

Temporary worker programs: North America's second class citizens

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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 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 U.S. “visa worker” category. Canada is not unique in this increasing reliance on TMWs.

Supporters argue that TMWPs give countries like Canada a way to manage labour demands in critical sectors while overcoming the limitations of an immigration system which favours highly educated applicants but creates shortages of “low-skilled” workers; that temporary workers benefit migrant-sending countries through remittances and skills transfer; and that the programs 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 for skills transfer, and may do more to encourage dependency rather than sustainable development. While more secure compared to undocumented migration to the United States, temporary workers in Canada 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 de-regulation 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. They apply to jobs in competitive sectors that can be shipped overseas (e.g. call-centres) as well as non-competitive, mainly low-wage occupations where jobs must take place locally (e.g. care-work). Temporary migrant workers are found in sectors and locations 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 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, and child and elder care worker. There is great variation in the regulations and arrangements surrounding the programs. Programs that recruit high skill workers often allow family members to join workers and 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, poor 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 the “selling” of work permits abroad, charging exorbitant fees to migrants or employers, or 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, responsibility is often deferred back to provincial and municipal levels of government as a form of buck passing. Much abuse of migrant workers goes unchecked due to 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 Workers Program (LSWP) 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.

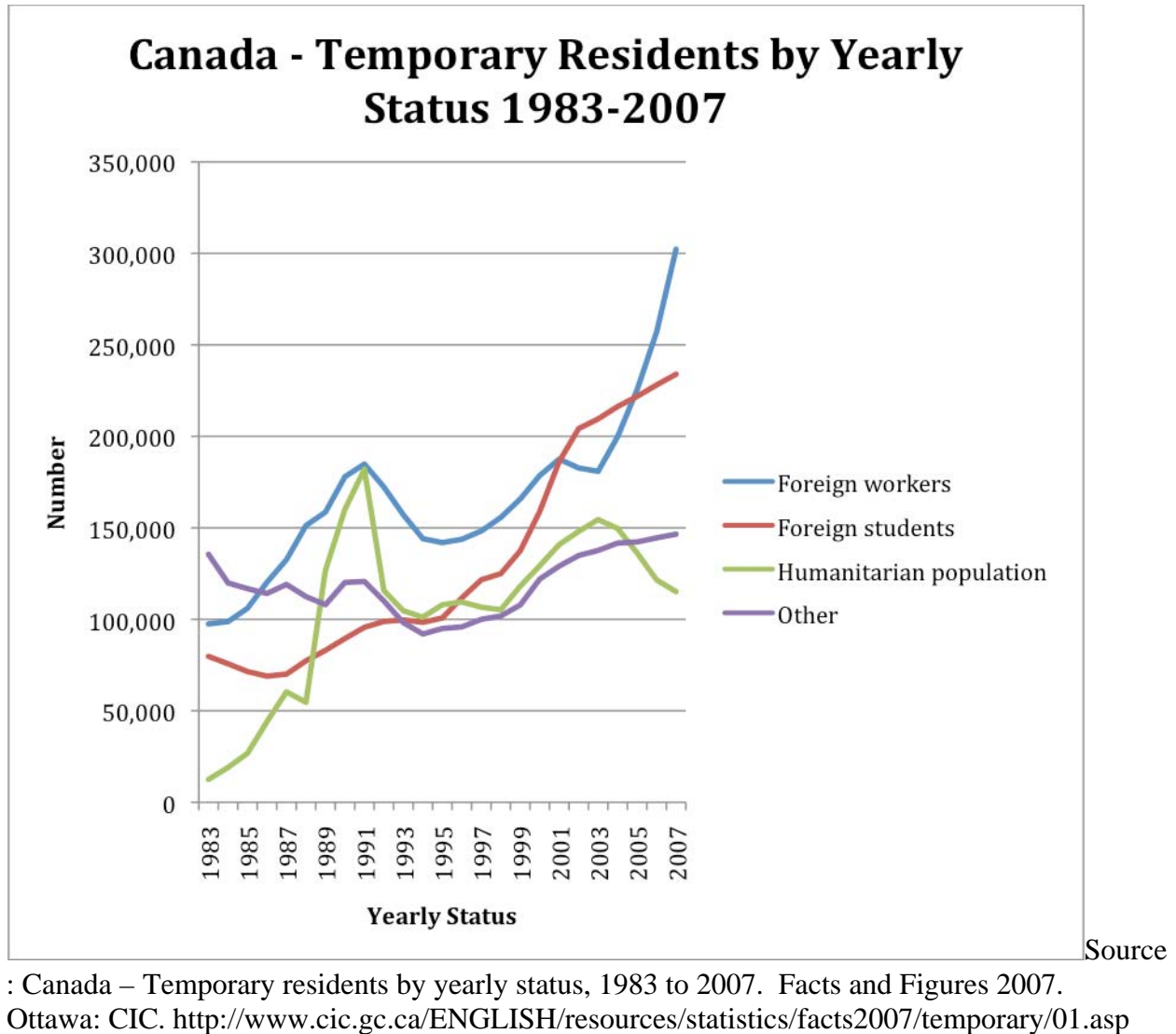
Poor, unregulated and crowded housing further increases risks of communicable disease transmission (e.g. TB). In the SAWP (where housing is provided by the employer) there are no guidelines with respect to housing capacities, proximity to pesticides, access to clean drinking water, proper ventilation, etc., and are not typically covered by provincial Tenant Law.

Low-skill temporary migrants across all sectors are vulnerable to health risks due to limited access to health care services and insurance. With the LSWP 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 Workplace Safety and Insurance Board claims. Since there are no exit health-screening procedures and no follow-up 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 numerous sending countries. As the new U.S. administration and other governments consider immigration policy, it is critical not to forget temporary migrant worker programs. They offer employers control and flexibility and workers an improvement over unauthorized border crossing. However, from the perspective of employment standards, and the rights and health of workers, these programs erode security and increase vulnerability. As long as temporary migrant workers remain legally unequal to other workers 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 uncritically and continuing to operate under the assumption that less regulation or deregulation is good, it is important to examine the Canadian TMWP 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. Facts and Figures 2007.
Ottawa: CIC. <http://www.cic.gc.ca/ENGLISH/resources/statistics/facts2007/temporary/01.asp>