

**Send Them Home Packing:
A Critical Political Economy Analysis of the Canadian
*Temporary Foreign Worker Program***

by

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Abstract

This thesis is a critical political economy analysis of the conditions of migrant workers in Canada. This study begins with a survey of the formal policy structure of neoliberalism and then shifts to a survey of critical evaluations of neoliberalism. Central to the critical analysis of migrant work and neoliberalism presented in this thesis is *alienation* theory, which is used to propose a theoretical language to analyse migrant work in Canada based on *protectedness* and *vulnerability*. Once a theoretical language is proposed this study examines the regulatory structure of the Canadian *Temporary Foreign Worker Program* (TFWP), which regulates migrant workers in Canada. The formal institutional arrangements of the TFWP are then measured against the actual experiences of migrants in Canada.

Dedication

This thesis is dedicated to all the hard working men and women who migrate to Canada and work under repressive conditions in order to support themselves and their families. I also dedicate this thesis to all the researchers that bring to light the plight of migrant workers in North America and elsewhere. Finally, I dedicate this work to all the labour organizers and social activists that struggle in solidarity with migrants.

Acknowledgement

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Preface—“We want protection not persecution.”

On Christmas Eve 2009 Alexander Bondorev, Aleksey Blumberg, Fayzalla Fazilov, Vladamir Koroshi, and Dilshod Mamurov became the tragic victims of a work place accident. Shortly after 4:30pm, the five men, who were participants in the Canadian *Temporary Foreign Worker Program* (TFWP), plummeted from their swing-stage platform that was dangling at the 13th floor of a Toronto apartment complex. The men were repairing the balconies. Bondorev, Blumberg, Fazilov, and Koroshi all died. Mamurov “clung briefly to the broken equipment before falling and suffering broken legs and a broken spine.”¹ It is reported that the five men were migrant workers from the Republic of Uzbekistan, Ukraine, and Latvia.²

This tragedy drew together labour, migrant labour activists, and immigration activists to call upon the Ontario provincial government to lay criminal charges under Bill C-45, also known as the Westray Bill (so named after the death of 26 miners in Westray, Nova Scotia). The bill allows criminal charges to be laid against employers who contribute to the harm or death of workers through negligent safety practices. To date, the Ontario government has yet to apply the bill since its parliamentary passing in 1992. The same activists have also called upon the Ontario government to perform more work site inspections to prevent similar tragedies from happening in the future.³

Naveen Mehta from the United Food and Commercial Workers (UFCW) stated that “[t]his is a matter of immigration status; those who died falling from that building died solely because they were migrant workers.”⁴ No One is Illegal, an activist organization that advocates on behalf of immigrants, refugees, and “illegal aliens,” echoed the UFCW’s concerns that the five migrant men in this tragedy are victims “of their

precarious immigration status, [and] they were not given adequate safety training.”⁵ Chris Ramsaroop from Justice for Migrant Workers has raised concerns that migrant workers, including those participating in the TFWP, in Ontario (and elsewhere in Canada) are not adequately protected by Occupational Health and Safety regulations. Furthermore, migrant workers that suffer from work related injuries and illnesses are often deported from Canada. If a worker applies to a worker compensation board, the worker is typically deported before any benefits are approved by the board. Ramsaroop stated on behalf of Justice for Migrant Workers that “we want protection not persecution” for migrant labourers. Migrant workers need proper safety training and employers need to institute appropriate safety measures, such as safety harnesses.⁶ The five men involved in the Christmas Eve accident were reported to not be wearing safety harnesses—a device that likely could have prevented all four deaths, and the fifth man’s injuries.⁷ The four deaths and the severe injuries of the fifth migrant worker remain tragic, particularly considering another migrant worker died of electrocution at a Holiday Inn in Toronto on December 23, 2009.⁸

This thesis is about such men and women who migrate to Canada for work. Sadly, stories of death and injury in the context of super-exploitation are common. As this thesis will show, however, migrant labour is only one aspect of the neoliberal attack on workers around the world. The neoliberal attack on workers itself is only one facet of the overall capitalist attack on workers. That being said, the attack upon workers must be framed within that overall picture. A proper analytical focus needs to concentrate upon capitalism as the broader area of discourse. To respond to such tragedies as the Christmas Eve deaths in Toronto, we must find an appropriate analytical context that

looks through the broader scope of capitalism, rather than looking only at neoliberalism as an instigator of worker vulnerability. This thesis contributes to that strategy.

To contribute to a proper analytical context of migrant labour this thesis searches for and asserts a more appropriate analytical language. This language is one derived from a Marxist critique of labour and speaks to the conditions of migrant labourers. Specifically, this analytical language puts a perspective on neoliberalism, namely, highlighting how neoliberalism, as a model of capitalist accumulation, makes *all* work worse on a *spectrum of vulnerability*. The increase or intensification of vulnerability among workers throughout the neoliberal era has precipitated a rise of a specific kind of unprotected worker, i.e. the migrant. The extent of the migrant worker's exposure is surveyed in this study, and the vulnerability seen is disappointing. However, it is noteworthy to consider that the intensification of vulnerability and *unprotectedness* among workers is not unique to neoliberalism. Indeed, all work in capitalism is vulnerable and relatively unprotected.

Working from this premise, this thesis applies Harry Braverman's concept of the "proletarianization"⁹ of all work in capitalism. He argues that the different occupations that exist in capitalism, such as agricultural production, commodity production, service provision, and so forth, have little differentiation because of the general tendency of capitalism to "disassemble" skilled labour.¹⁰ Accordingly, the proletarianization of work means that work, regardless of the sector in which it is performed, is generally low-skill and performed for a relatively similar (and low) wage. The capitalist workforce is relatively homogenous for this reason.¹¹ This relative homogeneity dismantles any differentiation between specific labour forms. What we are left with is a generic labour

form that slides along the scale of vulnerability. As a result differentiating between live-in caregivers and seasonal farmers as different migrant labour forms is largely inconsequential. From this an analysis can successfully consider both categories of migrant worker as alienated workers.

By placing the discussion of the phenomenon of migrant labour in the context of the critique of alienated labour it offers a *grander perspective* than the literature that merely discusses migrant labour with reference to neoliberalism and the evolving social relations of class power. Neoliberal policies have contributed to the growth of migrant labour as will be surveyed in Chapters One and Two, but it does so against the backdrop of the capitalist form of work. Neoliberalism both *is* and *is not* the cause of migrant labour. To put this in different language, neoliberalism is the *proximate cause* of migrant labour but capitalism and its labour form are the *essential causes*. Neoliberalism is not indicative of any *new* trend in capitalism; it is merely indicative of the *shift* toward more vulnerable and unprotected work on the overall *spectrum of vulnerability*. This thesis reviews the worst moments of that vulnerability.

Notes

1. Cynthia Reason, "Supporters hold vigil to honour fallen migrant workers," *InsideToronto*, January 8, 2010
2. *Ibid.*
3. *Ibid.*
4. Maria Calleja, "Migrant Workers in Danger in Ontario," *alternavox*, February 20, 2010
5. *Ibid.*
6. *Ibid.*
7. Vince Versace, "Four construction workers die in Toronto on Christmas Eve," *Daily Commercial News and Construction Record*, December 24, 2009
8. Raveena Aulakh, "4 migrant workers die in plunge from highrise," *The Star*, December 25, 2009.
9. Harry Braverman, *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*, (New York: Monthly Review Press, 1974): 353.
10. *Ibid.*, 371.
11. *Ibid.*, 353-354, 359.

1. Neoliberalism—Formal Policy Features and Critical Evaluations

PART 1

Each era of history is governed by a set of political and economic relations. The study of these relations has come to be known as *political economy*. The focus is appropriately on the social relations of power between the classes that interact with each other in the process of production. The two dominant classes that participate in production are known namely as the capitalist class and the working class, and are often described as “capital” and as “labour.”¹

The social relations of power in the process of production are capitalist. Capitalist social relations of power, however, have been dominated by different *models of accumulation*. For example, the present model of accumulation is called neoliberalism. The model of accumulation that preceded neoliberalism has come to be known as “the Golden Era (of capitalism).” The Golden Era lasted until the mid-1970s and placed greater priority on social programs, like unemployment insurance and publicly funded education. Furthermore, the Golden Era demonstrated a different balance of power between capital and labour whereby labour secured many gains. For example, labour saw rising real wages, improved benefits, and better labour code protections.

In contrast, neoliberalism does not provide labour with the same sense of relative protection because it features a relative decline in the power of labour. The interests of capital are more dominant. Neoliberalism places greater emphasis on deregulation and privatization, which has caused a decline in real wages. The benefits secured during the Golden Era, like unemployment relief and social programs, have been scaled back, and labour codes have been weakened.

Neoliberal restructuring is comprised of several policy tenets adhered to by governments around the world. These tenets are commonly known as the “Washington Consensus.” The Washington Consensus is so tightly bound up with the essence of neoliberal restructuring that the two are usually treated synonymously. The Washington Consensus was originally designed in the 1980s as a specific area of policy development for the International Monetary Fund (IMF) and the World Bank, namely as a way for the IMF and World Bank to restructure the South American economy. The IMF and World Bank saw it necessary to restructure the South American economy because it was debt ridden and suffering from a series of economic crises. In time, the application of the Washington Consensus had come to closely embody the overall neoliberal economic restructuring across the globe.

The Washington Consensus was intended to restore corporate profitability and improve consumer affluence. However, the consequences of neoliberal restructuring has not proved to be beneficial for workers. Attacks against labour in the forms of wage, benefit, and job cuts have weakened the collective power of labour. These cuts have placed stress upon workers who face constants threats from capital, especially with diminishing full-time employment. Relatively permanent full-time employment has been replaced with more part-time and contract-based jobs throughout the neoliberal era.

I will not contend that work has *become* vulnerable. Vulnerable work has always existed in capitalism but one characteristic that makes neoliberalism unique is the degree of vulnerability it creates among workers. This is to say that workers during the Golden Era were less vulnerable as their wages increased and their benefits improved. Unions played a critical role during the Golden Era in the development of protections for

workers. As wages, benefits, and full-time employment have been slashed in the neoliberal era, vulnerability has increased and more workers have found themselves in a more heightened state of susceptibility. This susceptibility reflects the sustained neoliberal attack against unions.

Among the most vulnerable of workers, I will argue, are migrants. Not only has neoliberalism restructured the global economy in favour of capital and profitability but it has simultaneously promoted a growth in international labour migration. Labourers who migrate for employment endure a variety of hardships that intensify their vulnerability. For example, geographic, cultural, and social dislocation cause considerable anxiety among migrant workers. Very poor wages coupled with substantial psychological and verbal abuse by some employers and managers amplifies migrant worker anxiety, which in turn increases a worker's sense of vulnerability.

To begin a more thorough investigation into the vulnerability of migrant work it is helpful to review neoliberalism's formal policy structure.

Neoliberalism—Formal Policy

After World War II something began to change in the Canadian and American economies. Until about the mid-1970s, there was something called the capital-labour accord.² Alternatively, it was also called the Fordist-labour compact or the Fordist Compromise.³ This was a period of relative prosperity for the typical labourer and the typical employer. Economic growth increased at unprecedented rates. It was a time of optimism. Workers saw their real wages increase, and in return for ceding managerial control of their workplaces and the introduction of some labour-saving technology, they saw better pensions, enhanced work safety regulations, and more health benefits. This

period came to be known as the “Golden Era” in capitalist expansion and prosperity because it saw four to five percent growth each year, low unemployment, even lower inflation that has been described as “virtually non-existent,” and real wages rose about 60% over the entire 25 years in the United States. It is also regarded as a time with more balanced class relations between capital and labour.⁴ But this prosperity, growth, and optimism did not last.

The Golden Era and the worsening of work in the neoliberal era has been used as a basis to create implicit comparisons between *good* or acceptable and *bad* or unacceptable conditions of work. That is to say that the Golden Era is implicitly regarded as creating “good work” because of the regulatory regime and general prosperity. The implicit distinction between “good” and “bad” work has been partly proliferated through the change in social relations of power of the Golden Era to neoliberalism. The good-bad distinction has also been described as precarious work (bad) and non-precarious work (good), with shifting social relations of power creating more precarious work.⁵

The change in social relations of power took place beginning in the mid-1970s, and continues today. The Golden Era was replaced with the post-Fordist or neoliberal model of accumulation. In the past two decades, neoliberalism has come to be characterized by what is called the “Washington Consensus,” a ten-point program outlined by John Williamson in 1989 while he was a senior policy analyst at the International Monetary Fund (IMF). Williamson’s explanation of the Washington Consensus provides a representative depiction of neoliberalism. These policies have come to embody the gist of neoliberal economic restructuring. To effectively present a critical evaluation of neoliberalism it is helpful to start with a formal survey of

neoliberalism and the Washington Consensus on their own terms.

The so-called consensus was promoted internationally by the IMF, the World Bank, the World Trade Organization (WTO), the Institute for International Economics, the American Federal Reserve Board, corporate think-tanks, politicians around the world, and academics, especially economists. The Washington Consensus is so named because the IMF, the World Bank, and other high-profile international organizations that have promoted this “consensus” find themselves located in Washington.⁶

In recent decades neoliberalism is often treated as synonymous with the Washington Consensus, although neoliberalism pre-dates the advent of Washington Consensus as a term and as a set of economic policies. Williamson claims that the tenets of the Washington Consensus are “policy instruments rather than objectives or outcomes.”⁷ The impetus behind these policy instruments, as Williamson explains, began as a program largely for Latin America to set a standard for economic growth objectives, lower inflation, create a viable balance in foreign debt payments, and establish an equitable income distribution. According to Williamson and like-minded commentators, this consensus is also supposed to have an impact against corruption, particularly in the areas of public expenditure, trade policy and deregulation. The Washington Consensus also promotes austerity in government spending while promoting general prosperity for consumers. The policy instruments advocated by the International Monetary Fund and World Bank are listed and briefly summarized below:

1) Implement Fiscal Discipline and Limit Budget Deficits

The International Monetary Fund sets the conditions under which it loans funds to lender-countries. One such condition is a lender-country’s commitment to restore fiscal

discipline with the goal of stabilizing government spending and reducing deficits. In lieu of reducing deficits, a balanced budget could still be accepted provided the debt-to-GNP ratio does not increase. Fiscal discipline is meant to reduce government net liabilities in public sector spending and is measured against “strength of demand and the availability of private savings.”⁸ The Washington Consensus also advocates for accurate accounting of budget expenditures.⁹

2) Reduce Public Spending, Especially in Public Administration

In the event of fiscal deficits, the need emerged to reduce expenditures, particularly in the areas of military, subsidies, and public administration. While purporting to stay out of international policy-making in the area of military spending, the Washington Consensus emphasizes reduction of subsidies, “especially indiscriminate subsidies” and “subsidies to cover the losses of state enterprises,”¹⁰ as they are usually in areas that Williamson says domestic policy and decision makers may have forgotten to retract subsidies, or were too timid to do so in the face of domestic backlash. Expenditure on public administration is necessary for the functioning of government but the Washington Consensus sees it often as bloated and encouraging corruption.

Two main areas that should *not* be cut, accordingly to Williamson, are 1) health and education, and 2) public infrastructure investment. Health and education, according to Williamson, are investments in human capital as well as investment in consumption because these investments help the disadvantaged. Public infrastructure investment is good because it is also perceived to be productive by creating jobs.¹¹

3) Reform Tax Systems

The alternative to decreasing public expenditure is increasing tax revenue. The

idea behind reforming tax systems is to ensure that a country's tax base is broad, and that the marginal tax rate is moderate enough to provide sufficient tax revenue without the side-effect of flight capital. Tax reforms should also consider effective taxation of and collection from taxed flight capital.¹²

4) Liberalize Financial Systems, Allowing Interest Rates to be Determined by the Market

The Washington Consensus has established that interest rates should be determined by the market to avoid resource misallocation and arbitrary credit rationing by government bureaucrats. Furthermore, interest rates should be positive to discourage capital flight and encourage savings. Interest rates also need to be moderate “to promote productive investment and avoid the threat of an explosion in government debt.”¹³

5) Set Competitive Exchange Rates to Encourage Exports

Exchange rates, like interest rates, should be set by the market “or their appropriateness ... judged on the basis of whether their level seems consistent with macroeconomic objectives.”¹⁴ The idea is that no matter the method achieved, exchange rates should be competitive and at a level that encourages export-driven growth, be at a level that accounts for the country's deficit, as well as be sustainable, limit inflation, and limit resources for domestic investment.¹⁵

6) Liberalize Trade by Abolishing Trade Licensing and Reducing Tariffs

Economic policy should emphasise import liberalization to increase access to intermediate inputs at competitive prices, which in turn stimulates competitive export-driven growth. Washington Consensus further emphasizes the abolition of import licensing, which is considered to have a “massive potential for creating opportunities for

corruption.”¹⁶ If import protection is needed, it should be through moderate tariffs for new industries, although free trade is considered ideal.¹⁷

7) Welcome and Encourage Direct Foreign Investment

Foreign direct investment is considered useful in bringing needed foreign capital to domestic markets, providing skills and know-how, and producing new goods for the domestic market or contributing to exports for the international market. Foreign direct investment can be promoted by debt-equity swaps (cancelling a portion or all of an institution’s or country’s debt for equity in the institution or economy), which is encouraged by the Institute for International Finance, the International Finance Corporation, and the United States Treasury because foreign direct investment can be promoted with the dual objective of reducing debt.¹⁸

8) Privatize State-Owned Corporations for Efficient Management and Improved Performance

In the Washington Consensus, privatization is seen as a more attractive policy instrument in reducing debt than debt-equity swaps because privatization, it is thought, can relieve budget pressures on the government by producing revenue for the government. Privatization, it is argued, also allows industries or corporations previously owned by the government to be managed and operated more efficiently. Private industry is considered more accountable to stakeholders for positive return on the investment and as encouraging greater competition. Privatization is not always efficient though, such as in the case of public transportation, where capital costs would be too great a disincentive to private enterprise.¹⁹

9) Deregulate the Economy

Deregulation of economies is also considered an effective competition-stimulating measure. Deregulation can be applied to “outflows of profit remittance, price controls, import barriers, discriminatory credit allocation, high corporate income tax rates combined with discretionary tax-reduction mechanisms, as well as limits on firing employees.”²⁰ Deregulation is supposed to curb the potential for corruption where regulation might encourage government officials and corporations alike to attempt to circumvent established rules. Furthermore, deregulation is also argued to have a more significant negative impact on the growth of smaller businesses that are adversely affected and discriminated against by excessive regulation.²¹

10) Protect Private Property Rights

Property rights are viewed as insecure in places like Latin America but are considered to be of fundamental importance to the growth and operation of capitalist economies. Therefore, Washington Consensus supports the protection of private property rights wherever they are inadequately entrenched.²² While Williamson spends little time discussing the protection and promotion of private property rights abroad, he understates this concept as a fundamental tenet of capitalism.

Williamson concludes that the Washington Consensus economic policy instruments rest upon “prudent macroeconomic policies, outward orientation, and free-market capitalism” as well as inflation stabilization.²³ These points, particularly the concept of free-market capitalism, have formed the basis of a hegemonic neoliberal outlook. Although neoliberalism preceded the Washington Consensus, the 10 policy instruments described above have come to embody the core principles of neoliberal

capitalism.

Williamson may describe neoliberalism and the Washington Consensus as “prudent” economic restructuring measures but they are not benign. They have had several dire consequences for workers such as restructuring of production by moving production out of North America to areas with cheaper labour costs. Workers have also come up against barriers to unionization, experienced corporate “downsizing,” seen their full-time jobs turned into short term contracts or outsourced to other business firms—all of which, among other strategies, have “fractionated” and “disaggregated” the working class internationally.²⁴ A fuller perspective is therefore necessary to grasp the broader extent of neoliberalism’s effects upon working people. A critical assessment from the standpoint of working people must follow to provide this necessary perspective. This assessment will show how neoliberalism has shifted the social relations of power in capitalism along the spectrum of vulnerability to make workers more vulnerable to the overall *essential relations of power* in capitalism.

Critical Evaluation of Neoliberalism

Neoliberalism gained most of its ground internationally under the governments of former British Prime Minister Margaret Thatcher and former United States President Ronald Reagan. In Canada, former Prime Minister Brian Mulroney cemented neoliberal reforms, policies which were continued and intensified under the Chrétien government. Mulroney focused on controlling inflation and facilitating extensive privatization but Chrétien’s focus was debt control and elimination of deficit spending, with strong emphasis on restructuring of unemployment regulations as shown by the numerous amendments to unemployment insurance regulations in the 1990s and the Orwellian

switch to “employment insurance.”²⁵ These neoliberal governments placed stronger emphasis on the interests of business rather than on the interests of workers, and this business-oriented economic restructuring was implemented in the spirit of the Washington Consensus policy instruments described above. The policy initiatives of these governments were also supplemented or supported by the monetarist, inflation-control policies advocated by Milton Friedman.²⁶ Monetarist-based neoliberalism, according to Wenona Giles and Valerie Preston, has intensified informalization and domestication of work, which has particular implications for female and migrant workers.²⁷

While corporations were “merged and acquired, downsized, deindustrialized, multi-nationalized, automated, streamlined, and restructured,” workers lost their jobs, their benefits, and experienced “The Great U-turn” of wages.²⁸ Wage stagnation and decline has come to characteristically define the new relationship between capital and labour in the neoliberal era. The result of the neoliberal push was an intensified offensive against unionized and non-unionized work, cuts to wages and benefits, downsizing and restructuring, and the relocation of production. In this context, capital became “overwhelmingly dominant” over labour, and strengthened government’s favour while in its position of dominance.²⁹

In both Canada and the United States neoliberal governments have dismantled the welfare state and privatized several publicly owned enterprises. For its part, capital has moved factories abroad and closed “union-shops.” This anti-unionism is sometimes known as the “Wal-mart Effect.”³⁰ Strategies like this were easily practiced by capital because the Washington Consensus deregulation policies saw the state dismantle,

partially dismantle, or significantly weaken labour laws, which then became more sparingly enforced.³¹ In Mexico, North America's less-industrialized country, many of the same neoliberal strategies were applied, including privatization and social security restructuring. As an example, Mexico's rural banking system was privatized to the detriment of the rural population. Agricultural institutions were dismantled, and the modest support that existed for small and medium sized farm operations was eliminated.³²

During the rise of neoliberalism, capital made full use of its renewed dominance as the social relations of power began to change. Provisions protecting some of the workers' rights disappeared as neoliberal governments deregulated entire industries. The relocation of production and productive jobs contributed to wage cuts because it forced unemployment rates up and forced workers to take direct wage cuts to keep their jobs. Restructuring also forced workers to take more temporary and part-time jobs in a labour market with scarcer full-time employment opportunities.³³

Another change experienced by some workers was a decline in unionization. In the American workforce, union-protected jobs fell from over 30% of the workforce during the Golden Era to just under 10% of the workforce during the 1970s and 1980s neoliberal era.³⁴ In Canada, the change in union density was not quite as drastic because nearly half of union jobs reside in the public sector. Nonetheless, private sector union-protected jobs still declined. The Canadian government's preferred strategy to cut union-protected jobs has been to consistently contract and restructure the public service through privatization, deregulation, and shrinking the size of public administration, particularly through reduced provision of social programs like (un)employment insurance.³⁵ With

reduced union density, weakened unions found themselves less able to negotiate wage and benefit increases since the 1970s.

The neoliberal policy instruments described above have extended to health and education in the form of smaller government budget allocations. Many social programs were gutted and are no longer reliable safety nets for unemployed workers, especially in the 1990s after the various amendments to unemployment insurance provisions and regulations. Therefore, while many workers could no longer rely on stable employment, they could also no longer rely on the government to help them through bouts of unemployment. Workers then found themselves more vulnerable than before, and their vulnerability made them more flexible as they accepted part-time employment at lower rates of pay more often than in the past while unemployment peaked at 12% in 1983 in Canada.³⁶ The reality faced by workers is that the state has embraced neoliberal deregulation, and the operations of government have changed to “reflect the logic of the marketplace and to engage the private sector as never before.”³⁷

More important for migrant workers, however, is how neoliberal restructuring creates a shift in the regulation in the movement of labour. Nandita Sharma’s analysis has led her to conclude that inter-state trade agreements have created both “geographical shifts in production and the formalization of labour-repressive free trade zones” in economically advanced countries.³⁸ An example of a “labour repressive free trade zone” includes that under the North America Free Trade Agreement (NAFTA). Another example is the Canadian Temporary Foreign Worker Program. The Temporary Foreign Worker Program is established through a series of memoranda of understanding the Canadian government holds with other countries, such as Mexico, Jamaica, and the

Philippines (to name only a few). The administration of this Program sees impoverished workers from participant countries recruited, hired, and transported to Canada to work in a variety of sectors, including seasonal agriculture, construction, and live-in caregiving.

After three decades of neoliberal restructuring, there has been a clear and noticeable shift in the prevailing social relations of power in the capitalist workplace and economy. The restructuring has altered the balance of power between the interests of capital and the interests of labour. Since, this shift has had profound social consequences, the broader social relations of power within capitalism is the target of the critical analysis here rather than just neoliberalism, *per se*.

Neoliberalism has merely been an instrument used to shift the social relations of power in favour of capital, and thus must be analysed as the tool that has been applied and instituted to restructure the capitalist political economy. That is to say that neoliberalism has shifted the overall capitalist social relations of power by degree of vulnerability for labour and degree of dominance for capital. Accordingly, Part Two of this chapter will be theorizing about the essence of capitalism apart from the shifting social relations of power.

The essence of capitalism that will be explored in Part Two is the *alienated labour form*. *Alienated* or *estranged* labour is one of the defining features of capitalist work. Moreover, the vulnerability of a worker is determined, in part, by the degree of alienation experienced by the worker. The most severe alienation to which a worker is exposed is that which a migrant worker experiences. However, the language used in the analysis of migrant work has so far been insufficiently based on a theory of capitalist work. Part Two, then, will first examine existing language used to describe work in

capitalism and will assert a new language to describe migrant labour that is more properly based on a theory of capitalist work, i.e. based on the alienated labour form.

PART 2

The Migrant Worker—Finding a Language

In the critical analysis of neoliberalism various streams of literature have emerged to describe the effects of neoliberal economic restructuring upon working people. Part One of this chapter outlined the shift toward neoliberalism and the formal policy structure of that shift. The broader study of that shift's effects upon working people does not have a sufficient theoretical basis upon which to establish a proper analytical language. The leading literature that has developed in Canada centres on "precarious work." Contributors include Leah Vosko, Cynthia Cranford, Nancy Zukewich, Wayne Lewchuck, Alice de Wolff, Andy King, and Vivian Shalla.³⁹ Cranford, Vosko, and Zukewich argue that "'precarious employment' is the best concept available – preferable to 'non-standard' – since it adds important nuances to the standard/non-standard employment distinction."⁴⁰ They also assert that they "examine the relationship between employment forms and dimensions of precarious employment, such as control, regulatory protection and income"—all of which are important factors to consider in the analysis of work in the neoliberal era. These factors are especially significant in examining migrant work in Canada.⁴¹

Vosko argues that there are four dimensions of precarious work: "time horizons and risk of job loss[,] ... control over the labour process[,] ... degree of regulatory protection ... [and] income level."⁴² These are important factors to consider in the analysis of migrant labour. However, "precarious employment," as a term, is an

insufficient tool in this analysis, as will be explained shortly. Precariousness successfully describes many of the various *characteristics* or *features* of work as the neoliberal social relations of power have changed, but is weaker at addressing these problems in terms of capitalist work *qua* capitalist work or “in itself.” Their analysis, indeed, seems to work from the implicit assumption that there can be non-precarious or unproblematic work within capitalism. This implicit assumption itself is problematic when measured or juxtaposed against an analytical language of work that accounts for the overall vulnerability of all work in capitalism, that is, an analytical language based on alienation in context of the *essential* relations of power in capitalism, rather than merely the shifting relations of power in the neoliberal era.

Difficulties also arise when we consider the literature on migrant work. For example, Richard Vogel has described migrant work as the equivalent of “transient servitude.”⁴³ Unfortunately, “transient servitude” speaks more to employer-employee relationships and characteristics or features of migrant work rather than speaking to the overall social relations of power and the alienated nature of work. *Transient servitude*, as a term, is not incorrect in describing aspects of alienated labour, but it is not successfully predicated upon the spectrum of vulnerability inherent to the social relations of power of capitalist work. Vogel successfully traces the history of the super-exploitation of migrant workers in the United States from the *Bracero Program* through to the *North American Free Trade Agreement* (NAFTA) then to the *General Agreement on Trade in Services* (GATS) through to government policy of the George W. Bush administration. However, the historical context provided by Vogel to describe transient servitude does not establish an analysis of migrant labour as a form of capitalist labour.

Harald Bauder, one of the foremost of Canadian migrant labour scholars, describes migrant labour as “a new serfdom.”⁴⁴ Bauder also calls migrant work “unfree” labour or even calls it “unfreedom.”⁴⁵ He is specifically referring to the inability of workers to circulate freely within a labour market. *Unfreedom* and *new serfdom* are helpful descriptors in an analysis of the latitude of rights to which migrant workers in Canada are denied, but these descriptors have weak theoretical links to alienation. In fact, Bauder has called migrant labour in Canada “a new serfdom” without explaining what he means when using the term. He does provide a better explanation of unfreedom stating that migrants are legally “free” but the institutional structures of migrant labour in Canada prevent tangible “freedom,” e.g. the ability to move about the country, the ability to quit a job, the choice of where to live, etc. Daiva Stasiulis and Abigail Bakan also characterize migrant work, particularly that of live-in caregivers, as unfree.⁴⁶ As we see in these writers, the concept of freedom within capitalism is often touted as a defining feature of capitalist work.⁴⁷ The essence of capitalist work, however, is not best described in terms of the kind of freedom described by Bauder, and Stasiulis and Bakan. A “free” worker can still be completely alienated and vulnerable. Indeed, a “free” worker *is* completely alienated and vulnerable. Therefore, this thesis sublates the existing literature of precariousness, transient servitude, and unfreedom into the broader critique of alienated labour.

Placing the discussion of the phenomenon of migrant labour in the context of the critique of alienated labour offers a *more considered perspective* than the literature that merely discusses migrant labour with reference to neoliberalism and the evolving social relations of class power, or that merely focuses on “freedom.” This wider theoretical

perspective can be expressed as a paradox. Neoliberal policies have contributed to the growth of migrant labour as surveyed in this chapter and in Chapter Two, but it is done so against the backdrop of the capitalist form of work. As said above, neoliberalism *causes* and *does not cause* migrant labour. To put this in different language, neoliberalism is the *precipitating cause* of migrant labour but capitalism and its labour forms are the *background causes*.

The Critique of Alienated/Estranged Labour

The analysis of work generally, and migrant work specifically, lacks a sufficient theoretical grounding. A language exists in the literature on work that has described the effects of neoliberalism on working people. That literature, however, is not sufficiently theoretically predicated on analysis of the *capitalist labour form*, which is alienated. Precariousness does not analyse and describe the social relations of power of work in terms of alienation. There is no non-precarious work as the precarious work scholars implicitly suggest. There may be less alienated and less vulnerable work in capitalism, but this work does not escape the social relations of power inherent in capitalism that pushes all work along the spectrum of vulnerability to become precarious, vulnerable, flexible, contingent, etc. Moreover, freedom and unfreedom are not linked to the essence of capitalist work, especially regarding the full critique of capitalism. Whereas freedom in capitalism is a limited phenomenon for most, freedom for the worker becomes the freedom to choose one's employer and not much else. Migrant workers in Canada do not even have this freedom. Since this thesis takes its theoretical basis from a Marxist conception of alienation, I posit an analytical language informed by Marx's theory.

Alienated labour—known as *estranged* labour in Marx's *Economic and*

Philosophic Manuscripts of 1844—defines the *formation* of capitalist work. Marx conceptualized the capitalist worker as an alienated one, as has been reiterated throughout this chapter. What does this mean exactly? There are several dimensions that characterize the alienated worker. First, the worker is alienated from nature; i.e. we as a society do not subsist directly from nature. Next the worker is alienated from the production process which is controlled by managers and business owners—the capitalist class. From there the worker is alienated from one’s own labour-power which is sold to the capitalist for a wage. The worker’s labour-power is a commodity sold to the capitalist where “labour itself becomes an object.”⁴⁸ Once the worker’s labour-power is sold, the worker does not determine for her- or himself how that labour-power is used. In a capitalist society the commodities produced or services provided by the worker do not belong to that worker insofar as Marx says, “the worker is related to the *product of his labour* as to an *alien* object.”⁴⁹ Alienation within the production process also has the effect of alienating workers from each other by fractionating the labour-process into specialized yet often low-skill tasks performed individually or in a segregated fashion. The worker does not have control over how one assembles a product or provides a service and has little or no say in the setting of the wage rate for the work performed. The capitalist has significantly more power in determining the worker’s wage-rate because workers are in a competition for employment and will work for a low wage, provided it sustains them.⁵⁰

Marx argues that alienation is constituted by the worker’s labour-power being external to the worker and that labour is not voluntary but is a coerced act forced as a means to satisfy need (e.g. hunger, shelter). Moreover, the worker’s labour-power is sold

as a commodity to the capitalist in the production of other commodities (or for the provision of services) to be sold earning profit for the capitalist. The commodification of labour, in turn, dulls the worker's mind as the production process becomes simplified into individual specialized tasks. Under such a circumstance, labour is not an activity in which a person engages as a "life activity," or as a meaningful productive activity for his gratification.⁵¹

A clear division between labour and capital defines alienated labour.⁵² This is the very essence of work in capitalism. This division is what causes the labourer to be alienated, and *through* that alienated condition is *kept vulnerable*. The worker's own labour, no longer apart of her or him, confronts the worker "as an alien object."⁵³ The extent of the worker's vulnerability is consequently determined by the degree of alienation to which the worker is exposed or experiences. Alienated, vulnerable workers are, therefore, subject to the whims of business owners and managers. Resistance to these whims is modest. James Rinehart calls this the "tyranny of work." This tyranny, as it were, is an asymmetrical relationship between workers and capitalists based on the division of power between the two.⁵⁴ As shown above, this asymmetry has become even more unbalanced in favour of capital as social relations of power have shifted, and continue to shift, in the neoliberal era.

It is the case that the shifting social relations of power in question contour the shift in power within the workplace. Working people have become *more* susceptible to abuse by managers and owners. Indeed, these vulnerabilities have worsened as the broader field of class power has shifted to terms more favourable to the capitalist class. But this shift must be addressed in terms of the essential relations of capitalism that

makes *all* work, to use the language of the day, precarious or contingent.

Analysis of precariousness, transient servitude, unfreedom, new serfdom remains only on the surface insofar as it fails to pivot from a “theory of work” *qua* capitalist work. The “precarious work” scholars’ argument fails to capture the essence of work in capitalism, namely that all work is precarious and contingent within capitalism by its very nature. All work in capitalism is vulnerable, precarious, flexible, and so forth, owing to its alienating condition. Accordingly, from this premise there cannot be a distinction, implicit or otherwise, between precarious and non-precarious work in capitalism. All work can then be placed on a spectrum of vulnerability in a manner consistent with the essence or alienation of capitalist work.

This form of labour has extended to all work. Harry Braverman explores the “proletarianization”⁵⁵ of all work in capitalism. He argues that the different occupations that exist in capitalism, such as agricultural production, commodity production, service provision, and so forth, have little differentiation because of the general tendency of capitalism to “disassemble” skilled labour.⁵⁶ Braverman argues that labour is distinguished by its social form rather than by its “determinate” form.⁵⁷ That is to say that “white collar” and “blue collar” work are considered different because the former pertains to office-based work while the latter is confined to production and unskilled labour. Moreover, white collar work is equated with the so-called middle-class and blue collar workers are typically considered members of the so-called lower-class. Therefore, the social form used to distinguish types of work is associated with the relative affluence attributed to the type of work. However, characterizing work by its social form is unhelpful.⁵⁸ Accordingly, the proletarianization of work means that work, regardless of

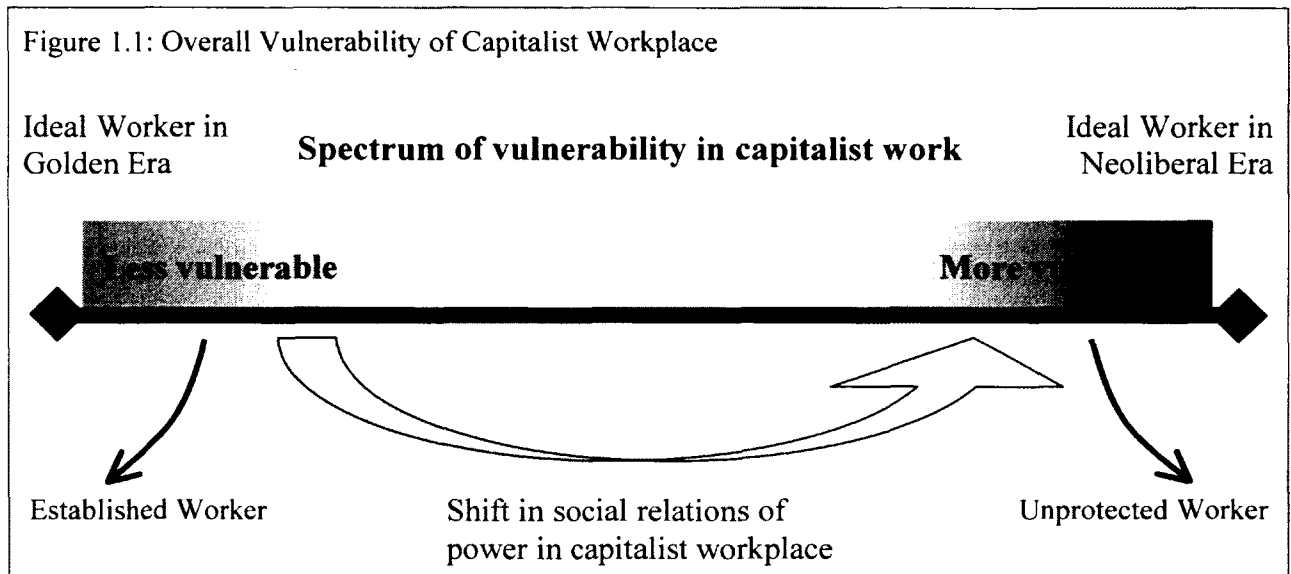
the sector in which it is performed, is generally low-skill and performed for a relatively similar (and low) wage. The capitalist workforce is relatively homogenous for this reason, and further challenges the implicit distinction between precarious and non-precarious work.⁵⁹ Furthermore, the relative homogeneity of the work force, through proletarianization, dismantles any differentiation between specific labour forms. What we are left with is a generic labour form that slides along the scale of vulnerability. As a result differentiating between live-in caregivers and seasonal farmers as different migrant labour forms is relatively less important, despite the fact that farm labourers are contributing to the direct production of commodities in the classical Marxist sense. From this premise, an analysis can successfully consider both categories of migrant worker.

Accordingly, the preferred term that I will use as the basis for my analysis is “unprotected work.” This term was employed and expanded upon by Jeffrey Harrod and provides a basis upon which to examine the *degree* of relative protections workers have in relation to their employer(s), the state, and the mode of production. According to Harrod the unprotected worker is

the least powerful of producers within the world labour force.... Their lack of power leaves them unprotected in face of opposing groups, unlike established workers where unions, corporations, or states have been the source of some protection and stability. The unprotected workers are subordinate workers within subordinate forms of social relations, because even the groups with the most immediate control or domination in the production process are themselves manipulated and controlled from elsewhere in the wider society.⁶⁰

The “established worker,” then, is a notion opposed to that of the relatively unprotected worker. These two categories of worker contrast with each other on a spectrum with two poles, but both point fundamentally to the general exposure of the capitalist wage labourer and merely indicate varying degrees of protections. One pole typifies the

Golden Era’s ideal worker (the *relatively established* worker) and the other pole typifies the neoliberal era’s ideal worker (the *relatively unprotected* worker), as I have shown in Figure 1.1 below. Neither pole, however, escapes the generalized vulnerability of all capitalist work and therefore, can only be described as “less” and “more” vulnerable.



During the Golden Era’s capital-labour accord workers saw their wages increase and their benefits improve. There were labour market regulations and social programs like (un)employment insurance, as well as frameworks embracing the right to strike and the right for workers to bargain collectively with their employer. These rights allowed workers to oppose their employers and negotiate for improvements. The relative protections afforded the “established workers” of the Golden Era a degree of protection against the whims of employers and changes in the economy.

The neoliberal era, however, has not maintained the same levels of relative protections. Unions and the established worker have been under consistent attack by capital and government. The majority of workers have shifted along the spectrum of worker protections toward a state of increased overall vulnerability. This increasing

vulnerability reflects the broader shift in social relations of power in favour of capital. This general shift has been assisted by neoliberal state policies. As Wendy McKeen and Ann Porter summarize, the policy of the Canadian government has purportedly “emphasized free market forces, a reduced role for the state, and a concern with inflation rather than unemployment,” while simultaneously reducing the state’s role in the provision of social programs for citizens and *in upholding worker rights and worker protections*.⁶¹

Migrant Worker as Unprotected Worker

The migrant worker is subject to a great deal of *unprotectedness* and vulnerability. This chapter has outlined an analytical language within the appropriate context of capitalism as a whole. Existing literature has been sublated into the analysis of work in capitalism generally and migrant worker specifically, namely that work is not precarious/non-precarious but that all work is alienated and placed along a spectrum of vulnerability. As protections diminish, vulnerability increases—the migrant worker is among the least protected and most vulnerable (as I have shown in Figure 1.2 below). By placing migrant labour on a spectrum of vulnerability, a better perspective can be placed on much of the literature.

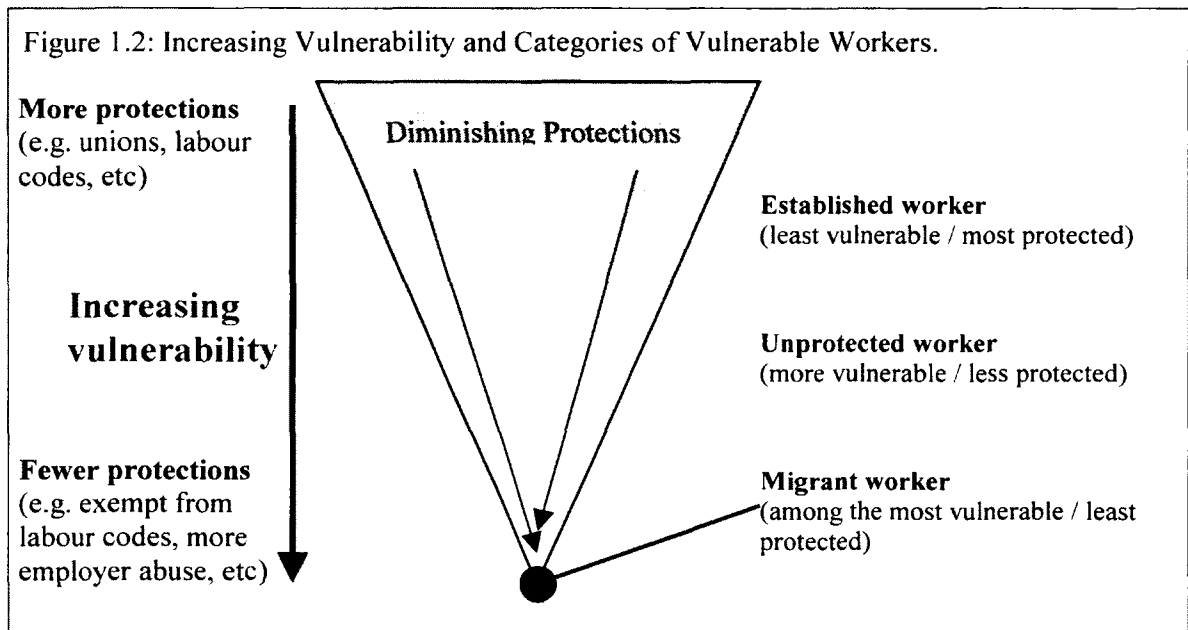
To illustrate this more expansive perspective, we can consider the particular, but limited, usefulness of the notion of “freedom” as the main descriptor of migrant labour. As described above, migrant work in Canada has been characterized as “unfree,” meaning that migrant workers in Canada are tied to a specific employer, for a specific job, for a specific period of time, under specific conditions. These conditions are what have led Vogel to call labour migration the institutionalization of “transient servitude.”⁶²

Harald Bauder, in Canada, has equated international migration and its accompanying programs as modern serfdom.⁶³ Both are damning criticisms of modern international labour migration. Bauder defines the unfree nature of international labour migration as

the denial to workers of the right to circulate freely in the labour market ... [I]n the context of the offshore program it reflects the coercive labour practices under which 'workers are not only unable to change employment, but they are also unfree to refuse the employers' request for their labour when need arises.'⁶⁴

This “unfreedom”—the denial of labour mobility which is considered by some to be the most important facet of a labourer’s freedom in the labour market—makes migrant workers especially unprotected vis-à-vis their employer. Whereas a typical labourer under typical circumstances can seek out new employment under new conditions, and an established worker’s job is defended by a union against termination, the migrant worker enjoys no such protections. Moreover, this unfreedom is instituted by the state—the Canadian government in this instance—and it “does so through a great deal of coercion,” according to Nandita Sharma. Sharma argues that the state effectively uses citizenship—or the lack thereof—to manipulate and create an extremely vulnerable and unprotected labour force. Furthermore, Baines and Sharma, in the same vein as Bakan and Stasiulis above, have examined how worker rights and protections vary distinctly between Canadian citizens and non-citizens, such as migrant workers. With the proliferation of migrant labour in Canada, Baines and Sharma note that “citizenship continues to be used to define who is entitled to rights and protections and who is excluded ... [and] nationhood and citizenship have been strategies to marginalize, exploit, and ensure the continuity of differently entitled and empowered groups.”⁶⁵ With migrant workers categorized as non-citizens, they are denied the rights that are “enjoyed” with citizenship.

Migrant labourers' status as non-citizens "ensures their vulnerability in all aspects of life in Canada."⁶⁶ However, this thesis permits us to see the question of the relative lack of employer latitude of "unfreedom" in the context of a slide along a scale of vulnerability within the overall context of capitalist production, a feature related to the essence of capitalist work but certainly not to be confused with that essence itself.



Indeed, the migrant worker seems to be moving towards the extreme pole of vulnerability. Not only is there a spectrum of vulnerability in capitalist social relations of power (Figure 1.1) within which workers must struggle but there is also a pole of extreme vulnerability or exposure bound to include migrant work as I show above in Figure 1.2. Those with the most protections (e.g. unionized workers) are less vulnerable. Migrant workers are then found at the extreme with the fewest protections. They are in the most vulnerable situation compared to other categories of worker for the reasons enumerated above by Bauder, and Baines and Sharma.

The overall picture is bleak. Others who have examined the concept of "unfree

labour” in the contemporary context include Kerry Preibisch, Leigh Binford, Tanya Basok, and Josephine Smart—all are researchers on migrant labour.⁶⁷ Preibisch and Binford, using the concept of unfree labour, argue in each of their own studies that the neoliberal restructuring of the global economy over the past several decades has been reshaping labour market relationships, in part, with an eye to global agriculture (as an example). That is, export of agricultural produce to foreign markets, rather than local consumption of local produce—with the majority of foreign agricultural workers travelling seasonally from poorer countries to higher-income countries—has become one of the prevailing dynamics in the social relations of power in the Canadian agriculture industry.⁶⁸ Binford adds that, in the wake of neoliberal economic restructuring, the programmatic entrenchment of migrant labour by various governments across the globe has created a system of permanent international labour migration that can be easily regulated, manipulated and exploited.⁶⁹ J. Ramirez calls Canada’s Temporary Foreign Worker Program a “revolving door of exploitation,” which merely moves migrant workers back and forth between countries on a more permanent basis. What remains temporary for many workers is merely that they are in Canada working for limited periods of time.⁷⁰

There are two distinct types of migrant worker that will be examined in Chapters Two and Three: the seasonal agricultural worker and the live-in caregiver. While these two types of migrant may, at first glance, appear to be unique labour forms, Braverman’s proletarianization thesis holds true regarding the general *disassembled* skill associated with both. It is true that live-in caregivers are typically caretakers in an employer’s home performing a plethora of duties, and do not directly produce commodities. But it is also

true that the live-in caregiver does so for a wage. So too does the seasonal agricultural worker produce commodities in exchange for a wage. While each performs separate jobs they both do so in relatively similar labouring circumstances under the thumb of employers prone to squeezing the maximal amount of work out of them. In other words, seasonal farm workers and live-in caregivers are members of a relatively homogenous labour force.

Conclusion

This chapter argues that there has been an intensified rollback of worker rights and benefits in favour of increased power for capital. Capital has become more dominant in the workplace and workers have become more vulnerable since the Golden Era. The migrant labourer entering Canada is at an even greater disadvantage through the denial of many of the rights granted to workers who are citizens. This chapter also showed that there is an insufficient theoretical analytical language of capitalist work generally and migrant work specifically. The predominant language used to describe and analyse work is not predicated upon the alienated labour form and therefore fails to accurately capture the essence of worker vulnerability and exploitation. This chapter proposes an analytical language based on the alienated labour form that describes the migrant worker as *unprotected* and as *vulnerable*. The critique of labour generally, and migrant labour specifically, provides a deeper analytical perspective. Sublated into the analytical language proposed in this chapter is the existing language that calls work in neoliberalism precarious and unfree. The existing language is a helpful starting point, but is not the last word in the analysis of work in capitalism.

In Canada the expansion and proliferation of the *Temporary Foreign Worker*

Program (TFWP) reflects the state's active involvement in exploiting relatively unprotected workers in the global economy. The reality is that Canada's TFWP—the American equivalent is the “Guest-worker Program”—has existed since the 1960s but has seen dramatic growth in scope and use by those seeking more exploitable workers. The program is fully intended to make use of the relatively unprotected, flexible, international transient workers who find themselves the victims of both extensive poverty in their home countries and international complicity in the neoliberal restructuring of the global political economy. With intensified neoliberal policies at both the federal and provincial levels of the Canadian government, the inflow of foreign workers has skyrocketed in recent years. The program's basic features are surveyed in Chapter Two and Chapter Three will show unequivocally why these foreign migrant workers number among the most unprotected workers in Canada—specifically, seasonal agricultural workers and live-in caregivers. This thesis successfully explores the conditions of live-in caregiving and seasonal agricultural work by using Braverman's framework of the *proletarianized* labour to show that despite agricultural work and live-in caregiving being unrelated types of work, each set of workers is exposed to relatively similar conditions: super-exploitation through low wages, overwork, employer abuse, and poor living and working conditions.

Notes

1. Victor D. Lippit, "Class Struggles and the Reinvention of American Capitalism in the Second Half of the Twentieth Century," (*Review of Radical Political Economics* 36, No. 3, 2004): 336.
2. *Ibid.*, 337.
3. These terms are generally accepted and used among social scientists and economists, and is based on Henry Ford's "mass consumption for mass production" model and also named for the compromise described in the remainder of this section.
4. Fred Moseley, "United States Economy at the Turn of the Century: Entering a New Era of Prosperity?," (*Capital & Class* 67, 1999): 25-43.
5. See Cynthia J. Cranford, Leah F. Vosko, Nancy Zukewich, "Precarious Employment in the Canadian Labour Market: A Statistical Portrait," *Just Labour* 3 (Fall 2003).
6. See Ngaire Woods' *The Globalizers*, (Ithaca: Cornell University Press, 2006): 27. Woods' book is an in-depth and recent examination of the International Monetary Fund and the World Bank, along with other international "aid" organizations under the same branches of "adjustment" and "development." Woods traces the history of these organizations and provides a few case studies of their effects on macroeconomic policy in Mexico, Russia, and Africa.
7. John Williamson, "What Washington Mean by Policy Reform," *Latin American Adjustment: How Much Has Happened*, (Peterson Institute for International Economics, 1990). Republished November 2002 on the Peterson Institute for International Economics' website.
8. *Ibid.*, "Fiscal Deficits."
9. *Ibid.*,
10. *Ibid.*, "Public Expenditure Priorities."
11. *Ibid.*,
12. *Ibid.*, "Tax Reform."
13. *Ibid.*, "Interest Rates."
14. *Ibid.*, "Exchange Rates."
15. *Ibid.*,
16. *Ibid.*, "Trade Policy."
17. *Ibid.*,
18. *Ibid.*, "Foreign Direct Investment."
19. *Ibid.*, "Privatization."
20. Balrassa et al, (1989): 130 as cited in Williamson, "Deregulation."
21. *Ibid.*
22. Williamson, "Property Rights."
23. *Ibid.*, "Concluding Remarks."
24. Thom Workman. *If You're in My Way I'm Walking: The Assault of Working People Since 1970*. (Nova Scotia: Fernwood Publishing, 2009): 18-20.
25. See Panitch and Swartz's "Neo-Liberalism, Labour, and the Canadian State," *Working in a Global Era: Canadian Perspectives*, edited by Vivian Shalla, (Toronto: Canadian Scholar's Press, 2006): 347-378. See also Wendy McKeen and Ann Porter's "Politics and Transformation: Welfare State Restructuring in Canada," (*Changing Canada: Political Economy as Transformation*, eds Wallace Clement and Leah Vosko, Montreal and Kingston,

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- McGill-Queen's University Press, 2003): 116, for a developed analysis of the changes to the social welfare state in Canada. Both works have a discussion on the changes to the unemployment insurance program in Canada.
26. For a quick and concise history of Milton Friedman's economic theory, see Paul Krugman's "Who was Milton Friedman?" (New York: *New York Review of Books* 54, No. 2, February 15, 2007), <http://www.nybooks.com/articles/19857> (accessed July 13, 2009). Friedman's own work is highly laced in rhetoric and fanciful philosophizing about economics, that his words scarcely match up with reality.
 27. Wenona Giles and Valerie Preston, "The Domestication of Women's Work: A Comparison of Chinese and Portuguese Immigrant Women Homeworkers," *Studies in Political Economy: Developments in Feminism*, eds. Caroline Andrew, Pat Armstrong, Hugh Armstrong, Wallace Clement, and Leah Vosko, (Toronto: Women's Press, 2003): 155.
 28. The "Great U-turn," coined by Bluestone and Harrison (1998) is used to characterize the swift and dramatic reversal of increasing real wages and increasing benefits to decreasing real wages, loss of full-time and permanent carriers, and erosion of benefits and labour law protections. Fred Moseley (1997), Nestor Rodriguez (2004), and Gindin and Stanford (2006) have all used this expression to describe the phenomenon at hand.
 29. Lippit. *Class Struggle and the Reinvention of American Capitalism in the Second Half of the Twentieth Century*. 338, 339.
 30. *Ibid.*, 340.
 31. Jamie Swift, *Wheel of Fortune: Work and Life in the Age of Falling Expectations* (Toronto: Between the Lines, 1995).
 32. Leigh Binford, "From Fields of Power to Fields of Sweat: The Dual Process of Constructing Temporary Migrant Labour in Mexico and Canada," (*Third World Quarterly* 30, No. 3, 2009): 504-506.
 33. Moseley, "United States at the Turn of the Century," 28, 29.
 34. Lippit, "Class Struggle and the Reinvention of American Capitalism in the Second Half of the Twentieth Century," 336.
 35. Stephen McBride, "Domestic Neo-Liberalism," *Working in a Global Era: Canadian Perspectives*, edited by Vivian Shalla, (Toronto: Canadian Scholar's Press, 2006): 263, 265, 271.
 36. *Ibid.*, 258.
 37. Panitch and Swartz, "Neo-Liberalism, Labour, and the Canadian State," 347.
 38. Nandita Sharma, "Birds of Prey and Birds of Passage: The Movement of Capital and the Migration of Labour," (*Labour, Capital and Society*, Volume 30, No. 1, 1997): 13.
 39. All of these researchers, save Vivian Shalla, have published works on precarious work in the York University *Just Labour* online journal (<http://www.justlabour.yorku.ca/>), especially in Volume 3 (Fall 2003). Shalla is another prominent Canadian academic who has edited (and contributed to) *Working in a Global Era: Canadian Perspectives*, (Toronto: Canadian Scholar's Press, 2006).
 40. Cynthia J. Cranford, Leah F. Vosko, Nancy Zukewich. "Precarious Employment in the Canadian Labour Market: A Statistical Portrait," *Just Labour* (Volume 3, 2003): 6.
 41. *Ibid.*
 42. *Ibid.*, 9.
 43. Richard Vogel, "Transient Servitude: The U.S. Guest Worker Program for Exploiting

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- Mexican and Central American Workers,” (*Monthly Review* 58, No. 7, 2007).
44. Harald Bauder, “Foreign Farm Workers in Ontario (Canada): Exclusionary Discourse in the Newsprint Media,” (*The Journal of Peasant Studies* 35, No. 1, 2008): 101.
 45. Harald Bauder, “Landscape and Scale in Media Representations: The Construction of Offshore Farm Labour in Ontario, Canada,” (*Cultural Geographies* 12, 2008), 43.
 46. Abigail Bakan and Daiva Stasiulis, eds., *Not One of the Family: Foreign Domestic Workers in Canada* (Toronto: University of Toronto Press, 1997): 17, 18. Abigail Bakan and Daiva Stasiulis, *Negotiating Citizenship: Migrant Women in Canada and the Global System* (New York: Palgrave Macmillan, 2003). Bakan’s and Stasiulis’ other contribution toward the analysis of the vulnerability of migrant workers is through their study on citizenship and migration. They argue that citizenship is exercised as an exclusionary measure used to deny migrants full legal protection of labour laws and codes. They also provide examples of how the denial of citizenship to migrant live-in caregivers contributes to their vulnerability. Live-in caregivers are typically granted permanent residency at the end of the migrant work-terms in Canada but permanent residency also prevents migrants the full protection of labour laws that citizens are granted.
 47. *Ibid.*
 48. *Ibid.*
 49. Karl Marx, *Economic and Philosophic Manuscripts of 1844*, 5th ed. (Moscow: Progress Publishers, 1977): 63.
 50. *Ibid.*, 64.
 51. *Ibid.*, 68, 69.
 52. *Ibid.*, 64.
 53. *Ibid.*, 70.
 54. James W. Rinehart, *The Tyranny of Work: Alienation and the Labour Process*, 3rd ed., (London: Harcourt Brace Canada, 1996): 13.
 55. Harry Braverman, *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*, (New York: Monthly Review Press, 1974): 353.
 56. *Ibid.*, 371.
 57. *Ibid.*, 316, 349, 362.
 58. *Ibid.*, 319, 349.
 59. *Ibid.*, 353-354, 359.
 60. Jeffrey Harrod, *Power, Production, and the Unprotected Worker* (New York: Columbia University Press, 1987): 2.
 61. Wendy McKeen and Ann Porter, “Politics and Transformation,” 116. Throughout the 1990s, the Chretien government restructured and cut vast amount of funding to many social programs.
 62. Vogel, “Transient Servitude.”
 63. Bauder, “Foreign Farm Workers in Ontario (Canada),” 101.
 64. Bauder, “Landscape and Scale in Media Representations,” 43.
 65. Donna Baines and Nandita Sharma. “Migrant Workers as Non-Citizens: The Case against Citizenship as a Social Policy Concept,” (*Studies in Political Economy* 69, Autumn 2002): 76.
 66. *Ibid.*

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67. This term has been used by Tanya Basok (2002), Harold Bauder (2005, 2008), Leigh Binford (2009), Kerry Preibisch (2007), Vic Satzewich (1991), Nandita Sharma (1995, 2006), and Josephine Smart (1997).
 68. Kerry L. Preibisch, "Local Produce, Foreign Labour: Labour Mobility Programs and Global Trade Competitiveness in Canada," (*Rural Sociology* 72, No. 3, 2007): 422, 423.
 69. Binford, "From Fields of Power to Fields of Sweat," 504, 506.
 70. J. Ramirez, "Domestic Worker Organize!," (*Canadian Women's Studies* No. 2, York University Press, Ontario, 1982): 17. Chapter three will include an expanded discussion on why the Temporary Foreign Worker Program is more an institutionalization of permanent labour migration, rather than temporary labour migration.

2. Temporary Foreign Worker Program Explained

Chapter One concludes by arguing that migrant labour is an extreme instance of the unprotected worker. Chapter One also identifies the Canadian *Temporary Foreign Worker Program* (TFWP) as the program that governs migrant workers in Canada. This chapter will provide a broad overview of the TFWP and will also highlight specific elements of its two major sub-programs: the *Seasonal Agriculture Worker Program* (SAWP) and the *Live-in Caregiver Program* (LCP). These two sub-programs are the subjects of critical analysis found in Chapter Three. Accordingly, these sub-programs receive more attention later in this chapter compared to other aspects of the TFWP. These two sub-programs are the two largest under the TFWP umbrella, with approximately 48% of all migrants being seasonal agricultural workers or live-in caregivers.ⁱ This chapter also proceeds with the analysis of these two migrant types as proletarianized labour forms, as argued in Chapter One. Moreover, the analysis of the TFWP presented in this chapter demonstrates the institutionalization of migrant work in Canada is one aspect of the broader neoliberal attack against workers in capitalism. This chapter will start, however, by providing the reader with some statistical analysis regarding migrant workers employed in Canada to demonstrate the trends in the migrant workforce since 1983.ⁱⁱ

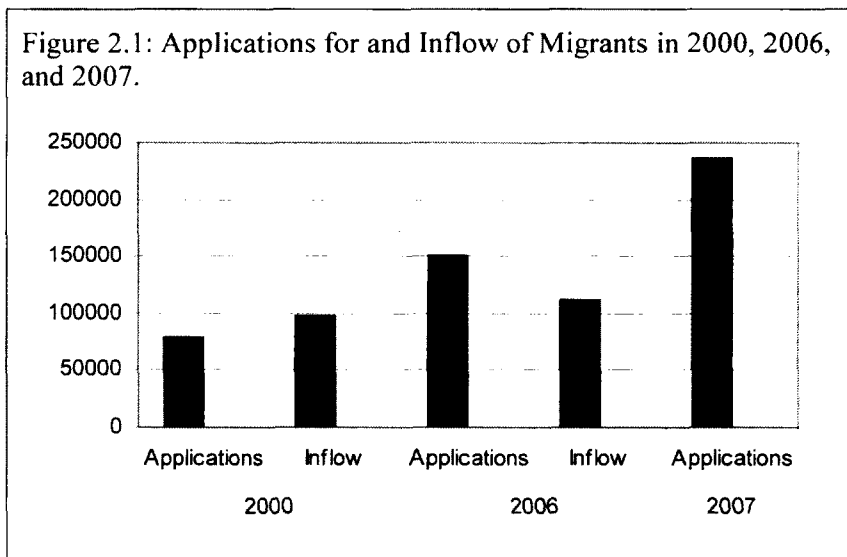
Presentation and analysis of the TFWP through statistical data is important for four key reasons. The first reason is to trace the official extent of migrant labour in Canada. The second is to trace any changes and trends regarding migrant labour in Canada. Not only can changes in migrant labour be tracked through statistical data but these changes can be compared against changes in other categories of “temporary” and

“migrant” residents. This is to provide the reader with a sense of the regulatory nature of migrant work in Canada. To understand the problems faced by migrant labourers in Canada the reader must first be acquainted with the regulatory regime that has been institutionalized in Canada. The deepening of the regulations must also be analysed to present a fuller picture of the legal and regulatory challenges faced by migrant labourers as they enter. Lastly, a focus on the TFWP provides the content and context for the critical analysis presented in chapter three. Moreover, the numbers alone demonstrate the extent of the shift in social relations of power in capitalism by providing the reader with a perspective on the growth of migrant work in Canada.

Official Extent of Migrant Labour in Canada

In 2000, according to James Sutherland, director of the Temporary Foreign Worker Program (TFWP), there were approximately 79,000 applications for migrant workers, known as “temporary

foreign workers.” By 2006, applications placed by employers seeking migrant labourers numbered at about 150,000. This represented an increase of around 90% in a mere six years. In 2007, there were 236,000 requests for foreign workers, facilitating another 57%



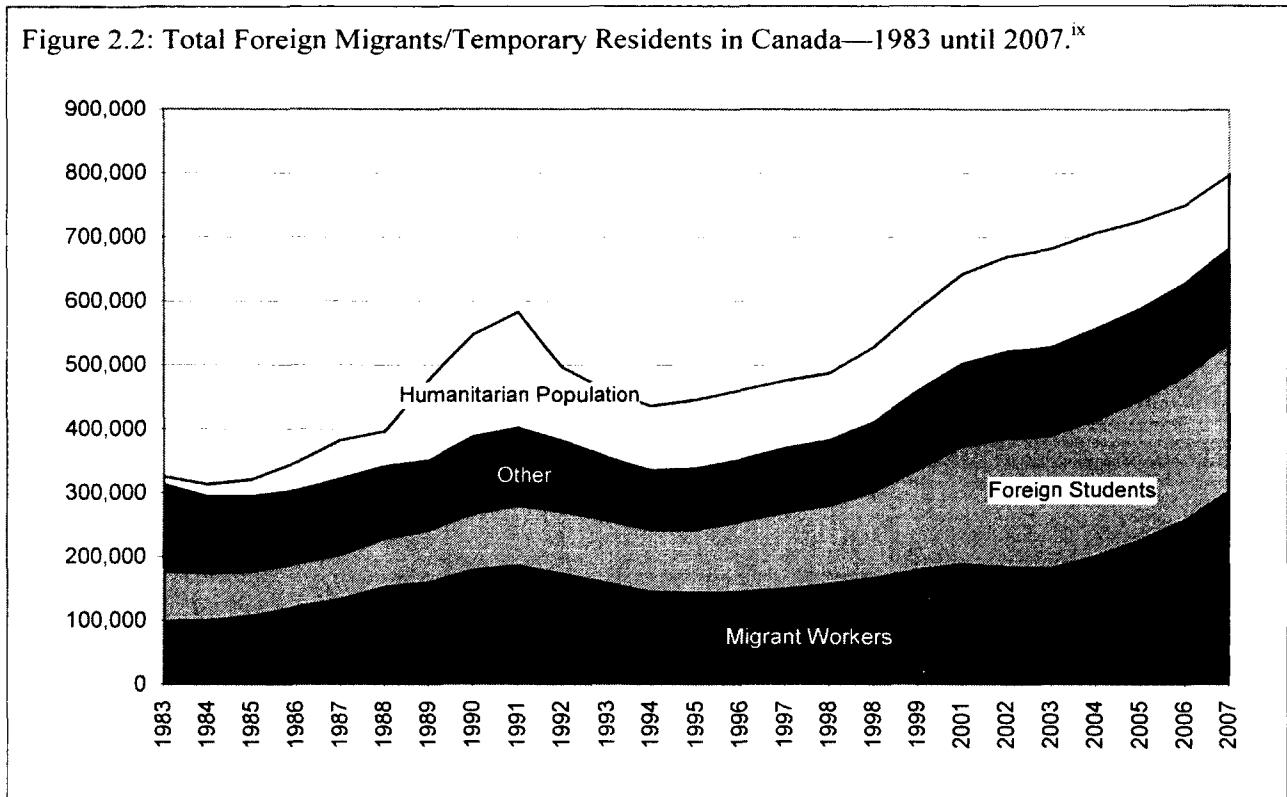
James Sutherland. *Temporary Foreign Worker Program: Policy-Research Seminar on Temporary Migration* (2008), PowerPoint, 5.

increase over 2006.ⁱⁱⁱ Figure 2.1 above, demonstrates the considerable growth in demand by Canadian employers for migrant labourers. The annual flow^{iv} of migrant workers in 2000 was 97,052 incoming workers. In 2006 there were 112,658 incoming workers.^v Therefore, in 2000 there were 18,052 *more workers than applications*. In contrast, in 2006 there were 37,342 *more applications than workers*. In 2004 the TFWP was expanded to include British Columbia as a participant-province in the SAWP. Therefore, the backlog in applications is partly explained by an increase in applications by British Columbian agricultural producers.^{vi} Some researchers have also cited an increase in demand for migrant labour in Alberta as another partial explanation of the dramatic increase in applications compared to workers between 2004 and 2006.^{vii}

Figure 2.2 below is a yearly comparison from 1983 to 2007. This comparison shows the number of migrants in Canada by category. The categories of migrants included by Citizenship and Immigration Canada's statistical analysis are workers, students, humanitarian entrants, and other. The total stock (see note three for an explanation) of migrant labourers in Canada numbered at 97,496 in 1983. Migrant workers increased to 157,091 only 10 years later but rocketed to 302,303 foreign workers by 2007.

After the economic downturn experienced at the start of this millennium, foreign workers decreased from 187,561 in 2001 to 182,694 in 2002. By 2003 migrant workers decreased again to 180,884. The economic downturn in the early 2000s was much more short-lived than the economic downturn experienced in the 1990s. The recession in the 1990s saw 184,856 workers in 1991 plummet to 141,918 workers by 1995. This is shown in Figure 2.2 by the large dip and consequent slow recovery. While economic

recovery in the 1990s was slow, the same is not true of the downturn in the 2000s. The population of migrant workers rebounded in 2004 to 199,867 from 180,884 migrant workers in 2003. This amounted to an increase of 18,983 workers in just one year. Moreover, the recession in the 1990s saw all categories of temporary residents shrink with the exception of foreign students.^{viii}



Citizenship and Immigration Canada, *Facts and Figures*, (2007): 60, 61.

Overall average trends show that there was a 310% increase in foreign workers from 1983 to 2007. This is an average increase of 12.4% per year. More dramatically, foreign workers increased by a remarkable 151% from 2004 to 2007 alone, an average increase of 38% each year.

Table 2.1 below shows the percentage distribution between temporary resident categories from 1983 to 2007. Essentially, Table 2.1 represents the percentage

distribution of the categories of migrants depicted in Figure 2.2. In 1983, foreign workers amounted to 30% of all temporary residents in Canada. Workers fluctuated as high as 38.2% in 1988, then down to 34.2% in 1993 during the economic recession of the 1990s. The share of migrant workers returned to the 30% mark in 2000, sinking to 26.5% in 2003. It is important to note that while workers were rebounding in total stock in the early 2000s, they had not recovered as a percentage distribution compared to the other categories of migrants. However, the 2004 onward saw a considerable re-bounce to 37.9% of total temporary residents by 2007.

Table 2.1: Yearly Percentage Distribution of Foreign/Temporary Residents in Canada—1983 to 2007.^x

CANADA – TEMPORARY RESIDENTS BY YEARLY STATUS, 1983 TO 2007

Percentage distribution

Yearly status	1983	1984	1985	1986	1987	1988	1989	1990
Foreign workers	30.0	31.5	33.0	34.6	34.7	38.2	33.3	32.5
Foreign students	24.5	24.2	22.3	19.8	18.3	19.5	17.4	16.3
Humanitarian population	3.8	6.1	8.4	12.7	15.8	13.8	26.6	29.2
Other	41.7	38.3	36.4	32.9	31.2	28.4	22.7	21.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Yearly status	1991	1992	1993	1994	1995	1996	1997	1998
Foreign workers	31.7	34.7	34.2	33.1	31.9	31.2	31.1	31.9
Foreign students	16.4	19.9	21.7	22.6	22.6	24.2	25.5	25.6
Humanitarian population	31.2	23.3	22.8	23.2	24.2	23.8	22.4	21.6
Other	20.7	22.1	21.4	21.1	21.3	20.8	21.0	20.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Yearly status	1999	2000	2001	2002	2003	2004	2005	2006	2007
Foreign workers	31.3	30.3	29.1	27.3	26.5	28.3	31.1	34.2	37.9
Foreign students	26.0	27.0	28.9	30.5	30.7	30.6	30.6	30.4	29.3
Humanitarian population	22.3	22.0	21.9	22.1	22.6	21.2	18.8	16.2	14.4
Other	20.4	20.7	20.1	20.1	20.2	20.0	19.6	19.2	18.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Citizenship and Immigration Canada, *Facts and Figures*, (2007): 60, 61.

An interesting trend to note is shown in Figure 2.2 and Table 2.1 is the dramatic changes in humanitarian entrants. The changes can be explained several ways, including improved record keeping, changes in record keeping methods, and changes in what constitutes humanitarian entrants. There are also political and economic pressures that

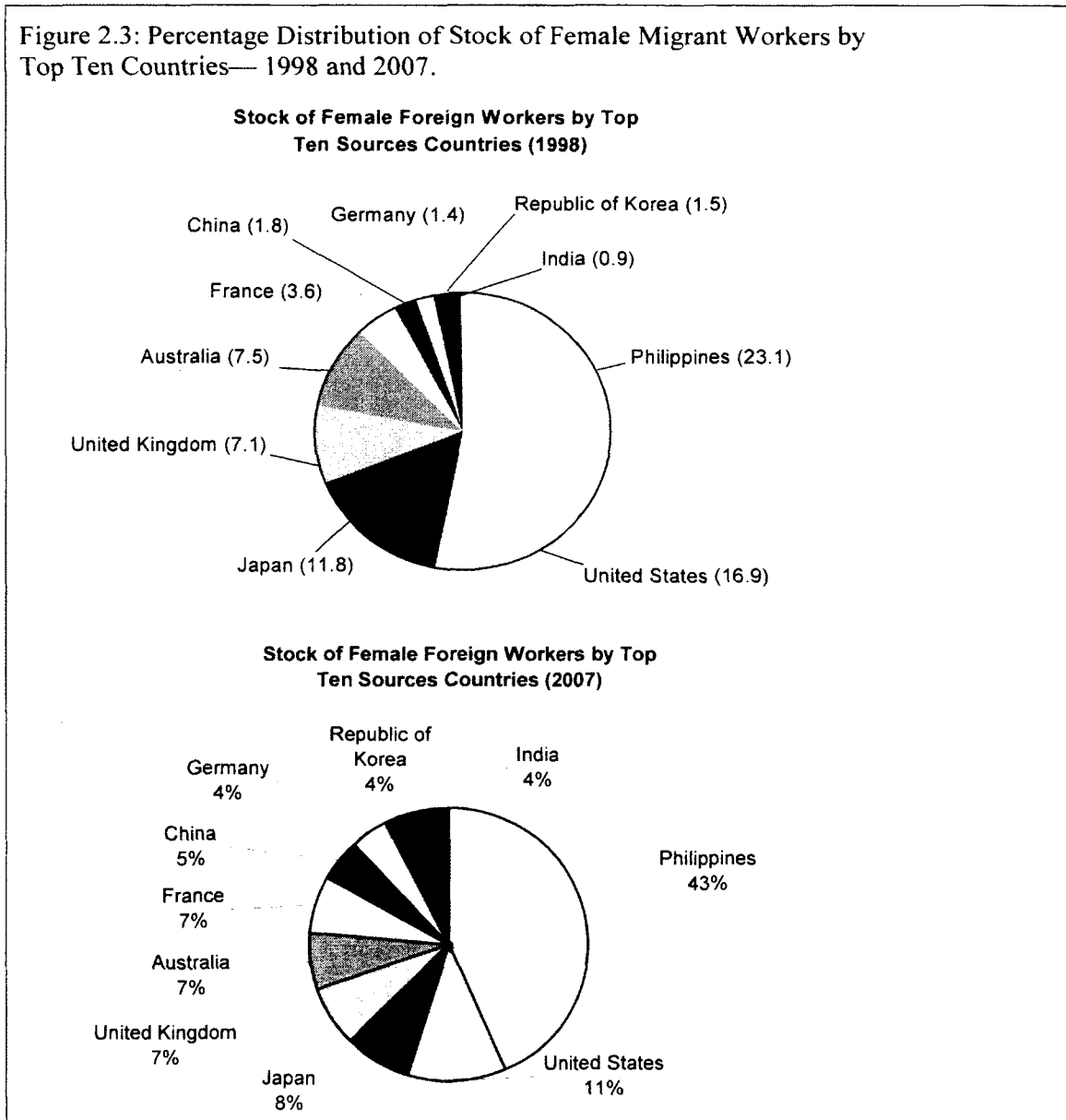
affect the number of humanitarian entrants allowed into Canada from year-to-year. Government policy priorities play a role in this regard, including the entrenchment of neoliberal policy reforms.

As Table 2.1 demonstrates between 1983 and 1991 that the number of temporary residents allowed into Canada for humanitarian reasons exploded from a mere 3.8% of all temporary entrants to 31.2% in 1991. During the 1990s, humanitarian entrants decreased drastically and at a similar rate. Foreign workers shrunk as well, while foreign students increased. The “Other” category remained relatively steady. Between 1999 and 2003, humanitarian entrants, as a percentage, stabilized around 22%. However, foreign workers exploded in number and share of temporary entrants in 2004. The losers in this regard were humanitarian temporary residents, who shrunk in share to 14.4% of temporary residents by 2007. As remarked above, this can be explained in terms of political-economic policy shifts in government.

At least one author, Kerry Preibisch, contends that immigrants and humanitarian temporary residents are being systematically replaced with migrant labourers.^{xi} According to government policy, migrant labourers must leave the country after a prescribed period. Mandatory repatriation of these workers provides stronger and more effective regulation of migrant entrants compared to humanitarian entrants. Temporary residents and immigrants granted permanent residency status are, according to government regulation, afforded the same rights as citizens under federal and provincial laws. Therefore, a possible explanation for the decrease in humanitarian entrants, according to Preibisch, is that government has been shifting away from the use of humanitarian entrants to supplement labour-demand shortages. Another possible

explanation for the marked decrease in humanitarian entrants compared to the growth of migrant workers is changes in how humanitarian entrants are categorized in the immigration process. There have also been changes in Citizenship and Immigration Canada's statistical record-keeping processes which can account for further categorical changes.

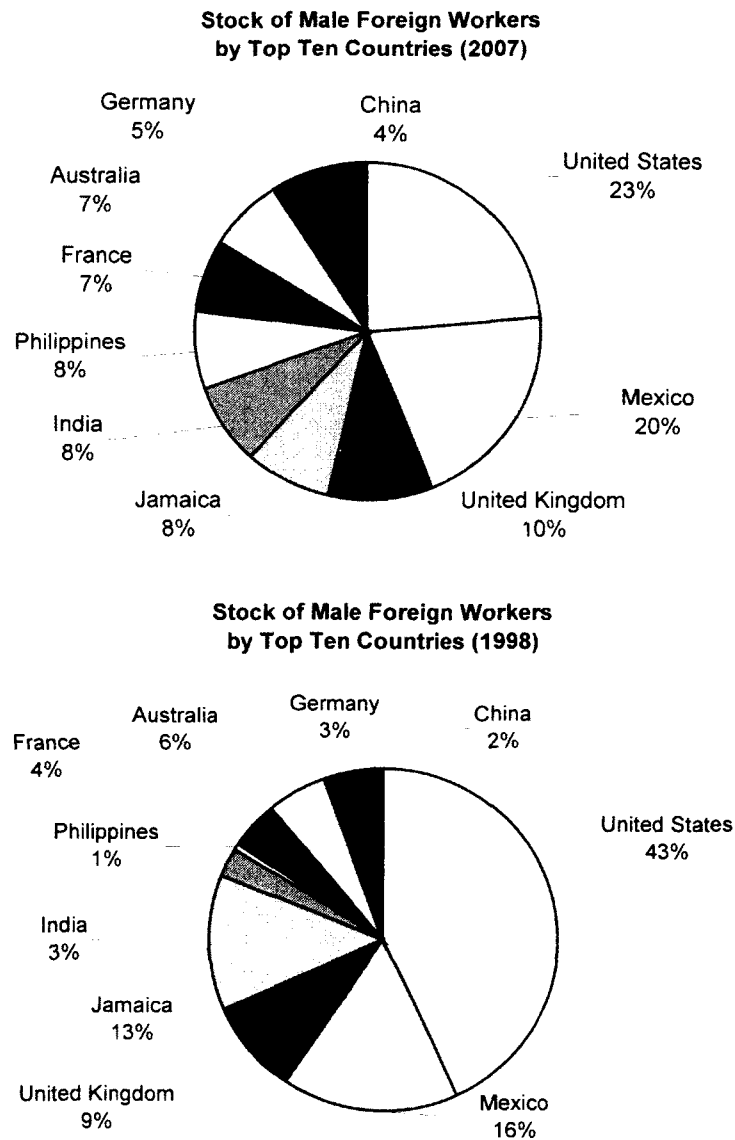
Figure 2.3: Percentage Distribution of Stock of Female Migrant Workers by Top Ten Countries— 1998 and 2007.



Citizenship and Immigration Canada, *Facts and Figures*, (2007): 83.

Shifting the statistical analysis to an examination of migrant worker source countries reveals several trends. Female foreign labourers have come primarily from the Philippines, the United States, and Japan as the top three source countries. The United Kingdom is currently fourth with Australia fifth but this was the reverse in 2005 and

Figure 2.4: Percentage Distribution of Stock of Male Migrant Workers by Top Ten Countries—1998 and 2007.



Citizenship and Immigration Canada, *Facts and Figures*, [2007]: 82.

prior. Despite the United States placing second the past 10 years, it has seen its percentage of the foreign female workforce eroded by about half since 1998. The Philippines has increased by nearly 10%, as shown in Figure 2.3. Japan's percentage of foreign female workers has also declined by about half. For females, Mexico is only the eleventh highest supplier of foreign labour and has been since 2003; and therefore is not shown in Figure 2.3. The most important trend is the proportion of female migrant workers who come from the Philippines as compared to other countries. Nearly one-third (32.6%) of all foreign female workers are coming from the Philippines in 2007. The next highest proportion comes from the United States and is a mere 8.6% in comparison.^{xii}

As Figure 2.4 (above) shows, for male migrant workers the top three source countries are the United States, Mexico, and the United Kingdom, respectively. The United Kingdom was fourth until 2004 when it switched places with Jamaica, which was the third top source country for male foreign workers. Jamaica is a source country largely for seasonal agricultural workers. Interestingly for male and female foreign workers, two of the top three source countries are so-called developed countries.

The United States for males, as for females, has seen its share of foreign workers decline by nearly half. The most significant change for top source countries among males is that the Philippines has seen a fairly rapid climb through the ranks from twenty-second in 1998 to sixth in 2007. India has moved from tenth to fifth, between 1998 and 2007. Apart from these three changes, the top ten source countries for males has seen fairly little change in the past 10 years.

In recent years, male workers are not coming from one source country in as concentrated a group as females. Rather, the highest proportion of foreign male workers

from the top source country was in 2007 at 16.7%. This is about half of the highest proportion of females from their top source country. After the United States at 16.7% of total males migrants we find Mexico supplying 14.3% of total male migrant labourers. This proportion has been slowly growing. In 1998, workers from Mexico numbered at 12.1% of all male migrant workers. The biggest change, however, comes from the lower six of the top 10 countries. These countries have all seen increasing proportions of foreign workers—some more dramatically than others, such as India and the Philippines.^{xiii}

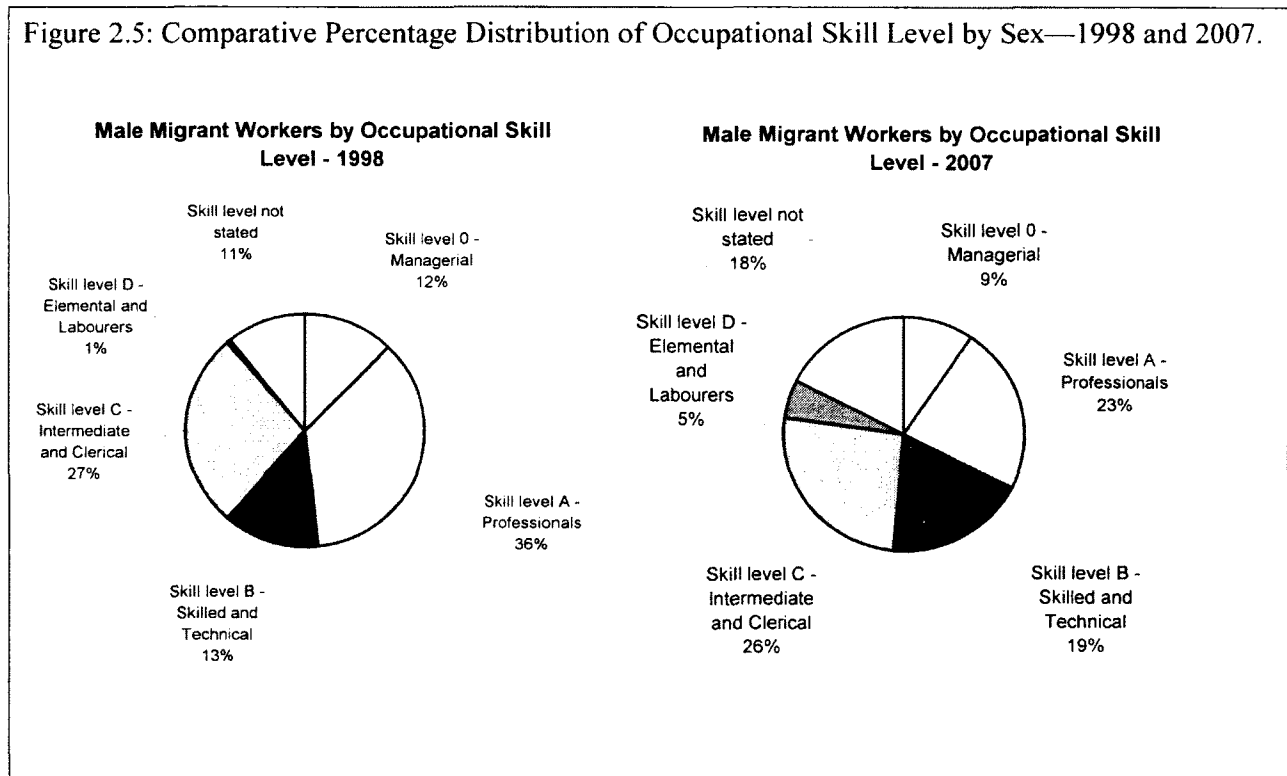
Most noteworthy from both Figures 2.3 and 2.4 is the overall proportion of migrant workers coming from the top ten source countries. In 2007, 75.2% of female migrant labourers came from the top 10 source countries. This is down slightly from 76.1% in 1998. However, the proportion of total male migrant workers coming from the top 10 source countries was higher in 1998 at 80.6% but shrinking by 2007 to 70.5%.

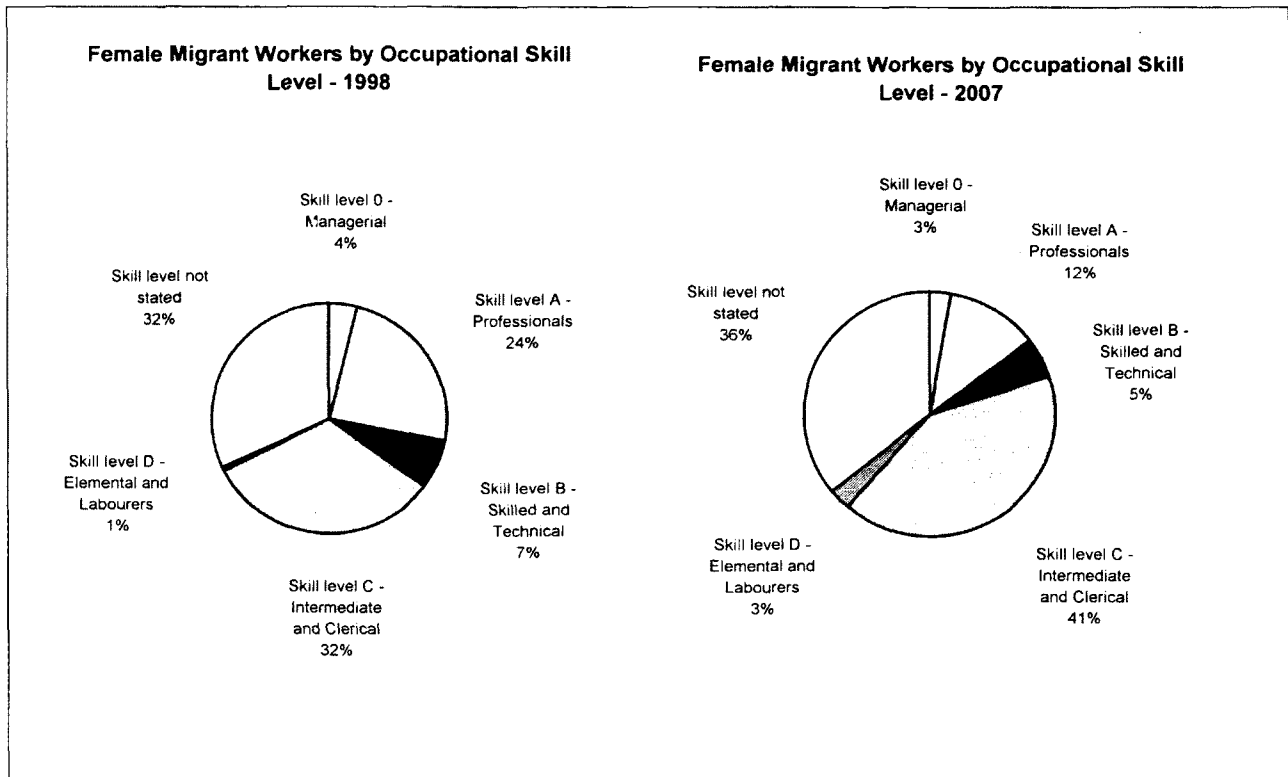
In Canada, all occupations are classified under Human Resources and Skills Development's "National Occupation Classification," which is often simply referred to as "the NOC."^{xiv} The TFWP uses the NOC, which has several basic levels of work: 0 (managerial), A (professional), B (skilled and technical trades), C (intermediate and clerical work), and D (elemental work and labour). Level A occupations require a university education, while Level B usually requires college or apprenticeship training. Level C work requires only secondary school or job-specific training but Level D requires only on-the-job training.^{xv} Subsequently, the NOC Levels are divided into nine different fields, which can be found in the NOC Matrix (see Note 9).

When examining the occupational skill level of migrant workers, one sees in

Figure 2.5 that there are distinct differences between the skills levels of male and female migrant workers. The higher skill classifications have seen growth for males since 1998. Conversely for females, the lower skill occupations have grown since 1998. Furthermore, there are more females than males being granted work permits that do not state the migrant's skill level. However, the proportion of unspecified skill has grown for both sexes. In the case of male migrants, there were more Level B (skilled and technical trades) workers in 1998 compared to 2007.^{xvi} The changes shown here evince a strategy of “deskilling” labourers, which makes them more flexible in the workforce, thereby increasing their vulnerability. It is noteworthy that the Live-in Caregiver Program (LCP) requires a certain level of post-secondary education. However, the quality of the education is arbitrarily evaluated by Canadian immigration officers.

Figure 2.5: Comparative Percentage Distribution of Occupational Skill Level by Sex—1998 and 2007.





Citizenship and Immigration Canada, *Facts and Figures*, [2007]: 81

Before concluding this statistical outline of migrant labour in Canada it is significant to note that according to Sutherland 48% of all foreign workers in Canada in 2006 were participants of SAWP, the LCP, and the other lower-skilled occupations.^{xvii} Unfortunately, none of Citizenship and Immigration Canada, Statistics Canada, and Human Resources and Skills Development Canada publish numbers specific to these sub-programs to allow industry and sub-program specific analysis. However, Figure 2.5 has shown that there has been a trend toward fewer skilled migrants.

In summation, statistical trends regarding migrant labour in Canada have shown considerable growth in the recruitment and use of migrant labour in the Canadian workforce. This is particularly true in seasonal agricultural work with the inclusion of British Columbia as a participant province in the SAWP. In addition to the inclusion of British Columbia, Albertan agricultural producers have increased their use of program.

Oil producers in the Albertan tar sands have also been using migrant labour, and the Canadian government has developed an application process specific to the tar sands production.^{xviii}

While there has been an increase in the use of migrant labour in Canada, most other categories of “temporary” or migrant residents have decreased. In particular, humanitarian immigrants admitted to Canada have decreased in proportion to migrant labourers. Humanitarian immigrants were once used as a supplement to the Canadian labour force. However, the statistical data herein suggests that those immigrants have been replaced with the use of migrant labour.

Overview of the Temporary Foreign Worker Program

The Temporary Foreign Worker Program (TFWP) is fairly broad. It is jointly administered by Human Resources and Skills Development Canada (HRSDC), Service Canada, and Citizenship and Immigration Canada.^{xix} Each of these three departments plays a particular role in managing the entry of migrant workers into Canada. HRSDC and Service Canada both review employer applications for foreign workers and issue *Labour Market Opinions* (LMOs), which will be discussed later.^{xx} Service Canada also issues Social Insurance Numbers (SINs) to foreign workers,^{xxi} and Citizenship and Immigration Canada (CIC) issues work permits.^{xxii} CIC also regulates the entry of all temporary foreign workers through application of the Immigration and Refugee Protection Act.^{xxiii} The Border Services Agency of Canada (BSAC) manages the actual physical entrance of foreign workers and can deny entrance to any foreign worker (or any other migrant), that the agency deems inadmissible. The BSAC effectively has the final say in allowing migrants into Canada.^{xxiv} In short, in managing the TFWP, HRSDC and

Service Canada deal with employers, while CIC and the BSAC deal with foreign workers recruited abroad as they enter Canada. This point is made abundantly clear through its placement in all fact sheets for employers accessible through the HRSDC website.^{xxv}

The TFWP is not just jointly managed by the independent federal government departments listed above but it is also managed in conjunction with appropriate provincial government departments. The provincial departments participating in the administration of the Program are those that oversee the development and implementation of provincial labour standards and codes.^{xxvi} This is particularly important because only approximately 10% of occupations are covered by federal labour legislation, the “Labour Code of Canada,” with the remaining 90% of occupations being covered by provincial or territorial labour codes. The labour codes between provinces vary in the protections they offer workers. They also vary depending on the rigidity and frequency of their application through labour boards.^{xxvii}

Workers are recruited by their home country’s government. Hence, the administration and management of the TFWP is facilitated internationally. With the program being managed internationally, the Canadian government has a series of separate bilateral agreements, or memoranda of understanding, with each country that recruits nationals to migrate to work in Canada.^{xxviii}

Foreign workers are brought to Canada as employer demand dictates. Thus the process of securing migrant labourers begins with an application from a Canadian person or family seeking a caregiver, from a business firm, or from an agricultural producer. Potential employers file their applications with HRSDC and Service Canada. These two departments then jointly issue an LMO. An LMO is an evaluation of using foreign

workers to fill a labour shortage and a possible impact on the Canadian labour market. The LMO must be “positive” according to TFWP regulations. If the LMO is not positive the application will not proceed any further.^{xxix} A positive LMO, according to Program regulations, means that the entrance of migrant workers will have either a positive or neutral impact on the Canadian labour market. For employers in Quebec, a *Quebec Acceptance Certificate* (QAC) issued by the Quebec provincial government is also needed. The QAC also evaluates the impact of foreign labour on the Quebec labour market.^{xxx}

In the LMO process, an employer must demonstrate to HRSDC and Service Canada that under Immigration and Refugee Protection Act regulations that the wages and working conditions offered to migrant workers are consistent with Canadian standards in the occupation or industry for which an employer seeks foreign labourers. An employer must also show that there have been “reasonable efforts” conducted in hiring and training Canadian workers. In British Columbia employers must even include with their application copies of advertisements used in seeking Canadian workers. “Reasonable efforts,” as outlined on HRSDC’s website, state that an employer must place local advertisements in newspapers and use the Government of Canada’s Job Bank website.^{xxxi}

Migrant labourers cannot be used during a labour dispute, and the employer must show that the entry of migrants will not affect a labour dispute in the workplace for which the employer seeks foreign labour. However, there is no explanation of the process to be undertaken by employers to prove that their application will not interfere with a labour dispute. Also considered by HRSDC and Service Canada are potential benefits of

migrants upon the Canadian labour market. These benefits could include creating more jobs for Canadian workers, retaining current Canadian workers, or transferring skills and knowledge from migrant workers to Canadian workers. These can be achieved by temporarily hiring foreign business managers and other professionals or skilled workers, like academics.^{xxxii}

Skilled foreign workers may be hired under the TFWP with the intent of these workers applying for permanent residency.^{xxxiii} An employer may also hire skilled workers, such as business managers or professionals as permanent employees. What employers are allowed to do is hire skilled workers (or managers) under the TFWP while awaiting approval for permanent residency of the desired skilled migrants. Employers are granted this formal approval because the application process for permanent residency is typically much longer than the application process for temporary workers.^{xxxiv}

Once the LMO process is complete and a positive LMO is issued, HRSDC and Service Canada issue to the employer a letter approving the job offer. The employer sends a copy of this confirmation letter to the migrant worker(s) who is(are) recruited in the source country by the foreign labourer's government. The foreign national is informed that he or she is to apply to CIC for a work permit and an entrance visa.^{xxxv} The work permit, however, is not issued until the worker has arrived in Canada and approved for entry by the BSAC. It should be noted that a work permit is not the same as a visa for temporary residency. Some foreign workers are required to have visas, while some are exempt. Appendix C lists the countries and territories whose citizens and permanent residents are exempted from having to possess a visa before entering Canada.

Before the foreign national is actually granted approval to enter Canada, he or she

must provide the appropriate documentation to a Border Services Officer. Some of this documentation is standard for all temporary foreign workers, such as a copy of the signed positive LMO, and an approved entrance visa. For some occupations and sub-programs in the TFWP, documentation differs based on the category of work and occupation to be performed by the migrant. Some migrant workers may also have to provide copies of licenses, proof of level of education or job-specific training.^{xxxvi} Some migrants must provide medical examination reports if coming from a designated country requiring a medical exam if entering Canada for more than six months.^{xxxvii} Should the BSAC find documentation supplied by the migrant not to be in proper order, the BSAC can refuse entry to any foreign labourer, as mentioned above.^{xxxviii}

There are four general and primary categories of work used under the TFWP. These roughly coincide with the NOC but are broken down to include 1) higher skilled occupations; 2) lower skilled occupations; 3) seasonal agricultural workers; and 4) live-in caregivers. Occupations are separated into different classifications under the NOC system. However, as mentioned in the statistical analysis above, the Seasonal Agriculture Worker Program (SAWP) and the Live-in Caregiver Program (LCP) are the two largest sub-programs of the TFWP.^{xxxix}

Foreign workers were recruited between 2007 and 2009 under NOC levels C and D through a pilot project to fill jobs in occupations requiring little education, or where on-the-job training would suffice to qualify for work in that occupational field.^{xl} There were some special hiring practices associated with this pilot project. The project was discontinued in early 2009, however, and low-skilled labour is recruited through the prescribed process for the appropriate sub-program.

Several occupations in the TFWP have special hiring processes. These include academics, seasonal agricultural work, seasonal agricultural work in British Columbia, film and entertainment, information technology, live-in care giving, live-in care giving in British Columbia, oil sands construction in Alberta, and employment of international students upon graduation from a Canadian post-secondary education institution.^{xii} The employer application and worker hiring processes for the SAWP and the LCP will be covered later in this chapter.

In the lower skilled occupations, there are certain requirements of the employer, including: an employment contract; partial payment of return airfare, except in British Columbia where full-payment of return airfare is required;^{xiii} medical insurance; suitable accommodations; and registration under provincial worker compensation programs.^{xliii} Lower skilled labour under the NOC levels C and D can be issued an LMO for a maximum of 24 months.

Applications for skilled labour also require an application through the “Arranged Employment Opinion” process, which includes a letter offering permanent employment to the foreign worker, evidence that the employer’s business has been operating for at least one year, and evidence proving the business has employed at least one full-time employee or several part-time employees during the past 12 months. The remaining steps in the Arranged Employment Opinion are the same as those for the LMO application process as outlined above.^{xliv} Many occupations under the Arranged Employment Opinion do not require work permits; please refer to Appendix A for a list and description of these occupations.

Regardless of skill level and occupation, the TFWP regulations state that all

foreign workers qualify for the same employment insurance benefits as Canadian workers. Employment insurance is often simply called *EI* but was once known as *unemployment insurance* or *UI* until the reforms to the program in the 1990s. All migrant workers contribute the same prescribed deductions as Canadian workers. The same sickness, maternity, and compassionate care benefits are also legally accessible to foreign workers, provided a migrant worker has made a “valid” contribution to employment insurance and has “worked 600 insurable hours in the last 52 weeks or since their last claim, whichever is less.”^{xlv} Compassionate care benefits are to be granted to employees who must be absent from work due to a family member being gravely ill and at risk of dying. These benefits are payable to a maximum of six weeks and are available regardless of where the family member who is ill lives.^{xlvi} Migrant workers are also supposed to be able to access the Canada Pension Plan if they make at least one valid contribution to the Canada Pension Plan. This is made possible through the bilateral agreements held between worker source countries and Canada. However, as far as my research has uncovered, a pension can be collected from either Canada or the worker’s home country but not from both.^{xlvii}

Participants in the TFWP must be the age of majority. Although migrants must be from a participating country, they do not have to be residing in that country at the time of recruitment. When necessary, migrants must accept and sign an employment contract.^{xlviii}

The maximum allowable time a foreign worker can work in Canada is 24 months for all parts of the program except the LCP and the SAWP. The maximum number of months for the LCP is 39 months. For the SAWP, migrants are eligible to work in

Canada up to eight months. The program maximums were increased in 2007, except for the SAWP, which has remained the same. Before the change, live-in caregivers could work in Canada for up to 24 months and all other workers could remain in Canada for a maximum of 12 months.^{xlix} In all cases of migrant work, the foreign national must return to her or his home country for a minimum of four months before being eligible to return to Canada for further work.^l Employers and foreign employees were both eligible to apply for LMO extensions until this process was eliminated in early 2009 at the same time as the elimination of the pilot project for low-skilled labour.^{li}

There are also a number of costs incurred by employers in the migrant worker application and recruitment process. A few of these costs are recoverable from migrant worker wages such as the work permit application fee.^{lii} There are other costs covered by the employer, although these are not necessarily recoverable. It depends on the specific sub-program or occupation in question, as well as supplementary provincial regulations. These costs include partial or full cost of round-trip airfare, travel costs between point of entry into Canada and place of employment, registration fees for provincial health insurance, and provincial worker compensation or work safety programs. Accommodation costs and arrangements vary by sub-program and province but the accommodation regulations for the SAWP and the LCP will be covered in their respective sub-sections of this chapter.

Other responsibilities of every employer and supposedly applied to the TFWP as a whole include paying the recruited worker(s) the prevailing wage of the occupation or industry and payment of overtime wages when applicable.^{liii} Furthermore, an employer does not have the right to take from a migrant worker her or his work permit, passport,

medical/health card, or any other personal documents.^{liv}

Termination of a contract or dismissal of a worker is justifiable under the following Program guidelines:

An employer may dismiss a worker before the end of a contract should the work be completed early. Employers who dismiss workers before the end of their contracts must give notice or pay in lieu of notice. [Employers] are not required to do so when they dismiss workers for serious misconduct or repeated absences without good reason.^{lv}

Should an employer require guidance regarding contracts, dismissals, or any other aspect of the program, he or she can seek help from her or his regional Temporary Foreign Worker Unit, which is designed specifically for employers of foreign workers.^{lvi}

The TFWP's regulations have provided an institutionalized rationale for the management of migrant workers entering Canada. The following sections are explanations of the specific regulations developed for the SAWP and the LCP. These two subprograms are examined because they are the two largest subprograms to the TFWP. These two subprograms, because they are the largest, have individualized sets of regulations and have become the subjects of more rigorous scrutiny. As such, the regulatory regime of each subprogram will be examined here but they are also the subject of the analysis found in Chapter Three.

The exploration the regulatory regimes covering seasonal agricultural workers and live-in caregivers and the analysis of the conditions faced by these workers (seen in Chapter Three) proceed from the concept that migrants are proletarianized workers. Migrants, like any other worker, sell their labour-power to an employer for wage. While specific duties may vary by program and employer, migrants are all subject to relatively similar working conditions. Moreover, no matter the working conditions, living

conditions, etc migrants are alienated, vulnerable workers like any other worker in capitalism.

Specifics of the Seasonal Agriculture Worker Program

The Government of Canada's stated goal for the Seasonal Agriculture Worker Program (SAWP) is to help producers meet labour needs "during peak agricultural periods."^{lvii} The SAWP began in the late 1960s with a number of Caribbean countries. In 1974 the Program expanded to include Mexico.^{lviii} Today, there are bilateral agreements with Barbados, Jamaica, Mexico, Trinidad-Tobago, and the Eastern Caribbean countries of Antigua, Grenada, St. Kitts, St. Lucia, and St. Vand-Montserrat.^{lix} The bilateral agreements between these countries and Canada set out the administrative roles and responsibilities for the two countries bound by the agreement. These responsibilities were outlined above in the general overview of the Temporary Foreign Worker Program (TFWP), namely that employers seeking workers apply to the Canadian government, and that the workers' home countries recruit them to work in Canada.^{lx} The SAWP operates in all provinces except Newfoundland and Labrador. British Columbia became the latest participating province in 2004.^{lxi} None of the Canadian territories participate in this program.^{lxii}

The application process for seasonal agricultural workers is the same as for the rest of the TFWP. However, producers must be sure that the commodity sector for which they seek agricultural workers is "serviced" in their province. In other words producers must ensure that they are eligible for seasonal agricultural workers, because not all agricultural commodity sectors are eligible for migrant labour. For example, a producer is eligible to apply for workers to pick berries, but rhubarb harvesting is not covered

under the program. If the commodity sector is not serviced by the program, “a comprehensive labour market study [performed by the government] is required before allowing for the entry of foreign workers” to work in that sector.^{lxiii} Employers are encouraged by Human Resources and Skills Development Canada (HRSDC) to contact the department before proceeding with a Labour Market Opinion (LMO) application.

If a producer wishes to hire managerial and professional workers in an agricultural sector then that producer can follow the hiring process for skilled labour. During the low-skilled labour pilot project, agricultural producers were able to hire agricultural workers as unskilled labour from outside Mexico and the Caribbean nations.^{lxiv}

In addition to the normal application process, producers in New Brunswick, Nova Scotia, Ontario, Prince Edward Island, and Quebec may “be required to pay a non-recoverable fee to two non-profit corporations that assist with the processing of foreign workers.”^{lxv}

As mentioned above, foreign seasonal agricultural workers are allowed to remain in Canada for a maximum of eight months. Workers must then return to their home countries for a minimum of four months before being able to return to Canada as a temporary foreign worker.^{lxvi} Thus, the program is accessible to employers between January 1 and December 15 of each year. This gives producers access to workers for the peak work seasons of planting and harvesting, while being flexible to the various crops produced in Canada. Greenhouse operations are also able to make use of the year-long accessibility to migrant workers.^{lxvii}

Governing the work-terms of migrants while in Canada are employer-employee

contracts. The Canadian government is responsible for ensuring that an acceptable contract is established and signed by the employer and sent to the recruited worker before entering Canada. The worker must then also sign the contract and any other necessary documents. The contract (along with entrance visa, medical exams, etc) is then to be presented to the Border Services Agency (BSAC) upon entering Canada.

When an employer fails to respect the employer-employee contract, there is a method of recourse available to the seasonal agricultural migrant. This involves the worker contacting her or his source country's government liaison officer. This officer is typically an agent in a regional consulate and can intervene on the agricultural worker's behalf to "confirm that workers have acceptable housing; ensure that workers have health insurance and Workers' Compensation coverage; gather details of worker injuries; collect pay records from employers; approve worker transfers; and consult with employers who wish to terminate a worker's contract."^{lxviii} Seasonal agricultural workers, under the regulations of the Program, are also entitled to medical and wage benefits, usually known as "Worker's Compensation," should the worker suffer from work-related injuries or illness. It is the employer's responsibility to "contact the liaison officer assigned to the foreign worker and the Workers' Compensation Board, and help the worker find medical assistance or arrange for physician care."^{lxix} Furthermore, any "workers who are unable to work because of sickness, injury or quarantine may also be eligible to collect employment insurance sickness benefits"^{lxx} because, as noted above, migrant workers are eligible for the same employment insurance benefits if they contribute. Application for employment insurance benefits is normally done through the migrant's liaison officer.

According to the SAWP guidelines, employers must pay workers the highest of

three possible wage rates “the provincial minimum wage; the prevailing wage identified by the Government of Canada; or the same rate the employer pays Canadians doing the same type of work.”^{lxxi} Employers must also make overtime payments when applicable.^{lxxii} In British Columbia during the harvest season, employers must also pay workers the prevailing piece-wage rate established for any given commodity being harvested.^{lxxiii} Furthermore, if seasonal agricultural workers are being hired for only planting or harvesting, an employer must guarantee, under program guidelines, a minimum of 240 hours of work within a period of six weeks or less.^{lxxiv}

In addition to a minimum number of hours an employer must offer a migrant worker, employers are to provide free accommodation that meets municipal and provincial building and health requirements where the work is performed. Employers are also to provide a proper cooking area with cooking supplies should workers choose to make their own meals. If the employer supplies meals, \$6.50 can be deducted per day from the worker’s wages to offset the cost of supplying meals.^{lxxv} British Columbia has developed supplemental guidelines for meals and accommodations requiring employers “to submit a Seasonal Housing Accommodation inspection and/or a contract from a commercial accommodation supplier.”^{lxxvi} If worker accommodation is off-site from where the work is performed, the employer must provide transportation to and from the work-site, and accommodation costs can be recovered from the worker at 7% of gross daily pay to a maximum of \$555.00 for the term of the contract.^{lxxvii} Female and male workers must be provided separate accommodations if both sexes are working for the same employer.^{lxxviii}

The British Columbian provincial government also has an arrangement with the

Mexican Labour Ministry for transportation of Mexican workers between Mexico and Canada. Air travel is provided by Mexicana Airlines. The Mexican consulate in Canada forwards the names of recruited workers to the Mexican Labour Ministry. An employer of Mexican migrants in British Columbia forwards the workers' names to the Mexicana Airlines travel agency in Vancouver, British Columbia.

Another specialized arrangement held in British Columbia and not held in the other participating provinces, is the appropriate insurance coverage for seasonal foreign workers through RBC Insurance.^{lxxxix}

In the middle of 2009, the Canadian government made a number of specific changes to the SAWP application process, including the publication of a substantially longer list of forms, documents, and contracts than had been previously available on the HRSDC website. One example of a change made is HRSDC's publication of regionally specific contracts, rather than one generic contract for all seasonal agricultural workers.^{lxxx} Apart from more specific contracts, placing more documents online is an example of the shift away from formal publications. This is also evinced by all regulations pertinent to the TFWP being published on the HRSDC, Service Canada, and Citizenship and Immigration Canada website.

Specifics of the Live-in Caregiver Program

Again, live-in caregivers are proletarianized workers like their counterparts in the Seasonal Agriculture Worker Program (SAWP) or those participating in other aspects of the Temporary Foreign Worker Program (TFWP). Live-in caregivers sell their labour-power for a wage like any other worker and are alienated and vulnerable workers like any other worker in capitalism. As such, there is little distinction between live-in caregivers

and other workers in terms of their determinate labour form.

Migrant live-in caregivers can be hired “when Canadian workers or permanent residents are not available, [and] can help care for children, the elderly or persons with disabilities.”^{lxxxii} The application and hiring process is generally the same as for the rest of the TFWP but there are different regulations covering the temporary residency of migrant live-in caregivers. Migrant live-in caregivers are eligible to remain in Canada for a maximum of 39 months. As stated above, this is an increase from 24 months. However, migrant live-in caregivers can apply for permanent residency if they have worked at least 24 months in Canada.^{lxxxiii}

Employment and residency stipulations include that migrant live-in caregivers work in a private home, must live with the employer while working, must have their own private and furnished room within the home, and be employed on a full-time basis. In addition to this, live-in caregivers cannot work for more than one employer at a time, and cannot work for a health agency, in a day care, or in a foster care situation.

There may also be some additional conditions in place in the recruited live-in caregiver’s home country that the live-in caregiver must meet before leaving for Canada. HRSDC encourages potential employers to verify with their recruited caregiver to check with her or his home government whether there are additional regulations to be met. Some of these additional regulations could include similar transportation regulations as those of the Seasonal Agriculture Worker Program (SAWP).^{lxxxiii} These additional requirements are often specific to the potential caregiver’s home country. For this reason application kits have been developed and can be found at a number of Canadian visa offices abroad.^{lxxxiv} Appendix B lists these offices.

The qualifications to be successfully recruited as a live-in caregiver include “successful completion of the equivalent of Canadian secondary school, ... at least six months’ training, or at least one year of full-time experience (including six months with one employer) during the past three years.”^{lxxxv} Because of the differences between school systems from province-to-province “it is not possible to give a precise number of years” of schooling a potential foreign live-in caregiver should have.^{lxxxvi} For this reason, an immigration officer will determine whether a recruited worker possesses the required education to become a live-in caregiver. The caregiver should also be able to speak, read, and understand either English or French, dependent upon where in Canada the caregiver will work. Citizenship and Immigration Canada (CIC) stipulates minimum speaking and understanding of the appropriate language so that foreign live-in caregivers will be able to perform tasks like calling emergency services if needed and performing tasks outside of the home such as shopping for groceries. CIC also states that foreign workers can understand their rights and obligations if they can read the language in which they are supposed to be working.^{lxxxvii}

CIC provides a sample contract which is basically a form to be filled out by the employer and signed by both the employer and the live-in caregiver. The contract stipulates whether the caregiver will be working with children, the elderly, or a disabled person. There is also a section for the employer to describe the “care responsibilities/duties” to be performed by the worker. The contract can also stipulate care for family pets. Included is a description of the house in which the caregiver will work, as well a description of the family composition living in that house. The Live-in Caregiver Program (LCP) contract also contains a fairly detailed breakdown of wages,

hours of work, overtime pay, deductions, frequency of pay, vacation and holiday pay, reasons for which the worker can take leave, maximum number of sick days per year, cost of room and board, and other possible benefits. Amendments to the live-in caregiver's contract must be made in writing and agreed upon in writing by both the employer and the caregiver. This article is under "Terms of Separation" and also recommends that appropriate excerpts from provincial labour law regarding labour standard be appended to the contract.^{lxxxviii}

Once a foreign national is recruited as a live-in caregiver and a work permit application is approved, the potential caregiver is interviewed by an immigration officer. This interview will make sure the live-in caregiver has obtained all the needed documentation, including temporary resident visas and passports. Migrant live-in caregivers coming from the United States of America, Saint-Pierre-et-Michelon, and Greenland do not need a passport to travel into Canada, nor do they need a temporary resident visa. What these potential caregivers do need, however, is some proof of citizenship or permanent residency, such as an alien registration card, also known colloquially as a "Green Card."^{lxxxix} See Appendix C for other foreign nationals who may not require a visa, and only require proof of permanent residency.

It should be noted that migrant live-in caregivers are allowed to change their jobs "for personal or other reasons" and the regional Temporary Foreign Worker Unit can help live-in caregivers look for new employers. However, a migrant worker cannot work for any other employer than the one named on their work permit, unless the caregiver holds an "open work permit." An open work permit does not list the migrant worker's employer. If a live-in caregiver does not hold an open work permit and wishes to change

employer, that caregiver must go through the initial application process undertaken to become a caregiver in Canada. The only exception, according to the LCP, is if the caregiver is being abused their employer. Should a caregiver report abuse, he or she is allowed to leave her or his employment immediately.^{xc}

Due to the nature of live-in caregiving and the extended period of time “temporary” migrant caregivers are allowed to work in Canada—39 months maximum, opposed to 24 months maximum for other employment—live-in caregivers are given the opportunity to apply for permanent residency in Canada, which also allows them to bring their families to Canada, provided all requirements are met, including all family members passing medical exams, and no family members possessing criminal records in their home country.^{xci} There may be historical reasons for live-in caregivers being granted the opportunity to apply for permanent residency, but this thesis is not surveying *all* aspects associated with migrant work. Moreover, it could be argued that granting live-in caregivers permanent residency is a strategy of *staged naturalization* while simultaneously providing a cheap and flexible labour source.

Conclusion

The Temporary Foreign Worker Program (TFWP) has an elaborate regulatory regime. It extends across federal and provincial jurisdictions. The integration of non-governmental agencies and foreign governments further adds to the complexity of the regulatory regime governing migrant workers entering Canada.

The statistical trends examined at the start of the chapter show an increasing use of migrant labour in Canada. The use of migrant labour has grown at a rate disproportionate to other categories of temporary or migrant residents. That is to say,

while the proportion of foreign students has remained relatively steady since 1983 (with the exception of the early 1990s when foreign students dipped in proportion), migrant workers have grown most substantially and humanitarian residents have shrunk considerably since their peak in 1991 (recall Table 2.1).

Humanitarian entrants, as suggested above, were previously used to supplement employer labour demand shortages in Canada. However, as humanitarian entrants shift from migrant to immigrant resident status those entrants are granted a different set of rights and privileges under Canadian law. Humanitarian entrants eventually become a less flexible category of labour, particularly once citizenship is granted. The use of migrant labour in Canada through the TFWP has been used to replace humanitarian entrants.^{xcii}

Migrant workers, through the TFWP, are mandated to leave Canada after their contracts, work permits, entrance visas and Labour Market Opinions all expire. The expiration of these documents is contingent upon the program's prescribed time. Periodically, migrants are granted contracts, etc. that are shorter than the programs allowable period of time. Such instances are examples of using migrant workers to fill labour demand for short but intense labour.

While the reader may examine the TFWP's regulations and have a sense that this program is well-managed and provides significant protections against employer abuse, Chapter Three will show the contrary. Chapter Three examines the experiences of seasonal agricultural workers and live-in caregivers. The experiences of these migrants are separated into several categories of analysis, including issues in labour recruitment and retention, cultural isolation, sex/gender-related abuse, exploitative wage schemes

(piece-wages and minimum daily wages), poor living conditions, and issues in deportation. These categories of analysis will show that many of the TFWP's regulations fall flat and that workers are among the most unprotected and vulnerable workers in Canada. Chapter Three will show that without appropriate program oversight, migrant workers are left vulnerable and abused despite the regulations purportedly designed to protect them.

Notes

1. James Sutherland. *Temporary Foreign Worker Program: Policy-Research Seminar on Temporary Migration* (2008), PowerPoint, 5. (accessed November 4, 2008).
2. Human Resources and Skills Development Canada does not have an agency or departmental periodical comparable to Citizenship and Immigration Canada's "Facts and Figures" or Statistics Canada's "The Daily." For this reason, most of the information found in this chapter is based on government resources and documents found solely on or primarily accessible through the Internet. The Temporary Foreign Worker Program has very few entrenched policies or regulations, because much of the regulation and policy governing temporary, foreign labourers is through government acts and statutes like the "Immigration and Refugee Protection Act," federal and provincial labour law, and agency-specific regulation.
3. Sutherland, *Temporary Foreign Worker Program*, 5.
4. Annual flow denotes the number of new and returning temporary foreign labours, while December 1 Stock is the total number of temporary foreign workers estimated to be in Canada as of December 1 of each year. However, December 1 Stock does not account for total numbers, forcing a researcher to account for several variables and choose which is most helpful to her or his research. Citizenship and Immigration Canada has calculations for all the categories it defines, which can be found in its periodical publication *Facts and Figures: Immigration Overview: Permanent and Temporary Residents*, (Ottawa: Research and Evaluation Branch).
4. Sutherland, *Temporary Foreign Worker Program*, 7. Statistics taken from Citizenship and Immigration Canada. *Facts and Figures, immigration overview*, (Ottawa: Research and Evaluation Branch, 2004).
6. Human Resources and Skills Development Canada. *Government of Canada Seasonal Agricultural Workers Program expanded in British Columbia*, news release, May 20, 2004.
7. Josephine Smart. "Borrowed Men on Borrowed Time: Globalization, Labour Migration and Local Economies in Alberta," *Canadian Journal of Regional Science* (1997).
8. Citizenship and Immigration Canada, *Facts and Figures*, 60, 62.
9. All figures and charts in this chapter are original, but synthesized from data extrapolated from Citizenship and Citizenship and Immigration Canada's *Facts and Figures*.
10. This table is taken from Citizenship and Immigration Canada's *Facts and Figures*.
11. Kerry L. Preibisch, "Local Produce, Foreign Labour: Labour Mobility Programs and Global Trade Competitiveness in Canada," *Rural Sociology* 72, no. 3 (2007): 420.
12. Citizenship and Immigration Canada, *Facts and Figures*, 83.
13. *Ibid.*, 82.
14. Human Resources and Skills Development Canada. *Welcome to the National Occupation Classification*, <http://www5.hrsdc.gc.ca/NOC/english/NOC/2006/Welcome.aspx> (accessed April 22, 2009). See also Human Resources and Skills Development Canada. National Occupational Classification (NOC) 2006 <http://www.hrsdc.gc.ca/eng/workplaceskills/noc/index.shtml> (accessed April 22, 2009).
15. Human Resources and Skills Development Canada. *National Occupation Classification Matrix 2006*, <http://www5.hrsdc.gc.ca/NOC/English/NOC/2006/pdf/Matrix.pdf>, portable document file (accessed April 22, 2009).
16. Citizenship and Immigration Canada, *Facts and Figures*, 81.
17. Sutherland, *Temporary Foreign Worker Program*, 6.

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18. Human Resources and Skills Development Canada. *Memorandum of Understanding for the Entry of Temporary Foreign Workers for Projects in the Alberta Oil Sands*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/contracts-forms/moualbertaoil.shtml (accessed February 2, 2010).
 19. Human Resources and Skills Development Canada. *Hiring Temporary Foreign Workers in Canada*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/temp_workers.shtml (accessed December 16, 2008).
 20. Human Resources and Social Development Canada. *Hiring Temporary Foreign Workers in Canada*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/temp_workers.shtml (accessed December 16, 2008). See also Sutherland. *Temporary Foreign Worker Program*. 2.
 21. Citizenship and Immigration Canada. *Working temporarily in Canada: Arriving*, <http://www.cic.gc.ca/English/work/arriving.asp> (accessed April 13, 2009).
 22. Citizenship and Immigration Canada. *Working temporarily in Canada*, <http://www.cic.gc.ca/english/work/index.asp> (accessed April 13, 2009). See also Citizenship and Immigration Canada. *Temporary foreign workers – your rights and the law*, <http://www.cic.gc.ca/english/work/tfw-rights.asp> (accessed April 13, 2009).
 23. Department of Justice Canada. *Bill C-11, Immigration and Refugee Protection Act*, <http://laws.justice.gc.ca/en/I-2.5/> (accessed April 13, 2009).
 24. Human Resources and Skills Development Canada. See fact sheets at http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/sheets_tfw.shtml (accessed December 16, 2008).
 25. Human Resources and Skills Development Canada. *Foreign Worker Fact Sheets*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/sheets_tfw.shtml (accessed December 16, 2008).
 26. Citizenship and Immigration Canada, *Working temporarily in Canada: Arriving*. See also Citizenship and Immigration Canada, *Temporary foreign workers – your rights and the law*.
 27. See Human Resources and Skills Development Canada, *Foreign Worker Fact Sheets*.
 28. Service Canada, *Caribbean and Mexican Seasonal Agricultural Workers Program: Policy*, <http://www1.servicecanada.gc.ca/eng/on/epb/agri/policy.shtml> (Accessed December 18, 2008).
 29. Human Resources and Skills Development, *Labour Market Opinion*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/lmi_tfw.shtml (accessed December 16, 2008). See also Sutherland, *Temporary Foreign Worker Program*, 2-3.
 30. Human Resources and Skills Development Canada, *Hiring Temporary Foreign Workers in Canada*. See also Human Resources and Skills Development Canada, *Labour Market Opinion*.
 31. Justicia for Migrant Workers, B.C., *Information for Employers in British Columbia Hiring Foreign Seasonal Agricultural Workers – 2007*, <http://www.justicia4migrantworkers.org/bc/pdf/BC%20SAWP%20Guidelines%20for%20Employers%202007.pdf>, portable document file (accessed December 18, 2008), 2.
 32. Human Resources and Skills Development Canada, *Labour Market Opinion*. See also Human Resources and Skills Development Canada, *Hiring Temporary Foreign Workers in Canada*. See also Human Resources and Skills Development Canada, *Supporting Immigration of Skilled Workers*, http://www.rhdcc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/sisw_tfw.shtml (accessed December 16, 2008).
 33. Human Resources and Skills Development Canada, *Supporting Immigration of Skilled Workers*.

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34. Human Resources and Skills Development Canada, *TFWP Application Forms*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/fwp_forms.shtml (accessed December 16, 2008).
 35. Human Resources and Skills Development Canada, *Hiring Temporary Foreign Workers in Canada*.
 36. Citizenship and Immigration Canada, *The Live-In Caregiver Program: Who can apply*, <http://www.cic.gc.ca/english/work/caregiver/apply-who.asp> (accessed January 6, 2009).
 37. Citizenship and Immigration Canada, *Designated country/territory list*, <http://www.cic.gc.ca/ENGLISH/information/medical/dcl.asp> (accessed March 12, 2009).
 38. Human Resources and Skills Development Canada, *Labour Market Opinion*. See also Human Resources and Skills Development, *Roles and Responsibilities*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/rr_tfw.shtml (accessed December 16, 2008).
 39. Human Resources and Skills Development Canada, *National Occupation Classification (NOC) 2006*, <http://www.hrsdc.gc.ca/eng/workplaceskills/noc/index.shtml> (accessed February 23, 2009). See also Sutherland, *Temporary Foreign Worker Program*, 8.
 40. Human Resources and Skills Development, *Occupations Requiring Lower Levels of Formal Training*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/orllft_tfw.shtml (accessed December 16, 2008). Sutherland, *Temporary Foreign Worker Program*, 8.
 41. Human Resources and Skills Development Canada, *Occupations with Special Processes for Hiring Foreign Workers*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/occspec.shtml (accessed December 16, 2008).
 42. Justicia for Migrant Workers, B.C., *Information for Employers in British Columbia Hiring Foreign Seasonal Agricultural Workers – 2007*, 1.
 43. Human Resources and Skills Development Canada. *Hiring Foreign Agricultural Workers in Canada*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/sawp.shtml (accessed December 16, 2008).
 44. Human Resources and Skills Development Canada, *Supporting Immigration of Skilled Workers*.
 45. Human Resources and Skills Development Canada, *Eligibility for Canadian Employment Insurance*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/ceie_tfw.shtml (accessed December 16, 2008).
 46. *Ibid.*
 47. Human Resources and Skills Development Canada, *Seasonal Agricultural Worker Program*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/sawp_tfw.shtml (accessed December 16, 2008). Chapter three will also feature further discussion on the collection of employment insurance and Canada Pension Plan premiums from migrant worker wages.
 48. *Ibid.*
 49. Human Resources and Skills Development Canada, *Announcing Changes to Temporary Foreign Worker Program to Make it Easier for Employers to Meet Their Labour Market Needs, speaking notes for the Honourable Monte Solberg*, February 23, 2007, <http://www.hrsdc.gc.ca/eng/corporate/newsroom/speeches/solbergm/070223.shtml> (accessed December 18, 2008). See also Sutherland, *Temporary Foreign Worker Program*, 8.
 50. Human Resources and Skills Development Canada, news release, 2007

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51. Human Resources and Skills Development Canada, *Temporary Foreign Worker Program – Elimination of Foreign Worker Application to Extend a Labour Market Opinion*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/communications/whatsnewextlmo.shtml (May 11, 2009).
 52. Human Resources and Skills Development Canada, *Hiring Foreign Agricultural Workers in Canada*. See also Justicia for Migrant Labourers, B.C, *Information for Employers in British Columbia Hiring Foreign Seasonal Agricultural Workers – 2007*, 3.
 53. Human Resources and Skills Development Canada, *Seasonal Agricultural Worker Program*.
 54. *Ibid.*
 55. *Ibid.*
 56. Citizenship and Immigration Canada, *Information for Canadian Employers: Temporary Foreign Worker Units*, <http://www.cic.gc.ca/EnGLish/work/employers/tfw-units.asp> (access March 12, 2009).
 57. Human Resources and Skills Development Canada, *Hiring Foreign Agricultural Workers in Canada*.
 58. Kerry L. Preibisch, “Social Relations Practices between Seasonal Agricultural Workers, their Employers, and the Residents of Rural Ontario, Executive Summary,” (The North-South Institute, 2004) See also Human Resources and Skills Development Canada, *Government of Canada Seasonal Agricultural Workers Program expanded in British Columbia*, news release, May 20, 2004, <http://www.hrsdc.gc.ca/eng/cs/comm/hrsd/news/2004/040520a.shtml> (accessed December 18, 2008).
 59. Human Resources and Skills Development Canada, news release, 2004. See also Human Resources and Skills Development Canada, *Seasonal Agricultural Workers*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/saw_tfw.shtml (accessed December 16, 2008).
 60. Human Resources and Skills Development Canada, *Seasonal Agricultural Workers*.
 61. Human Resources and Skills Development Canada, news release.
 62. Human Resources and Skills Development Canada, *Hiring Foreign Agricultural Workers in Canada*.
 63. *Ibid.*
 64. *Ibid.*
 65. *Ibid.*
 66. *Ibid.*
 67. Human Resources and Skills Development Canada, *Seasonal Agricultural Workers*.
 68. *Ibid.*
 69. *Ibid.*
 70. Human Resources and Skills Development Canada, *Seasonal Agricultural Worker Program*.
 71. *Ibid.*
 72. *Ibid.*
 73. Justicia for Migrant Labourers, B.C. *Information for Employers in British Columbia Hiring Foreign Seasonal Agricultural Workers – 2007*, 1.
 74. Human Resources and Skills Development Canada, *Seasonal Agricultural Workers*.
 75. Human Resources and Skills Development Canada, *Seasonal Agricultural Worker Program*.

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76. Justicia for Migrant Labourers, *B.C. Information for Employers in British Columbia Hiring Foreign Seasonal Agricultural Workers – 2007*, 2.
 77. *Ibid.*, 1.
 78. *Ibid.*, 2.
 79. *Ibid.*, 5.
 80. To view these forms, documents, and contracts, visit Human Resources and Skills Development Canada's *Foreign Worker Program Application Forms*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/fwp_forms.shtml (accessed August 31, 2009).
 81. Human Resources and Skills Development Canada, *Live-in Caregiver Program*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/lcpdir/lcpone.shtml (accessed December 16, 2008).
 82. *Ibid.* See also Human Resources and Skills Development Canada, *Live-in Caregivers*, http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/lic_tfw.shtml (accessed December 16, 2008).
 83. *Ibid.*
 84. Citizenship and Immigration Canada, *The Live-In Caregiver Program: How to apply*, <http://www.cic.gc.ca/english/work/caregiver/apply-how.asp> (accessed January 6, 2009).
 85. Citizenship and Immigration Canada, *The Live-In Caregiver Program: Who can apply*.
 86. *Ibid.*
 87. *Ibid.*
 88. Citizenship and Immigration Canada, *The Live-In Caregiver Program: Sample Contract*, <http://www.cic.gc.ca/english/work/caregiver/sample-contract.asp> (accessed January 6, 2009).
 89. Citizenship and Immigration Canada, *The Live-In Caregiver Program: After applying*, <http://www.cic.gc.ca/english/work/caregiver/apply-after.asp> (accessed January 6, 2009).
 90. Citizenship and Immigration Canada, *The Live-In Caregiver Program: Extending your stay*, <http://www.cic.gc.ca/english/work/caregiver/extend-stay.asp> (accessed January 6, 2009).
 91. *Ibid.*
 92. Preibisch, "Local Produce, Foreign Labour," 420.

3. The Plight of Migrant Workers in Canada

It was shown in Chapter One that neoliberal global economic restructuring has contributed to the growth in migrant labour. It was argued in Chapter One that neoliberalism has contributed to the erosion of worker protections once partially provided by labour laws and some social programs. The business sector did its part to erode protections by abandoning the capital-labour accord and actively throwing labour on the defensive. The neoliberal economic restructuring that has been a sustained attack upon workers have made workers more vulnerable and unprotected. This vulnerability and *unprotectedness* is manifested as a shift along a spectrum of vulnerability that is inherent to the essential relations of capitalism. This shift, it has also been argued, has contributed to the growth in migrant labour—one of the most unprotected segments of workers in Canada. The institutionalization and entrenchment of the migrant labour regime in Canada has strengthened and further legitimized capital's dominance over working people through the active implementation of neoliberalism by government and capital as a tool in the overall attack upon workers. Neoliberalism and the Washington Consensus as outlined in Chapter One show the complicity between government and capital to make workers more vulnerable. Migrant labour is one aspect in this overall attack upon workers.

To proceed with a discussion of the migrant labourer in Canada, Chapter Two detailed the structure and regulations of the *Temporary Foreign Worker Program* (TFWP). Chapter Two also looked specifically at two sub-programs: the *Seasonal Agriculture Worker Program* (SAWP) and the *Live-in Caregiver Program* (LCP). This chapter will show that migrant labourers are a super-exploited sector of the Canadian

labour pool despite the regulatory regime currently in place. Nine key areas are emphasized:

- 1) poor pay and overwork;
- 2) poor working conditions;
- 3) poor living conditions;
- 4) poor administration of the program;
- 5) gender issues and sexual abuse;
- 6) cultural isolation and racialized practices;
- 7) cyclical-permanent migration phenomenon;
- 8) factors creating a docile and compliant migrant workforce; and
- 9) challenges to union organizing among migrant workers.

These nine areas will draw primarily on critiques of the SAWP and the LCP. This chapter can draw on the experiences of both seasonal agricultural work and live-in caregiving—being the two largest categories of workers participating in the TFWP—because of the *proletarianized* nature of all work in capitalism.¹

Poorly Paid and Overworked

According to Leigh Binford, seasonal agricultural workers generate “copious amounts of surplus value for Canadian growers.”² While wages may vary between agricultural sectors, between the Seasonal Agriculture Worker Program (SAWP) and the Live-in Caregiver Program (LCP), and then again between provinces, there is one thing in common between the SAWP and LCP: migrant workers receive very low wages compared to their Canadian counterparts. Furthermore, many migrant workers are or have been caught in wage schemes that commit them to toiling hard and long at the behest of their employer. These wage schemes include piece-wages for seasonal agricultural workers and daily minimum wages for live-in caregivers.

More importantly, compared to their Canadian counterparts migrant workers are making significantly less money *and* working significantly harder. Although there is a

considerable gain when exchanging currencies from Canadian dollars to Mexican pesos or another currency, agricultural workers are caught in disadvantageous wage-schemes, usually piece-wages, that force them into working extraordinarily long workdays at very high intensities of output.³ For example, while a Canadian worker can be expected to pick 50 quarts of strawberries in a day without serious repercussion, Mexican workers are expected to pick four times as much in one day. The piece-wage scheme has one farmer deeming that his Mexican workers that are “‘tickled pink’ to work as many hours as they can.”⁴ This farmer fails to grasp the fear and threat of deportation from Canada as a factor compelling migrants to work so hard for so little.⁵

In piece-wage schemes, agricultural workers are paid for the pieces collected or harvested. With a piece-wage scheme, foreign seasonal agricultural workers theoretically make more money by working at a higher rate of intensity. The intensity which increases their output which is measured by “pieces” or individual units of produce. However, under such a payment scheme workers are ineligible for overtime and cannot bank hours for time off in the future.⁶

The use of piece-wages is not a compassionate means used by employers to help their workers earn more if they pick more. Instead, it is a method deliberately used to increase output, which merely has a side-effect of the workers earning marginally more by working extraordinarily long hours. The workers’ earnings are only marginally increased because pay is very poor in relation to the selling price of the produce.⁷ Therefore, as Binford says, agricultural workers reap “copious amounts of surplus value for Canadian growers.”⁸

Preibisch has found that wages in the agricultural sector are generally lower than

in other Canadian industries.⁹ Bauder similarly has found that the wages earned by foreign workers are even lower than the wages earned by their Canadian co-workers performing the same work.¹⁰ Moreover, wages are lower in Alberta compared to Ontario. Migrant agricultural work has been increasing in Alberta and migrant workers have actually requested to switch to employers in Ontario as soon as the TFWP allows them to do so because of the lower pay in Alberta.¹¹

The picture of poor wages is bleak in other sectors of the TFWP as well. *The Economist* reported in 2007 that some Latin American workers recruited under the program in construction were being paid as little as \$3.56 per hour while working at digging a tunnel to build a rail link between Vancouver and the city's airport. In the same report it was revealed that one "employer" was growing marijuana in brewing tanks after purchasing an old Molson brewery and that the employer had lured 11 Filipinos to Canada under the TFWP with the promise of wages as high as \$23 per hour. The employer had paid the Filipino workers a miniscule fraction of the promised \$23 per hour. The same workers were also charged approximately \$10,000 in brokerage fees to secure their entry into Canada.¹²

Other instances have reportedly arisen where wages were not being paid at all. For example, many Chinese oil sands workers in Alberta had a collective \$3 million in wages withheld by their employer. This incident was only discovered during an investigation into the deaths of several other migrant workers after an accident at that particular oil-sands site.¹³

As for migrant live-in caregivers, Josephine Pratt argues that they are preferred only because the pay is so low that Canadians are unwilling to work in the field. The

LCP exists largely to supply upper-class households with cheap labour. Although live-in caregivers are subject to an already low pay. For example, they can also have an additional \$300 deducted per month to cover an employer's room and board expenses.¹⁴

Until March 1995, live-in caregivers in British Columbia were being paid a daily minimum wage rather than an hourly minimum wage. Therefore, not only were live-in caregivers receiving an already depressed wage subject to discretionary deductions, but the structure of this wage stretched a live-in caregiver's workday to the point where an employer could demand work from a caregiver almost any time of the day. Ostensibly, under a daily minimum wage a live-in caregiver is paid for the entire day, rather than for particular hours in the day. Some live-in caregivers have reported being called upon to work as late as 11pm or midnight and having their employer treat them nearly as if they were servants or on call 24 hours per day.¹⁵ The daily minimum wage scheme made a live-in caregiver's workday long enough to be characterized by several researchers, including Pratt, Richard Vogel, and Harald Bauder, as "indentured servitude."¹⁶ Pratt also contends that the intention of daily minimum wage schemes is to extract as much labour as possible from migrant workers.¹⁷

Not only are workers receiving relatively low pay over long periods of menial or strenuous work but wages are driven down by fees associated with working in Canada. Migrant workers are charged the same income taxes as Canadian workers (discussed in section 3.4 below) and migrant workers are also charged entrance visa, medical, and other fees that are reported to be as much as \$5,000.¹⁸

In exchange, workers receive relative job security, especially compared to sparse employment in their home countries. The relatively high pay earned by migrant workers

in Canada is derived from the conversion of their Canadian earned dollars into Mexican pesos or Jamaican dollars.¹⁹ In the case of live-in caregivers the conversion is made primarily to Philippine pesos. Workers under the TFWP are well-paid relative to the wages they would receive in their home-countries. This is largely due to the proliferation of poverty in migrant workers' home countries. As workers remit portions of their earnings to their families in their home countries, the high exchange rate that usually exists between countries when converting wages earned in Canadian dollars amplifies the buying power of that money. For example, \$100 Canadian converts to 1200.75 Mexican pesos or 4374.62 Philippine pesos.²⁰ Canadian workers find the Canadian wages too low; migrant workers find them relatively high.

One study in 1999 reported that Mexican workers participating in the SAWP in southwest Ontario were earning a meagre \$345 per week. However, in 1999, eight months' savings at \$345 Canadian per week was equivalent to five years of savings in Mexican pesos according to Smart.²¹ The relative buying power of migrant workers contributes to the justification among employers and government officials for paying migrant workers low wages in low-paying sectors.

Some workers report being "happy" with their wages. This is explained by the relative wage gain which amplifies wages when converting earnings from Canadian dollars to Mexican pesos, Philippines pesos, Jamaican dollars, or other relevant currency.²² Ultimately, the observation about "servitude" seems apt for all migrant workers, not just live-in caregivers. The demand for migrant workers appears because they can be paid very low wages and forced to work very hard. The high intensity of work and low pay helps keep costs low for producers and other employers. Although it is

true that the wages earned by migrants working in Canada are higher than in their home countries, their wages are far below what is generally considered acceptable in Canada.²³ Regardless of this, the low wages (as the most obvious cost to employers) offered to migrant workers is a deliberate strategy contributing to the increase in vulnerability experienced by workers generally and migrants specifically. Once again, this vulnerability is a part of the overall sustained attack against workers inherent to capitalism. This attack has only been sustained by neoliberalism as a tool to weaken labour and make workers less protected while strengthening capital's dominance over workers.

Poor Working Conditions

Coupled with the migrant labourers' low wages and long working hours are the often poor and even abusive working conditions facing seasonal agricultural and live-in caregivers. One study on live-in caregivers in the Vancouver region revealed officials and agents of the Canadian government indirectly admitting to knowing that live-in caregivers are abused by employers. One government employee was audacious enough to state in an interview with Pratt that live-in caregivers "will put up with a lot for a clean record."²⁴ Effectively, this official is acknowledging that if a live-in caregiver complains about her working conditions the complaint will be recorded on her immigration record. Many Filipina migrants have raised concerns that complaints about working conditions may potentially lower the chances of being granted permanent residency. As a result, workplace abuse and violations of Temporary Foreign Worker Program (TFWP) guidelines go unreported in many, if not most, instances.²⁵

The long hours worked by many caregivers—in some cases up to 16 hours per

day—are used by the caregivers as a way “to prove” to Canadian immigration officials that they can accumulate enough savings to bring their families to Canada and support them once they arrive. Many migrant live-in caregivers entering Canada have often arrived after working for several years away from their families in other countries, including Hong Kong and Singapore. Many migrant caregivers, thus, anticipate seeing their families after years of separation and will endure considerable abuse to reunite with their loved ones. The opportunity to emigrate to Canada is generally regarded as an arrangement that involves servitude-like work.²⁶

Men working in seasonal agriculture also work exceptionally long days and are often required to work weekends if their employer demands it. Migrant farm workers are regularly exposed to harmful pesticides, chemical solvents, and constant sun and heat.²⁷ The work performed by migrant agricultural workers is usually performed over 14 to 16 hour workdays beginning between 7am or 8am through to midnight or even longer. This extremely long day usually has short meal breaks compared to the length of the day, and coffee breaks are often withheld. Most agricultural migrants work six days per week, with Sunday off. In peak harvesting for many crops, however, migrants are made to work a full seven-day week. These extreme working conditions have convinced many Mexican migrant workers that they would prefer not to emigrate to Canada as a permanent resident because they perceive Canada as a place that is “pure work”²⁸ with no breaks and no relaxation. Many workers report that the work is bearable only because the short work season offsets the intensity and duration of the average workday while they are in Canada.²⁹

Mysyk, England and Avila Gallegos have documented verbal and psychological

abuse by employers who often swear at and demean their employees. Some workers were even coerced to work harder under threat of repatriation.³⁰ Such threats have led to a substantial fear among most seasonal migrant workers who drive themselves to work as hard as possible. Binford argues that the result of employer abuse is that these workers have internalized the disciplinary regime that has come to characterize the SAWP. The internalized discipline and fear of repatriation produces an internalized “need” to work as hard and quickly as possible to ensure employer satisfaction. This same internalized discipline and fear has made Mexicans the preferred workers over their Caribbean counterparts, because the Mexican workers have become aware that they must outperform their Caribbean counterparts or face being replaced by them in the struggle to return to Canada for work the next season.³¹

Many aspects of seasonal agricultural work are dangerous and cause injuries or work-related illnesses. Employers often do not provide their workers with appropriate training and protective gear to prevent harmful exposure to industrial pesticides. This is in direct contravention of SAWP regulations requiring employers to ensure appropriate safety precautions are undertaken by themselves and their workers to prevent injuries or illnesses related to the use of agricultural chemical products and machinery.³²

Many migrant farm workers also fall ill because of prolonged exposure to heat and humidity in greenhouses. These same workers are typically denied their meal breaks, as well as coffee and snack breaks. Workers are thus denied a reprieve from the exhausting heat and humidity in which they work. Some workers have expressed anger over these situations and their inability to escape or relieve themselves of exposure to heat in greenhouses.³³ Their anger is a reaction toward the abuse at the hands of their

employers and managers as well as toward their vulnerability and *unprotectedness*. This anger is justifiable as the rules of the TFWP are regularly breached by employers and offer little protection for migrants against their poor working conditions.

As many migrant workers are denied breaks from their work, their poor working conditions are exacerbated by their poor living conditions which do not serve to provide adequate refuge from work. For some workers, poor living conditions also adds to their overall vulnerability and stress, particularly in the case of live-in caregivers, as will be shown below.

Poor Living Conditions

There has been less research conducted on the living conditions of migrant workers than on their work conditions. Josephine Smart has made the primary contribution to research on the living conditions of seasonal agricultural migrants and Stasiulis and Bakan have collaborated on research on the living conditions of live-in caregivers. Key issues in the discussion of poor living conditions for both groups of migrant workers include the close proximity between workspace and relaxation space, and the poor condition of living quarters.

The first issue of proximity is more immediately evident in the case of live-in caregivers since they live in their employers' homes. However, there is an off-setting trend of Filipinas sharing weekend housing to get away from their employers' homes, a strategy examined in detail by Stasiulis and Bakan. It is noteworthy, as an aside, that living quarters outside the employer's home are not subject to the regulations of the Live-in Caregiver Program (LCP)—in fact, this is precisely why many caregivers share evening and weekend apartments. Also noteworthy about this off-setting trend is that

live-in caregivers sharing evening and weekend housing are given some marginal freedom over their free-time by being able to escape their workplace which is simultaneously their relaxation space.³⁴ The result is that some live-in caregivers' sense of vulnerability is attenuated by having control over a living space independent of their employer. Regardless, the LCP stipulates that a caregiver is to be given a fully furnished and private room that is to be treated as a personal space. Despite this stipulation some reports indicate that caregivers' rooms often lack sufficient furnishings and are not adequate as private spaces. Rooms are sometimes in the employer's basement or a portion of a basement. Many caregivers are given rooms without locks on their doors and do not have access to a telephone. The design of many homes denies caregivers meaningful privacy away from their employer-families while not working.³⁵ On the whole, live-in caregivers' living conditions often do not meet the LCP's requirements.

It is known that there are agricultural migrants who live in bunk housing on the their employer's farm, albeit in facilities clearly separated from the owner of the farm. Smart's research revealed that the living quarters of migrant agricultural workers are severely dilapidated. She contends that the TFWP regulations are being transgressed and that accommodations are not being inspected annually as required by the program. One such housing location had a broken window in the front of the building, which remained unfixed for the duration of the season. The workers' bunk beds were make-shift, their shower stall was sub-standard and their living quarters were damp. The furniture was shabby, and kitchen facilities could not accommodate the cooking needs of the nine workers housed in the small space. At another residence owned by the same farmer the bathroom did not work nor did the washer and dryer despite repeated requests to have

them fixed. There was no plumbing under the kitchen sink and neither living space had a telephone connection, although they are required under the TFWP regulations.³⁶

The lack of proper housing in both the LCP and the Seasonal Agriculture Worker Program has elicited concerns that TFWP regulations are not being enforced. Lack of regulatory enforcement flags the more general concern regarding poor administration of the program on the part of government.

Poor Government Administration of Program

Deteriorating administration of programs like the Temporary Foreign Worker Program (TFWP) has been a growing concern in the neoliberal era. Poor administration brings immediate advantages to employers and greater burdens on workers. The inadequate enforcement of regulatory protections intensifies the vulnerability and unprotectedness of all workers generally and migrant workers specifically. The inadequate enforcement of program rules is an aspect of the deregulatory policies of neoliberalism and the Washington Consensus.³⁷

Very little academic research or analysis has been concentrated on the poor administration of the TFWP and its sub-programs. Most research concentrates largely on the maltreatment of migrant workers entering Canada. The discussion that does address the administrative problems of the program has largely emerged out of news reports, and most of that is based on the economic downturn experienced in late 2008.

The main criticism about the administration of the TFWP focuses on the three-tier jurisdictional administration of the program. The first tier is the Canadian federal government, the second tier is the provincial level of government, and the third tier is the migrant workers' domestic government. The multi-layered administration has left holes

in the development of labour code protections for migrant workers. Provincial labour codes which have seen several decades of neoliberal deregulation often do not apply at all to migrant labourers.³⁸ Where labour regulations do apply, the provincial governments have often failed to provide oversight to ensure compliance. In particular, wage rates, working conditions and living conditions are often *only* monitored by academics and activists.

A derelict aspect of this problem is the nearly exclusive placement of all hotlines and contact information on the Internet. Most information about program standards is only on the Internet, and complaints by migrant labourers can typically only be filed through the Internet. Migrant labourers, however, often do not have access to a telephone, let alone the Internet. Therefore, accessing the Internet to find the information needed to make a complaint becomes exceedingly difficult. In placing this information on the Internet, the Canadian government seems to be deliberately prohibiting workers from receiving the information they require and from seeking proper recourse in the face of employer violations.

To compound matters, in the case of Mexico program, the least educated men are recruited to participate in the Seasonal Agriculture Worker Program (SAWP). These workers are typically illiterate. Since the workers usually understand only spoken Spanish, there is little possibility that migrant workers will be able to read the Internet-based information which is offered only in English and French on the Canadian government's website. Therefore, even *if* a migrant worker could *acquire* Internet access, it is unlikely that the worker would be able to *use* the information available.

Filipina live-in caregivers are somewhat more fortunate because one of the

official languages in the Philippines is English. Live-in caregivers must also demonstrate a minimum comprehension of English to be admitted to the Live-in Caregiver Program (LCP). Living and working in their employers' households may afford caregivers an opportunity to access the Internet, particularly if the employer allows it by not blocking access to use of the computer through password protection features or by placing the household computer in a locked room.³⁹

Another striking administrative injustice is that while migrant workers pay into Employment Insurance (EI) and the Canada Pension Plan (CPP), the rules are structured in such a way as to preclude migrants from qualifying for the benefits of these programs.⁴⁰ The employment insurance deductions collected from migrants' pay in 2001, for example, totalled \$3.4 million, income tax deductions totalled \$9.5 million, and Canada Pension Plan deductions totalled \$6.0 million. Although the TFWP states that migrant workers are eligible to collect their deductions in the same manner as a Canadians, almost none of these deductions made it back into the hands of migrant workers.⁴¹

The TFWP has recently come under fire for its lack of government oversight. Without the strong oversight of employers by government, employers have no incentive to commit to following the regulations of the TFWP, especially with respect to the payment of wages. Employers are basically given *carte blanche* in the treatment of their migrant workers. As a result the Canadian government began to implement a voluntary oversight mechanism in early 2009.⁴² Owing to public criticism, in late 2009 the government began to institute regulations to expel employers who are abusive toward their migrant employees, but poor oversight means that the government cannot ensure

that employers are following the rules of the program.⁴³ Thus, the 2009 changes appear to be salutary and little more.

Without appropriate oversight mechanisms in place, a plethora of other program violations may include racialized practices and racism, sexual abuse, and gender-related discrimination—all of which contribute to worker vulnerability and unprotectedness. Gender issues and sexual abuse will be examined first followed by cultural isolation and racialized practices.

Gender Issues and Sexual Abuse

Research on gender issues and sexual abuse in the research on migrant labour focuses entirely on the Live-in Caregiver Program (LCP) which is composed almost exclusively of migrant women. These gender-related issues include the public/private divide (discussed below), the belief that care work is “women’s work,” and sexual abuse perpetrated by male employers.

Much research has been conducted on how caregiving provided in a “private” home atmosphere is perceived and treated by capital and the state. According to Bakan’s and Stasiulus’ research, the state treats the home as a private sphere of life. Caregiving is treated no differently from any other private realm of home work, and thus not subject to special labour regulations. On the other hand, caregiving provided outside the home is considered public work, including caregiving performed in a hospital or elderly nursing home. Historically, women have been relegated to the home environment, and have been responsible for the maintenance of the home and care of the family. Furthermore, the home is regarded as a refuge for men, as a shelter from the so-called public sphere. However, because women toil at home they have no comparable sanctuary.⁴⁴ Also, since

the home is regarded as a sphere of private life, it is not subjected to labour regulation. Some employer-families call their migrant caregiver a “cherished family member”⁴⁵ which further justifies weak government administration and regulation. It is often argued that government intrusion in the home would degrade the live-in caregiver’s position as a beloved family member.⁴⁶ This argument persists despite the fact that this “cherished family member” is often abused and exploited.⁴⁷ This gendered outlook plays a very important role in the administration of the LCP and how government intervenes—or, rather, does not intervene—in the live-in caregiver’s workplace. The work conducted by live-in caregivers specifically, and by women generally, remains an undervalued activity.⁴⁸

Some migrant live-in caregivers are subjected to more heinous actions than having their work and skills undervalued by employers and the state. There have been reports of caregivers being sexually abused by male employers. Pratt argues that Filipina migrants are put at an increased risk of sexual abuse because consular agents encourage Filipina workers to comport themselves as vulnerable and exploitable. Pratt explains that this is a strategy encouraged by consular agents so that caregivers can be more appealing to their employers. Research confirms that this strategy is hazardous in light of sexual abuse reported by researchers. There are also several Filipina migrant caregiver advocacy groups that have reported sexual abuse, such as the *National Alliance of Philippine Women*.⁴⁹ The National Alliance claims that the LCP “perpetuates a cycle of ... vulnerability to physical, sexual, and verbal abuse.”⁵⁰

On occasion abuse is brought to public light. Ruby Dhalla, a Member of Parliament in Canada, employed two live-in caregivers in her home. Dhalla’s caregivers

came forward to the media with allegations of mental and physical abuse.⁵¹ However, the Dhalla case is not extraordinary. It simply drew mass media attention to the common practices of employers and experiences of LCP migrant workers. Unfortunately, the abuse suffered by the Dhalla family's caregivers was overshadowed by accusations of political attacks against Ruby Dhalla. The legitimacy of the caregivers' grievances was then quickly over-shadowed in public discourse.

The Dhalla case alerts us to even more disturbing incidents like that of Jocelyn Dulnuan. Dulnuan was killed in 2007 while working as a live-in caregiver in Mississauga, Ontario. Dulnuan worked for various employers in the Greater Toronto area under the LCP and was 27 years old at the time of her death. Her body was found October 1, 2007 at the Doulton Place mansion, her last place of employment. Dulnuan, like many Filipina caregivers, had a university education from the Philippines and began participating in LCP to support her family.⁵² It is noteworthy is that the Dhalla case centred around abuse of live-in caregivers and received more widespread media coverage than the Dulnuan case which involved the death of a migrant live-in caregiver. The cause of Dulnuan's death was not reported in the media.

After the Dulnuan case, the migrant Filipina community was outraged and argued that her murder was not an "isolated case." In a media report by the *Bulatlat's* (an advocacy and resource organization for Filipinos in Canada) "Migrant Watch" newsletter, the National Alliance of Philippine Women in Canada's "executive director Cecilia Diocson said Dulnuan's killing is an issue of 'violence committed against Filipino women under the [LCP] and is not by any means an isolated incident. ... The murder of Jocelyn [Dulnuan] is another wake-up call to all women in Canada to genuinely examine

the issue of violence against women, particularly inherent in Citizenship and Immigration Canada's [LCP]."⁵³ As long as the home is regarded as a private sphere the concerns voiced by Diocson and the Filipino community are unlikely to be addressed properly.

The discussion of gender issues also draws attention to issues relating to cultural isolation and racialized practices. Not only are migrant women often subject to sexual abuse and other gender-related matters, they are also subject to discrimination based on cultural, racial, and ethnic grounds. To such issues analysis now turns. This analysis will show how cultural isolation and racialized practices is a factor in the increase of migrant worker vulnerability. While this analysis focuses on migrant labour it elucidates how racism is a more generalized attack against workers who fit into racialized categories. This attack marginalizes many workers which also contributes to heightened vulnerability.

Cultural Isolation and Racialized Practices

Language and cultural barriers between migrant workers and the communities near their work areas lead to racial and cultural alienation and marginalization. Bauder argues that seasonal agricultural workers in rural locations are marginalized by virtue of their location in remote areas and by the way the workers are "perceived as misplaced" within rural communities. The migrant workers are usually identified by their nationality.⁵⁴ For example, Mexican migrant labourers in Leamington, Ontario held a cultural festival celebrating their nation's independence from Spanish colonial rule. The festival was covered by the *Windsor Star*, but the author of the article admits: "Much like the Mexicans themselves, the four-hour festival barely registered beyond St. Michael's [church] property line," where the festival was held.⁵⁵ The article's language reveals the

marginalization of migrant workers. Migrant workers in Canada report that they are generally ignored by the communities in which they find themselves, and some of the most difficult non-work related problems have been with store clerks accusing Mexican migrant workers of theft.⁵⁶

Some researchers have argued that Canadians often accept that foreign workers are undeserving of the same labour code regulations used to protect Canadian workers. This indifferent attitude epitomizes and helps to legitimize the migrant worker as an unprotected worker lacking proper workplace protections.⁵⁷

In addressing the racial isolation of live-in caregivers, Pratt argues that they are also the most marginalized and ghettoized of all women in the Vancouver labour market.⁵⁸ She suggests that Filipinas in Canada “are less obvious than their neighbours,” and adds that “there is no ‘Filipino Town’ as such as there is a Chinatown or Little Italy.”⁵⁹ In other words, there is no Filipino community to distinguish the migrant Philippine population from the wider community.

The cultural and economic marginalization of live-in caregivers also has a Eurocentric basis in that Filipina caregivers are often called “housekeepers” whereas European caregivers in the same program are called by the more affectionate term, “nannies.” This esteem differential persists despite the two cultural groups being expected to fulfill the same tasks under the program. This Eurocentricity is extended to perceived intellectual and linguistic capabilities. Filipinas’ and Europeans’ intellectual aptitude and ability to communicate are judged by many employers on the basis of cultural differences. Judging Filipina caregivers against their European counterparts is by definition a racially charged comparison.⁶⁰ This overt racism is especially ironic as both

groups of caregivers typically use English as a second language. In fact, English is one of the official languages of the Philippines, arguably giving the Filipina caregivers an advantage over European participants in the program. Regardless of this, Filipinas are often treated as intellectually deficient by their employer-families when compared to European caregivers in the LCP. Pratt reports that those employer-families with children often change live-in caregivers when their children reach certain ages. Reportedly, this is out of fear that the Filipinas' *perceived* intellectual and linguistic deficiencies will have a negative affect on the intellectual and linguistic development of the child(ren) in the household. It is bitterly ironic that several families reported having being more satisfied with their Filipina caregivers than their European counterparts after switching caregivers.⁶¹

Seasonal agricultural migrant workers have reported more difficulties in communication than live-in caregivers. Many workers, when asked, reported having difficulties in understanding their employer. One worker stated: "sometimes, maybe you don't do the things like he wants and sometimes he gets angry, he gets annoyed, and sometimes your morale falls because you'd like to do things well. But, if you don't understand, you can't be a fortune teller, right?"⁶² Other workers have reported receiving very poor or hasty medical treatment owing to the language barrier between themselves and the healthcare professionals. One worker reported being forced to sign a form in a hospital emergency room despite not being able to read it and not having access to someone who could translate the document into Spanish for him. Seasonal migrant workers shopping for their groceries have also reported communication problems with storeowners or clerks.⁶³

Cultural isolation takes place in other ways besides isolation through language barriers. For example, Canadian government agents and Filipino consular officials in Canada have argued that Filipina caregivers are “good immigrants.” One consular official reported that Filipina women “make good immigrants. They’re hard working. *And they Canadianize extremely well.*”⁶⁴ Indeed, the measure of *goodness* of a migrant is the ability to leave one’s culture behind. Another agent for Filipina live-in caregivers stated that “domestic workers leaving their children in the Philippines make the very best nannies because they miss their children so much that they have no choice but to redirect their affections to Canadian children.”⁶⁵ Most live-in caregivers are unwilling to jeopardize their chances of obtaining permanent residency and sending for their families to also immigrate to Canada. Therefore, these women work hard and complain little, thus contributing to the attitude that they “Canadianize well.”⁶⁶ Cultural displacement is a fact of migrant life.

Racialized practices are also evident in the TFWP including the under-appreciation and under-utilization of many migrant workers’ skills. This is also an aspect of the proletarianization of labour which, according to Braverman, “disassembles skill.”⁶⁷ Many Filipina caregivers recruited into the LCP are overqualified or sometimes not even trained in the caregiving fields. For example, many live-in caregivers are registered nurses and certified midwives from the Philippines. Other Filipina live-in caregivers report being trained as social workers, bankers, and bookkeepers.⁶⁸ Jocelyn Dulnuan, the murdered caregiver discussed above, was reported to be a university-trained criminologist.⁶⁹ Some researchers say these women are being “deskilled” through the LCP’s pre-immigration process because much of the work performed by live-in

caregivers usually does not pertain to actual caregiving.⁷⁰ Skill atrophy and underutilization has been a successful strategy as many live-in caregivers report difficulty “recover[ing] a previous occupational identity” after two or more years of nearly constant menial housekeeping.⁷¹ Ironically, while their education is downplayed by the government, the LCP requires that participant workers upgrade their skills while working in Canada. Migrant caregivers must provide training certificates proving they “upgraded” their skills before being granted permanent residency in Canada.⁷²

These racialized practices and strategies of cultural isolation are strategies that contribute to the overall vulnerability of migrant workers. These strategies also contribute to their relative unprotectedness. It is noteworthy that the racialized practices of the TFWP, particularly of cultural detachment—partially or fully abandoning one’s cultural identity—is an aspect that amplifies a permanent-cyclical migration phenomenon of the TFWP.

Permanent-cyclical Migration Phenomenon

Josephine Smart argues that the creation of the migrant labour program in Canada emerged in the 1940s out of pressure from Jamaica and Barbados on the Canadian government to allow Jamaicans and Barbadians to enter Canada as migrant workers. In 1957, the south-western farmers of Ontario and the Southwestern Ontario Field Crops Association took advantage of the imported labour. The program quickly grew because the very cheaply paid, hard-working migrants performed work that Canadians avoided since it failed to provide a suitable wage. With Ontario farmers’ inability “in recruiting and retaining suitable quantities of labour,” they took interest in the experience of Florida sugar cane producers whose Caribbean workers had a “reputation as ‘reliable’ and free of

‘social problems.’”⁷³ That is to say that the Caribbean workers first recruited into Canada were “too busy earning money to get into trouble.”⁷⁴ It is important to note that the farmers had difficulty in *recruiting* and *retaining* their labour, *not* that there was an actual shortage of Canadian labourers. The result of this arrangement was the creation of what is now known as the Temporary Foreign Worker Program (TFWP).

Researchers have argued, however, that the institutionalization of foreign work programs is more manageable than processing illegal immigrants on a continuous basis. This argument is particularly compelling since illegal immigrants are often only seeking work as opposed to a permanent change in residency. This remains true even if migrants are considered to be “illegally employed.”⁷⁵ Richard Vogel discovered through his research on American migrant workers, that “the vast majority are recruited [into the informal work sector] through economic desperation unmitigated by even a minimal social safety net.”⁷⁶ Therefore, some believe that governments should use migrant worker programs to make use of the international, flexible, transient labour force. Edwin Reubens and Lloyd Wong, for example, argue that regulating foreign workers entering a country is more efficient than trying to fight “illegal aliens.”⁷⁷ The argument is that regulation of foreign workers through a “temporary” labour program consumes fewer government resources than the administration and repatriation of cheap illegal workers that employers are seeking, recruiting, and hiring anyway. The result is that employers’ demand for cheap, flexible labour is met and that the transient work force becomes regulated and legally required to leave the country after the program’s prescribed period of time.⁷⁸

Accordingly, Citizenship, Immigration and Public Safety (now Citizenship and

Immigration Canada) argued in the 1970s that having an entrenched temporary worker program could “provide an effective system of keeping track of Canada’s temporary worker population.”⁷⁹ Thus, when the TFWP began and grew at ever-increasing rates, as shown in Chapter Two, a rationale regarding the state regulation of labour management was prominent. The institutionalization of migrant labour then draws attention away from racially charged issues like xenophobia and “job stealing”—a discourse that is more popular in mass media.⁸⁰

Binford argues that through the institutionalization of migrant labour programs “temporary” migrant labour is better regarded as a permanent migration trend. This is proven by the majority of migrant workers participating in the Seasonal Agriculture Worker Program (SAWP) who return to Canada season after season.⁸¹ Kerry Preibisch similarly remarks that migrant work is a “permanent facet of the Canadian economy.”⁸² The discussion in Chapter Two showed that seasonal agricultural workers must leave after a maximum of eight months of work in Canada, but most of the studies interviewing migrant agricultural workers show that the majority of these workers are returning for as many as 10 or 15 years.⁸³ Preibisch’s research found that a large majority, upward of 70% of agricultural migrant workers, are returning migrants.⁸⁴ This confirms the permanent-cyclical character of the SAWP.

Even though migrating to work in Canada may be for a prescribed and limited period of time, the program is less about temporary foreign labour and more about providing an institutionalized means of regulating the entrance of cheap and flexible labour during peak demand, and then repatriating migrant workers during employment lulls. The arrangement of the program then has migrant labourers return the following

season when their cheap labour is needed again. The “temporariness” of the program counters the longer-term residency risk of allowing foreign migrant workers longer stays in Canada. Moreover, the vulnerability of migrating workers is entrenched through the TFWP forcing workers to frequently relocate for work. Binford notes that the longer migrant workers were allowed to stay in Canada—at the outset of the migrant labour program in the 1960s—the more likely they were to settle and have their families meet them in Canada. This “produced upward pressure on wages and demands on the state for housing, education, health and social amenities.”⁸⁵ The Canadian government was thus motivated to regulate work terms and repatriate migrants to their home countries when there was less demand for their labour. Rather than allowing unemployed foreign workers to linger between work seasons, migrants’ employment became contingent upon scheduled repatriation at the end the prescribed work term.⁸⁶ The entrenchment of the TFWP regulations, particularly in the area of repatriation, provides a basis of *semi-permanent migration* to avoid migrants taking up residency in Canada.

In keeping with the annual migration patterns of seasonal agricultural work in Canada, Preibisch dubbed foreign migrant agriculture workers an “(im)migrant workforce.”⁸⁷ This phrase also holds true for the “pre-immigration” nature of the Live-in Caregiver Program that expects caregivers to apply for permanent residency once eligible. It should be further noted that live-in caregivers are to apply for permanent residency and *not* for citizenship. Therefore, residency risk in the form of citizenship is still avoided by the state. Migrants who are granted permanent residency are still in a state of vulnerability, since permanent residency does not grant the same legal protections as citizenship.⁸⁸ However, these are not the only factors that create a docile and

compliant workforce.

Factors Creating a Docile and Compliant Migrant Workforce

In addition to the challenges faced by migrants workers that have been examined thus far there are several other factors inherent to migrant labour that contribute to creating a docile and compliant migrant workforce—docility and compliance are simply facets of migrant workers’ overall vulnerability and unprotectedness. These factors include intimidation, fear of repatriation, lack of job latitude in the Temporary Foreign Worker Program (TFWP), difficulties and debts associated with the TFWP’s application process, penalties for unsatisfactory work and generalized anxiety. It is argued that migrant workers are more suitable than Canadian workers in seasonal agriculture. This is because “growers who hire offshore labour receive obedient workers who ... comply with all rules set down by the employer.”⁸⁹ To elaborate, it has been reported that migrant workers are “good”⁹⁰ workers because they generally respect their employer’s property, and can be intimidated into performing their work, despite the duress associated with the poor working conditions common to agricultural work. Moreover, a migrant worker’s continued participation in the Program is absolutely contingent upon the satisfaction of the employer.⁹¹ Preibisch has called this the “Canadian horticulturalists’ comparative advantage” in the global competition for profits.⁹² This comparative advantage “rests, in part, on limiting the rights of foreign workers who cannot move out of the [seasonal agriculture] sector.”⁹³

Compliance with regulations is guaranteed by the seasonal migrant worker’s need to keep up with employer demand or risk repatriation for performing unsatisfactorily. Indeed, the most ubiquitous challenge faced by migrant labourers in Canada is the

constant threat of repatriation. Unsatisfactory quality or intensity of work is typically the TFWP's basis to allow an employer to repatriate an employee. However, employers accessing the TFWP will sometimes deem a migrant's work to be unsatisfactory in order to repatriate a worker for other reasons, such as complaining about work conditions. The threat of repatriation is severe because most repatriated labourers are prohibited from further participation in the TFWP. Seasonal agricultural workers often depend upon employment for many seasons. For the migrant worker, expulsion from the Seasonal Agriculture Worker Program (SAWP) eliminates the option of relatively stable employment with relatively high earnings compared to employment in their home countries.

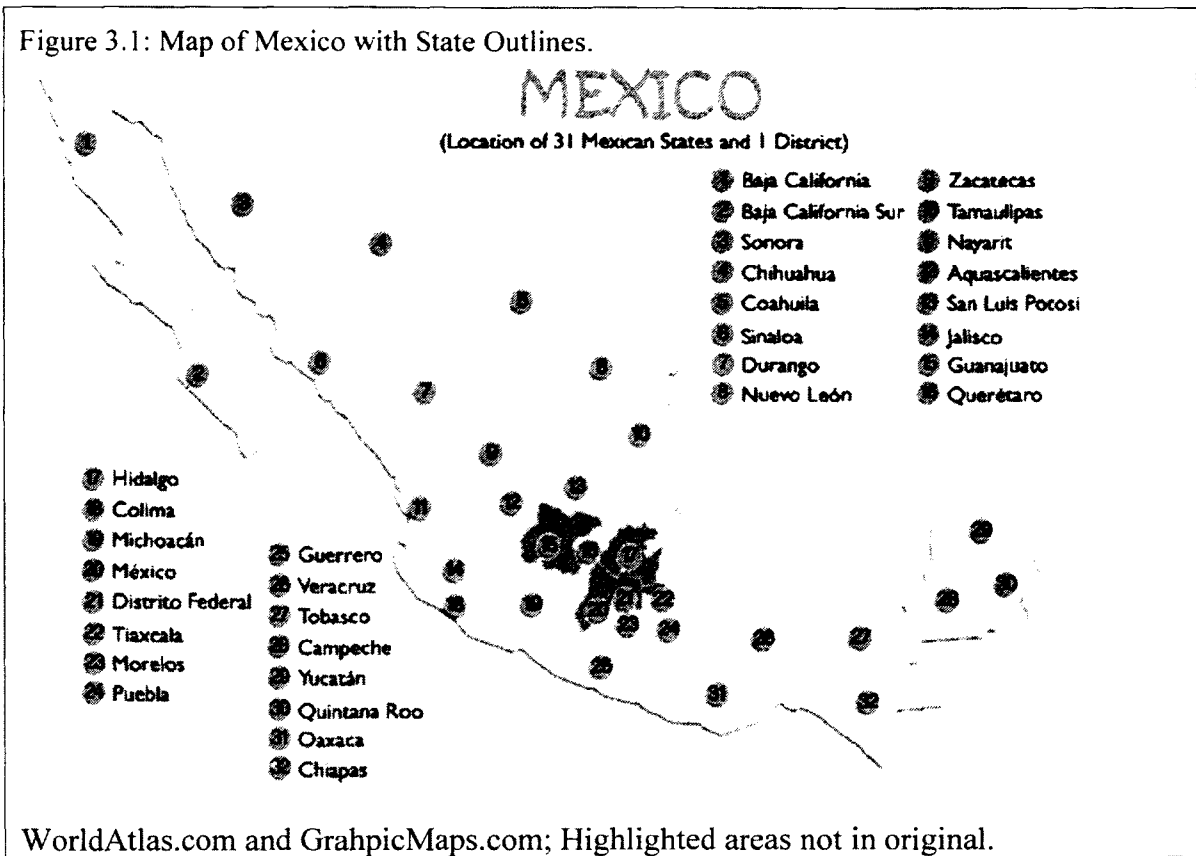
The majority of Filipina caregivers travel to Canada under the Live-in Caregiver Program (LCP) with the promise of permanent residency and the opportunity for their families to migrate to Canada as well. Repatriation and expulsion from the TFWP would nullify any chance of gaining permanent residence in Canada for those seeking to escape economic desperation and have to create better possibilities for their families who might be able to join them. Under the TFWP migrant workers in Canada face the threat of repatriation at every turn, and employers unscrupulously use the threat of deportation as a punitive measure to maintain worker docility and compliance.⁹⁴

Worker compliance with employer demands is compounded by the fact that a seasonal agricultural worker cannot leave the agricultural sector to participate in another part of the TFWP. Migrant agricultural workers are prohibited from changing employers for at least three seasons of participation in the program. For those workers who do qualify for an employer-transfer, it can take up to eight weeks for the application process

to be completed. With such a prolonged application process, transfers can take as long as some workers' permits or contract schedules. While an employer-transfer application is pending, an employer can arbitrarily deem the migrant's work to be unsatisfactory. A migrant worker can then be repatriated merely for asking to work for a new employer. The result is that migrant labourers in the agricultural sector are held hostage by the regulations of the program and the whims of their employer. The argument in favour of the restrictive regulations—that a worker must participate in the program for at least three seasons before being eligible to apply for an employer-transfer—is so that agricultural employers are given a degree of stability in labour recruitment.⁹⁵

With respect to recruitment into the SAWP, Josephine Smart and Tanya Basok's individual studies of seasonal agriculture workers have revealed that the Mexican side of the program is administered in Mexico City by the federal government. For the Mexican government the program is intended to benefit the most disadvantaged Mexicans. The targeted program participants generally do not live in Mexico City. Rather, they come from the states surrounding the capital city, as shown in Figure 3.1 below. (The numbers in brackets after each state listed below corresponds to the state's location on the map in Figure 3.1.) Some migrants come from as far as Oaxaca (31) and Chiapas (32), but most workers, according to Basok's research, are coming from the states of Tlaxcala (22), Guanajuato (15), México (20), and Hidalgo (17). For illustrative purposes the areas highlighted below are those states surrounding Mexico City (21). At the far bottom near the right are Oaxaca (31) and Chiapas (32). Migrants have also been reported to come from Morelos (23), Puebla (24), Michoacán (19), Veracruz (26), Jalisco (14), Guerrero (25), and San Luis Potosi (13). Very few migrant workers entering Canada are reported

to have come from Mexico City, also known as the Distrito Federal.⁹⁶



According to Smart, applying to work in the program is expensive because applicants must travel to and from Mexico City several times to complete the application process. The application process causes the applicant to assume a fairly substantial debt. This debt includes the costs associated with application fees, multiple bus trips to and from Mexico City, accommodation and meals, and sometimes medical exams. Basok's findings accord with Smart's concerning the extensive debt migrant agricultural workers incur. Basok found that a considerable portion of seasonal agricultural workers' wages in their first year of work is used to pay off the debts associated with getting into the program. Typically, once workers pay off their debts, they use their earnings to purchase small plots of land, build new homes, expand existing homes to accommodate their

families, purchase a vehicle, purchase gifts, and pay for their children's education. However, such luxuries are usually only affordable after the first year of employment in the SAWP after a worker's debts have been paid. Their vulnerability and need to be docile in the face of debt follows for prudential reasons.⁹⁷

Ang, van Dyne and Begley's research has found that migrant labourers are likely to face harsher penalties than local or national workers when violating contracts, performing unsatisfactorily according to their employer, falling ill, getting injured on the job or refusing unsafe work. This vulnerability again makes them more inclined to work harder to satisfy employers and to endure abusive workplace situations rather than risk angering or alienating an employer.⁹⁸

Under the regulations and practices of the TFWP, and specifically under the SAWP and LCP, foreign migrant labourers find themselves unable to escape their situation when they face "generalized anxiety" and "physical, social, political, and economic distress."⁹⁹ They simply must put up and shut up—and that takes a toll. Avis Mysyk, Margaret England and Juan Arturo Avila Gallegos have conducted research on seasonal agricultural work, particularly on how the inescapable conditions of migrant work adversely affect the psychological well being of seasonal migrants.¹⁰⁰

Despite the constraints, anxiety, and fear experienced by migrant workers, the relative purchasing power earned by those participating in the SAWP contributes to migrant workers' willingness to suffer through poor working conditions and bear with the abuse, long hours, intense and hard work, and cramped and run-down living conditions. In the long run, most workers perceive participating in the program as a greater gain than a loss because work in Canada, especially in the case of seasonal agricultural workers, is

often for a short duration.¹⁰¹ Live-in caregivers' work terms are longer, but they are often encouraged by the promise of permanent residence and reunification with their families. Poverty and the hope of a better future is a powerful lash that helps to keep the migrant worker docile and compliant.

Preibisch confirms the argument that fear of dismissal, frustration with denial in labour mobility, and witnessing co-workers being repatriated for illness, injury, refusal to work in unsafe conditions, and for raising complaints establishes an effective control mechanism to create docile, compliant, vulnerable, relatively unprotected workers. Accordingly, workers will tend not to organize to resist their repression despite the fact that they realize labour laws and other regulations do not adequately protect them.¹⁰²

Challenges to Union Organizing among Migrant Workers

Unions have proven to provide workers with enhanced protections. Efforts to organize migrant workers are now under way. However, migrant workers face several peculiar challenges in the struggle for union representation. For example, governments and courts have actively undermined the organization process. Work terms for migrants are relatively brief, especially among seasonal agriculture workers, which significantly hampers union organizing which is a typically prolonged process. The most pressing obstacle to migrant workers wishing to organize is the power of employers to repatriate their workers on a whim.

Regardless of the challenges to organizing migrant workers, the United Food and Commercial Workers' Union (UFCW) has begun to take on their cause. Seasonal agricultural workers have been granted union certification by the British Columbia Labour Relations Board. The union certification at *Greenway Farms, Ltd.* is the first

unionization of migrant agricultural workers in British Columbia. The UFCW, in its struggle to help migrant labourers, notes that “wages aren’t necessarily the issue” but that the most pressing concern for migrants is “repatriation as a means for employers to send back workers who have been ‘problematic’ because they’ve filed complaints or workers’ compensation claims.”¹⁰³ Repatriation is the primary organizing concern of unions in Canada because it is one of the biggest challenges facing migrant workers who wish to organize. If an employer has workers trying to organize that employer can simply have the worker deported for any number of reasons under the program.

The next biggest challenge to successful organization is quite clearly the “temporary” nature of migrant employment. This is especially true in the agricultural sector which has the shortest work terms. A labour economist cited in the Vancouver Sun said that employers “could conceivably draft contract negotiations beyond [the] date, [of departure of seasonal migrant workers,] reducing the likelihood of reaching a first collective agreement.”¹⁰⁴ The same labour economist argues that British Columbia’s labour law, like most labour law, “is designed to deal with a permanent workforce.”¹⁰⁵ In other words, labour law does not sufficiently meet the needs of migrant workers in Canada.¹⁰⁶

Complicating the ability of migrant workers in Ontario to unionize is a Supreme Court of Canada decision in April 2009 that has allowed the Ontario provincial government to appeal a 2008 decision permitting agricultural migrants to unionize. Now these “workers will have to wait at least a year to unionize,” says Christina Catenacci, a lawyer writing on the Supreme Court’s decision. The Ontario government was given 12 months “to assess the options, taking into account constitutional, labour relations, and

other factors, and to design a constitutionally acceptable act” that protects agricultural workers.¹⁰⁷

The process of labour organization is hampered by legal procedures and TFWP work periods. Pratt’s study on live-in caregivers, moreover, has shown that their immigration “trial period”¹⁰⁸ effectively dampens militancy toward organizing efforts. Her research also confirmed that migrant live-in caregivers are weary of disrupting their immigrant or resident status by challenging their work conditions and risking repatriation. This fear makes many migrants unwilling to participate in union drives.¹⁰⁹

It has been reported by many migrant workers that the consular officials who intervene in the event of a complaint often take the employer’s side in the dispute negotiation. The argument in defense of this strategy is that consular agents need to maintain overall good relations with the employer to ensure that their compatriots remain the preferred employees among employers. Binford notes that “consular officials declare that, while they seek to defend the rights of Mexican workers, they must also ‘assure that the worker respects the agreement [contract with employer]’ and sanction those workers who violate it.”¹¹⁰ Migrant workers’ ability to organize against their oppressive work conditions, however, is effectively undermined by the agents who are appointed to protect and defend the rights of their compatriot migrant workers.

Another noteworthy challenge to union organizing among migrants is perceived negotiating power. If workers from one country are perceived to be gaining too much collective negotiating power, the structural arrangements of the TFWP preferences can easily be altered. Vic Satzewich has argued that Mexican workers were admitted to the program in the 1970s to curb the growing negotiating power of Caribbean workers.¹¹¹

According to Binford, Mexican workers fully realize that “failure to outperform Caribbeans—with the employer as the sole accredited judge—could lead to *their* replacement, should the employer decide to switch labour supply countries.”¹¹²

For the workers themselves, resistance must be measured against the relatively lower pay they are able to receive in their home country. Migrant workers realize that individualized protests that Binford describes as “small ripples dissipating outwards in a large pond: they leave the contours of the social field and the power relations therein undisturbed.”¹¹³

It is important to observe that organization drives among migrant workers map onto broader trends. The consistent attacks against labour unions in the neoliberal era have had dire consequences on the protections provided for all workers in North America. Union density in the United States has declined to a meagre 12.4% since the conclusion of capitalism’s Golden Era.¹¹⁴ However, some reports argue that American workers desire to be unionized at higher rates than over previous generations. Richard Freeman argues that the number of workers who say they would vote for a union if given the chance is as high as 53%, which would put union density at an estimated 58% of the American workforce in 2005.¹¹⁵ If 53% of workers in the United States desire to be unionized, then why are only 12.4% of workers members of unions? The answer rests in neoliberal deregulation which has eroded and undermined labour laws and labour boards while simultaneously empowering capital with the legal means to aggressively harass, threaten, surveil, discharge, relocate, and create an atmosphere of coercion, fear, and intimidation. Such anti-union activities have generally been expected from firms such as Wal-mart, Coverall North American, Cintas and others. What characterizes the latest

neoliberal push against unions is that anti-unionism can now be expected of nearly any firm in nearly any economic sector.¹¹⁶ The experience of migrant workers is consistent with these broader trends.

Conclusion

The analysis in this chapter shows that the regulations that exist in the form of the Temporary Foreign Worker Program (TFWP) are not protecting workers. The regulations of the TFWP, and the regulations of the Seasonal Agriculture Worker Program (SAWP) and the Live-in Caregiver Program (LCP) would lead an unsuspecting reader to assume that there are very stringent and effective protections in place in Canada. However, with the lack of oversight, TFWP, SAWP, and LCP regulations are ineffective because there is no agency or strategy to ensure that the regulations are being adhered to by employers. This characterizes the state's complicity in creating a vulnerable, relatively unprotected labour force that can be easily exploited by capital. Neoliberalism has intensified the shift in the social relations of power, but this shift is not unique to neoliberalism. The neoliberal economic restructuring of the past several decades has simply been a policy instrument by government and capital alike to increase the exploitation of workers.

Notes

1. Recall the discussion of Harry Braverman's *proletarianization thesis* in Chapter One. Braverman's argument is that capitalism has a tendency toward "disassembling" skill and rendering all work in capitalism relatively the same type of alienated labour form. For example, production and service work are relatively the same as workers in both sectors sell their labour-power to the capitalist for a wage.
2. Leigh Binford, "From Fields of Power to Fields of Sweat: The Dual Process of Constructing Temporary Migrant Labour in Mexico and Canada," *Third World Quarterly* 30, no. 3 (2009): 507.
3. Tanya Basok. "Migration of Mexican Seasonal Farm Workers to Canada and Development: Obstacles to Productive Investment." *International Migration Review* 34, no. 1 (2000): 85.
4. Bauder. "Landscape and Scale in Media Representations: The Construction of Offshore Farm Labour in Ontario, Canada." *Cultural Geographies* 12, (2008): 49.
5. Bauder, "Landscape and Scale in Media Representations," 49.
6. Smart, "Borrowed Men on Borrowed Time," 153.
7. Preibisch. "Local Produce, Foreign Labour: Labour Mobility Programs and Global Trade Competitiveness in Canada." *Rural Sociology* 72, no. 3, (2007): 420, 432.
8. Binford, "From Fields of Power to Fields of Sweat," 507.
9. Preibisch, "Local Produce, Foreign Labour," 431.
10. Bauder, "Landscape and Scale in Media Representations," 42
11. Smart, "Borrowed Men on Borrowed Time," 155.
12. *The Economist*. "Not such a warm welcome: The temporary foreign workers pouring into Canada are often exploited," November 24, 2007.
13. *CanWest News*. "Foreign workers ask Ottawa to relax work permit rules during strike," October 21, 2008.
14. Pratt, "From Registered Nurse to Registered Nanny," 220, 225.
15. Daiva Stasiulis and Abigail Bakan, *Negotiating Citizenship*, Great Britain: Palgrave MacMillan, 2003: 91.
16. Pratt, "From Registered Nurse to Registered Nanny," 225. See also "Landscape and Scale in Media Representations," and Richard Vogel's "Transient Servitude: The U.S. Guest Worker Program for Exploiting Mexican and Central American Workers," *Monthly Review* 58, no. 7, (2007).
17. Pratt, "From Registered Nurse to Registered Nanny," 225.
18. Bauder, "Landscape and Scale in Media Representations," 42
19. Josephine Smart, "Borrowed Men on Borrowed Time: Globalization, Labour Migration and Local Economies in Alberta," *Canadian Journal of Regional Science* Spring, (1997): 153, 154
20. For Mexican pesos, I used the Nasdaq stock exchange website (<http://www.nasdaq.com/asp/currency-converter.aspx>). Unfortunately, Nasdaq has only 19 currencies to measure against each other. Therefore, for the Philippine pesos, I used XE (<http://www.xe.com/ucc/>), a currency conversion website with many more currencies.
21. Smart, "Borrowed Men on Borrowed Time," 153.
22. *Ibid*.
23. Bauder, "Landscape and Scale in Media Representations," 42

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24. Pratt, "From Registered Nurse to Registered Nanny," 221.
 25. *Ibid.*
 26. *Ibid.*, 222.
 27. Smart, "Borrowed Men on Borrowed Time." See also Bauder's "Landscape and Scale in Media Representations," 42.
 28. Smart, "Borrowed Men on Borrowed Time," 149, 152, 155.
 29. *Ibid.*
 30. Avis Mysyk, Margaret England, and Juan Arturo Avila Gallegos, "Nerves as Embodied Metaphor in the Canada/Mexico Seasonal Agricultural Workers Program." *Medical Anthropology* 27, no. 4 (2008): 391, 398, 399.
 31. Binford, "From Fields of Power to Fields of Sweat," 509, 511.
 32. Mysyk, England, Gallegos, "Nerves as Embodied Metaphor," 391-392.
 33. *Ibid.*
 34. Because this section is more about the quality and condition of living quarters and not about exceptions to the Live-in Caregiver Program's live-in requirement, I will not discuss this issue at greater length here, as there is no need to replicate Stasiulis and Bakan's discussion of this issue in *Negotiating Citizenship*.
 35. Abigail Bakan and Daiva Stasiulis, eds., *Not One of the Family: Foreign Domestic Workers in Canada* (Toronto: University of Toronto Press, 1997). 92, 93.
 36. Smart, "Borrowed Men on Borrowed Time," 149, 150.
 37. Several researchers, for example, Binford and Preibisch, have begun to note the lack of government oversight of the Temporary Foreign Worker Program and how this has contributed to the overall vulnerability of migrant workers.
 38. Pratt, "From Registered Nurse to Registered Nanny," 222.
 39. Bakan and Stasiulis, *Not One of the Family*.
 40. Lauren Krugel, "Temporary foreign workers first to suffer layoffs in economic downturn," (The Canadian Press, Toronto, February 8, 2009).
 41. Kerry L. Preibisch, "Social Relations Practice between Seasonal Agricultural Workers, their Employers, and the Residents of Rural Ontario," *Canada's Seasonal Agricultural Workers Program as a Model of Best Practices in Migrant Worker Participation in the Benefits of Economic Globalization* (North-South Institute, Ottawa, n.d.), 4. Preibisch notes that consular officials are charged with the responsibility to file the appropriate claims for migrants but workers often do not receive the appropriate claims.
 42. A memorandum was posted on the Human Resources and Skills Development Canada website in the summer months in this regard, but as is noted elsewhere in this chapter, the government came under fire for the lax voluntary nature of its oversight initiative. Consequently, the government began to implement a new oversight initiative (also noted in this chapter).
 43. Lancaster's Labour Law e-bulletin, "New Immigration Regulations—Crackdown on exploitative employers – or on foreign workers?," January 27, 2010.
 44. Pat and Hugh Armstrong, "Public and Private: Implications for Care Work," *Sociological Review* (2005): 169-187.
 45. *Ibid.*
 46. Pratt, "From Registered Nurse to Registered Nanny," 226.

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47. Bakan and Stasiulis, *Not One of the Family*.
 48. *Ibid.*, 92, 106, 107.
 49. Pratt, "From Registered Nurse to Registered Nanny." For obvious reasons of privacy and to limit further trauma to sexually abused live-in caregivers, details are usually omitted from research.
 50. Aubrey Makilan. "Filipina Caregiver in Canada Killed, another Dream Ending in Tragedy," ("Migrant Watch," *Bulatlat* 7, no. 35, October 7-13, 2007).
 51. See the popular media reports such as those found at CBC.ca ("Live-in caregivers subject to abuse: critics," September 23, 2009) or at the CalgarySun.com ("Dhalla caregiver: 'I was mentally tortured,'" May 12, 2009).
 52. Makilan, "Filipina Caregiver in Canada Killed."
 53. *Ibid.*
 54. Bauder in his piece "Landscape and Scale in Media Representations" says that "racial stereotypes and representations of migrants as cultural and economic threats has a history in the media" (pp. 45) and thereby remains a part of the Canadian Eurocentric psyche.
 55. Mary Agnes Welch. *Windsor Star*, as cited in Bauder, "Landscape and Scale in Media Representations," 47.
 56. Smart, "Borrowed Men on Borrowed Time," 151.
 57. Basok, "Migration of Mexican Seasonal Farm Workers to Canada," 85.
 58. Pratt, "From Registered Nurse to Registered Nanny," 215-221.
 59. Geraldine Pratt. "Circulating Sadness: witnessing Filipina mothers' stories of family separation," *Gender, Place and Culture* 16, No. 1 (2009): 3.
 60. Pratt, "From Registered Nurse to Registered Nanny," 226, 227.
 61. *Ibid.*
 62. Mysyk, England, Avila Gallegos, "Nerves as Embodied Metaphor," 390.
 63. *Ibid.*
 64. Pratt, "From Registered Nurse to Registered Nanny," 222.
 65. Pratt, "Circulating Sadness," 7.
 66. *Ibid.* See also Pratt, "From Registered Nurse to Registered Nanny," 226, 227.
 67. Harry Braverman, *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*, (New York: Monthly Review Press, 1974): 353.
 68. Pratt, "From Registered Nurse to Registered Nanny," 215
 69. Robyn Doolittle and Jim Wilkes. "Slain maid had safety fears." *The Star*. <http://www.thestar.com/News/GTA/article/263561>
 70. Pratt, "From Registered Nurse to Registered Nanny," 215.
 71. *Ibid.*
 72. Louise Langevin and Marie-Claire Belleau. "Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-in Caregivers and Mail-Order Brides," *Status of Women Canada*, (Ottawa, Research Directorate, 2000).
 73. Smart, "Borrowed Men on Borrowed Time," 146.
 74. From a letter by John Sandham to John Brown, Secretary-Treasurer of the Ontario Fruit and Vegetable Growers Association, March 5, 1964, PAC, R.G. 76, Volume 842, File 553-67,

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- Part 1 and cited in Vic Satzewich, "The Canadian state and the racialization of Caribbean migrant farm labour 1947-1966," *Ethnic and Racial Studies* 11, no. 3 (1988): 288.
75. Edwin P. Reubens. "Temporary Foreign Workers in the U.S.: Myths, Facts, and Policies," *International Migration Review*, 20, no. 4: 1037, 1038. See also Lloyd Wong's comparative assessment between the American and Canadian programs in Lloyd T. Wong, "Canada's Guestworkers: Some Comparisons of Temporary Workers in Europe and North America," *International Migration Review* 18, no. 1 (1984): 85-98.
 76. Richard Vogel. "Harder Times: Undocumented Workers and the U.S. Informal Economy," *Monthly Review*, July-August (2006): 29.
 77. Edwin P. Reubens. "Temporary Foreign Workers in the U.S.: Myths, Facts, and Policies," *International Migration Review*, 20, no. 4: 1037, 1038. See also Lloyd Wong's comparative assessment between the American and Canadian programs in Lloyd T. Wong, "Canada's Guestworkers: Some Comparisons of Temporary Workers in Europe and North America," *International Migration Review* 18, no. 1 (1984): 85-98.
 78. Reubens, "Temporary Foreign Workers in the U.S." See also Wong, "Canada's Guestworkers."
 79. Wong, "Canada's Guestworkers," 87.
 80. See, for example, Lisa Marie Jakubowski's analysis in *Immigration and the Legalization of Racism* (Fernwood Publishing, Halifax, 1997), particularly her discussion in Chapter 4 on the Live-in Caregiver Program.
 81. Binford, "From Fields of Power to Fields of Sweat," 506.
 82. Preibisch, "Local Produce, Foreign Labour," 422, 423.
 83. See Tanya Basok (2000), Leigh Binford (2009), Kerry Preibisch (2007), and Josephine Smart (1997), as a few examples of studies that have shown that the majority of Seasonal Agriculture Worker Program participants are returning migrant workers. Furthermore, some of the raw statistics collected by Citizenship and Immigration Canada—published in their *Facts and Figures* periodical—show that there is a large number of returning migrant workers.
 84. Preibisch, "Local Produce, Foreign Labour."
 85. Binford, "From Fields of Power to Fields of Sweat," 503, 504.
 86. *Ibid.*
 87. Preibisch, "Local Produce, Foreign Labour," 421.
 88. Jakubowski, *Immigration and the Legalization of Racism*, 47-49.
 89. Bauder, "Landscape and Scale in Media Representations," 43.
 90. *Ibid.*
 91. *Ibid.*
 92. Preibisch, "Local Produce, Foreign Labour," 419.
 93. *Ibid.*
 94. *Ibid.*, 562-565
 95. Binford, "From Fields of Power to Fields of Sweat," 508.
 96. Basok, "Migration of Mexican Seasonal Farm Workers to Canada and Development," 81.
 97. *Ibid.*, 85.

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98. Soon Ang, Linn van Dyne, and Thomas M. Begley, "The Employment Relationships of Foreign Workers Versus Local Employees: A Field Study of Organizational Justice, Job Satisfaction, Performance, and OCB," *Journal of Organizational Behaviour* 24 (2003): 562.
 99. Mysyk, England, and Avila Gallegos, "Nerves as Embodied Metaphor in the Canada/Mexico Seasonal Agricultural Workers Program," 383.
 100. *Ibid.*, 389. Cited interview found on 395.
 101. Smart, "Borrowed Men on Borrowed Time," 153, 154.
 102. Preibisch, "Local Produce, Foreign Labour," 432, 434
 103. Derrick Penner, "Seasonal agricultural workers unionize," (Vancouver Sun, August 28, 2008).
 104. *Ibid.*
 105. *Ibid.*
 106. *Ibid.*
 107. Christina Catennacci. "Agricultural workers should have right to unionize," Human Resources Professionals Association, <http://www.hrthoughtleader.com/HRTL/News/NewsItems/Agricultural+workers+should+have+right+to+unionize.htm>.
 108. Pratt, "From Registered Nurse to Registered Nanny," 221, 225.
 109. *Ibid.*
 110. Binford, "From Fields of Power to Fields of Sweat," 510. When Binford uses the word "sanction" she means that workers are being punished in some way by their employers.
 111. Vic Satzewich. "Business or Bureaucratic Dominance in Immigration Policymaking in Canada: Why was Mexico Included in the Caribbean Seasonal Agricultural Workers Program in 1974?," *International Migration and Integration* 8 (2007): 256.
 112. Binford, "From Fields of Power to Fields of Sweat," 507, 511. emphasis in original.
 113. *Ibid.*, 512.
 114. Richard Freeman, 2007 as cited in Kate Bronfenbrenner, "No Holds Barred: The Intensification of Employer Opposition to Organizing," *Economic Policy Institute* (2009): 4
 115. *Ibid.*
 116. Bronfenbrenner, "No Holds Barred," 3. Bronfenbrenner notes that employers are getting away with more aggressive attacks against unions, because there has been an increase in legal obstruction to organizing efforts, including overturned, delayed or unenforced court rulings.

4. Conclusion

Placing the discussion of the phenomenon of migrant labour in the context of the critique of alienated labour offers a *larger perspective* than the literature that merely discusses migrant labour with reference to neoliberalism and the evolving social relations of class power. This more comprehensive theoretical perspective can be shown as a paradox. Neoliberal policies have contributed to the growth of migrant labour as surveyed in Chapters One and Two, but have necessarily drawn upon the capitalist form of work. Neoliberalism *causes* and *does not cause* the exploitation of migrant labour. To put this in different language, neoliberalism is the *immediate cause* of migrant labour in that its shifting social relations of class power helped to create the circumstances that contributed to its rise, but capitalism and its generic labour form is the *underlying cause* by providing the social background for the slide in vulnerability and relative lack of protections that defines the migrant worker. This thesis has absorbed or sublated the existing literature to establish a more theoretically-grounded analysis of labour based on the Marxist theory of alienation.

The neoliberal regime of labour deregulation renders the Temporary Foreign Worker Program (TFWP) weak and ineffective. Worker protections are weakened, eroded, or are simply being ignored. While the TFWP may represent what appears to be a rigorous system of worker protections, the reality is much different. In the instance of the TFWP, regulations are breached routinely by virtue of poor program oversight. The TFWP embodies the neoliberal era of capitalism on three fronts: 1) regulations are breached routinely without consequence due to lack of oversight; 2) the program institutionalizes a regime of highly vulnerable, highly exploited workers; and 3) the

program demonstrates the state's role in creating the migrant workforce at the behest of capital. With no meaningful mechanism to ensure that employers follow the TFWP's rules, there is effectively little in the way of meaningful protections for migrant workers in Canada. In other words, without the monitoring of the working conditions, living conditions, and wage payouts of migrants, employers are granted an effective *carte blanche* in the treatment of their migrant employees. The result is a highly abused, exploited, and poorly paid migrant labour force that is found concentrated at the extreme pole of the most vulnerable workers in Canada.

Chapter One featured a discussion specifically around the issue of vulnerability inherent to capitalist work. This discussion showed that all work in capitalism is vulnerable, and that work is differentiated only by the degree of vulnerability experienced by workers. Accordingly, a unionized worker is less vulnerable than a non-unionized worker because unions provide workers with higher wages, collective agreements, and the power to strike. Unions provide a marginal counterbalance against the dominance of employers and capital. Migrants are among the most vulnerable workers, but all work in capitalism experiences some degree of vulnerability along a spectrum of vulnerability and protection.

Neoliberal economic restructuring over the past several decades has led to an increase in international labour migration. As a result, Canadian businesses have been using migrant labour in several sectors beginning with agriculture in the 1960s. Employers have benefited economically from the cheap, flexible, vulnerable migrant labour force employed through the TFWP. As neoliberalism intensified so did the use of migrant labour.

While the TFWP establishes many regulatory protections for migrants working in Canada, Chapter Three shows that these protections are for naught in the face of substantial abuse by employers. A cursory examination of the TFWP's regulations may give a reader a sense that migrants working in Canada are granted considerable protections. However, a deeper analysis shows that migrants in Canada are usually exempted from important portions of federal and provincial labour codes, including many health and safety regulations. Where codes exist complaints are sparse. And where complaints from migrant workers exist application of labour codes is limited. The TFWP's regulations do not provide meaningful protection against abuse.

If the TFWP fails to provide meaningful protection for migrants, is there a solution? What can be done to improve the conditions of migrants working in Canada? What support or assistance exists? Could migrant workers ever organize? These questions will be explored by examining solidarity resistance and by framing the solution to migrant work as a paradox.

This thesis has surveyed the abuses of migrant workers through two lenses. The first lens is an examination of the effects of neoliberalism upon workers and the second lens a critique based on alienation theory. As argued in Chapter One, all work in capitalism can be placed along a spectrum of vulnerability. The vulnerability to which a worker is exposed is reflective of the degree of alienation experienced by the worker. While this thesis examines and analyses the condition of migrant workers in Canada, it demonstrates that *all* work in capitalism is an alienated and proletarianized labour form prone to vulnerability. As a result no workers are secure from exploitation and the shifting social relations of power that have weakened the position of labour.

The Struggle for Justice among Solidarity Activists

If employers are able to repatriate migrant workers without restraint then no improvements in legal and regulatory protections will be effective. For any meaningful improvements to take place, including enhanced labour code provisions, employers should not be allowed to repatriate employees for “unsatisfactory work,” or indeed, for any other reason. The pressure for change for migrants in Canada has become resistance from a variety of solidarity groups struggling for justice for migrant labourers.

Among these groups are *Justicia for Migrant Workers* which is “a volunteer run political non-profit collective comprised of activists from diverse walks of life (including labour activists, educators, researchers, students and youth of colour) based in Toronto, Ontario, and now in Vancouver, British Columbia, Canada. [Justicia is] engaged in this work alongside ... personal commitments and numerous social justice struggles.”¹

Justicia for Migrant Workers advocates on behalf of participants in the Seasonal Agriculture Worker Program (SAWP) as well as the Low Skilled Workers Program and farm workers without “status”—what many call “illegal immigrants.” Justicia’s history began in April 2001 when a small group of labour activists visited Leamington, Ontario to investigate a labour dispute between a farmer-employer and some Mexican migrant workers.² The result of the dispute was the repatriation of 20 migrant agricultural workers. Through continued activism and investigation *Justicia* formed as an advocacy and solidarity group in the summer of 2002.

Many live-in caregiver associations and centres have formed to advocate, represent and provide various services for migrant live-in caregivers in Canada. Live-in caregivers, in fact, are the best represented among migrant workers, and a few examples

of the most prominent organizations include:

- 1) the *Philippines Women Centre* which is active in British Columbia, Manitoba, Ontario, and Québec;³
- 2) *Grassroots Women*;⁴
- 3) the *Kalayaan Centre* in Vancouver, *Magkaisa Centre* in Toronto, and *Kapit Bisig Centre* in Montreal—the later two centres being modelled after the *Kalayaan Centre*;⁵
- 4) the *West Coast Domestic Workers' Association*;⁶ and
- 5) the *National Alliance of Philippine Women in Canada*.⁷

Some of these groups are active lobby organizations, some function mainly as resource centres, and others publish reports on worker abuse.

The *Philippines Women Centre* began in British Columbia and spread to Manitoba, Ontario, and Quebec. The centre plans various awareness events to enhance knowledge and awareness of issues surrounding migrant live-in caregivers. Some of these awareness events include press releases, educational seminars and panels, film screenings, and more.⁸

Grassroots Women is an organization originating from the *Philippines Women Centre*, but became a separate organization with a mission to “recognize the need to address the systemic marginalization of working class women, employed and unemployed.”⁹ *Grassroots Women* advocates on behalf migrant live-in caregivers. It is noteworthy that *Grassroots Women* sees “imperialism as the force driving the systemic marginalization of women,” first with colonial displacement of indigenous populations and then with global displacement through economic desperation and exploitation in the majority world.¹⁰

The *Kalayaan* and *Magkaisa Centres* are community centres that “serve the needs of and empower the growing but marginalized Filipino migrant and immigrant community” in Vancouver and Toronto.¹¹ The mission statement of the Montreal-based

Kapit Bisig Centre is the “struggle for the rights and welfare of and social justice for Filipinos in Canada, while supporting the struggle for human rights, national freedom and democracy of the Filipino people” in Montreal.¹²

Another noteworthy centre is the *West Coast Domestic Workers' Association*. This organization “is a non-profit association that provides free legal assistance in the form of advocacy, support and counselling to live-in caregivers based in British Columbia.”¹³ After 20 years, the West Coast Domestic Workers’ Association states as a part of its mandate that “Our free legal advice creates greater access to justice for marginalized workers, while our Public Legal Education initiatives promote self-advocacy by disseminating information about the obligations and rights of caregivers in Canada.”¹⁴

The *National Alliance of Philippine Women* in Canada is an umbrella alliance of various associations across Canada with a four-point mandate:

1. To advance the struggle of Filipinos in Canada, particularly among the women, for equality, peace and genuine development.
2. To develop national programs that would enhance the community's full participation in the civic, social and political life of Canada.
3. To conduct community based studies and researches of the Filipino community that would help empower and develop capacity building skills in the community.
4. To help strengthen member organizations capabilities in community organizing, research, education and mobilization.¹⁵

The *National Alliance* argues that Filipinas’ “combined status as immigrants and people of colour has been a major factor in their consignment to occupationally segregated and low wage sectors of the economy ... [which] has had a serious negative impact in their civic participation and is causing fractures in what researchers described as ‘intra-community relations and community-shared imaginations.’”¹⁶ Much of the *National*

Alliance's work thus centres on community-based participatory action research and has “identified the issue of full and active [civic] participation to be a major concern in the community.”¹⁷

In brief, while many migrant workers suffer through exploitative working conditions and meagre wages, there are many groups and organizations that are advocating and struggling on their behalf. While seasonal agricultural workers and live-in caregivers are proletarianized labour forms, the characteristics of migrant live-in caregiving has, arguably, led to the proliferation of the various advocacy groups that defend caregivers. Because live-in caregivers are more centralized in larger urban areas—unlike seasonal agricultural workers who are largely isolated in rural areas—they are afforded unique lobbying efforts. Migrant live-in caregiver associations have also provided migrant Filipinas resource networks, educational opportunities, legal aid, social networking, and periodic refuge from their employers while not working. These organizations have also been able to contribute to research on work migration and lobbying at municipal, provincial, and federal levels of government.

The proletarianized labour form makes live-in caregivers more or less alike to any other wage-earning worker; the fact that they do not produce any commodities may afford them meagre improvements through lobbying, in part because there is a less organized capitalist class that employs live-in caregivers. In other words, live-in caregivers have a somewhat stronger voice with which to react against their vulnerability and exploitation because they are hired individually by individual home-owning families. Ultimately, this means little when considering the paradox explored below because lobbying may only provide very marginal improvement to the overall exploitation and

vulnerability. However, as migrants improve their working and living conditions, and their wages through struggle, their general level of protection improves. Consequently, demand for migrant workers eventually evaporates as Canadians will slowly fill those jobs at wage rates than would then adequately sustain them.

The relative homogeneity of the work force, through proletarianization, dismantles any differentiation between specific labour forms and we are left with a generic labour form that slides along the scale of vulnerability. As a result, differentiating between live-in caregivers and seasonal farmers as different migrant labour forms is inconsequential both in the analysis of their plights and in the overall improvements that can be accomplished through lobbying efforts. The growth in migrant labour and the slide toward greater vulnerability shows that capitalism in the neoliberal era has openly embraced inequality. Indeed, it is argued that inequality is viewed by many as an acceptable and necessary component of capitalist accumulation.¹⁸ The acceptance of capitalist inequality helps to drive the growth of migrant labour. This further emphasizes the paradox below, that as migrant workers improve their conditions, demand for them disappears and they will be replaced by equally or more vulnerable workers.

The Migrant Worker Paradox

“What,” we must ask, “can solidarity struggle accomplish?” A plaguing question emerged out of examining the plight of migrant workers: how can the exploitation of migrant labour be resolved? The “solution” to this “problem” is a paradox. To elaborate, poor pay and workplace vulnerability are significant problems for migrants in Canada. Therefore, one possible solution is to improve these circumstances. But migrant workers

exist as an “alternative employment strategy.”¹⁹ Canadian workers are unwilling and unable to work for the wages that employers prefer to pay. Migrant labourers come to Canada and endure such employment because of their relative desperation. If conditions improve, Canadian workers would demand the jobs. This reality is paradoxical. Any amelioration in the conditions and poor wages experienced by migrant workers would mean that the demand for migrant workers would slowly disappear. As wages become “suitable” or “living” wages, Canadians would likely begin filling the jobs currently held by migrant workers. As argued in Chapter Three, there is no shortage of Canadian labour. Migrant labour exists because employers are driven to lower their production costs and seize on the desperate circumstances of workers elsewhere. Canadians cannot sustain themselves adequately on the pay rates that agricultural producers prefer to pay. Therefore, migrants from other countries have been “imported” as a viable, pliable, relatively *unprotected* work force. If wages are increased, migrant labourers would cease to be a so-called “alternative employment strategy” by employers and the state.²⁰ That is to say that the demand for migrant labourers would disappear and they would be replaced by Canadian workers.

Unionization or activist success in the sectors of migrant labour would undercut the demand for migrant labour. Migrant labour is a function of neoliberal promotion of the unprotected worker, as outlined in Chapter One. Migrant labour is a type of extremely vulnerable work predicated on the abundance of such work. The situation does not admit of a solution in the sense of addressing the circumstance of migrants alone. At best, migrant labourers might experience a modest amelioration in their wages and working conditions. Migrant work could be made slightly less vulnerable through labour

organizing migrants, but the demand for migrant labour will quickly disappear if migrants make considerable gains and Canadian workers become willing to assume their jobs. It is better to see migrant labour as a pathology of neoliberalism, with neoliberalism itself being understood as a pathology of capitalism with a tendency to intensify and deepen grotesque exploitation of workers. This thesis has shown some of the worst moments of work under capitalism as teased out by the shifting tides of class power in the neoliberal era.

Last Word

John Steinbeck's *Grapes of Wrath* effectively demonstrated the pathological nature of capitalism through his portrayal of Americans from the mid-west migrating to California to pick fruit during the Great Depression. There was a mass of unemployed Americans seeking work in California and all of these workers were actively competing with each other for the meagre work opportunities available. In *Grapes of Wrath*, the first willing bunch of workers would be hired without knowing the condition of their employment. Upon discovery of their wages and work terms the fruit pickers would become upset, but if they were troublesome, they were easily dismissed and replaced by new workers who had no other employment. If these workers demanded higher wages or became problematic in other ways they would be dismissed.²¹ Steinbeck's representation of internal migration pre-dates neoliberalism but effectively demonstrates the phenomenon of exploitation that is a part of neoliberalism—indeed, a deliberate element of the neoliberal accumulation project. Only by getting past this and improving the condition of all workers everywhere can we truly confront the kinds of problems faced by migrant labour but such internationalism is uncommon in the neoliberal era.

Notes

1. Justicia for Migrant Workers, "About Us," http://www.justicia4migrantworkers.org/justicia_new.htm (accessed October 20, 2009).
2. Leamington, Ontario is effectively the centre of seasonal agriculture migrant labour in Ontario and Canada. It is a hub of greenhouse operations that grow produce and flowers.
3. Philippine Women in Canada, <http://kalayaancentre.net/pwcofbc/> (accessed October 20, 2009).
4. Grassroots Women, "About Us," http://www3.telus.net/grassrootswomen/about_us/about_us.htm (accessed October 20, 2009).
5. Minimal information is available online about SIKLAB, but they are located in Vancouver, British Columbia and provide various resources for Filipina women, particularly live-in caregivers, and appears to be affiliated with the Kalayaan Resource and Training Centre in Vancouver, British Columbia. <http://www.vcn.bc.ca/krtc/> (accessed October 20, 2009).
6. West Coast Domestic Workers' Association, <http://www.wcdwa.ca/> (accessed October 20, 2009).
7. National Alliance of Philippine Women in Canada, <http://www.napwc.org/> (accessed October 20, 2009).
8. Philippine Women in Canada.
9. Grassroots Women, "About Us," http://www3.telus.net/grassrootswomen/about_us/about_us.htm
10. *Ibid.*
11. Kalayaan Centre, "About KC," <http://www.kalayaancentre.net/content/aboutus/index.html> (accessed October 20, 2009). The Magkaisa Centre's statement is verbatim to that of Kalayaan, but no information could be directly obtained from the Kapit Bisig Centre.
12. Aubrey Makilan, "Kapit Bisig Centre: Filipinos' Second Home in Quebec," <http://www.bulatlat.com/2007/12/kapit-bisig-centre-filipinos-second-home-quebec> (accessed October 20, 2009).
13. West Coast Domestic Workers' Association, "Who Are We," <http://www.wcdwa.ca> (accessed October 20, 2009).
14. *Ibid.*
15. National Alliance of Philippine Women in Canada.
16. *Ibid.*
17. *Ibid.*
18. Hans-Peter Martin and Harald Shumann, *The Global Trap: Globalization and the Assault on Prosperity and Democracy*, Trans., Patrick Camiller (New York: St. Martin's Press, 1997).
19. Soon Ang, Linn van Dyne, and Thomas M. Begley. "The Employment Relationships of Foreign Workers Versus Local Employees: A Field Study of Organizational Justice, Job Satisfaction, Performance, and OCB." *Journal of Organizational Behaviour* 24 (2003): 562.
20. *Ibid.*
21. John Steinbeck, *The Grapes of Wrath*, (New York: Penguin Classics, 2006).

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Appendix A: Occupations Not Needing a Work Permit to Work in Canada

Business visitors

Business visitors do not need a work permit. They may still need a temporary resident visa. For details, see the Visit section on the left-hand side of this page.

A business visitor is someone who comes to Canada to engage in international business activities without directly entering the Canadian labour market.

Business visitors must prove the following:

- their main source of payment is outside Canada and
- their main place of business is outside Canada.

Important: “Business person” is a different category with different requirements. See *Business people* in the Related Links section at the bottom of this page.

Foreign representatives

Diplomats and official representatives of other countries or the United Nations and their staff can work in Canada without a work permit.

Family members of foreign representatives

Accredited family members of diplomatic agents and those whose status is equivalent to a diplomat can work in Canada without a work permit.

These people must have written authorization from the Office of Protocol of Foreign Affairs and International Trade Canada. The authorization is in the form of a note when it comes from an embassy or high commission. It is in the form of a letter when it comes from an international organization. For more information, see the *Foreign Affairs and International Trade Canada* link in the Related Links section at the bottom of this page.

Military personnel

Members of an armed force from another country can work in Canada without a work permit if they have movement orders stating that they are entering Canada under the terms of the *Visiting Forces Act*.

Foreign government officers

Canada has exchange agreements with some countries for officials to work in each other's government departments. Government officials coming to work in Canada do not need a work permit to work in Canada, but they must bring a formal letter of agreement if they will be working here for longer than three months.

Students working on campus

Certain foreign students in Canada can work without a work permit on the campus of the institution where they are studying. For more information, see Study on the left-hand side of this page.

Performing artists

Foreign artists coming to Canada to perform, as well as their essential support staff—the people that are integral to the performance—can work without a permit if they are only performing here for a limited period of time and will not be performing in a bar or restaurant.

If they will be performing in a bar or restaurant, performers and their staff each need a work permit.

Performing artists coming to work in Canada cannot enter into an employment relationship with the Canadian group that has contracted for their services. They must also not perform for the production of a movie, television or radio broadcast.

Athletes and coaches

Foreign teams, athletes and coaches can compete in Canada without a work permit.

News reporters

Reporters working for foreign newspapers, television channels, news agencies or companies involved in reporting news events can work in Canada without a permit if they are reporting on events here.

Public speakers

Guest speakers, commercial speakers or seminar leaders can speak or deliver training in Canada without a work permit as long as the event is no longer than five days.

Convention organizers

Organizers and administrative staff of international meetings or conventions being held in Canada do not need a work permit.

Note: People providing audiovisual services and other “hands-on” help at these events must have a work permit to work in Canada.

Clergy

People coming to Canada to work as ordained ministers, lay persons or members of a religious order do not need a work permit to perform their religious duties or assist a religious group. These religious duties may include preaching doctrine, presiding at liturgical functions or providing spiritual counselling.

Judges and referees

Officials at international amateur competitions can come to Canada to judge or officiate without a work permit.

Examiners and evaluators

Professors and academic experts coming to Canada to evaluate or supervise academic projects, research proposals or university theses do not need a work permit. This applies to Canadian research organizations as well as to academic institutions.

Expert witnesses or investigators

Experts coming to Canada to give evidence before a regulatory body, tribunal or court of law do not need a work permit.

Health-care students

Foreign health-care students can do their clinical clerkships or do short-term work in Canada without a work permit if the main purpose of the work is to acquire training. Health-care students must have written approval from the Canadian regulatory board responsible for their occupation. A normal training practicum should not exceed four months.

Note: Foreign health-care students must undergo a Canadian immigration medical examination before coming to Canada.

Civil aviation inspectors

Inspectors coming to Canada to inspect the flight operations or cabin safety of commercial airlines doing international flights do not need a work permit.

Accident or incident investigators

Accredited representatives or advisers coming to Canada to work on an aviation accident or incident investigation conducted under the authority of the *Transportation Accident Investigation and Safety Board Act* do not need a work permit.

Crew members

Foreign members of crews working on foreign vehicles (for example, flight attendants and members of ships' crews) do not need a work permit if the vehicle is in Canada for the international transportation of cargo or passengers.

Emergency service providers

People coming to Canada to help out in an emergency do not need a work permit if they are coming here to help preserve life or property. Examples of emergencies would be natural disasters, such as floods or earthquakes, or industrial accidents threatening the environment.

Appendix B: Canadian Visa Offices Abroad

Below is a list of Canadian visa offices found abroad listed by region, and then by country, with the specific cities in which the offices are found in parentheses.

Asia and Pacific

Australia (Sydney)
Bangladesh (Dhaka)
China (Beijing, Guangzhou, Hong Kong, Shanghai)
India (Chandigarh, New Delhi)
Indonesia (Jakarta)
Japan (Tokyo)
Korea (Seoul)
Malaysia (Kuala Lumpur)
Pakistan (Islamabad)
Philippines (Manila)
Singapore (Singapore)
Sri Lanka (Colombo)
Taiwan (Taipei)
Thailand (Bangkok)
Vietnam (Ho Chi Minh City)

Africa and Middle East

Algeria (Algiers)
Burkina Faso (Ouagadougou)
Cameroon (Yaounde)
Congo (Kinshasa)
Egypt (Cairo)
Eritrea (Asmara)
Ethiopia (Addis Ababa)
Ghana (Accra)
Iran (Tehran)
Israel (Tel Aviv)
Ivory Coast (Abidjan)
Jordan (Amman)
Kenya (Nairobi)
Lebanon (Beirut)
Madagascar (Antananarivo)
Mali (Bamako)
Morocco (Rabat)
Nigeria (Lagos)
Rwanda (Kigali)
Saudi Arabia (Riyadh)
Senegal (Dakar)
South Africa (Pretoria)
Syria (Damascus)

Tanzania (Dar-es-Salaam)
Tunisia (Tunis)
Uganda (Kampala)
United Arab Emirates (Abu Dhabi)
Zambia (Lusaka)
Zimbabwe (Harare)

Europe

Austria (Vienna)
France (Paris)
Germany (Berlin)
Italy (Rome)
Poland (Warsaw)
Romania (Bucharest)
Russia (Moscow)
Serbia (Belgrade)
Turkey (Ankara)
Ukraine (Kyiv)
United Kingdom (London)

Western Hemisphere

Argentina (Buenos Aires)
Brazil (Sao Paulo)
Chile (Santiago)
Colombia (Bogota)
Costa Rica (San José)
Cuba (Havana)
Dominican Republic (Santo Domingo)
Ecuador (Quito)
El Salvador (San Salvador)
Guatemala (Guatemala City)
Guyana (Georgetown)
Haiti (Port-au-Prince)
Jamaica (Kingston)
Mexico (Mexico City)
Peru (Lima)
Trinidad and Tobago (Port of Spain)
United States (Buffalo, Detroit, Los Angeles, New York, Seattle, Washington, D.C.)
Venezuela (Caracas)

Appendix C: Persons Not Requiring a Visa to Enter or Transit Canada

Below is listed all exemptions from visas to visit or transit Canada.

- citizens of Andorra, Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Brunei, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel (National Passport holders only), Italy, Japan, Korea (Republic of), Latvia (Republic of), Lithuania, Liechtenstein, Luxembourg, Malta, Mexico, Monaco, Namibia, Netherlands, New Zealand, Norway, Papua New Guinea, Poland, Portugal, St. Kitts and Nevis, St. Lucia, St. Vincent, San Marino, Singapore, Slovakia, Solomon Islands, Spain, Swaziland, Sweden, Slovenia, Switzerland, United States, and Western Samoa;
- persons lawfully admitted to the United States for permanent residence who are in possession of their alien registration card (Green card) or can provide other evidence of permanent residence;
- British citizens and British Overseas Citizens who are re-admissible to the United Kingdom;
- citizens of British dependent territories who derive their citizenship through birth, descent, registration or naturalization in one of the British dependent territories of Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena or the Turks and Caicos Islands;
- persons holding a British National (Overseas) Passport issued by the Government of the United Kingdom to persons born, naturalized or registered in Hong Kong;
- persons holding a valid and subsisting Special Administrative Region passport issued by the Government of the Hong Kong Special Administrative Region of the People's Republic of China;
- persons holding passports or travel documents issued by the Holy See.

Curriculum Vitae

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