MARGINALIZING MIGRANTS: CANADA'S RISING RELIANCE ON TEMPORARY FOREIGN WORKERS

ABSTRACT

This article examines Canada's rising reliance on temporary migration to meet domestic labour market needs. The phenomenon is discussed in historical, political and economic contexts. The article argues that temporary labour migration is problematic, and that both migrants and Canada would better be served by renewing the link between migration, permanent residency and citizenship in Canada.

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Economic pressures and employer preferences have long been major forces in shaping Canadian immigration policy. Periods of mass migration have typically been prompted by domestic labour shortages and the need to import immigrants to work in Canada's farms, forests, factories, mines and infrastructure-building projects. Conversely, times of economic downturn and diminished demand for labour have prompted tighter restrictions on immigrant admissions. In short, Canadian immigration policy has often reflected Canada's economic and workforce needs as defined by government and employers.

In recent years, Canada has dramatically increased the number of migrants admitted as temporary foreign workers (TFWs). Is Canada now embracing a "guest worker" model of migration to address its labour market needs? This would constitute a fundamental departure from traditional terms of migration to Canada. In the past, immigration has been an instrument of nation building, with Canada treating immigrants as "citizens in waiting." And the waiting period has been relatively short – immigrants as permanent residents are eligible for naturalization and Canadian citizenship after living in the country for three years. Today, through rising reliance on temporary foreign workers, we run the risk of entrenching an underclass of marginal migrants with limited prospects of permanent residency in Canada. This article examines the drivers and consequences of Canada's rising reliance on temporary migrants. Is this a "just-in-time" migration policy for neo-liberal times?

Temporary labour migration: Then and now

Temporary labour migration programs are not new in Canada. As early as the 1880s, Canada adopted a temporary migration scheme to assure the construction of its greatest transportation mega-project: The Canadian Pacific Railway. While approving the admission of thousands of Chinese labourers to work on the railway's western portion, Prime Minister John A. Macdonald made it clear he was opposed to their permanent settlement in the country. Declaring that "either you must have labour or you can't have the railway," Macdonald nonetheless pledged that following the project's completion, he was committed to "preventing a permanent settlement in this country of Mongolian or Chinese immigrants" (Kelley and Trebilcock 1999: 95).

Not for the last time did Canadian temporary migration programs have a distinctly exclusionary racial dimension. Indeed, such programs have typically been designed to regulate the admission of desperately needed non-White, foreign labour in occupations offering working conditions and wages shunned by the native-born population.

Throughout the 20th century, Canada adopted a variety of temporary migration programs designed to admit migrants from the global south as domestic and agricultural labour. Over the past decade, however, Canada has seen an unprecedented expansion of temporary foreign worker admissions. The growth has been both in numbers of admissions and in the range of occupations covered.

In 2008 (the most recent year for which such numbers are available) Canada admitted 192,519 temporary foreign workers. This is an extraordinary number in several respects. First, it is more than the total of 149,072 permanent residents who entered Canada under the Economic Immigrant Class in the same year. And second, it is *four times* greater than the number admitted as principal applicants under the point system that same year (CIC 2008). In other words, Canada now relies far more on guest

workers than on the point system to meet its labour market needs. Indeed in two provinces – Alberta and British Columbia – the number of TFWs admitted in 2008 exceeded the total of all categories of permanent resident newcomers combined.

Temporary foreign worker admissions in Canada have climbed sharply of late. From 2004 to 2008, temporary foreign worker admissions across the country increased by 71.4%. In the same period, the number of permanent resident, immigrant admissions increased by only 4.8% (CIC 2009).

Canada's temporary foreign workers are admitted to Canada under three distinct migration programs. Each entails constrained migrant rights. The Live-in Caregiver Program and Seasonal Agricultural Workers Program have been in place for several decades. Both seek to fill labour shortages in hard-to-staff occupations. And both programs combine "carrot and stick" provisions to keep migrants on these jobs.

The Live-in Caregiver Program requires selected domestic workers to live in their employer's home. The reason to stay is the opportunity to apply for permanent residency, and ultimately Canadian citizenship, after two years of living and caregiving in the employer's home. In recent years, between 2000 and 6500 live-in caregivers, overwhelmingly from the Philippines, have been admitted to Canada annually (CIC 2009).

The second longstanding temporary migration program has been designed to import agricultural workers for periods typically ranging from six to nine months per year. These migrants sign a work contract in advance, specifying the farmer they will work for and the requirement to return to their homeland (typically Mexico or Jamaica) once the contract expires. Employer evaluations of employees determine whether they will be invited back to Canada under the Program the following year. And while in Canada, government regulations exclude these migrants from coverage under such basic labour laws as collective bargaining legislation, employment insurance, occupational health and safety. Nor are these workers ever eligible for Canadian citizenship, despite the fact some have worked here year after year for decades. In recent years between 16,000 and 18,000 migrant farm workers have been admitted to Canada annually under this program (CIC 2007).

While they are admitted under the longest-running and best-known temporary migration programs, live-in caregivers and seasonal farm-workers accounted for just over 10% of all temporary foreign workers admitted to Canada in 2007. The vast majority of TFWs work in a broad range of occupations stretching from high- to low-skilled. They enter Canada under the third framework in place, the recently expanded Temporary Foreign Worker Program (TFWP).

This polarized reliance on TFWs at the extremes of the labour market has become a common phenomenon in advanced Western states. As Martin, Abella and Kuptsch have observed: "Guest workers tend to be concentrated at the extremes of the job ladder, with more or less education than the average worker in the destination country" (Martin, Abella and Kuptsch 2006: 54).

Canada's experience fits this pattern. In 2008, the last year for which comprehensive immigration statistics are available, 36.7% of all TFWs were skilled (in managerial, professional, technical and trades positions), and 34.2% were unskilled workers (in service, clerical and labour positions). The skill level of the remaining 29% was unstated (CIC 2009).

Why has Canada expanded its reliance on temporary foreign workers?

"Creating the world's most flexible workforce" in Canada

Over the past three decades, neo-liberalism – described by Katharyne Mitchell as "an ideology of world market domination" – has been the pre-eminent approach to government policy across Western states (Mitchell 2004: 12). Canadian immigration policy in particular has bent sharply to accommodate market interests and principles. Immigrants have generally been regarded as economic inputs paying their own settlement and integration costs.

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Since its election in 2006, the government of Prime Minister Stephen Harper has been especially resolute in aligning immigration policies with market and employer interests. Soon after taking office, it introduced a national economic plan titled *Advantage Canada: Building a Strong Economy for Canadians*. The plan aimed to "gain a global competitive advantage" for Canada in five key areas including "creating the world's most flexible workforce" (Department of Finance Canada 2006: 6).

Cabinet ministers in Prime Minister Harper's government have been explicit in promoting a "quicker fix" regime of immigration admission to meet immediate employer needs. In his Budget of February 2008, Canada's Finance Minster Jim Flaherty declared that Canada is committed to establishing a "'just-in-time' competitive immigration system" that expeditiously delivers migrants to jobs where they are needed (Department of Finance Canada 2008). A month later, in the midst of booming economic growth, then-Minister of Citizenship and Immigration Diane Finley told CBC Radio: "Everywhere I go I'm hearing the same thing: that employers are looking for skilled workers and unskilled workers and they need them now" (*The Current* 2008).

For the Government of Canada, the solution to the country's labour shortages lay in expediting and expanding the admission of temporary migrants. As then-Minister of Human Resources and Social Development, Monty Solberg stated in late 2007: "Canada's New Government is taking steps to improve the Temporary Foreign Worker Program so we can help ease some of the pressures businesses face when dealing with labour shortages" (HRSDC 2007).

The Canadian government took several steps to expand the TFW Program. The length of eligible stay for unskilled TFWs was extended from 12 to 24 months. In 2007, Temporary Foreign Worker Units were opened in five cities across Canada to expedite admissions. Regional Occupations under Pressure Lists were established, identifying high-need occupations for quick entry. British Columbia's list, for instance, contains 237 different occupations ranging from high tech and professional to unskilled manual and service work.

By early 2008, temporary work permits were taking just 32 days to process (Keung 2008a: A18). This compares with 4-5 year wait times for permanent resident applications. In turn this reflected the government's commitment of staffing resources to temporary over permanent resident applications. It was by design, not accident, that – as noted earlier – far more newcomers were admitted to Canada as TFWs in 2007 than as Economic Class permanent residents.

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Significantly, applications under the TFW Program are employer – not migrant – driven. This of course is unlike the protocol for permanent residents, who file their own applications to settle in Canada. Conversely, it is employers who apply for temporary migrants to be admitted to Canada for employment. Both symbolically and practically, the employer takes ownership of the temporary foreign worker's admission to Canada.

After posting a job vacancy for just seven days, an employer can apply to bring in a temporary foreign worker. Applications are approved if filling the position is deemed beneficial to the Canadian economy. Unasked is whether the problem facing employers is a shortage of labour or shortage of wages being offered to attract workers in Canada.

Indeed, temporary migration programs may well be the means to avoid having to improve working conditions and wages in order to attract sufficient labour. As Kerry Preibisch and Luz Maria Hermoso Santamaria have noted: "Research on migrant workers underscores how labour-importing states use temporary visa programs to create and maintain a pool of highly exploitable and socially excluded workers" (Preibisch and Santamaria 2006: 109).

The economics of temporary labour migration

A recent study of migrant labour in the global economy contends that abuse of migrant labour "is not only widespread but is part of the structure of key industries in the global North" (Shelley 2007: 6). This reflects the highly polarized nature of contemporary advanced economies. As early as 1990, the Economic Council of Canada in a landmark study characterized the economy as divided between "Good Jobs, Bad Jobs." More recently, Jim Stanford and Leah Vosko have noted that intensified global competitiveness and corporate profit goals have unleashed renewed efforts to contain and reduce labour costs in the Canadian economy. The objectives of Canadian business and governments, they state, have been the creation of "a more disciplined, hard-nosed labour market, with employers better able to hire and fire as they wish, with workers who are committed to being compliant, and with strict limits on compensation levels" (Stanford and Vosko 2004: 13).

The creation of such a labour market is state-constructed. Over the past 20 years, a variety of government measures have contributed to this weakening of labour's leverage: cuts to social assistance and employment insurance, erosion of collective bargaining and employment standards legislation. The rising reliance on temporary foreign workers has been – in Canada as elsewhere – an important means of achieving labour flexibility and cost containment.

Temporary foreign worker programs create an entire stratum of vulnerable workers. These are workers who typically have no right to switch employers or jobs, whose stay in Canada depends on the employer being satisfied with their work conduct and performance, who know little about Canadian labour laws, may not speak English or French, are often socially isolated during their stay here and must leave the country when their work permits expire.

Much has been written about how these dynamics adversely affect workers in Canada's longest standing temporary worker programs for agricultural and domestic workers. As noted earlier, however, the vast majority of temporary workers in Canada today are employed beyond these "traditional" temporary labour sectors.

Several recent reports paint a troubling picture of the work and living conditions now awaiting TFWs in a far broader occupational spectrum. Space does not permit elaboration here of the poor and sometimes illegal wages, housing, health and safety conditions these migrants can experience in Canada. Suffice it to cite the headline of a story published in *The Economist* in November 2007 titled: "The Temporary Foreign Workers Pouring into Canada are Often Exploited" (*The Economist* 2007).

What future for temporary foreign workers in Canada?

The bubble of great expansion of temporary labour migration into Canada may now have burst. The deepening economic downturn underway since late 2008 may reduce labour shortages,, and therefore demand for "just-in-time" foreign workers. Yet there are reasons to believe demand from employers for TFW may stay strong.

Some occupations do lack sufficient domestic labour. This is especially true in skilled manual trades in the construction, oil and gas sectors. Additionally, a slower economy may entail greater pressures on employers to cut operating costs. And TFWs at the lower skill end of the labour market can be a more pliable – or in the words of *The Economist*, a more exploited – workforce whom employers may wish to continue deploying.

And what of the 201,057 total stock of temporary foreign workers who were in Canada as of December 2007? (CIC 2008). Most will see their work visas and legal right to remain in Canada expire soon. Will Canada become the confirmation ground of the European truism that "there is nothing more permanent than a temporary foreign worker"? Faced with the choice of "going underground" to continue working and living in Canada, or returning to poorer homeland economic prospects, many temporary migrants in Europe opt for the former. Canada's non-status population may be about to surge as many two-year visas issued under the expanded Temporary Foreign Worker Program come up for expiry.

This is an apt time to re-think Canada's approach to labour migration. Canada has historically done well linking migration to Canada with citizenship acquisition. This has been poorly handled through the TFW Program. In 2008 the Canadian government announced that *some* TFWs would be eligible to apply permanent residency and ultimately naturalization under a new "Canadian Experience Class."

Unfortunately, class distinctions loom large in this pathway to citizenship. It applies only to skilled migrant workers – typically professional and managerial – rather than to semi- and unskilled. Additionally, there is a cap on the number of TFWs who can become permanent residents under this provision. Only 8,000 openings are available to the close to 400,000 temporary foreign workers and foreign students currently in the country. Interestingly, as of late 2008, only 210 applications had been received for permanent residency under the Canadian Experience Class (Keung 2008b). This low figure may be due to several factors: poor promotion of the Canadian Experience Class by government to migrants; difficulty of TFWs acquiring the two years of work experience required for eligibility; or disinterest among highly educated TFWs with high human capital in permanently settling here.

It is precisely the TFWs ineligible to apply for permanent residency (the less skilled) who are more likely to be enthused by permanent residency and citizenship in Canada. Generations of Canadians have become citizens through the sweat and dedication they have contributed to Canada. Today's semi- and unskilled temporary foreign workers deserve the same opportunity.

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