Temporary Tool or Long-Term Business Strategy?
Assessing Canada’s Temporary Foreign Worker Program

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January 2019
Abstract

Historically, migrant workers in Canada have been concentrated in agriculture and domestic care industries, but recent changes to the program have widened its scope and resulted in a greater number of temporary, migrant workers in low-skill and high-skill jobs across a wider array of industries. While framed as a tool of “last-resort,” there has been a growing use of Canada’s Temporary Foreign Worker Program in areas such as Newfoundland and Labrador with high unemployment rates. The prevalence of migrant workers in occupations that are undesirable to citizens is evidence of a segmented labour force in Canada where citizens are able to reject dirty, dangerous or degrading work, and migrant workers are not. Canada’s “temporary” foreign worker program has permanently institutionalized a flexible labour market to increase firm profits in a competitive, capitalist world system. The exploitation of migrant workers within Canada’s tolerant, multicultural environment has been accepted by framing immigrants as “Others” who are not part of the national community, and hence, undeserving of the same rights as citizens. This has allowed the normalization of an exploitative immigration system that can be found in high-income countries around the world.
Introduction

Faced with an aging population, declining fertility rate and youth out-migration, Newfoundland and Labrador (NL) is pursuing policies to increase immigration to address the province’s dismal demographic situation. “The Way Forward,” the government’s most recent policy document on immigration states that “by increasing immigration and building on the skills, fresh perspectives and global connections of immigrants and their families, we will grow our economy and support our communities” (AESL, 2017: 2). However, enticing locals and immigrants to stay in the province has proven to be a challenge as the province’s weak economy and high unemployment rate repels retention (Fang et al., 2018).

Promoting immigration is a new policy direction for the provincial government, as immigration in Canada has historically been a federal policy with decisions made solely in Ottawa. Over the past twenty years, however, Ottawa has loosened its hold on immigration and established the Provincial and Territorial Nominee Program (PTNP), which gives Provinces and Territories some limited power to determine immigration within their borders. Like most provinces, the PTNP in Newfoundland and Labrador is employer-driven and specific to “immigrants who have specialized occupational or entrepreneurial skills” (Office of the Auditor General, 2009: 317). Up until recently, Newfoundland and Labrador has tended to have a passive position towards immigration policy. In 1999 the Province signed an agreement with the federal government to create a Provincial Nominee Program but the provincial government did not create an official immigration policy until 2007 (HRLE, 2007). Immigrants have been arriving in NL because of economic opportunities, family reunification or seeking asylum, but the province has
done little to facilitate this, and annual admissions through the PTNP averaged at less than 100 from 1999 to 2008 (Office of the Auditor General, 2009).

Most immigrants in the province are issued work permits under the Temporary Foreign Worker Program (TFWP). Since 2007 the number of temporary migrant workers (TMWs) has quadrupled from 660 to 2,755 in 2017, and in 2017 TMWs outnumbered Permanent Residents (PRs) by 2:1 (Figure 1). It is expected that the number of TMWs will increase with the 2017 Canada – Newfoundland Agreement on the Atlantic Immigration Pilot, an explicitly “employer driven” immigration selection regime to streamline the PR process for international students, and intermediate- and high-skilled TMWs (OIM, n.d.a).

**Population of Permanent Residents and Temporary Foreign Workers vs Unemployment Rate in Newfoundland and Labrador, 1964 to 2017**

![Graph showing the population of Permanent Residents (PR) and Temporary Foreign Workers (TFW) vs Unemployment Rate in Newfoundland and Labrador from 1964 to 2017.](image)

*Figure 1: Source: Appendix A.*
Outside of the “standard” PR immigration streams, the growth of TMWs in NL has been excluded from the immigration discourse. Framed as “exceptional,” TMWs are largely absent from Newfoundland and Labrador’s immigration strategies (HRLE, 2007; GNL, 2015; AESL, 2017). Despite being the target population, these migrant workers are never actually mentioned in the Canada – Newfoundland Agreement on the Atlantic Immigration Pilot. Rather it is implicit that those who are working in Atlantic Canada and do not have permanent residency are by definition temporary foreign workers (OIM, n.d.a). While excluded from the immigration discourse, TMWs are becoming a larger component of the province's labour force. This exclusion of TMWs from Canadian policy discourse is part of the structural exclusion of these migrant workers from Canadian society where they are considered useful to employers but are prevented from becoming citizens with full access to Canada’s social security benefits and legal protections. Their stay in Canada is based upon approval from their employers, which puts workers in a precarious situation. This segmented labour force has been created by the Canadian state to allow firms to be “competitive” by reducing the “costs” of citizenship in its labour force and is symptomatic of the capitalist structures in the world system. This paper will explore the reasons behind the increasing recruitment of temporary migrant workers, even in areas with high unemployment rates, by first analysing the function of the TFWP and putting it into a global context to understand what the growing dependence on this workforce means for the province of Newfoundland and Labrador, and for the country of Canada, where the growing use of TMWs is a country-wide phenomenon.
Temporary Foreign Worker Program: Backgrounder

Canada’s TFWP is premised on the need for employers to “to deal with acute skills shortages on a temporary basis” and “is used only as a last resort” (ESDC, 2013). This is constructed as a “citizens-first policy” as it requires employers to make efforts to hire domestic workers before seeking migrant labour (Preibisch, 2010; ESDC, 2015a). The TFWP was formally institutionalized in Canada in 1966 through the Seasonal Agricultural Workers Program (SAWP). The SAWP is limited to primary agriculture industries and is based upon the recruitment of workers from specific countries with which Canada has signed a bilateral agreement (including Jamaica, Barbados, and Mexico) (Elgersma, 2014; Office of the Auditor General, 2017). Prior to this program, workers did not need a visa to work in Canada, and could apply for permanent residency from within the country (Hanley and Shragge, 2010).

The use of migrant workers was expanded in 1973 with the Non-Immigrant Employment Authorization Program, a small program that was aimed at high-skilled workers. This was followed in 1982 by the addition of the Foreign Domestic Program, which was renamed the Live-In Caregiver Program in 1992. This program allowed Canadian families to employ migrant labour for in-home care for children, seniors and persons with disabilities (Elgersma, 2014; Office of the Auditor General, 2017).

Since 1978, when the data begins, the TFWP has steadily grown in Canada but as shown in Figure 2, the number of TMWs employed in Canada significantly increased after the enactment of the Immigration and Refugee Protection Act (IRPA) in 2001. This Act
allowed for the introduction of the Pilot Project for Occupations Requiring Lower Levels of Formal Training, which in 2002 offered employers in a wider range of sectors a low-wage work force that offered less regulations than the SAWP and fewer pathways to PR than the LICP. No longer a “pilot,” the low-wage TFWP has grown significantly since its implementation (Figure 2).

![Temporary Migrant Workers in Canada, 1978 to 2017](image)

**Figure 2: Source: See Appendix A**

In 2014, the federal government restructured the TFWP and divided it into two streams: the TFWP for workers who require a Labour Market Impact Assessment (LMIA), and the International Mobility Program (IMP) for workers who do not. The LMIA is a policy...

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1 Foreign worker is defined as individuals whose primary reason to enter Canada is “to work on a temporary basis” (CIC, 2003:80) and excludes foreign students and those in Canada under humanitarian reasons, such as refugee claimants. From 1978 - 1999, data are based on the stock of foreign workers on December 1 (CIC, 2003; 2013) and this was changed to the stock on December 31 in IRCC (2017a;b). Stock counts are considered to be the superior measurement for estimating the population of foreign workers in Canada (CIC, 2012). Because data on the number of foreign workers in a year tends to change based on publication, Figure 1 is composed using several different reports to provide the latest information for a year given. Data on the stock of workers with and without employment authorization (defined as those with or without an LMIA) are summed for the years 2000 to 2017 (IRCC; 2017a;b). Full citations can be found in Appendix A.
tool created to determine whether “there is a need for a temporary foreign worker to fill the job and that no Canadian worker is available to do it” (ESDC, 2014).

Most TMWs in Canada enter through the International Mobility Program (IMP) stream (Elgersma, 2014) (Figure 3). Workers entering through the IMP are able to apply directly to IRCC for an open work permit and the only requirement from the employer is to ascertain that the job offer is genuine and meets government standards (CIC, 2011; CIC, 2013). These TMWs are generally high-skilled workers who come from countries in the Global North (Elgersma, 2014; ESDC, 2015).

Dirty, Dangerous and Demeaning Jobs in Canada

“Our government has been clear that Canadians must be first in line for available jobs. These comprehensive and balanced reforms restore the Temporary Foreign Worker Program to its original purpose—as a last and limited resource for employers when there are no qualified Canadians to fill available jobs. Employers will be compelled to redouble their efforts to recruit and train Canadians. These reforms will significantly reduce the number of temporary foreign workers in Canada and improve labour market information, while strengthening enforcement and penalties for those who break the rules.”— The Honourable Jason Kenney, Minister of Employment and Social Development (ESDC, 2014).

Despite the government’s insistence that the TFWP is limited to “acute skills shortages,” there is significant evidence that the TFWP is being used to supply structural labour shortages in Canada ( Tilson, 2009; HRSDC et al., 2012; Gross, 2014; Knott, 2016; Office of the Auditor General, 2017; Oliphant, 2017). HRSDC et al. (2012) found that occupations filled by the SAWP and LICP remained “of lower interest” to Canadian workers even in areas with higher unemployment (21) and stated that demand for TMWs in these occupations will continue despite a recent downturn in the economy because of the “limited desirability of temporary, low-skilled, seasonal, live-in and harvest work amongst Canadian workers” (24).

The evaluation of the TFWP is done through the Labour Market Impact Assessment. A central function of the LMIA is to determine whether “hiring a temporary foreign worker will have a negative impact on the Canadian labour market” (ESDC, 2015a). This is measured through an administrative assessment based on information provided voluntarily by the employer and data collected by the federal government on regional labour markets. Several government audits, however, have raised concerns that the department does not have enough information to accurately evaluate regional labour
markets because of poor quality information available at the regional level (Office of the Auditor General, 2009; Lemieux and Nadeau, 2015; May, 2016; Office of the Auditor General, 2017). In 2015 the Parliamentary Budget Office were unable to assess the impact of the TFWP on the local labour market because of “the lack of disaggregated data on labour demand and labour supply at the regional and local level” (Lemieux and Nadeau, 2015: 1). May (2016) similarly found that it was “impossible” to determine whether there were real labour shortages within Canada because of poor labour market information available at the regional level (13). Furthermore, the Office of the Auditor General (2017) found that ESDC “did not measure the results or impact of the program and did not know what impact the program had on the labour market” (3).

Instead of proving that TMWs are recruited for real labour shortages, government audits have suggested that TMWs are having a negative impact on the local labour market (Lemieux and Nadeau, 2015; Office of the Auditor General, 2017). Using Employment Insurance (EI) data, the Office of the Auditor General (2017) found that just over 80% of Canadians who had been laid off fish and seafood processing plants had claimed EI while the plants had hired TMWs. Lemieux and Nadeau (2015) found in Ontario “even at its pre-recession low, there were still three low-skilled unemployed domestic workers for each low-skilled position filled by a foreign worker” (19). Overall, these reports provide evidence that TMWs are competing directly with Canadians for low-wage jobs and that some employers, such as those in the seafood processing sector, show a preference for hiring TMWs over Canadian citizens.

In 2014 reforms to the TFWP (announced by Minister Kenney in the above quote) restricted use of the program through changes such as greater job advertising requirements, and limits on hiring certain foreign workers for certain occupations in areas
with high unemployment rates. However, these reforms did not apply to either the SAWP or LICP, both of which have been part of the Canadian labour market for more than 30 years (Elgersma, 2014; ESDC, 2015). The Maritime Seafood Coalition (2016) also successfully advocated against restrictions that limited use in the seafood industry in areas with unemployment rates greater than 6%. This is in spite of evidence collected by the Office of the Auditor General (2017) that citizens in these regions were being laid off to hire TMWs.

These exemptions highlight how the Canadian government recognizes low-wage foreign workers as a structural part of the labour market. Agriculture, domestic care work, and more recently, food processing and service, have become dominated by migrant labour (Piore, 1979; Harris, 1995; Castles and Miller, 2009; Foster, 2012; Krestsedemas, 2012; McLaughlin and Hennebry, 2013). Employers in these sectors have been exempt from many of the changes to the TFWP that were meant to limit the recruitment of TMWs because “there are proven acute labour shortages in this sector and the unfilled jobs are truly temporary” (ESDC, 2014). Instead of addressing problems with workplaces that deter Canadian workers, the government has allowed certain industries to continue exploiting migrant labour. This contradicts the public statements issued by the federal government that the TFWP is being used only to fill jobs for which no Canadian worker was available. The contrast between government’s insistence that the TFWP is used as a “last resort” and the lack of data to justify this stance suggests the TFWP is presented as a rational solution to a problem that does not exist or is its own making (Day, 2000).

For minimum wages, agriculture offers hard manual labour often in hot weather for long hours on a short-term, seasonal basis. To protect these conditions, most provinces have provisions excluding agricultural workers from receiving overtime pay and
preventing them from unionizing or striking (Preibisch, 2007). The domestic care industry similarly offers harsh working conditions, as employers are seeking to hire a skilled nurse to live in their home and provide 24-hour personal care for minimum wages at 8 hours a day (Fitzpatrick and Neis, 2015; Vahabi and Wong, 2017). Meat packaging, seafood processing and food service are newer additions to the TFWP, but have seen incredible uptake in both rural and urban areas (Krestsedemas, 2012; McLaughlin and Hennebry, 2013; Knott, 2017). These can be high-stress jobs as they involve repetitive tasks to meet short, set deadlines while again offering low wages. While not all migrant workers are low wage, even high-skilled workers tend to be employed in undesired areas and face similar issues as low-skilled in terms of vulnerability and weak regulatory framework (Piore, 1979; Sharma, 2006; Castles and Miller, 2009; Taylor et al., 2011; Taylor et al., 2012). Within occupational hierarchies, migrant workers are given the worst jobs (Foster and Taylor, 2015). Foster and Taylor (2015) interviewed 12 nurses and 11 trades workers who were working in Alberta through the TFWP. The nurses were “disappointed” that their skills were undervalued, that their employer was unwilling to help them gain permanent residence, and that they were “disposable” during downturns. Trades workers found that they were given the more difficult tasks and offered lower wages than the “white guys.” One noted that their employer had threatened to deport him if he did not work overtime, but did not always pay him the extra wages.

Rather than filling an “acute” labour shortage, this “limited desirability” of temporary, rural, low-skilled, low-wage, seasonal and live-in work suggests that these jobs are rejected by Canadian citizens, who are refusing “3D jobs” or jobs that are dirty, dangerous and demeaning (Piore, 1979; Jenkins, 1982; Harris, 1995; Bauman, 2004; Castles and Miller, 2009; Krestsedemas, 2012; Swan, 2012; Simpson et al., 2012). Citizens
of the economically rich Global North have systemically been protected from menial work by social security benefits but these countries still need this work done; these under-attended menial jobs are where the TFWP comes into play.

While there is no evidence of a quantitative labour shortage, “in Canada, there are shortages of cheapened and politically subjugated labour power” (Sharma, 2006). Framed as “temporary,” the long history and expanding use of the program shows that it has become a permanent solution to recruiting workers for dirty, dangerous and demeaning jobs (Preibisch, 2007; Hanley and Shragge, 2010; Valiani, 2013). Canada’s immigration policy is shaped by employer demand for a flexible workforce, as evidenced in the micro and macro-control mechanisms it uses to create a compliant labour force. Migrant workers are ‘cheap’ because they have been racialized to embody lower value labour and are regulated to prevent access to costly public goods, such as collective bargaining rights and access to social security benefits (Bannerji, 2004; Sharma, 2006). This parallels with migrant worker programs in other countries, where 3D jobs are being reserved for migrant labour that have less rights than the citizen population (Buroway, 1976; Foster, 2012).
Capitalist Canada

Migration was, and is, vital to the increased productivity demanded of capitalism and increasing trade (Buroway, 1976; Harris, 1995; Bauman, 2004; Sassen, 2006). Economies in the Global North use their position in the world system to exploit migrant labour when it is Useful. Cohen (2006) argues this is because “a constant flow of subordinate labour” is a systemic requirement for capitalism. “Guestworker” programs were widely used in Europe after the Second World War to reconstruct the cities destroyed by war, and more recently, fast-growing nations in the Gulf States and Asia are utilizing temporary migration programs to accelerate their growth (Castles and Miller, 2009; Cohen, 2006; Goldring and Landolt, 2013). The use of foreign workers in the seasonal agriculture industry is a worldwide phenomenon. In the United States, where farm workers are among the worst paid group, an estimated 90% of workers are migrants (Castles and Miller, 2009; Preibisch, 2007). Similarly, a “global chain of care” (Castles and Miller, 2009, pg. 238) has developed where domestic migrant workers are recruited to developed countries to allow women to maintain a middle-class lifestyle and may have their own domestic care worker taking care of their family in their home country (Bonifacio, 2017). Most of these temporary migrants enter ‘illegally’ but are tacitly allowed by host countries.

This global phenomenon of recruiting migrants for low-wage labour has been important to Canada’s industrial growth as well. Canada’s history of recruiting racialized, migrant labour can be dated back to the 1880s when Chinese laborers were recruited to build the Trans-Canada Railway. A public-private partnership between Macdonald’s
Conservative government and the Canadian Pacific Railway, the Trans-Canada Railway was developed to ‘unify’ the country from coast to coast as part of an effort to colonize the country. Building a railway, mostly in undeveloped, remote terrain, required significant manual labour. Forced to live in overcrowded camps that were rife with disease and working long days in the stifling hot in the summer or freezing cold in the winter, the working conditions offered to citizens were poor. The working conditions offered to migrants from China were even worse, as they were paid even lower wages and given the hardest, most dangerous tasks. The brutality of the occupation can be quantified by the estimated 600 workers that died during construction (Kelley and Trebilcock, 2010). This contrast between jobs and wages offered citizens and migrants has parallels with Canada’s current TFWP, where low-skilled migrant workers are recruited for the worst jobs at wages that citizens reject.

Employment of Chinese migrants caused controversy within the citizen population, stoked by racist fears that these workers were criminals and carried disease. The Canadian railway capitalists, however, insisted it needed these workers because they “worked harder,” and protected their recruitment strategy from government interference. Seeking a compromise, Prime Minister MacDonald introduced a policy preventing Chinese migrants from remaining in Canada. When the railway neared completion in 1885 a “head tax” of $50 was placed on Chinese immigrants to prevent further settlement (Kelley and Trebilcock, 2010).

In 2006 the Canadian government, under Stephen Harper, formally apologized for the Chinese Head Tax, stating it was an “unfortunate” part of Canadian history and that his “government will continually strive to ensure that similar unjust practices are never allowed to happen again” (Harper, 2006). And yet, under Harper, the TFWP grew
significantly and the basic principles of that early program are still around and are becoming ‘normalized’. The history of racialized, migrant labour to build the Canadian Railway hits to the very heart of this paper, which seeks to unravel the reasons behind employers’ demand for migrant workers in the context of nationalist rhetoric around ‘citizens-first’ employment policies. Through the TFWP, immigration as active labour market policy creates a restricted, stabilized two-tiered labour force in Canada and employers in Canada are increasingly able to decide who is allowed to stay in the country as shown through the expansion of the PTNP and addition of new streams like the Atlantic Pilot Program. (Sharma, 2006). Migrant workers continue to sustain economic growth in Canada and reduce costs by minimizing the price of labour (Bonifacio, 2017). The tension between citizen and migrant labour it highlights remains, and yet the use of temporary migrant workers in Canada has grown because this employer-driven immigration is fundamental to the global capitalist structure (Foster and Barnetson, 2015b).

In accordance with other industrialized nations, Canada has pursued an increasingly ‘neoliberal’ policy agenda over the past few decades with the goal “to protect and restore the former dominance of private businesses and investors in the economy, as well as in broader society” (Stanford and Vosko 2004; pg. 9). This includes a range of policies such as pursuing free movement of capital, cuts to social assistance and employment insurance, and the erosion of collective bargaining and employment standards legislation (McBride, 2000; Stanford and Vosko, 2004; Siemiatycki, 2010). Through restrictions on unions, decreased regulations across different sectors and an increase in non-standard employment forms (part-time, temporary, contract, self-employment), employers are adopting increasingly “flexibility-enhancing” (8) strategies to shrink their core staff and “restoring ‘discipline’ to labour markets” (Stanford and
Vosko, 2004: 11). This flexible labour force decreases the cost to employer and increases risk to employees by changing wage-workers to independent contractors who bear all the costs and risks (Valiani, 2013).

This neoliberal shift is part of the free market ideological vision of “globalization” which encourages liberalization of the markets, deregulation and privatization (Teeple, 2000; Sassen, 2006); Castles and Miller, 2009). Sassen (2006) argues that “we are in the current age of Transformative Globalization” where an increased emphasis on the “competitive state” in a global context is weakening the foundations of the welfare state. Sassen points to the 1980s as the tipping point, when countries began to orient their policies from a local to a global focus. Sharma (2006), however, argues that this presentation of globalization is a “White nationalist representation of world events” (47) as non-Whites in Canada have been accustomed to precarious work, weak social security benefits and environmental degradation and it is only White people who are now feeling the burden of capitalism. Still, the pervasiveness of this neoliberal globalization can be seen in how these policies no longer protect the privileged members of society from the inherent volatility of capitalism as state policies have increasingly reflected the interests of capital and become hostile to welfare capitalism (McBride, 2000).

The globalization of the world economy has encouraged specific growth centers, which Sassen (2001) refers to as “global cities,” where the restructuring of the economy has increased the polarization of jobs in demand. A globally-oriented economy creates demand for highly-specialized services in industries such as insurance, banking, and advertising. The expansion of a high-income work force and new cultural forms of every day living lead to high-income gentrification, which requires a vast supply of low-wage workers to create labour-intensive goods (Sassen, 2001). Highly skilled labour requires a
large amount of low-skilled support workers, such as cleaners, caregivers, cooks, and in an open economy, many of these will come from developing countries legally or illegally. This has meant the creation of some high-wage jobs, and a much larger number of low-wage jobs that offer little security. Many of these low-wage jobs rely on immigrant labor, effectively constructing an underclass of migrant workers in these global cities (Satzewich, 1992; Harris, 1995; Sassen, 2001). Bauman (2004) refers to this as a “homo hierarchicus,” since only the “untouchables,” i.e. those from poorer countries, are willing to work the unskilled jobs that are deemed too demeaning for the domestic population. (Harris, 1995; Castles and Miller, 2009). Migrant labour reduces costs for host countries because foreign countries of origin pay the costs of labour reproduction and individuals receive little security or benefit from the country where they work. This requires them to take on a lot of risk as they travel to work as the host country removes itself from being held responsible or accountable to this migrant labour. Industries like agriculture have been propped up on ‘cheap’ migrant labour for a long time and stop attempts by domestic workers to make a living wage in the industry (Buroway, 1976; Sharma, 2006).

This trend towards the competitive state through the segmentation of a racialized, migrant labour force is prevalent in Canada’s TFWP policy as immigrant labour is used to achieve labour market flexibility (Satzewich, 1992; Sharma, 2006; Preibisch, 2007; 2010; Castles and Miller, 2009). Canada’s neoliberal economic values have been made explicit by the federal government. The Harper’s Conservative government’s 2006 national economic plan, “Advantage Canada,” for example, included “creating the best-educated, most-skilled, and most flexible workforce in the world” as one of Canada’s economic advantages as a “world leader” (Department of Finance Canada 2006: 6). HRSDC et al., (2012) cited the ability to easily “shed labour supply” based on changing
labour market conditions and impose mobility restrictions on migrant workers as benefits the TFWP has over the economic immigration streams. Lemieux and Nadeau (2015) recognized the depressive effect an increase in workers can have on wages and stated that TFWs prevent “wages from rising too quickly” where there is a labour shortage and that this allows companies to remain “competitive” (4). The Low-Skilled Pilot Program is less regulated than the SAWP, suggesting a deepening of neoliberal values in the Canadian state that favour deregulation and labour market flexibility (Preibisch, 2010).

To justify the use of migrant labour, the government is relying on employers to inform them about labour shortages through consultations and seem prone to take up their cause. Oliphant (2017), for example, met with stakeholders across Atlantic Canada and found that there were labour shortages in agriculture, construction, fisheries, hospitality, and transportation without analyzing the inconsistency of this shortage with regional unemployment rates in the area. Because of these consultations, the Maritime Seafood Coalition (2016) successfully advocated against restrictions to the TFWP that limited use in the seafood industry in areas with unemployment rates greater than 6%. This is despite evidence collected by the Office of the Auditor General (2017) in that same year that citizens were being laid off to hire TMWs.

While framed as “temporary,” employers are incorporating migrant labour into their long-term business strategies. HRSDC et al. (2012) found that most employers surveyed expected to hire TMWs again in the next year (76% hired high-skilled workers, 86% hired low-skilled workers, and 97% of SAWP employers) and that a quarter of SAWs surveyed reported receiving their first work permit in Canada more than 10 years ago. This is evidence that a significant proportion of employers that hire TMWs do not use them as a “temporary” solution to a short-term “acute” labour shortage, but that these
migrant workers have been incorporated into long-term business models as a way to maximize profits. ESDC (2015a) found that in 2013 9.2% of employers had 50% or more of their workforce comprised of TMWs and 50.1% of employers had at least 10% of their workforce comprised of TMWs. The high proportion of migrant workers within these businesses again highlights that these workers are not recruited for a few “unfilled” jobs, but in some cases are the majority of workers in a firm. This runs contrary to government’s insistence that the TFWP is a last-resort tool for employers in exceptional circumstances. As the TFWP grows larger and expands into more industries, it becomes less “exceptional” and more normalized, undermining the official rhetoric that the TFWP is a “citizens-first” policy and suggesting instead that the state has a primary role in the recruitment of migrant labour to help firms maximize profits.
Canadian Policy of Employer Control

“Our government is committed to protecting all workers from abuse, exploitation and demeaning work.” - Honourable Diane Finley, Minister of Human Resources and Skills Development (HRSDC, 2012a).

Industrialized countries have different strategies for controlling these workers, either by allowing ‘illegal’ migration or through the creation of temporary migrant worker programs (Preibisch, 2010; Krestsedemas, 2012). Holding Canadian citizenship comes with many freedoms. Citizens can advocate for their human and worker rights, and when times are tough, they can rely on Canada’s social security system to take care of them. As non-citizens, migrant workers by definition do not benefit from these same rights and guarantees (Goldring and Landolt, 2013). Socially isolated, visibly othered, and here for a short time (not a long time), migrant workers are made invisible, removed of their humanity and passively allowed to operate in substandard conditions that would not be deemed acceptable to a citizen. By recruiting a labour force that is eager to work at the wages offered because of global inequality structures and crafting it to be compliant through the policy framework of the program, the Canadian state is able to protect dirty, dangerous and demeaning jobs so that firms can maintain their profit margins (Valiani, 2013). This is producing a new permanent class of people with qualified rights. Individual workers come and go but the regulatory structure means that there is always available a class of workers with less rights to work the jobs that Canadians reject.

As highlighted in the quote by Minister Finley, the federal government has publicly committed to protecting the rights of migrant workers in Canada. This includes labour standards, human rights and social security benefits (HRSDC, 2008; HRSDC, 2011;
Woo-Paw, 2011; ESDC, 2015). However, the prevalence of the TFWP in jobs that are disliked by Canadians is evidence of these workers’ captivity. This captive labour force that is willing to work in conditions that a Canadian citizen would have the right to refuse. While there are many policies regulating the TFWP in Canada the implementation of these policies is highly skewed and tend to protect employers while exploiting workers. Migrant workers face significant barriers accessing these protections because of their legal status, short stay and weak language skills, and the government has put significant resources into helping employers access this flexible labour supply but limited resources into the oversight of the program to ensure that it protects the rights and interests of TMWs. This has served to create a precarious labour force as migrant workers are offered little protections within Canada and are thus disciplined into complete compliance.

The Canadian state has used what we may call micro and macro-control mechanisms to create a compliant workforce to allow employers to cut costs by offering substandard working conditions. These control mechanisms are part of Canada’s neoliberal flexibility-enhancing labour market strategies to make Canada more “competitive” in the world system (Preibisch, 2007; Siemiatycki, 2010).
Micro-Control Through Canadian Regulations

The Canadian government’s creation of a segmented labour force is highlighted in its selective policy implementation which favours employers over migrant workers. While official rhetoric publicizes government’s commitment to protecting migrant workers, the structure of the program allows employers to use micro-control mechanisms to discipline their workforce.

Low-wage migrant workers in Canada are issued closed work permits that bind them to a single employer. This employer is responsible for providing accommodations, transportation to and from work, registering them with provincial health insurance, and educating them on their rights (Elgersma, 2014; ESDC, 2015; May, 2016; Office of the Auditor General, 2017; IRCC, 2018c). By making employers responsible for so many aspects of an individual’s life including where they work, where they live and what they know about a country’s legal and social framework, the Canadian government has created a system that gives employers considerable control over their employees’ private lives.

This high level of control puts migrant workers in a precarious situation, a risk that is exploited by employers and the state. Tilson (2009) found vagrant abuse of the TFWP whereby employers were violating provincial employment standards and employment contracts. ALFL (2007) found cases where TFWs were being paid less than their Canadian coworkers, were working in conditions that were significantly different than expected, and that several people had been fired after suffering a workplace injury. In interviews with live-in caregivers, Vahabi and Wong (2017) found most worked long hours and in substandard conditions, and performed tasks outside their employment contract.
Qualitative interviews have found that employers use the SAWP because it supplies an obedient work force that does not advocate for Canadian-regulated employment or working conditions, has limited social time, and accepts requests outside their work contracts (Preibisch and Binford, 2007).

Employers in the TFWP are responsible for providing “adequate, suitable and affordable housing” to migrant workers, (IRCC, 2018c), but qualitative studies have found that these accommodations lack proper plumbing or heat, and can be crowded and decrepit (Tilson, 2009; Preibisch, 2010; Tomic et al., 2011; Vahabi and Wong, 2017). This mandatory housing is not free and rent is deducted from worker’s pay cheques. Tilson (2009) found that some employers were exploiting this monopoly and inflating the rent charged. Employers are also supposed to pay for transportation but this is not enforced because migrant workers are under provincial jurisdiction and the travel expense is considered outside the scope of such legislation (Nakache, 2013).

Given that employers are responsible for educating workers on their rights within Canada, there is significant concern that these workers are not receiving full information. Byl (2010) found that most migrant workers who were eligible for EI did not apply because they were unaware of the program. Foster et al. (2015) found that migrant workers in unionized workplaces did not seek help from their union because as they explained, “I don’t really know what the union stands for” (414). This lack of awareness prevented them from accessing services that were available to the them.

For those who do try and advocate for their rights, gaps in the regulatory regime prevent migrant workers from accessing social security benefits. McLaughlin and Hennebry (2013) found migrant workers who suffered health problems while in Canada were often unable to access workers compensation and were deported for getting injured
on the job. Nakache (2013) found that migrant workers did not qualify for EI because of their short contracts and their employer-specific work permits prevented them from being “available for work” (79). Furthermore, the system is confusing for TMWs trying to navigate the bureaucracy. The TFWP is administered by three federal government departments (Employment and Social Development Canada, Immigration, Refugees and Citizenship Canada, and Canada Border Services Agency) but worker rights and recruitment standards are regulated by the province (Elgersma, 2014; May, 2016; Gesualdi-Fecteau et al., 2017). Canada’s labour standards include basic provisions to protect workers from abuse and exploitation through occupational and health standards and enforcement of employment contracts (Tilson, 2009; Elgersma, 2014; ESDC, 2015; ESDC, 2016a; ESDC, 2016b). Ostensibly, this includes migrant workers but very few provinces have taken the extra steps necessary to explicitly include migrant workers in these policies (Hanley and Shragge, 2010; Woo-Paw, 2011; HRSDC et al., 2012). This disconnect makes it difficult for migrant workers, new to the country and unfamiliar with the process, to navigate the administrative system and find help. Administrative challenges can cause long waiting times for paperwork, which can have serious consequences for migrant workers on short-term visas (Dorow et al., 2015).

Canada’s Human Rights Act protects workers by creating an appeals process where workers can challenge discrimination by their employer on the basis of personal characteristics like race, gender and sexual identity. Contradictory to this policy, however, are the recruitment strategies used by employers enlisting help from abroad. These employer strategies for recruitment are infused with and recreate racial and gender stereotypes (Preibisch and Binford, 2007; Preibisch, 2010; Knott, 2016). This is most evident in the SAWP where employers are able to specify the source country and gender
of their workers. This has been used to limit social interaction and increase competition between workers, for example, by hiring men and women who speak different languages to limit fraternizing or hiring two groups of people from different countries and encouraging them to compete with each other (Piore, 1979; Preibisch and Binford, 2007; Priebsch 2007; Preibisch 2010). While such a productivity strategy would not be allowed for Canadian workers who are protected from such blatant separation by race and sex, it is a structural part of the SAWP and yet another example of how migrant workers are abused and exploited by their Canadian employers and the state.

Changes to the TFWP are putting migrant workers at a greater risk of not knowing their rights with the expanded use of the low-wage stream. Prior to 2001, most low-wage migrant workers were in the SAWP, which was regulated by bilateral agreements and used government-regulated recruiters who were more likely to educate their citizens on their rights while working abroad. However, the low-wage stream introduced as part of IRPA relies on private recruitment agencies, which are much less accountable and only three provinces have official, albeit weak, regulations (Tilson, 2009; ESDC, 2015). These third-party recruitment agencies are provincially regulated and only a few provinces have regulations. Even within these provinces, regulations are ineffective at disciplining agencies (Tilson, 2009). Private recruitment agencies make migrant workers pay for the matching service. These workers often have to take out loans to afford the fee and this debt can put migrant workers in a precarious situation. TFWs go into debt to come to Canada which makes them more vulnerable because need job to pay back debt (Gesualdi-Fecteau et al., 2017).

These examples of abuse and exploitation highlight how migrant workers are not being protected by the Canadian government despite official commitments. The risk that
these workers are not aware of their rights increases as their income declines, as many low-wage TMWs have weak official language skills and are awarded the shortest contracts, thus increasing their vulnerability. This risk is accepted by the state who only implemented a compliance review process in 2010, which is not mandatory and gives employers considerable control over the process (Depatie-Pellatier, 2011; HRSDC, 2011). In 2013 regulations were changed so that inspections could be triggered by a complaint (through a new confidential tip phone line and website established in 2014), a suspected high-risk employer or at random. Despite all these changes and a 2014 commitment to inspect at least 25% of firms hiring TFWs, the Office of the Auditor General (2017) found that ESDC “conducted few on-site inspections or face-to-face interviews with employers or temporary foreign workers” (3). While ESDC reported doing thousands of inspections, the Auditor General found these inspections were generally based on reviewing documents provided by employers and the Department had only just started on-site inspections, three years after the commitment to increase inspections. Where on-site inspections had been completed, ESDC had given employers advanced notice and did not interview TFWs (16). There was also no evidence that ESDC had targeted high-risk sectors. Despite having identified workers in low-wage, caregiver and agriculture sectors as being “vulnerable,” there were no inspections of caregiver employers and inspections of agriculture employers only began in July 2015 (14). The Auditor General also found that once ESDC recommended action be taken against an employer, the recommendations could take months to be approved. This weak government oversight wherein government is not inspecting employers or talking to migrant workers is evidence that the federal government’s commitments to protecting these workers is more performance than implementation. This puts migrant workers in a precarious situation, a
fact that is being exploited by their employers as shown in qualitative interviews with migrant workers in Canada (ALFL, 2007; Preibisch and Binford, 2007; Priebsch 2007; Tilson, 2009; Preibisch 2010; Vahabi and Wong, 2017).

A common pathway for workers to learn about their rights is through social networks and peer support (Foster and Taylor, 2015). Migrant workers are less likely to advocate for their rights because they are socially isolated within the community. The social isolation mechanism is a strategy that can be used by firms to control their workers. The low-skilled TFWP and SAWP tend to be used more in rural areas where workers are visibly new to the community and have poor public transit, limiting their ability to visit friends or family in other regions. The high turnover of temporary migrants prevents the creation of a social network within the workplace and can create more individualized relations between labour and management (Piore, 1979). Language barriers can further isolate TMWs if they are unable to communicate with their receiving community or establish social networks (Siemiatycki, 2010; Woo-Paw, 2011; Foster and Taylor, 2013). By nature of being “temporary” the TFWP prevents social cohesion (Foster and Taylor, 2015). It discourages migrant workers from feeling a sense of belonging in their community and creates conflict by differentiating between citizens and non-citizens (Foster and Taylor, 2015). This social isolation is a strategy by employers to discipline their workforce. Basok (2002) found that some employers preferred Mexican workers because they were less likely to know English and therefore, did not question tasks or advocate for their rights. Preibisch and Binford (2007) found that Caribbean workers were being replaced by Mexicans in Ontario, largely because of the greater Caribbean diaspora in the region. This diaspora connected workers to a social network in Canada where they learned about their rights and began advocating for better working and
housing conditions. Because many Caribbean workers spoke English, they were also more likely to interact with residents in the community in social gathering spaces, such as bars or churches. This was disliked and discouraged by employers, who not only revealed racist undertones in their concerns but their fear of having an employee get married and gain citizen rights. This social isolation can increase their dependence on their employer. Access to social resources such as support networks, and knowledge of processes are important aspects of labour rights and are precipitated by community inclusion. Without community support, migrant workers can be exploited without notice or recourse as workers do not have access points to speak to personnel who could provide legal and immigration advice (Foster and Taylor, 2013).

Regulating where migrants live allows employers to monitor their work force and isolate them from the community. Preibisch (2007) found that employers were housing their workers in remote, rural areas and transported them to and from work. This allowed them to monitor their employees and ensure they attended work daily. Until 2014, live-in caregivers, generally women, were required to live in the same residence as their employer, thus eliminating the barrier between private and public life (Elgersma, 2014). These women reported feeling insecure in their living quarters as there was no privacy and some found hidden cameras in their home, increasing their stress and feeling of powerlessness. This made them feel “housed but homeless” as they did not have access to their own space where they felt secure and free (Vahabi and Wong, 2017). This is reminiscent of Foucault’s “hierarchical observation” form of discipline as it can be a form of surveillance that creates a compliant labour force, too scared and isolated to complain (Foucault, 1995: 189).
Another disciplining mechanism used in Canada’s TFWP is the employer-driven citizenship process. Canada’s highly selective immigration system offers few pathways for temporary migrant workers to become Canadian citizen. Some TFWP streams include a promise of permanent residency, a pathway to citizenship, which would allow them greater freedom to choose their employer but this luxury is typically reserved for high-skilled workers, Canada’s preferred type of citizen (Tilson, 2009; HRSDC et al., 2012; May, 2016; OECD, 2016; Oliphant, 2017). There is a specific pathway for Live-In Caregivers (LIC), but they must work 3,900 hours (about two years) before they are eligible to apply (HRSDC et al., 2012).

Low-wage TMWs are generally given short-term work contracts and are monitored to ensure that they return home after their work contract. A regulation of the SAWP requires workers to prove that they have dependents to qualify (Preibisch, 2007). This is a mechanism used by the state to prevent these workers from pursuing relationships in Canada, which is another stream through which migrant workers can become a citizen. While these low-skilled workers are prevented from staying in the country through these regulatory mechanisms, the potential to stay in Canada is a motivating factor for these workers and can silence their complaints in fear of deportation, thus increasing their vulnerability to abuse and exploitation (Tilson, 2009; By, 2010; HRSDC et al., 2012). This is evident in the activism that has arisen in Canada around migrant labour, as migrant activists tend to wait until they have permanent residency before becoming involved (Henley and Shragge, 2010). Temporary authorization is used as trial period “to assess people’s suitability for longer-term employment and settlement” (Goldring and Landolt, 2013). This suitability is based on skill, education, health, and
compliance to employer demands. The TFWP offers PR to some temporary workers but only after a period of employment where employers can decide suitability (Valiani, 2013).

Comparing the processing times of migrant workers coming to Canada to that of migrant workers seeking permanent residency or changing employers is further evidence of how Canada is favouring the use of migrant workers by firms, and restricting their rights while they reside in Canada. High-skilled workers may apply for PR immediately but LICs must work 3,900 hours (about two years) before they are eligible to apply (HRSDC et al., 2012). In 2016 there were 38,000 applications from LICs applying for PR and the paperwork took 49 months on average to be processed (May, 2016). While Canada has slowed down the processing times of permanent residency applications, it has offered policies to speed up the hiring of workers, such as the E-LMO, which promised labour market opinions (now LMIA) would be processed in 20 business days (HRSDC et al., 2012). By both limiting and restricting access to citizenship, the TFWP manages to create a compliant labour force where workers are unable to access rights of citizens or must agree to extraneous employer demands until they can.

As an employer-driven system, employees must please their employers to stay. Nakache and Dixon-Perrera (2015) interviewed current and former migrant workers to learn about their experiences transitioning to permanent residence. While some migrant workers reported having helpful employers, the struggle for employees trying to appease a “bad” employer is exemplified in the following quote:

“Woo-hoo! A release. Because of that feeling, I’m attached to this company, and I cannot move to another company because I want to achieve the residency...And you feel like a slave at some point. I mean, this work, you are not a slave, really, but that
situation that they need you and you need them. They can do extra things, like, abusive things, and you hate that...yeah, abusing, like, “tomorrow you are working Saturday.” And like, come on, we were working Friday up until 12 in the midnight and he wants me to show up 7 o’clock the next morning in another building. So when [I got my papers], I said, “You know what, I’m leaving you! I’m leaving you! I got my papers!” And he was, like, “No, you cannot leave me, you cannot do this!” (Nakache and Dixon-Perrera, 2015, 23).

This quote highlights the captivity these workers feel, as they try to please their employer to gain access to citizenship, and the rights that would allow them to refuse unsafe and exploitative work. In their interviews with migrant workers, Nakache and Dixon-Perrera (2015) did find that some migrants worked for “good” employers and did not find the process so “slave”-like but the above quote highlights how the TFWP as it is currently structured is subject to abuse and exploited as such.

Without citizen rights, if low-wage migrant workers are dismissed, they are effectively deported because of the strict regulations placed on their closed work permit. Basok and Belanger (2016) found that migrant workers in the Seasonal Agricultural Worker Program (SAWP) had been deported for getting sick, refusing unsafe work or raising complaints. While low-wage TMWs are allowed to stay in Canada until their work visa expires, they must find another employer with a positive LMIA to have it renewed. Processing times for TFWs trying to change employers have been described as taking “months” (Tilson, 2009: 24) and workers cannot take another job until their work permit has been changed and are not eligible or able to access government benefits during this time (Tilson, 2009). This considerably limits a worker’s range of options and given the
short time-period of most low-wage work visas, most of these workers are unable to find another employer and are deported to their home country (Rahi, 2011).

Fear of deportation forces workers to agree to employer requests outside the work contract (such as lower wages, working overtime, working in unsafe conditions) as their stay in Canada depends on satisfying their employer (Siemiatycki, 2010). For these workers, deportation means not only immediate dismissal and return to their home country, but also a denial of future employment, making it the “most important technique of discipline” (Basok and Belanger, 2016). While the rate of deportation is low, “the threat of repatriation itself constitutes an effective mechanism of control” (Preibisch, 2010). Migrants have little ability to repeal such dismissals and reasons given can be arbitrary (Preibisch and Hennebry 2012). This is an example of control that Foucault referred to as “normalizing judgment,” where a punishment does not have to be consistently imposed to have an effect. Rather the threat of penalty can have the intended effect (1984: 195).

Government policies further limit complaint by creating punitive policies for employers that harm migrant workers. Initially, firms who were found non-compliant were banned from using the program for two years but this was intensified in 2014 to a complete ban, a fine and possible legal action if employers were found to have broken the rules (HRSDC, 2011; ESDC, 2015; Office of the Auditor General, 2017). Still, a more severe punishment means little if workers are simply going to be deported upon reporting. One example of the disconnect between Canadian policy and the reality of temporary residents was highlighted in the introduction of the “TFW hotline.” In 2009, the Auditor General report found that government officials who are responsible for monitoring and processing the program did not have the authority to confirm a firms’
latter standards compliance without the firms’ agreeing (Depatie-Pellatier, 2011). Rather than changing work permit regulations, the Canadian government introduced a hotline where workers could complain about their working conditions. However, if a worker does complain, their employer is removed from the program. Given the challenges of finding another employer, these migrants are usually deported, which gives them a disincentive to complain (Depatie-Pelletier, 2011; Rahi, 2011). This makes it difficult to leave a negligent or exploitative employer while in Canada and creates a disincentive for TFWs to complain about exploitative working conditions. Still, workers have used the hotline. From 2014 to 2016 ESDC received approximately 3,800 tips about abusive employers. However, less than 20% of these resulted in inspections by ESDC officials (May, 2016), and is further evidence of how the Canadian government has created a vulnerable labour force through weak government oversight.

The heavier burden that migrant workers reporting an employer face is exemplified in the story of Arthur Lorenzo, a Filipino temporary migrant worker who lived in Labrador City, Newfoundland and Labrador. For several years Arthur Lorenzo worked as a cook in a popular, pub-grub style restaurant in a booming mining town in a rural region. He had been recruited to work in Canada through the Temporary Foreign Worker Program (TFWP), which bound him to a single employer who was responsible for his housing. In April 2013 Arthur Lorenzo tipped the Canadian Border Services Agency (CBSA) about the poor housing conditions that he and other temporary migrant workers (TMWs) were living in. The CBSA found that 26 TMWs had been forced to share a five bedroom home without adequate hot water and toilet facilities. These TMWs had been forced to pay $300 each in rent, a collective, $7,800/month, for these accommodations. In April 2014 ESDC announced that the two restaurants and the numbered company
operating them were suspended from using the program. When the company he worked for was suspended from the TFWP, Arthur lost his job and like many Canadians, moved out West to find work. But Arthur wasn’t like other Canadians, he didn’t have citizenship and struggled to find an employer willing to take on the task of hiring him under the TFWP. In 2015 Arthur applied for an open work permit to stay in Canada and continue taking care of his family in the Philippines, but this request was denied and Arthur was deported home in January 2017 (Dunham, 2014; CBC News 2014; Ensing, 2017a; Ensing, 2017b).

Arthur’s story is but one example of how the Canadian government has created a segmented labour force with differential rights through the TFWP, where some workers in Canada are entitled to the full rights and benefits of citizenship and some are not. The complaint-driven system puts the burden on workers to file complaints, which requires knowledge of the system and a willingness to risk being deported (Nakache, 2013). This creates a disincentive to report abusive employers (Stevens, 2009).

Because of the control their employer have over their work and living situation, migrant workers are “both legally and socially homeless in Canada” (Sharma, 2006). This can make migrant workers feel like “captive labourers,” isolated and powerless within the asymmetrical power relations between themselves and their employers (Vahabi and Wong, 2017). Heavy reliance on their employer causes TMWs to endure much of the exploitative and bad working conditions through a self-imposed denial of their right to complain, including working long hours, not being paid overtime, working in unsafe conditions and not receiving medical attention for illness and injuries (Stevens, 2009; Bandali, 2014; Basok and Belanger, 2016). Through these policies, the Canadian government has created a segmented labour force where workers are forced to agree to
employer requests outside the work contract as their stay in Canada depends on satisfying their employer (Basok 2002; Binford 2002; Preibisch 2007; Siemiatycki, 2010; Vahabi and Wong, 2017). The structurally imposed weak bargaining power of TMWs ensures that workers comply to employer productivity demands and self-police compliance so that they may be allowed to continue their employment in Canada (Sharma, 2006; Prebeisch and Binford, 2007; Gesualdi-Fecteau et al., 2017). In the United States, where most temporary migrant workers are undocumented, the lack of citizenship similarly makes workers “useful” as their legal precarity makes them exploitable and cheap (Krestsedemmas, 2012). Restricted citizenship rights and control over the individual’s right to remain in Canada creates a “quasi indentured workforce” (Knott, 2016). Because of their temporary status, TFWs become viewed as commodities for economic growth rather than community members with rights (Foster and Taylor, 2013).
Macro-Control Through Canada in World System

The closed work permit regulated through the TFWP offers TMWs the ability to work in Canada for a minimum wage, and little else. Because of the control that employers are given through micro-control mechanisms, these workers are offered a narrow window into Canadian society. By targeting lower-income countries, the TFWP utilizes Canada’s position in the world system to extract low-cost, obedient labour. This macro-control mechanism allows Canada access to a disciplined labour force without having to allow these workers rights of Canadian citizenship.

The relative difference between wages in the Global North and South is the biggest motivating factor for workers coming to Canada and remittances can be an important source of income for families in the Global South. This has fueled a “globalization from below” of enhanced labour mobility (Cohen, 2006) and in 2016, migrants sent home an estimated US $413 billion in remittances (United Nations, 2017). These resources can increase household income and encourage investment in education, health, housing and infrastructure. However, the potential earnings offered by migration can encourage workers to accept sub-standard working and living conditions and is exploited by high-income countries who create segmented labour forces within their borders for these vulnerable workers (Preibisch, 2010).

Macro-control mechanisms used by countries in the Global North include changing labour supply countries over time to ensure a compliant labour supply (Harris, 1995). If one country’s economy increases so workers begin demanding higher wages or greater rights, firms can just change countries. This allows firms to continue adjusting labour supply as economic conditions dictate, discipline current workers with the threat
of replacement and create a ‘reserve army’ to suppress wage growth. This pattern was found in the SAWP and has been expanded through the Low-Skilled TFWP as firms are no longer limited to countries with which Canada has a bilateral agreement (Basok, 2002; Sharma, 2006; Preibisch and Binford, 2007; Basok and Belanger, 2016). Basok and Belanger (2016) found that employers would bring in a group of workers from a new country and threaten to replace the entire workforce with a different nationality, highlighting how employers were trying to utilize competition to improve productivity. Using this mechanism, employers are able to divide their workforce to increase their bargaining power (Preibisch, 2010). The short-term rotational cycle of the TFWP prevents migrants from learning about and advocating for their rights (Foster, 2012). Because migrant workers feel easily replaced, they are more likely to accept unsafe work (McLaughlin and Hennebry, 2013).

Recruiting the lowest-income workers is another technique used to create a compliant labour force and is evident in recruitment strategies utilized by public and private agencies. In the SAWP workers have to be “landless agricultural workers or land poor farmers” to qualify (Preibisch 2007) and there has been evidence that government recruiters select from the most rural areas and will desist recruitment from certain areas if there are cases of non-compliance (Preibisch, 2007; Preibisch and Binford, 2007). By targeting more rural areas, where people are poorer and have more incentive to move, recruiters are better able to ensure obedience from their workforce (Preibisch, 2007). Preibisch similarly found that Mexican recruiters had employers submit yearly evaluations to determine rehiring criteria. This was another mechanism to ensure compliance and good behaviour. Countries in the Global South like the Philippines have incorporated this transfer of wealth into their public policy and spend considerable resources matching
workers and employers. While government recruitment agencies are expected to protect their workers, the large role that remittances play in their nation’s economy may induce recruiters to overlook poor working conditions and ignore worker complaints in favour of good relations with an employer.

Migrant workers in Canada operate in a grey space in the country’s social, political and economic systems. Their short stay, often in a rural area or in their employer’s house, can make them socially isolated in their new homes. Without the right to vote, migrant workers rarely capture the heart or attention of politicians. As workers, they are forced to pay taxes but rarely receive the benefits of Canada’s social security system. Altogether this contributes to the disenfranchisement of migrant workers, whose vulnerability rises as their income declines making those from low-income countries with weak official language skills the most vulnerable workers in Canada. As this section shows, there are many rules in place meant to protect migrant workers in Canada but these are weakly enforced and subject to minimal oversight. This has real consequences for migrant workers who are forced to work in substandard conditions and have few avenues for recourse since even when they do risk their employment by reporting abuse through the hotline, the government does not intervene. Furthermore, lack of political rights associated with citizenship reduces workers value in the public eye and makes it difficult to seek recourse for exploitation. This highlights how migrant workers are made vulnerable in Canada through regulation and their precarious status in the world system.
Segmented Labour Force

In highlighting the “social role of the job” (53), Piore (1979) uses dual labour market theory to explain a preponderance of migrant workers in jobs that citizens reject. Piore refers to nationality as a type of “union membership” (28) whereby citizens are able to negotiate for better working conditions through collective bargaining, acquiring higher education or simply moving, and are protected from the worst jobs through access to social assistance programs.

Building on the social role of the job, Harris (1995) takes a more historical approach and roots citizen rejection of 3D jobs to the early days of colonialism which transformed the masses from feudal “subjects” to free “citizens” (4). As countries formed into “nations,” the nation-state was created to protect people from the volatility of capitalism but required an identity, a strategy to identify insiders from out. This social homogeneity took the form of physical features, language and dialect, religion, or some combination thereof (Harris, 1995). By instilling a social homogeneity on the nation, the state necessarily created minorities and divisions between groups and reinforced existing ones. In this way, “the nation is essentially a belief system, based on collective cultural ties and sentiments” (Castles and Miller, 2009: 42).

The image of the nation rested on the construction of a ‘social contract’ which included a welfare system to shield its citizens from unemployment in order to continue exploiting their labour such as employment insurance and old age pensions. This social contract demanded loyalty from its citizens and enforced an immobility on its population, as workers who left would lose their safety net (Harris, 1995; Bauman, 2004). The arrival of the socialized state not only identified minorities, it also made those from abroad a
problem and by the 1920s, most industrializing nations had constructed laws to control movement between their borders. While the nation created security for some, it created a segmented labour force where some workers are devalued because of their immigrant status and are given restricted rights within the nation-state. As Sharma (2006: 118) explains, “The making of national space is therefore reliant not only on the construction of physical borders but also on the various social relationships organized through negative dualities.” By structuring difference, the nation-state is able to extract profit out of a cheapened labour force.

The construction of migrant workers as an “other” is related to the rise of nationalism and perceptions of the imagined community, whereby individuals create their identity by excluding others. Drawing on Benedict Anderson’s (1991) “nation-ness” Sharma (2006) shows how it is used to make “migrant workers non-members of Canadianized society” (4). By constructing the nation as a “home” migrant workers are categorized as ‘outsiders’ who are not entitled to the same rights and freedoms as citizens. Within Canada’s multicultural policies differences between race are being minimized but there is increasing focus on protecting “cultural integrity” (Sharma, 2006, 11) and emphasizing differences based on nationhood. This discrimination of immigrants marked as “the other” can be found in the 19th Century when immigrants in Europe were very similar culturally and racially. Even in situations such as migrants from East Germany moving to West, immigrants are treated as other and racialized. While this fact is diluted when cultural differences between immigrants and residents is greater, “a look at Europe’s past makes it clear that the simple fact that the immigrant is an outsider might be the chief factor behind the experience of a difference” (Sassen, 1999: xvi).
While Canada presents itself as a “tolerant” nation, welcome to immigrants, Bannerji (2004) argues that Canada’s multicultural policy has been an administrative device to manage social contradictions within the country and present the nation as a homogenous entity. Bannerji (2004) constructs multiculturalism as “a central pillar” in Canada’s “ideological state apparatus” (96) as it unites the country by creating an Other and by recognizing difference, neutralizes it. This is the “dark side of the nation” that reduces continuing social relations of domination based on Eurocentric, racist and colonial structures. As Sharma (2006) explains, the social homogeneity of the nation has always been a myth and “it is through people’s relationship to the Canadian Self-identity of being White, heterosexual, and male that difference has been structured” (28). By empowering the white, patriarchal dominant culture to the detriment of all others, Canada has taken an active role in the “‘White nation’ fantasy” (Hage, 2000: 18) that allows the dominant culture continued rule over all others while employing ‘tolerant’ multicultural policies. Rather than uniting the population, these policies have actively separated groups into cultural markers, where some cultures are “real culture” (Bannerji, 2000: 51) and the rest are “multiculture, cultures of the peripheries” (51). Hage (2000) argues that this has created an “economy of otherness” (128), where the devaluation of labour performed by those who do not fit the White, male ideal is exactly what gives them value to their employer, as their lower social value makes them more exploitable. By using nationalist tropes to produce racialized differences, the state is able to construct a homogenous non-White immigrant that is allowed to be exploited (Sharma, 2006). Through these state practices, some residents have been created as part of the “National Family” and others as Outsiders (Sharma, 2006: 55). “In this sense, nationalism both organizes and helps to mask racialized forms of difference that organize inequalities”
(Bannerji, 2000: 12). In this way, the Other helps define the Nation and those who identify with such.

Analyzing statements made by Members of the Legislative Assembly in Alberta, Foster and Barnetson (2015a) find remarks that both cast migrant work as good for the competitiveness of the economy and migrant workers bad for the social fabric of community. Foster and Barnetson (2015a) argue this “de-personalization” of international migrant workers is part of the creation of a flexible labour supply and rather than contradictory, these statements are shown to complement each other as it allows migrant workers to be recruited and exploited for their labour. “The narratives are an act of constructing a generic, racialized other to justify state and employer actions designed to advance employer interests” (Foster and Barnetson, 2015a: 125).

To separate these “untouchables” from a nation’s citizenry, the state has created a legal framework that admits immigrants but continues to exempt them from the social benefits of citizenship (Bauman, 2004). Not having citizenship rights is a form of “othering” or segmenting the labour force (Knott, 2016; Castles and Miller, 2009). Immigrants, are constructed through law and policy as “partial subjects” without access to the same rights as the nation’s citizens (Sassen, 2006). Because of their low language skills, weak political leverage and desperation for work, foreign-born workers have historically been vulnerable to exploitation (Kelley and Tribleck, 2010). Cohen (2006) argues that while forms of involuntary labour have always existed within capitalism, they have changed based on the growth of globalization which has created a new underclass of workers. A resurgence of nationalism has increased the regulation of labour in the global North and migrant workers are less accepted, but more assertive, than they have been historically.
Bannerji (2000) defines this as a process of neo-colonialism that has created “hierarchical citizenship” that allows Canada to be imagined as “a homogenous, solid and settled entity, though its history constantly belies this” (73). In this way, whiteness “works as an ideology of a nation-state” (108) and assists with the recruitment and exploitation of imported labour along lines of race and gender. While temporary migrant workers are put in working conditions that would appall a citizen, the control has been unchallenged because the TFWP works within “hegemonic notions of Canadian nationness” (Sharma, 2006: 20), as the use of racialized non-citizens for dirty, dangerous, and demeaning jobs is considered an act of “charity,” rather than an exploitative labour strategy.

Immigration policies have been a mechanism through which the nation-state has been able to organize and regulate differences to create a compliant, cheapened labour force that can be exploited for profit. Sharma (2006) refers to this as “home economics” as it segments the labour force into those who ‘belong’ and those who do not, and allows the state to normalize the use of an indentured labour force. This makes it easier for citizens to accept foreign workers as labourers and exclude them as not part of society. The Labour Market Impact Assessment, for example, helps legitimize the idea that migrants are to be employed only for jobs that Canadians refuse. This is used to construct the segmented labour force, which allots greater rights to citizens, and conceals the disparities between the two groups of workers (Sharma, 2006).

Structuring the labour force through immigration policy is part of colonial capitalist rational-legal domination that uses land-based claims to control international Indigenous population and rationalize the hegemony of non-Indigenous economic and political interests (Day, 2000; Coulthard, 2014). The executive branch of the state tightly
regulated immigration and citizenship to design a domestic labour market that mirrored its legislature and preserved power within the white, male, capitalist section of the population. The Immigration Acts of 1906 and 1910 legislated this policy by only granting citizenship to designated European countries and preserving the power to prevent or control entry of certain migrants and deport those who were suspected communists or socialists (Kelley and Trebilcock, 2010). The SAWP in Canada first began in 1966, one year prior to the introduction of the Immigration Act, 1967, Canada’s permanent resident processing “points system.” This “points system” grants immigrants permanent residency (i.e., permission to legally and freely work and live in the country) based on transparent criteria that assesses and ranks their personal characteristics such as age, education and work experience (Kelley and Trebilcock, 2010). This system received high praise for removing explicit racism from Canada’s immigration policies, but as Sharma (2006) found reviewing debates in the House of Commons regarding these changes, racism was not removed from Canada’s immigration system, it was simply renamed.

The following quote by MP Steven E. Paproski illustrates how parliament was cautious of explicit racism but used pseudoscientific theories of White supremacy to imagine racialized immigrants as backwards and unable to integrate into Canada’s ‘modern’ capitalist system.

“The Cape Breton mountain has laboured and brought forth a West Indian mouse. I would be the last person to criticize, on grounds of race or colour, an immigration policy that emphasized the bringing in of West Indian and Asiatic immigrants. But I do believe it is legitimate to criticize a policy that concentrates on immigrants who, by reason of climatic conditions in their country of origin and by reason of their standards of skill and training, inevitably pose great problems for everyone concerned with their relocation in
a radically different, highly sophisticated, industrialized, urban society such as ours (Hansard, 16 December 1969:2013).” (Sharma, 2006: 86).

Sharma (2006) notes that these discussions on immigration took place at the same time as debates on trade and investment were arising in parliament. While the new economic regime is reducing the role of national governments and national borders, the framework of immigration policy “remains centred on older concepts of the nation-state and of national borders” (Sassen, 1999: 4). As tariffs were being lifted and a new era of free trade was being ushered in to increase competition on the world stage, the greater restrictions on immigration were being used to create an indentured labour force that would increase firm profits. The US similarly created color-blind immigration policies created around the same time, and were met with increased immigration from racialized countries, which led to implementing policies that sought to restrict this immigration in subtle ways (Krestsedemas, 2012).

While the immigration debate never explicitly constructs Canada as a White nation, Canada was able to conceptualize itself as a tolerant state that excluded Others by building national history around the idea that Canada was founded by British and French overthrowing colonizers, thus negating history of colonizing Indigenous people. Through the rise of nationalism the “Canadian-Self” was able to present itself as tolerant and based on protecting Canadians from foreigners, while creating a segmented labour force of racialized workers who have less rights within the nation-state. It was not until the 1967 changes, which explicitly removed nationalized entry criteria, that the word ‘immigrant’ was reframed as a negative social category and a social problem (Sharma, 2006). Sharma (2006) argues the technology of nation-building through immigration
policy was used to legitimize the creation of a compliant labour force that is denied the rights of citizenship.

To legitimize reliance on migrant workers, employers code them with different traits such as being more “reliable” or “productive” than Canadian workers (Fang et al, 2017). Bonifacio (2017) describes how for Filipina workers in Canada, domestic work seems “inscribed” on their bodies (86). Women are often seen as embodying traits that make them naturally docile and willing to serve (Simpson et al, 2012). These traits create migrant workers who are more naturally suited to substandard work and working conditions and conceals the micro- and macro-control mechanisms that are used to exploit these workers. The visible racialized difference of these workers makes them outsiders in the communities where they work and by inscribing certain traits on racialized bodies, community members are able to legitimize the lower status of these workers (Sharma, 2000; Bonifacio, 2017).

Migrant workers are not actually low-skilled but are devalued because of the program (Lowe, 2012; Dorow et al., 2015). Live-in caregivers especially are prone to working long hours without pay. As the requirements for live-in caregivers includes a high degree of education, Vahabi and Wong (2017) found that once employers became aware of workers’ expertise they were expected to apply their skills without receiving higher compensation. Dorow et al. (2015) found that LICs in Fort McMurray were more likely to have postsecondary education than the town as a whole. Through the inscription of menial labour on racialized bodies, migrant workers are actively de-skilled and locked into lower class 3D jobs (Harris, 1995; Bannerji, 2004; Simpson et al, 2012).

It is within this context of White multiculturalism and neoliberal economic policies that Canada’s Temporary Foreign Worker Program operates. While framed as
“temporary,” the long history and expanding use of the program reveals that it has become a permanent solution to recruiting workers for dirty, dangerous and demeaning jobs that citizens refuse. By comparing policy to practice, this paper has shown how Canada’s immigration policy creates a vulnerable workforce that will comply to the poor working conditions in industries that deter Canadian workers. Rather than addressing real short-term labour shortages, the TFWP has become a structural part of the Canadian labour market whereby firms can hire foreign workers who will acquiesce to their demands. This is part of a larger global trend towards the use of migrant workers to provide labour for dirty, dangerous and demeaning work.

Through the TFWP the Canadian government has effectively created a segmented labour force where some workers in Canada are entitled to the full rights and benefits of citizenship and others are not. The expansion and promotion of the TFWP by the federal government in recent years is indicative of a neoliberal globalization policy approach, which allows firms employing a range of skills to quickly and easily utilize this “flexible citizenship” labour force to maximize their profits in order to improve Canada’s “competitive advantage” on the world stage (Sassen, 2006). Through regulatory mechanisms that disenfranchise migrant works, the TFWP “very clearly organizes the cheapness and weakness of those workers brought through it” (Sharma, 2006: 105).
Conclusion

In an era of mass hysteria towards “invading” migrant populations in industrialized nations, Canada appears as a beacon of hope with its inclusive multiculturalism policy and generally positive attitude toward immigration. While its southern neighbour has issued a travel ban on seven Muslim-majority countries, Prime Minister Trudeau set aggressive targets to resettle Syrian refugees in 2016 with a #WelcomeRefugees campaign and despite an influx of asylum seekers into Canada, Trudeau has stood by the current policies in place and has not threatened heavy sanctions or military action as President Trump has. In fact, for many the contrast between Trudeau and Trump presents the illusion that Canada is a welcoming country free of discrimination. Yet, Canada’s welcoming image is largely based on its policies for permanent resident immigrants. When the camera is instead focused on temporary migrants, Canada’s harmonious image blurs.

Reviewing the literature on temporary foreign workers in Canada it is clear that the structure of the program has created an underclass of workers who are vulnerable to employer exploitation. This is particularly true for low-wage temporary foreign workers (including Live-In Caregivers and Seasonal Agricultural Workers) as they are more tied to their employer and have limited pathways to permanent residency. The Canadian state has been a fundamental driver of the segmented labour force in Canada, one for citizens with full rights and benefits, and one for TMWs, a disciplined workforce that is more vulnerable to exploitation and abuse.
A compliant labour force creates vulnerable workers who are more likely to agree to employer requests outside their work contract and suppress complaints. The fear of deportation has been found to encourage people to agree to employer requests outside the work contract (such as lower wages, working overtime) as their stay in Canada depends on satisfying their employer. In Canada, citizenship confers a plethora of rights including human rights, worker rights and the benefits of a social security system. Canadians can “vote with their feet,” leave a negligent or exploitative employer, and pursue recourse through legal channels. Temporary residents, however, are tied to their employer through restrictive work permits, have limited access to economic immigration streams and are socially isolated in their new communities because of language barriers and a tendency to live in remote locations or with their employers. These features are structures of the TFWP that make migrant workers vulnerable to exploitation by their employers.

There is an increased emphasis on the “competitive state” in the global context, which is weakening the foundations of the welfare state. This competitive state encourages a flexible labour market. Immigrant labour is used to achieve labour market flexibility which is central to the inherent volatility of the capitalist economy.

In comparing Canada’s TFWP policy with its real-life practice, it becomes evident that the employment of low-wage migrant workers is not—as advertised—a temporary fix, but instead a is being ‘normalized’ as a long-term business strategy for firms seeking to increase their productivity through greater labour market flexibility. Temporary migrant workers, racialized, unable to speak English or French and recruited from low-wage countries, represent the ideal worker for a firm trying to increase their profits through
labour management as their vulnerability makes them compliant, and they can be easily laid off when production slows.

Canada’s use of the TFWP is based on institutionalizing this labour market flexibility by granting employers pathways to the use of low-wage temporary labour. The history of the program highlights that it rather than a “temporary” fix, the TFWP has been a permanent feature in the Canadian labour market and with new streams, is expanding to new industries and becoming more enmeshed in the Canadian economy.
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## Appendix A

### Figure 1: Population of Permanent Residents and Temporary Foreign Workers vs Unemployment Rate in Newfoundland and Labrador, 1964 to 2017

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### Temporary Workers

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