

Migrants in temporary worker programs: North America's second-class citizens

EXAMINING MIGRANT WORKER PROGRAMS

The United States and Canada both use temporary migrant worker programs (TMWPs) as part of their labour market and foreign policy strategy. Canada's Temporary Foreign Worker Program, which includes the bilateral Seasonal Agricultural Workers Program (SAWP) that brings over 11,000 Mexicans a year to Canada, is often held up as a model program. If temporary worker programs are going to be on the policy agenda, it is worth examining them closely.

Canada has dramatically stepped up the use of TMWPs. According to Citizenship and Immigration Canada's 2007 edition of *Facts and Figures*, in 2007, 165,198 temporary workers entered the country. Adding this to the 137,105 temporary workers already in Canada brought the total to 302,303 temporary workers present in Canada that year. Figure 1 illustrates the consistently high number of and share represented by foreign workers among temporary residents in Canada, as well as the sharp recent increase in this entrance category, which is roughly equivalent to the US "visa worker" category. Canada is not unique in this increasing reliance on temporary migrant workers (TMWs).

Supporters argue that (1) TMWPs give countries like Canada a way to manage labour demands in critical sectors while overcoming the limitations of an immigration system that favours highly educated applicants but creates shortages of "low-skilled" workers; (2) that temporary workers benefit migrant-sending countries through remittances and skills transfer; and (3) TMWPs offer a safe and legal alternative to undocumented migration.

Critics, however, argue that temporary worker programs create a vulnerable class of workers with few opportunities

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for skills transfer, and may do more to encourage dependency rather than sustainable development. Although temporary workers in Canada are more secure compared with undocumented migrants in the United States, they are still vulnerable. The critics are right and empirical research confirms the vulnerability experienced by the workers.

PRECARIZACIÓN OF WORK

TMWPs must be understood in the context of policies aimed at managing cross-border migration and broader trends associated with globalization that contribute to the precarization of work (*precarización* in Spanish works best). Such trends include the deregulation of employment standards, eroding social protection for workers and their families, declining unionization, and the shift away from the mythical "norm" of the standard employment relationship—which are all occurring on a global scale.

Temporary contracts, part-time work, unpredictable schedules, and limited benefits are becoming the new norm for highly paid consultants as well as lower paid temp workers. These features of employment apply to jobs in competitive sectors where jobs can be shipped overseas (for example, call centres), as well as to non-competitive, mainly low-wage occupations where jobs must be situated locally (for example, caregiving jobs). Temporary migrant workers are found in locations and sectors with labour shortages, such as nursing. They are also used to fill jobs that native-born workers do not want to take at prevailing wage levels or working conditions. Moreover, "low-skill" TMWPs channel workers into highly racialized occupations with growing concentrations of visible minority workers.

One noteworthy trend evident across countries that import temporary workers is the proliferation of TMWPs tailored to the needs of employers in specific sectors/occupations. The Canadian Temporary Foreign Worker Program now enables employers to bring workers into a widening range of occupations such as bait worm collector, tree planter, forklift operator, computer programmer, oil sands driller, cleaner, childcare worker, and eldercare worker. There is great variation in the regulations and arrangements surrounding the pro-

grams. Programs that recruit high-skill workers often allow family members to join workers and offer workers a path to permanent residence, options denied to those filling low-skill occupations.

Whether by design or accident, rising temporary migration is increasing the number of vulnerable workers, particularly in less regulated occupations. In addition, TMWPs are contributing to the number of people with irregular or precarious migratory status in Canada. The rise of these programs may further erode labour protections and social safety nets already experiencing strain, something of concern to *all* workers regardless of citizenship and migratory status.

INCREASING VULNERABILITY

The federal government claims that temporary migrant workers are covered under the same federal and provincial labour standards as Canadian workers. In practice, however, temporary migrants cannot exercise their rights in the same ways as citizens for various reasons, including: language barriers, lack of information, geographic and social isolation, lack of transportation, fear of employer reprisal, and dependence on their employer for both permission to remain in Canada and future employment. This leaves temporary workers highly vulnerable to abuses in the labour market and at the hands of unscrupulous immigration consultants. Numerous media reports link unregulated third-party recruiters to corruption, exploitation, and fraud, including “selling” work permits abroad, charging exorbitant fees to migrants or employers, and providing misinformation regarding the proposed type of work, potential wages, or immigration status.

This regulatory lapse is exacerbated within the already weak governance structure of TMWPs in Canada. TMWPs are part of Canada’s federal immigration policy, yet they are managed jointly by two federal departments and are governed by provincial statutes with regard to employment standards, labour, and health. When problems are brought to the attention of federal officials, respon-

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sibility is often deferred back to provincial and municipal levels of government as a form of buck passing. Much abuse of migrant workers goes unchecked because of the lack of federal accountability and regulation. At the federal level there is no protective legislation aimed at temporary migrant workers. Provincially, only Manitoba (which only employs a fraction of Canada’s TMWs) has legislation pertaining to temporary migrant workers, leaving most migrant workers in the country outside of these protections. The Canadian government is not alone in shirking responsibility for migrant rights. Sending-country governments are also complicit.

HEIGHTENED HEALTH RISKS

Temporary migrant workers are vulnerable to heightened health risks. The Low-Skill Pilot Project (LSPP) and the SAWP channel temporary migrant workers into sectors with notably high injury rates. TMWs employed in agriculture are particularly vulnerable to health risks for several reasons: they work during months associated with high rates of disease transmission; engage in unprotected and untrained use of pesticides, fertilizers, and farm equipment; and face significant communication barriers.

Poor, unregulated, and crowded housing further increases risks of com-

municable disease transmission (for example, tuberculosis). In the SAWP (where housing is provided by the employer) there are no guidelines with respect to housing capacities, proximity to pesticides, access to clean drinking water, proper ventilation, etc., and workers are not typically covered by provincial landlord and tenant law.

Low-skill temporary migrants across all sectors are vulnerable to health risks because of limited access to health-care services and insurance. With the LSPP there is a three-month probationary period, during which TMWs have no access to Canadian public health care. During these months, employers are to provide private health insurance to workers; however, migrants often lack information regarding the coverage or how to use it.

Many walk-in clinics, particularly in rural or remote areas, refuse to recognize private insurance. Private insurance policies require migrants to pay up front for any medical visits or treatments, after which they can claim reimbursement. As a result, most migrants postpone medical visits or treatment. If TMWs are injured while working, they are dependent on employers to provide access to health coverage and Workers Compensation Board claims. Because there are no exit health-screening procedures and no followup health examinations upon return to countries of origin, illnesses and injuries often go untreated.

Temporary worker programs are increasingly popular across Europe and North America, and in numerous sending countries. As the new US administration and other governments consider immigration policy, it is critical they not forget temporary migrant worker programs. Although these programs offer employers control and flexibility and workers an improvement over unauthorized border crossing, from the perspective of employment standards, and the rights and health of workers, they erode security and increase vulnerability. As long as temporary migrant workers remain legally unequal to other workers

finance including the International Monetary Fund, World Bank, and World Trade Organization, but it has largely stayed on the sidelines. This stance has been consistent with China's interests: a peaceful and stable international system allows its leaders to focus on their domestic challenges. Domestic priorities of job creation and rapid growth have been served well by macroeconomic policies that promote growth and stability, including monetary and financial policies that stabilize exchange and interest rates. At the same time, this policy stance exacerbates international imbalances as measured by China's nearly \$2 trillion war chest of foreign exchange reserves. The leadership recognizes that growth driven by investment based on the cheap capital generated by its monetary and financial policies is unsustainable. Capital and other input prices are subsidized and overused, generating regional and rural-urban income inequality and dangerous levels of pollution and emissions. The leadership also recognizes that the other side of the problem is inadequate US savings.

OVERHAULING INTERNATIONAL INSTITUTIONS

So far the imbalances are being dealt with through bilateral consultations. The International Monetary Fund has not been a player, in part because of mistrust built up during the Asian financial crisis a decade ago and in part because of its outmoded governance structure. China's clout in the institution is not commensurate with its economic significance. Similarly, the G8 lacks legitimacy because it is increasingly unrepresentative. The "8 plus 5" model for including China, India, and others in part of the meetings has outlived its purpose. The G20 is inclusive but probably too large to work effectively.

Overhauling the international institutions should be a hallmark of your presidency. You could signal in 2009 that the stand-alone G8 meetings should end with the current cycle (in Canada in 2010) and be replaced by a more repre-

sentative forum. Making the G20 a permanent leaders' meeting rather than a crisis management mechanism is one option. Creating a G14 (the least disruptive option but unrealistic in that smaller economies continue as members) is another option; a revamped G8 in which membership reflects economic significance measured at market exchange rates is another. This option would be disruptive. Yet if you delay such changes you could see China turn to an Asian regional group.

Overhauling the WTO is another priority. It will require very careful consideration. As a new WTO member, China has not been an active participant in the Doha Round of trade talks, arguing that it had already made many unilateral concessions in order to gain membership. Along with India, the EU, and the United States, it became an accessory to the breakdown of the Doha Round in July 2008, over disagreements about concessions in agriculture. Your election promises to evaluate trade in the interests of American workers could come back to haunt you if China does the same

as it copes with the disappearance of jobs in its export industries.

Handling this increasingly important relationship will take considerable patience and effort. Your commitment to pragmatic and respectful relationships with foreign powers will be a big plus. Realize too that if things go wrong in China, the consequences will spill over into the international system. You will also have to deal with American fears and concerns. China will not be a multi-party democracy any time soon, but already there is greater intra-party democracy and efforts to engage civil society groups in a controlled way, as well as experiments with political reforms in certain parts of the country.

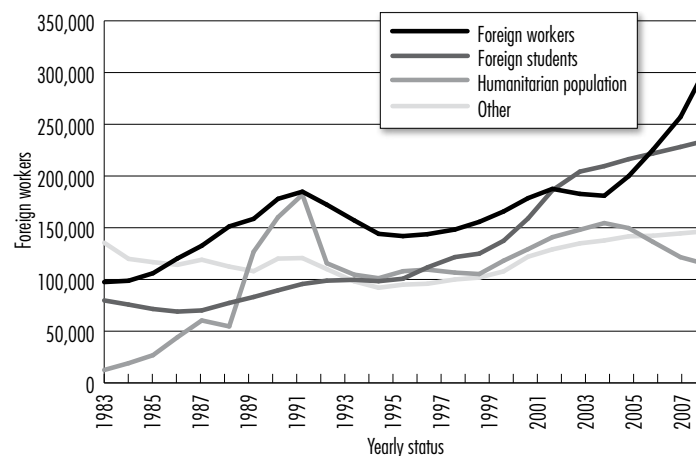
China's leaders and people will respond well to your habit of treating people and governments with respect. The stage is already set for rising bilateral disputes and conflicts because of the growing bilateral interdependence and the external imbalances that have built up in the past decade. But the chances of managing them increase when both countries behave as equals. ❀

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and have few if any pathways to permanent residence, it is unlikely that their situation will improve. As policy debates continue, analysts will look for "best practices," of which the Canadian model is constantly touted as an exemplar. Rather than accepting this assessment uncritically and continuing to operate

under the assumption that less regulation or deregulation is good, it is important to examine Canadian TMWPs and other visa programs critically, to identify and implement policies and regulations that reduce vulnerability and increase health and security for all. ❀

FIGURE 1 Canada—Temporary Residents by Yearly Status, 1983 to 2007



Source: Canada—Temporary residents by yearly status, 1983 to 2007. Facts and Figures 2007. Ottawa: Citizenship and Immigration Canada. <http://www.cic.gc.ca/english/resources/statistics/facts2007/temporary/01.asp>.