languages. Here are links to a few tools specifically geared toward immigrant safety:

IWH: Immigrant Workers and Workplace Health and Safety; Prevention Is the Best Medicine Toolkit

MB: A Safe Immigrant Workforce for Manitoba: An Employer's Guide for Health and Safety Training
[/box]

LEGAL PROTECTIONS

There are two types of laws that provide protection for immigrant workers:

The OHS laws. The OHS laws don't include specific protections for immigrant workers, at least not directly. But there are some implied duties under the OHS laws that relate to immigrants. For example, employers have a duty to provide workers with appropriate safety training and information. If an employer provides training and information in a language a worker doesn't understand at all or well, it's not fulfilling that duty. After all, how can you say a worker has been adequately trained when he didn't understand what being explained to him? Thus, employers *do* have an implied obligation under the OHS laws to provide safety training and information in a language their workers speak and understand.

Human rights laws. Immigrant workers are also protected under the human rights laws, which bar employers from discriminating against workers based on various characteristics, such as race, religion and national or ethnic origin. So you must make sure that the company and all employees don't treat immigrant workers differently just because, say, they come from the Philippines or Nigeria.

MANAGING IMMIGRANT WORKERS

To ensure that your company adequately protects the health and safety of immigrant workers, do the following:

Address Language Barriers

According to 2011 census data from Statistics Canada, 6.8 million people or 20.6% of the Canadian population speak an 'immigrant language.' The top 10 immigrant languages:

- Punjabi;
- Chinese (dialect unspecified);
- Cantonese;
- Spanish;
- Tagalog;
- Arabic;
- Mandarin;
- Italian;
- Urdu; and
- German.

As more new immigrants enter the country, those percentages are likely to increase. If there's any doubt that language barriers endanger immigrant workers, here are a few examples of the tragic consequences that can follow when workers don't understand English.

Examples: In April 2007, two Chinese workers were killed and four injured in Alberta when the roof of an oil storage tank collapsed. The workers had only been in Canada for a year and probably didn't speak English. In fact, government inspectors had to bring in Chinese interpreters to interview other workers about the incident. Thus, it's likely that the language barrier that these workers faced contributed to this tragedy. And in the infamous Christmas Eve scaffolding collapse in Ontario, when the court sentenced the employer of the four workers who died, it noted that although the company provided safety training to workers on the project, it failed to ensure that non-English-speaking workers got

written material in their native languages.

To address language barriers in your workplace, take the following steps:

- Determine the languages used by workers in your workplace and then take steps to provide safety training and information in those languages;
- Use pictograms, videos and other visual aids to train and convey safety information when possible; and
- Have translators or fluent co-workers provide safety information verbally.

Insider Says: For more information on handling language barriers in the workplace, see 'Safety Training: Does Safety Training and Information Have to Be Multilingual'' May 2008, p. 1. And for more on the use of pictograms to convey important safety information, see 'A Safety Picture Is Worth a Thousand Words.'

Understand the Impact of Cultural Differences

Cultural differences can also impact the safety of immigrant workers. For example, a high percentage of immigrants in recent years come from countries in Asia that have cultures in which speaking up to an authority figure is simply unacceptable. A worker with such a background may be reluctant to refuse a work assignment from a supervisor, even if he has legitimate safety concerns about that work.

So try to identify and understand the cultural differences that exist in your workforce and take steps to overcome them. Making sure that workers fully understand their rights under the Canadian OHS laws is especially critical. For example, during safety training on work refusals, acknowledge that some workers may be uncomfortable about confronting a supervisor with a safety concern. Explain that workers not only have a right but also a duty to point out safety issues. And demonstrate how a worker could refuse unsafe work in a respectful way.

BOTTOM LINE

Canada has accepted on average more than 225,000 immigrants per year since 1990, which is likely to increase. The United Nations ranked Canada third in projected net immigration numbers between 2005 and 2050, behind only the US and Germany. So adequately protecting immigrant workers is an issue that many workplaces already face and many more will face in the future. As the studies mentioned above indicate, immigrant workers face unique workplace safety challenges. So it's important that safety coordinators understand their company's duty to protect these vulnerable workers and help it do so.

Insider Sources

'Expert Advisory Panel on Occupational Health and Safety: Report and Recommendations to the Minister of Labour,' Dean Panel, Ontario, Dec. 2010.

'Comparing the risk of work-related injuries between immigrant and Canadian-born labour market participants,' Peter M. Smith PhD and Cameron A. Mustard ScD, Institute for Work & Health, Toronto, *Occupational and Environmental Medicine*, July 2008.

'The labour market experiences of immigrants to Canada: 1993-2002,' Smith, Chan

and Mustard, Institute for Work & Health, Toronto.