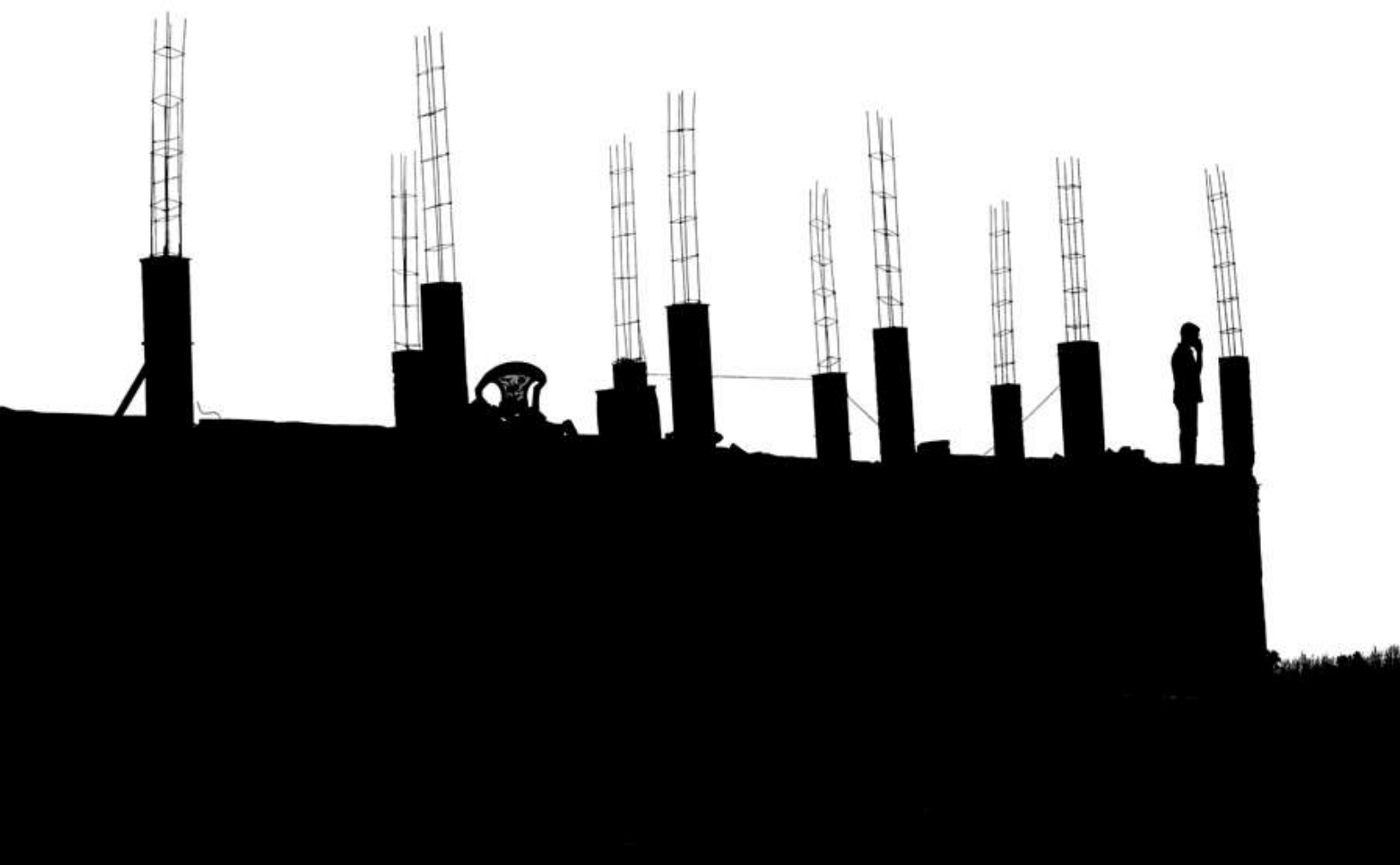

Building Migrant Precarity

Employment, Citizenship & Skill in Toronto and London's Construction Sectors

Working Paper

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The paper contents are based on preliminary research involving the regulatory mapping of trade, employment, immigration and construction industry patterns between 2000 and 2014. This was followed by key stakeholder interviews with labour, trade union, advocacy and industry representatives.

SUMMARY

In Toronto (Canada) and London (UK), migrants compose a significant proportion of both the high and the 'low-skill' building workforce.¹ This is particularly evident in the residential sector (new house-building and renovation & repair). Non-residential work on commercial, industrial and institutional projects tends to offer safer, more secure and permanent employment. Yet chains of subcontracting, temporariness and labour migration in some areas of non-residential building have produced employment conditions that mimic those in the residential sector. 'Migrants' refer to persons who do not have national citizenship in the UK or Canada, such as 'temporary workers', refugees and asylum seekers, recent immigrants, EU and non-EU economic or labour migrants, and 'posted workers'. Precarity in this report refers to the disproportionate social risk borne by populations who experience insecure employment and less than full citizenship. We use scare-quotes around the skill to bring attention to the ways that skill hierarchies devalue the labour of workers considered 'low-' or 'unskilled'.

The regulation of employment, immigration and skill have undergone transformations in the UK and Canada within the past decade that are re-shaping migrant composition and incorporation into building labour markets. In particular, the legal temporariness and mobility of migrant populations has intensified. While workforce mobility has been systemic for construction tradespersons in the UK and Canada, a culture of training disinvestment and 'short-termism' combined with booming building industries have created skills and labour shortages.² Alleged labour shortage crises have put pressure on regulatory bodies to produce workforce mobility and flexibility for employers,³ while leaving unaddressed a lack of access to permanency and security in Canada and the UK for 'low-skill' labour migrants. Immigration policy governs low-skill labour migration on a *temporary* basis, but this does not eliminate the building industries' long-term need for workers who can perform difficult, dirty 'brunt work'. Migrants' temporary legal status serves to appease nativism while providing employers with extreme labour control.⁴

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This paper explains how the intensification and transformation of migrant precarity has occurred through three patterns, as follows, drawing comparisons between Toronto and London.

- **Patterns of employment deregulation** have hollowed-out residential building workers' security through high rates of subcontracting, temporary agency employment and false self-employment.
- **Emergent immigration regimes** insert migrants into and restrict their mobility within new divisions of labour according to skill, origin, race and citizenship status, while curtailing access to various social provisions like health, education & training, employment benefits, etc.

- **Uneven skill, training and sector regulation:** Patchwork, jurisdictionally inconsistent systems of employment informality exist alongside standardized, compulsory qualifications & training systems which pockets of dangerous and insecure work have emerged (ex.: repairs & renovations).

Why focus on Toronto and London?⁵ Urban construction sectors in North American and Western European cities deserve more attention from labour researchers and advocates, particularly because they rely on vulnerable workforces. Construction labour markets have undergone changes which are poorly documented. Both cities are important nodes in the global capitalist economy, where real estate and construction industries are major urban growth engines. Construction employers rely on migrants and mobile populations at a systemic level. Mobile workers and migrant workers are integral to remote, resource extractive construction zones as well as those in large metropolises. While workers do not experience insecurity everywhere alike, the forces and frameworks that produce mobile and migrant worker insecurity are certainly interrelated.⁶

While wages⁷ offered in the manual construction trades have been steadily rising compared to wages in other areas of male service and manual work,⁸ wages as well as non-wage conditions of work are uneven. For migrant workers in the UK, existing research shows that “new foreign nationals” (what we refer to as ‘migrants’ here) are paid considerably less per week on average than UK nationals (either born in the UK or having resided there for more than ten years).⁹ Anecdotal, researchers and advocates are aware that workers without the legal right to work in the UK and Canada are extremely vulnerable to wage violations, occupational or trade segmentation and poor working conditions in construction.¹⁰ Reliable data sources on migrants in the construction workforce in Canada and the UK do not exist. Some research estimates indicate that while migrants are a smaller proportion of Britain’s construction workforce (available sources indicate a range of 4-8%), they are anywhere from 18% of London and the South East to 37% of Greater London’s construction workforces.¹¹ In Toronto, there is no reliable data on migrants as a proportion of the construction workforce. Estimates vary widely.¹²

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This pattern is not unique to Toronto or London. Construction booms around the world have been and are reliant on migrant labour. In the US for example, the share of immigrants and migrants without legal status (ex.: known as ‘unauthorized immigrants’) working in construction grew to 14% of the entire construction workforce in the US by 2005.¹³ Nor are construction employment-related vulnerabilities new to Toronto and London’s building trades. During pre- and post-war eras, construction employers were highly reliant on male (internal and international) migrant and immigrant populations. Italian immigrants made up one-third of Toronto bricklayers in the postwar decades. In 1960, five Italian immigrant men working on the Hogg’s Hollow Project in north Toronto were killed on the job while digging a tunnel. They worked under poor working conditions and lacked labour

recognition.¹⁴ These events spurred organizing drives by Italian-Canadian workers across the city, spurring the formation of a unique regulatory labour relations model for Ontario construction.¹⁵ Fast forward to Christmas Eve day 2009, four migrant workers were killed and a fifth seriously injured when their swing stage collapsed as they worked for a restoring subcontractor on a Toronto high rise.¹⁶ Restoration work is performed in small crews and requires high levels of skill, yet the work is often underpaid and dangerous.¹⁷ Poor working conditions for migrants are often found at the end of subcontracting chains. In this case culpability for the fatalities lay with the main contractor, Metron Construction, a large general contractor.

In London, many Irish migrant workers who traditionally worked in the construction trades returned to Ireland amidst a construction boom there. Migrants of Eastern European origin began filling their place, particularly over the past decade as construction growth cycles have peaked and ebbed in the city.¹⁸ Historically, militant forms of organizing among construction workers propelled improvements in labour relations, job security and occupational health and safety protections in construction.¹⁹

Economic volatility in the construction market is well-known, as the construction industry is particularly sensitive to peaks and troughs in the economy at large. Driven by consumer demand sensitive to interest rates and fuelled by cheap credit, the construction industry through the 2000's has made remarkable recoveries after falling from pre-2008 highs.²⁰ While prefabrication and technical innovations are changing the industry, overall, construction is place-based, labour cannot be outsourced, and tasks are non-uniform, limiting labour saving technology's reach. Since 2008, fiscal policy in Canada and England has focused on spurring growth by maintaining low interest rates and encouraging private home ownership and building activity. The booming and deeply unregulated repairs and renovations industries, particularly in London, are symptomatic of debt-fuelled housing consumption.

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Heads of state are worried about real estate and household consumer debt. Yet those at the bottom-rungs of the construction industry who produce and maintain housing shoulder risks related to financial crises in the built environment, though their well-being and role in the process is not adequately understood or considered. While the boom-bust tendencies of both contemporary western real estate sectors and their associated credit and debt markets have been well-documented in recent years,²¹ crises in these markets have historically had acute knock-on effects in residential and commercial construction sectors. When construction markets experience a sharp contraction, as they did in 2008, migrant construction workers around the world are typically treated as disposable workforces. Globally, the ILO wagered that five million construction workers lost their jobs. Migrants in building sectors in the US, Singapore, Russia, and Dubai – to name only a few examples – were disproportionately affected by job losses in construction.²² While it is beyond the scope of the paper to delve

any deeper into global economic dynamics of construction labour markets and the formation of precarious work conditions therein, it is an important backdrop to consider in relation to the regulatory shifts identified here.²³

This paper and the broader research project of which it is part reflects our interest in developing a network of academics, activists, workers, service providers and policy-makers working to foster fair, decent and secure work in the construction trades. The paper should be used as a platform to identify and contest the policies and patterns that produce social and economic vulnerabilities for construction workers, including the distinct ones that migrants face.

Im/migration Regimes, Citizenship & Labour Migration

Migrants are incorporated into precarious work in Toronto and London's construction sectors in similar ways, at least insofar as there are no specific labour migration programs or streams to funnel migrants as 'cheap workers' into the lower end of the construction trades. Federal or national immigration systems are, however, heavily shaped by labour market objectives, with the UK and Canadian governments encouraging economic- or skill-driven immigration streams while limiting humanitarian immigration streams, constricting 'low-skill' migrants' labour mobility and their access to social supports and benefits as a means of migration deterrence. In spite of the deterrence objective, during times of economic crisis these mechanisms have not curbed migration to the UK and Canada but have made migration more dangerous and desperate. Further, low-wage labour market demands remain strong, whether in services like cleaning, health or domestic work or in the trades or agriculture. Immigrants and migrants can face greater pressures to find and accept this work. In cities like Toronto and London, there is also disturbing evidence indicating that government agencies use non-immigration enforcement powers to conduct immigration enforcement by targeting migrant construction workers (ex.: urban non-work sites where migrant construction workers meet before and after work). Unsurprisingly, these efforts push migrants into even greater insecurity as they seek to avoid any contact with government.

London

Britain's building workforce is overwhelmingly male (98%) and white, with construction workers composing a "large section of the manual working class in 21 century Britain".²⁴ Still, international and internal labour migration has been a long-term feature of the construction industry, especially in Greater London and the South-East. Existing research (based on imprecise data) estimates that migrants are anywhere from 18% to 37% of Greater London's construction workforce.²⁵ 'Migrant' building workers include EU as well as non-EU migrants. They primarily fill labour gaps in lower-skilled jobs, with most entering as labourers in subcontracted employment chains. Nonetheless they fill approximately one third of skilled building jobs, though they rarely attain managerial positions.²⁶ A boom in the Irish economy through the 2000's created strong demand for construction workers in Ireland, which is believed to have lured tradesmen home. This created pockets of labour shortages whereby UK construction firms turned to Asian and Central and Eastern European migrant workers to greater degrees, quickly refashioning the composition and modes of incorporation of migrants in London construction.²⁷ Prior to the 2004 and 2007 'amnesties' that regularized EU A8 and A2 migrants' status in the UK, labour migrants from Eastern Europe were also crucial to London's building activity.²⁸

A8 labour migrants in Britain were required to register under the *Worker Registration Scheme* (WRS) from 2004 to 2011. Notably,

those registered as ‘self-employed’ were exempt from mandatory WRS registration. This exception drew more migrants into construction. The WRS was a migration management tool to control migrant access to social services and benefits, as well as allowing the government to monitor A8 migration.²⁹ Indirectly, it served to track and funnel migrants into low-skill jobs in labour shortage industries like construction. According to WRS applications, A8 migrant workers in construction and manufacturing were particularly hard-hit by the 2008 economic crisis. A proportion of the A8 migrant population was considered part of the unauthorized population in the UK because their visas had expired and had not been renewed under the WRS. Because much of the employment by A8 nationals in construction is known to be self-employed, WRS statistics were not representative of the full portrait of A8 migrants working in construction.³⁰

The issuing of self-employment certificates to building workers – itself paradigmatic of employment deregulation in construction since the late 1970’s – has intersected with labour migration policies that served to meet construction employers’ demand for migrant workers. Because many Eastern European (A8 & A2) migrants gained greater labour mobility by registering as self-employed, whether genuinely self-employed or not, migrant workers were concentrated in sectors like construction. As such, migrants are exempt from many of the benefits and contributions that direct employment provides.³¹

In a study involving 20 Polish construction migrants in London, research participants were shown to work primarily in high-end residential building (new construction and renovations & repair).³² By 2007, amidst a home-refurbishment boom, London had the second largest concentration of WRS registered workers in the UK, at 15%. Many entered construction as ‘unskilled labourers’, though the research sample showed that Polish migrants were often able to ‘move up’ skill levels over time. Even though they may have no existing construction skills, Polish migrant workers were perceived by employers – in this research – to be more ‘malleable’. We imagine that this pattern is not unique to these 20 workers but is commonplace among new migrant populations entering construction work precisely because they do not have labour market mobility or access to social supports and are highly motivated employees precisely because of that.

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More generally, labour migration in the UK is highly stratified by skill level and EEA/non-EEA origin. Migrants are stratified into a “hierarchy of rights” defined by distinctions in skill and origin.³³ At the top are higher skill labour migrants. Under the Points-Based System (PBS), the migration of high and highly skilled (Tiers 1 & 2) non-EEA workers to the UK has been encouraged, while the low-skilled immigration from outside the EEA has been limited. In building trades, non-EEA migrant workers are predominantly located in higher skill trades³⁴ while low-skilled work is slated to be filled through EEA labour migration. Priority for PBS migrants is assessed according to

‘shortage occupations’ defined by the Migration Advisory Committee, which intermittently updates a list of labour shortages.³⁵

Research shows that migrant workers without legal status are more likely to be exploited and paid less than other workers.³⁶ Further, undocumented workers are more likely to work on small construction sites, which are pervasive in London’s construction market.³⁷ Some employers took advantage of undocumented construction workers in the post-2008 context by cutting wages and travel/housing allowances.³⁸ Many are employed by labour contractors, known as gangmasters in the UK, and, while gangmaster recruitment in construction is well-known, it is currently excluded from provisions under the Gangmaster Licensing Act (GLA).³⁹

Several anti-immigration dynamics in UK politics and policy at large serve to reinforce the insecurity that lower-wage migrants face in the UK labour market and in their everyday lives. As mentioned earlier, in the name of uprooting false self-employment in construction, worksite inspectors are known to have ethnically profiled (or targeted) A2 migrants working on London Olympics construction sites. Inspectors reportedly resorted to identifying and penalizing A2 migrant workers rather than their employers when faced with complicated subcontract chains where identifying employers was difficult.⁴⁰ Finally, two new pieces of recent UK legislation, the Immigration Act and family migration rules, serve to exclude migrants in the country from basic forms of social provisioning, such as housing and health care, effectively separating lower-wage migrant families. The legislation encourages the xenophobia it is based on while pushing migrants into greater insecurity.⁴¹

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Toronto

As in the London case, Toronto’s construction sector has historically been reliant on internationally and internally mobile workforces. For the past decade, with purported skills shortages in the trades, the Canadian government has responded by expanding international labour mobility programs vigorously. Only recently has the government acknowledged how disinvestments in training have produced skills shortages. Migrant tradespersons of all skill levels are formally recruited to work on construction sites in Western Canada, both remote and urban, under the Temporary Foreign Worker Program (TFWP) and the Federal Skilled Worker Program (FSWP). Under permanent streams, such as the Federal Skilled Worker Program (FSWP), the construction industry across the country has recruited nearly 100,000 international ‘professionals’ between 2005 and 2009 to work in construction, such as engineers, supervisors and construction mechanics.⁴² Under temporary work schemes, migrants might include workers or students already in the country or qualified construction workers arriving from outside Canada. Between 2005 and 2009, 42,500 temporary workers entered Canada under the TFWP in the construction industry. Numbers of TFW’s in construction peaked in 2008 and again in 2012.⁴³

Depending on their occupational skill level and immigrant program, various levels of rights to live and work in Canada are extended to migrants (ex.: labour market mobility; spousal/family admittance; etc.). While few construction employers in Ontario have relied on the TFWP to fill labour needs relative to the size of the entire construction workforce, Alberta & BC employers have done so (see Table 1).⁴⁴ Construction workers recruited under the TFWP, at least where LMIs are required, are predominantly working in Alberta (Employment and Social Development Canada, 2013).⁴⁵ To hire new workers through TFWP in a compulsory trade (see page 19), employers are required to work with local apprenticeship offices, called Red Seal offices. However, to hire TFWs in a voluntary trade, employers decide themselves how to assess international certificates and skills.⁴⁶ Data showing that construction employers rely on migrant workers more heavily in voluntary trades shows they may be inclined to do so because they are less regulated (the exception to this is steam- and pipefitters).⁴⁷

Table 1: Number of TFW positions on positive Labour Market Opinions (LMOs) in construction⁴⁸				
	2009	2010	2011	2012
Canada	6,220	6,530	8,840	18,820
Ontario	1,035	1,060	1,100	1,795
Alberta	2,865	4,235	4,755	11,130
BC	890	660	1,470	2,645

Recently, rising numbers of young Irish workers have begun migrating to work in Canada, facing high unemployment in Ireland. Many have found construction jobs in Toronto through renewable work holiday visas, known as International Experience Canada (IEC) visas under the TFWP.⁴⁹ Approximately half of the 58,000 IEC migrants to Canada in 2012 were Irish, while annual quotas for Canadian IEC permits issued to Irish migrants to Canada have increased each year.⁵⁰

Toronto's construction employers are more likely to turn to new immigrants and persons who lack residency and/or work status rather than recruiting workers via the formal and now expensive TFWP process. These include, among others, newcomers like migrant professionals who arrive in Canada cannot find work in their field, TFWP migrants whose visas/status has lapsed, and refugee claimants.⁵¹ There are no unreliable statistics on this diverse workforce. In 2004, it was estimated there were 9,000 undocumented workers in the GTA construction industry, while a 2010 report placed the number at 100,000 "underground workers" in the GTA workforce.⁵² In the early 2000's, new housing orders were backlogged for up to two years, with some employers turning to informal networks to find workers. Employers and unions called on the federal government to provide an amnesty for workers without status who had become critical to city-building. Industry experts, contractors and unions recognize that construction in the residential housing sector in Toronto would be impossible without this segment of the workforce.⁵³

More formal proposals in 2004-2005, led by Toronto-based undocumented workers with trade union membership, sought to create avenues for legal labour migration and more secure citizenship status for undocumented workers in the construction industry. The plan to regularize construction workers' status based on their importance to the Toronto industry was rejected by the federal government in 2006.⁵⁴

A study on Brazilian immigrant construction workers in Toronto describes their work as temporary, informal, 'survival work' for newcomers, who experience de-skilling and are offered little opportunity for advancement.⁵⁵ Our preliminary research with migrants shows that male migrants turn to Toronto's construction sectors via informal recruitment networks, attracted to more favourable wages than those available in other entry-level service sectors. Toronto's construction employers are anecdotally known to use the TFWP to regularize migrants' status, rather than to recruit workers.⁵⁶ The recent implementation by the federal Canadian government of a cumulative duration rule – colloquially known as 'the 4 and 4 rule' – puts hard limits on temporary worker visas, including construction trades. Those who cannot meet requirements to gain permanent residency when four year visas expire will be pushed out of the country or underground.

Deregulating and Re-Regulating Employment

Neoliberal employment deregulation and re-regulation have produced pockets of vulnerable workers and insecure working conditions in the construction industry, in both London and Toronto, particularly as they relate to social, economic and immigration status. These forms of deregulation compound one another, namely:

- The rise of false self-employment where the self-employed “take all the downsides of self-employment and none of the upsides of employment” (similarly, cash transactions and other forms of employment informality also place workers at the margins of what protections exist for directly employed workers);⁵⁷
- Extensive subcontracting chains and fragmented supply chains where labour is provided through recruiters, agencies and contractors with little direct employment of skilled/unskilled tradespersons as well as ambiguity as to who bears responsibility as ‘employer’;⁵⁸
- Eroded employment protections due to ‘internal’ or self-enforcement models that make it challenging for vulnerable workers to report dangerous working conditions or employment standards violations, as well as funding cuts to inspectorate/regulatory agencies.

At the same time that such parallels exist, London and Toronto’s construction labour markets diverge substantially when observed through the lens of employment regulation. For example, the City of Toronto and the Government of Ontario are bound by project agreement rules that exclude non-union construction contractors from bidding on government project tenders. While there are pressures in Canada to dismantle these policies, such provisions do not exist in the UK, and indeed, collective agreements in the UK are voluntary rather than statutory.⁵⁹ Inequalities and conflicts between migrant and non-migrant construction workers are more exaggerated in the UK where an extremely flexible, ‘light touch’ approach to labour market regulation reigns. Yet this has not precluded construction employers in Canada from violating or side-stepping collective agreements in ways which discriminate against migrant construction workers. Moreover, in Canada like the UK non-migrant construction workers perceive that migrants are ‘taking’ so-called ‘Canadian jobs’. This serves to deepen a sense of ‘us vs. them’ between migrants and non-migrants across national, linguistic and racial/ethnic lines.⁶⁰

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Self-employment is cheaper for employers, allowing them to circumvent employment premiums. When they are classified as self-employed, building workers can lose social, wage and benefit protections that are otherwise part of the wage relation. In the UK this means they are not paid for holiday and sick pay, do not contribute to National Insurance (NI) and pension programs, are exempt from collective agreements, and not covered by employment protections (ex.: against unfair dismissal). Through self-employment, Ontario employers can circumvent mandatory contributions to pension, employment insurance and worker compensation insurance contributions.⁶¹ The effects of self-employment in construction

aggravate already dangerous and weak working conditions as they exempt workers from employment standards protection and formal training opportunities, encouraging de-skilling. In both jurisdictions, self-employment rates are quite high and have become relatively embedded in the industries, rates which grew dramatically throughout the 1980's and 1990's.⁶² Self-employment rates in construction are considered signs of labour market flexibility for employers rather than indications of building workers' entrepreneurialism or autonomy.

Contractors have coped with the risks of the boom-bust character of Canadian and UK construction industries through subcontracting, wherein the risks of business are downloaded onto workers. Subcontracting has historically been used to circumvent unionization and collective agreement obligations.⁶³ Building supply chains mean that general contractors are typically "hollowed out" companies, only directly employing managers, surveyors and administrative staff, while tradesmen, labourers and mechanical plant workers are subcontracted to the contractor by trade specific companies.⁶⁴ Broadly speaking, this has created a regulatory milieu where it is unclear who the employer is and therefore who is responsible for workplace provisions. While subcontracting provides greater flexibility, fragmentation is often the case as different 'tiers' of subcontractors are unaware of work being conducted elsewhere within the same project, even though they may be working side-by-side. Indeed, writing in 2003 on the UK's construction industry, Mark Harvey argued that since the 1970's "[r]elative chaos became the norm".⁶⁵

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In the next sub-sections we describe in greater detail these patterns as they pertain to each city.

London

Subcontracting is a long-standing feature of UK labour relations in construction.⁶⁶ Subcontracted workers were frequently pitted against unionized building workers from the beginning of the postwar period. Labour disputes often revolved around labour-only subcontracting. The fact that subcontract workers were frequently ethnic minorities heightened xenophobic tendencies within the trade union movement. Subcontracting remains a systemic feature of the deregulated character of the industry, consistent with the tendency towards cost-cutting.⁶⁷ As well as labour subcontracting, the more recent rise of self-employment in the UK has propelled the decentralization of the industry, with 89.9% of construction firms having fewer than 10 employees and 46.4% of firms employing only one person.⁶⁸

Rates of self-employment in UK construction are at "levels that have made the construction industry a massive aberration".⁶⁹ Self-employment has risen dramatically in the past thirty years, marking a major shift in the industry since 1979.⁷⁰ As early as thirty years ago, the majority of construction firms directly employed their workers. As of 2008, the self-employed as a proportion of the construction workforce was higher than 50%. This ratio is higher than any other

industry in the UK, including sectors where self-employment is practical (ex.: taxi driving), as well as a higher ratio than any other comparable construction industry (ex.: rates of less than 25% in other Western European countries). In most cases self-employed tradespersons work alongside those directly employed, with some sites being made up of 100% self-employed workers. Out of approximately 750,000 individuals classified as self-employed for taxation purposes in the UK, it is estimated that 58% of these are falsely self-employed. False self-employment is presumed when it surpasses 25% of the workforce or a particular worksite, since not everyone on a worksite can necessarily be their own self-directed boss or operator.⁷¹

Specialist payroll companies advise and help construction firms change their workers' status from employee to self-employed subcontractor.⁷² To gain the status of self-employed, construction workers can apply for Construction Industry Scheme (CIS) tax certificates from the UK's HM Revenue & Customs agency.⁷³ Employers use incentives to push their workers to apply for CIS cards.⁷⁴ Self-employment is intimately linked to productivity and skills shortages. Since it severs the employer/employee relationship, it undermines employers' obligation and capacity to train and organize new workers and new skills.⁷⁵

False self-employment is found among "the most vulnerable and exploited". Indeed, "much of the recent rise in false self-employment can be attributed to the influx of migrant labour from the new member and accession states in Europe", particularly Bulgarian and Romanian (A2) migrants.⁷⁶ Until January 2014 when A2 labour market restrictions were lifted, Bulgarian and Romanian migrants could circumvent these restrictions by registering as self-employed.⁷⁷ Already barred access to numerous social supports, self-employed status also makes them ineligible for many employment protections. In a key 2008 study, available data bore out this pattern.⁷⁸ While the self-employed as a proportion of the construction workforce were 38% of all construction workers, 46% of construction workers who were foreign nationals with more than ten years in the UK and 53% of newly arrived foreign nationals were self-employed.

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There have been 2,800 fatalities from on-site injuries in construction in the past 25 years, making it one of the most dangerous industries in Britain.⁷⁹ More than a thousand workers injure themselves each month. While only 5% of the British workforce, construction fatalities consist of 27% of fatal injuries and 10% of reported injuries among the overall occupational fatality and injury data. Since 1982, the rate of fatal injury per 100,000 workers has fallen, and there has been a general reduction in the rate of injury to construction workers since 2004-5.⁸⁰ In 2012-13, there were 39 fatal injuries to construction workers, twelve of which were among the self-employed. The bulk of fatal injuries among the British workforce are in construction.⁸¹

Available data analysis indicates that while migrants are a small proportion (4-8%) of Britain's overall 2.3 million construction workforce, between 2002 and 2008 they accounted for 17% of work-related deaths in construction. These risks were elevated on small sites where migrant construction workers predominate, among Eastern European workers who were under 40 years of age and working in London.⁸² In response, the UK Health & Safety Executive (HSE) led a 12-month outreach campaign in 2010 to raise occupational health and safety (OHS) awareness in London specifically with this population, targeting Polish, Gujarati and Romanian workers (25%, 8% and 5% of the UK migrant construction workforce, respectively).⁸³ Migrants' higher occupational health and safety risks is related to language barriers, fears about citizenship and legal status, poverty (the need to hold on to their job in the absence of social supports), temporary and seasonal work stints, and fewer qualifications and training checks by employers.⁸⁴ Yet the HSE has recently undergone major funding cuts of 34-35% as part of the Coalition government's deregulatory project, the Red Tape Challenge.⁸⁵ Enforcement fees are now charged by the hour to businesses by the HSE for inspections following OHS incidents (reports, injuries, fatalities, etc.)⁸⁶

Toronto

Self-employment is estimated to be around 34.7% of Toronto construction workers, compared to 40% of the total construction workforce in Canada and 16% of Toronto's total workforce (across industries).⁸⁷ This share is substantially higher in residential repair and renovation and lower in ICI and civil construction.⁸⁸ As a leading industry group noted, the "ability of contractors to improperly style their workers as 'independent operators' (i.e., sub-contractors), rather than as employees", significantly enables "underground practices".⁸⁹ Contractors who classify their employees as independent operators gain a competitive advantage over competitors which can range from 20-50% of labour costs. 'Independent operators' (self-employed workers) made up 82% of those working in the residential construction sector, while they are 13.5% of those working in the ICI sector. Self-employed contracting is higher in some trades (painters, drywallers, floor coverers, etc.) than in other trades like electrical and mechanical trades.⁹⁰ Employers can take advantage of non-status workers through self-employment,⁹¹ allowing them to circumvent some employment protections.

A combination of factors underscores the extent of the false self-employment: (1) the rising share of the self-employed in the construction workforce when new sales taxes (GST) have been introduced, during economic recessions, and when employment conditions are poor (see Table 2); (2) rising cash purchases during economic recessions; and (3) interest rate levels in relation to spending on residential construction (repairs & renovation and new building). Up to a half of the underground economy in the Ontario construction industry is in the residential construction sector.⁹²

Table 2: ‘Independent contractors’ as a proportion of Ontario’s construction workforce

1989	11%
1999	24%
2009	22%

Various mechanisms to re-regulate self-employment and the ‘underground economy’ in construction are underway. Underground operators may obtain building permits but do not submit a notice of project to the Ontario Ministry of Labour (MOL), such that the MOL and its inspectors cannot enforce workplace requirements on these sites. The ‘Dean report’ – a 2010 Ontario health and safety regulatory review – advocated for information sharing between municipal building permit issuers and the MOL through the Ministry of Municipal Affairs and Housing (MAH).⁹³ Another attempt has been to include independent operators under mandatory Workplace Safety and Insurance Board (WSIB) contributions, which began January 1st 2014.⁹⁴ These new rules are geared towards addressing lost government revenue and to include compensation to workers regardless of self-employed status. The unionized ICI construction sector heavily supported the implementation of these measures since they saw the WSIB exemption as providing a strong cost-cutting mechanism for competitors. Yet the impact of the new rules on the residential renovation sector is not as strong because of a provision which exempts homeowners from requiring proof of WSIB coverage and from liability for unpaid WSIB premiums related to work on their property.⁹⁵

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While this promises to begin resolving the non-reporting of income and lost government revenue,⁹⁶ *it is less clear how effective these new regulations will be in protecting vulnerable workers.* Immigrant advocacy groups argue that, from workers’ perspectives, work in the underground economy is not a means of tax evasion but means of coping with high labour market barriers.⁹⁷ Self-employment and other informal work can offer those without the legal right to work a source of income.⁹⁸ Their limited choices and subordinate position in labour markets means they are particularly vulnerable to exploitation by employers and these re-regulatory measures do not address this problem. At worst, information sharing between federal government agencies and WSIB is concerning in the light of combined inter-jurisdictional efforts between the Canada Border Services Agency (CBSA) and Ontario Ministry of Transportation, which targeted non-status construction workers for immigration-related issues under the pretext of commercial vehicle safety inspections.⁹⁹

The City of Toronto is bound by project agreement rules (also known as fair wage rules or ‘closed shop’ agreements), the city with oldest fair wage policy in Canada.¹⁰⁰ Until 2012, the Canadian federal government was also bound by fair wage laws.¹⁰¹ Fair wage policies in Ontario are under attack.¹⁰² These are strongly opposed by non-union or no-strike unions known as ‘open shop’ contractors and

industry players who argue that fair wage laws drive up the costs of construction and ‘exclude’ non-union workers.¹⁰³ Fair wage policies predominate in the non-residential (or ICI) sector (primarily because most residential building today is contracted privately rather than by Canadian and UK governments). Therefore the majority of ICI are presumed to be unionized and protected by fair wage laws. While the purpose of fair wage regulations serves to push non-union contractors to pay higher or better wages to construction workers, not exclude them, in effect fair wage policies do create wage inequalities between non-union and union contractor workforces as non-union contractors simply avoid government construction contracts, the obligation to pay higher wages, and conduct low-wage business elsewhere.¹⁰⁴

Ontario’s Employment Standards Act (‘the ESA’) and its occupational health and safety legislation (‘the OHSA’) rely on self-enforcement through voluntary compliance models which require individual complaints to be lodged with the government. This matters for non-unionized construction workers who rely on these employment protections in lieu of collective agreements. The OHSA has undergone a review process to ameliorate OHS provision after four immigrant construction workers were killed and a fifth injured in a swing-stage fall in Toronto in 2009 (‘the Dean review’). Between 2005 and 2010, annual averages of workplace fatalities in Ontario have ranged from 73 to 101, with thousands of serious injuries.¹⁰⁵ During this period there were annual averages of between 16 and 27 deaths in construction in Ontario, the highest of any sector. According to 2010 statistics, 68% of these are caused by falls. Critics have called for more proactive enforcement and expanded investigations in higher risk sectors like construction, since the rise of precarious work conditions since the 1970’s mean that the self-enforcement model is inadequate in meeting OHS goals.¹⁰⁶ The self-employed are exempt from the ESA and only recently included under the OHSA.¹⁰⁷ Key recommendations from the Dean review include targeted outreach to vulnerable communities; a new provincial Chief Prevention Officer position; information in multiple languages through posters, websites, and call centers; heavier investigations of employment brokers who prey on undocumented workers; and better coordination with the federal government on TFW concerns.¹⁰⁸ There are proposals for the MOL to develop mandatory entry-level training for construction workers and that mandatory fall protection training for workers working at heights be prioritized. Some of these recommendations have been implemented.

Declining and Splintering Unionization

As noted earlier, substantial differences exist in the UK and Canadian approach to industrial relations in construction and labour market and employment standards regulation. It is clear that the decline of unionization in construction in both countries is connected to a reliance on migrants in non-union pockets of the industry. On the other hand, union locals like Toronto's LiUNA Local 183 have a strong immigrant member tradition, and a relatively high proportion of non-status and immigrant members.

London

Unionization rates in construction have diminished substantially in the UK.¹⁰⁹ High levels of self-employment in construction have spurred this process in construction.¹¹⁰ Skill levels in collective agreements have weak relationships to qualifications, such that employers have little respect for the “currency” of skill grading under working rule agreements.¹¹¹ In general, construction labour occupies an “extreme” position within UK's industrial relations with low rates of worker participation in representative organizations, most workplaces existing without any representative organization committees, high numbers of hours worked per week, and low union density.¹¹²

Collective bargaining agreements for electricians and engineers in construction are, again, exceptions to the erosion of collective bargaining and unionization described above. The *National Agreement for the Engineering Construction Industry* (NAECI) has been called an effective mechanism for ensuring that construction engineering in the UK is formally regulated, that workers under it are protected, and that it is respected as a qualification.¹¹³ While the NAECI is not formal and technically voluntary under UK law, it has operated on a ‘good faith’ basis over the long-term.¹¹⁴ Engineering construction “remains one of the few remaining bastions of direct employment, collective agreements, and shared project procedures”.¹¹⁵ Construction engineers are 70% unionized,¹¹⁶ and their skills are highly valued and respected. Mechanical and engineering trades, especially those employed on large projects such as power stations and oil refineries, are exceptional among building trades in this regard (in contrast to the residential sector where trades are much less regulated, less unionized, and ‘low-skill’, with some exceptions, such as shopfitting).¹¹⁷

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Nonetheless, there are signs that the integrity of the NAECI collective agreement is being undermined by industry practices which have pitted unionized British engineers against non-union, lower wage “posted workers” from elsewhere in the EU on British worksites.¹¹⁸ Since adherence to the terms and conditions in construction collective agreements is voluntary,¹¹⁹ in interpreting the European Posted Workers Directive (PWD) – designed to provide “posted” migrant workers with standards of employment equal to those as apply to host country citizen-workers – UK lawmakers have looked to

minimum legal standards as a baseline migrants' wages and conditions rather than the voluntary standards established under collective agreements.¹²⁰ Consequently, the inequalities between 'posted' migrant and non-migrant construction workers have grown, and outright labour disputes between them have flared, as in the 2009 engineering construction strikes.

Another pattern that has served to erode unionized construction workers' job security is widespread blacklisting by UK construction employers. Some large construction companies have used blacklisting practices to exclude workers with political and trade union connections from finding work, punishment for raising health and safety concerns around asbestos, for example. Though it is not new, blacklisting was only brought to public attention in 2009. The Information Commissioner's Office (ICO) found that police officers were providing information on workers to blacklist companies. Construction workers had complained about suspect blacklisting over several decades.¹²¹ Evidence pointed to collusion between the state and industry over decades against organized labour.¹²² Redress for those affected through Employment Tribunals as well as new anti-blacklisting legislation¹²³ can only be described as a band-aid approach to redressing and curtailing these practices.

Toronto

Canada's construction collective bargaining frameworks are unique, with regulatory rather than representational functions reflecting the transitory nature of construction workplaces and its workforce. In Ontario, for example, in the industrial, commercial and institutional (ICI, or non-residential) sector, collective bargaining units are certified on a provincial scale. Workers are represented by a provincial bargaining agency, while employers can form employer associations.¹²⁴ Early provisions introduced in the 1960's to Ontario's construction labour relations organized the general contractor/builder first, such that subcontractor employees were subsequently covered under collective agreements.¹²⁵

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However, this centralized regulatory model of unionization in construction has been chipped away. Approximately 30% of the Canadian construction workforce is covered by collective agreements, a rate which has remained relatively even since 1997 and which matches the national workforce's union density rate at large.¹²⁶ Construction union rates vary widely by province, from 47% in Quebec to 20% in Alberta, with Ontario's union rate hovering around 30%. Steep declines in union density in construction in Canada occurred through the 1980's and 1990's. Unionization in construction is mandatory only in Quebec, where labour relations are still centralized.¹²⁷ Engineering and the institutional, commercial and industrial sub-sector of Ontario's non-residential ICI sectors have much higher rates of unionization. Conversely low-rise residential construction is predominantly non-union in most parts of Canada. Repair and renovation work is mostly non-union in Canada.¹²⁸

Anecdotal and preliminary evidence from this research points to low-wage, difficult and dangerous work being particularly embedded in repairs and renovation sub-sectors in Toronto, particularly in residential sectors and to some degree non-residential ones.

At the same time that unionization rates have declined, new construction unions have gained ground. The Christian Labour Association of Canada (CLAC) is a 'no-strike' union characterized by right-wing populism, with a vision of 'freedom of association' akin but not identical to right-to-work provisions. CLAC's membership has risen in construction in Ontario, Alberta and BC in particular.¹²⁹ Excluded under the terms of project agreement rules from union-only contract bids, the Canadian Construction Association, Merit Canada, and CLAC are active in lobbying against such rules.¹³⁰

Unionization rates in Toronto are lower than the Ontario rate, averaging 22.4% between 2010 and 2013.¹³¹ Toronto's construction trades union landscape is unique, with the oldest fair wage rules in the country and a largely unionized low-rise and high-rise residential building workforce, except repairs and renovation workforce, which is largely non-union.¹³² The largest construction union local in North America by membership – Labourers International Union of North America (LiUNA) Local 183 – has a GTA membership roughly 50,000 strong, and is known to organize undocumented workers.¹³³ With around 85% of LiUNA's Toronto locals historically composed of immigrants – a figure that has fallen to around 65% as the children of immigrants enter trades – LiUNA has worked towards finding permanency in Canada for members who are migrants.¹³⁴ As an immigrant-led local with a relatively strong role in the residential (high- and low-rise) sector,¹³⁵ it is estimated that approximately 10% of its membership is composed of persons who do not have national citizenship.¹³⁶

Uneven Skill, Trade & Sector Regulation

Uneven trade, skill and training regulation also play a role in producing employment-related vulnerabilities in the construction trades, for migrants as well as non-migrants, as well as shaping the ways and trades where migrants find work. Precarity is endemic in the residential sector in comparison with the non-residential sector. There is a clear skill hierarchy which prevails between these two key sectors.¹³⁷ Workers in the residential sector are more invisible, face high degrees of informality (ex.: lack of employment contracts), frequently lack union recognition, are likely to have false self-employment status, and more likely to have precarious legal status. Even across 'low-skill' categories of work – for example, labourers – those in non-residential construction activities such as large infrastructural and commercial worksites fare better than labourers in residential repair & renovation. Of course, there are still problems in these areas of work with regards to job security and safety for migrants as well as other workers, yet they are considerably weaker in residential work. One way that this occurs in Toronto is through the distinctions between compulsory and voluntary trades. Compulsory trades are distinguished by standard forms of training and qualification in Ontario, while voluntary trades are not. These factors are all linked to the pervasive trend towards disinvestment in training and apprenticeships.

London

Overall, the UK construction trades are disproportionately classified and regulated as 'low-skill', and are guided by a skills framework that is preoccupied with output rather than a strong qualifications system. Recruitment and employment in many building trades are characterized by low unionization rates, informal training and a poorly functioning vocational, educational and training (VET) and apprenticeship systems.¹³⁸ Apprenticeship systems in the trades imply a "system of skills reproduction [where there is] employer responsibility for the acquisition of skills of young workers".¹³⁹ Vocational training has been highly eroded since the 1980's. Previously 'contract compliance' regulations ensured worker training was borne by employers through building contract tenders. This helped maintain the reproduction and qualifications of building skills, the costs for which were partly met by employers. Contract compliance rules were removed.¹⁴⁰ Employers' failure to train and qualify workers adequately has resulted in lack of skills development and recognition in crucial areas of modern building technology, such as prefabrication, concreting, steel-fixing, floor-laying, dry-lining and finishing. In the UK, no formal skill status exists in many of these trades, qualifications are informal and on-the job among the self-employed.¹⁴¹ Key areas of modern building technology are unregulated while training is poor to non-existent.¹⁴²

These patterns of inadequate and uneven trade, sector and training regulation influence demand for migrant workers in under-regulated

construction trades in London in particular. While this phenomenon is not new, it is changing. Construction employers ‘poach’ workers who were trained elsewhere to meet their labour needs. Labour shortages are emblematic of poor investments in training and a reliance on labour trained elsewhere. Migrant workers have historically performed traditional or manual trades (plumbers, bricklayers, etc.) and came from Ireland, Scotland and within England’s own borders. In the early 2000’s, Irish migrants were drawn ‘back home’ due to work in the Irish construction boom. Men from Eastern Europe grew in importance in London’s construction trades.¹⁴³

Efforts to re-invest and prioritize construction trades training (in 1998 and 2006) are responses to these skills and trainings gaps. ConstructionSkills was formed as an employer-led organization that studies and strategizes as to how to envisage and meet skills demands and improve productivity in construction. Construction Skills Certification Scheme (CSCS) cards have been promoted among workers to meet training and occupational health and safety standards. To date, 1.3 million cards have been issued, known as ‘Green Cards’. Mark Harvey argues that these types of employer organizations are problematic themselves as they are overwhelmingly run by employers.¹⁴⁴ Further, the cost of getting the cards fall on workers shoulders, as is the responsibility for being a ‘carded worker’. Workers with low literacy or English language skills struggle to complete the online CSCS Green Card test and therefore work for employers who have likely lied about having ‘a fully carded workforce’ when being awarded contracts.¹⁴⁵

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Migrant workers predominate in trades where work is under-regulated and on smaller sites. EU migrants in construction experience de-skilling, as they are often qualified for other employment but ‘settle’ for low-skill building jobs.¹⁴⁶ Non-EU migrant workers can only migrate to work in government-approved higher-skilled building trades where shortages have been identified.¹⁴⁷ The low-skill and migrant status of many workers in construction in London makes them vulnerable to job losses during economic downturns and systemic wage and workplace exploitation. In ethnographic research, migrant workers’ labour was ‘worth less’ than non-migrant workers in the London building labour market (whether they are of British or non-British descent).¹⁴⁸

Toronto

Provinces regulate skills training, including apprenticeships, in Canada. As such there are multiple and often contradictory inter-provincial skills and training systems. Where one trade can be considered skilled in one jurisdiction, she can be considered semi- or unskilled in the next. Critics of this system argue that Canada needs a comprehensive approach to training the construction workforce, but rather a “patchwork quilt of apprenticeship and trades training arrangements”.¹⁴⁹ Training costs fall on workers’ shoulders, who often cannot afford quality, formal training.¹⁵⁰ The apprenticeship system, also regulated provincially, is quite weak in Ontario. The number of

apprentices is only equal to 7% of the total construction workforce of about 1,114,000.¹⁵¹ Declining apprenticeship rates is partly connected to the fact that unionization rates have also declined. Non-union contractors are much less likely to invest in apprentice-journeymen on their crews, replacing them with semi-skilled and ‘helper’ workers.¹⁵²

Across the 32 primary skills areas in Toronto, skills shortages of higher skilled foremen, to concrete forming workers, high-rise finishing/trim workers, and fine carpentry are reported. In other words, skills shortages of particular, “fine” skills as well as difficult, low-wage ‘low-skills’ are needed in order to fill the city’s building labour demand. Like London, ‘skill’ and the trades are unevenly regulated in Toronto (and Ontario). In skills areas where there are few formal training or qualifications requirements where the most vulnerable workers are found, workers who are often new immigrants, refugee claimants, and other migrant workers who lack immigration status or who have fallen out of status.¹⁵³ Construction industries in Canada, urban and remote, have always relied on mobile, often immigrant, seasonal and temporary workforces offering flexibility to volatile boom-bust growth cycles. Many construction workers, whether international migrants or not, are likely to be mobile.¹⁵⁴ In a context where training and apprenticeship systems have been eroding, employers in remote resource extraction zones and sub/urban growth centers are increasingly competing with one another for tradespersons, without investing in longer-term training.

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Out of 32 trades in Ontario, eleven are designated as compulsory trades in Ontario. Each province has different compulsory trades. While there is nearly Canada-wide compulsory certification for construction electricians and plumbers, for most other trades compulsory certification exists in less than half of the provinces. Where some provinces have dozens of compulsory trades, others have as little as three (see table below).¹⁵⁵ Compulsory certification rules originate from perceived government obligation to protect the public from faulty work. But its impacts for workers are significant. It influences the strength of apprenticeships and formal training as well as helps to standardize occupational health and safety training.¹⁵⁶ Unlike compulsory construction trades, architecture and engineering professions are recognized by associations that are statutorily recognized and licensed.¹⁵⁷ The trades divisions in construction are part of problem of the fragmented character of the industry. There is a “proprietary approach to work ... [where] control over skill sets ... results in occupational silos”, impeding broader worker solidarity and coordination within worksites.¹⁵⁸

Table 3: Select compulsory construction trades in Ontario¹⁵⁹

Electricians (construction and maintenance)
Electricians (domestic and rural)
Hoisting engineer – mobile crane operator 1
Hoisting engineer – mobile crane operator 2

Tower crane operator
 Plumber
 Refrigeration and air conditioning systems mechanic
 Residential sheet metal installer
 Residential air conditioning systems mechanic
 Sheet metal worker
 Steamfitter

Like efforts in the UK to improve poor training in the trades where 'skills shortages prevail, the Red Seal program was designed to provide greater inter-provincial recognition for apprentices and tradesperson qualifications. It is intended to allow workers with Red Seal certification to begin employment in a new province without further assessment. However, the percentage of workers with Red Seal certification ranges. In one research sample, Red Seal certification ran as low as 0.6% among cement finishers to a high of 65% among construction electricians, despite the fact that all were Red Seal trades.¹⁶⁰ Only Quebec requires compulsory trade certification in nearly all construction trades except for welding.

Table 4: Sample of trade regulation in Ontario and Canada

Trade sample ¹⁶¹	Percentage of workers with Red Seal certification (Canada-wide)	Compulsory trade in Ontario
Bricklayers	18%	No
Carpenters	19%	No
Cement finishers	0.6%	n/a
Electricians (construction)	65.5%	Yes
Painters	5.7%	No
Plumbers	43.7%	No
Roofers	4.1%	No
Sheet metal workers	44.6%	Yes

Concluding Thoughts and Next Steps

While Toronto and London demonstrate significantly different immigration regimes and regulatory landscapes governing the construction industry, there are some important parallels to be drawn in recent legal, practical and regulatory transformations affecting non-citizen construction workers in Toronto and London in recent years. These include:

- An increasingly fragmented employer landscape consisting overwhelmingly of small subcontractors;
- A rapid growth in self-employment since the 1980s, combined with a commensurate decline in domestic training and apprenticeship activities;
- A growing role played by labour subcontractors and third party intermediaries in the industry;
- Significant labour market barriers for non-citizen workers in getting access to more secure and higher-paid work;
- A declining and/or fragmenting union landscape;
- A declining but still significantly higher rate of workplace injury among non-citizen workers; and
- The growing re-regulation of temporary migration channels based on employer needs and projected skilled labour shortages.

Going forward we can identify several points for follow up and exploration spurred by the findings of this working paper. These include examining:

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a) The impacts of new efforts to re-engineer temporary migration channels:

The first will be to explore how the re-regulation of temporary migration channels is affecting the conditions of precarity for migrants – both high and low-skilled – in the trades in these two metropolitan areas. In Toronto this has been happening through the re-engineering of programs like the TFWP and the Federal Skilled workers programs. In the UK it has been happening in part through recent changes to access to the UK labour market by A2 and A8 nationals. Attendant to this, how are differences in nationality shaping the migration outcomes for workers going through these various temporary programs? We see that the effects of the re-regulation of streams such as the Foreign Skilled Worker Program are already raising some serious concerns. In January 2015, 120 migrant workers from Portugal, Italy and Poland launched a lawsuit against the Canadian federal government alleging discrimination on the basis of language proficiency.¹⁶² This suit raises questions about the ways that ‘skilled work’ is being legally re-engineered and its implications for construction migrants of different ethno-national backgrounds coming to Canada through these channels. Similarly, the federal government’s implementation of a four-year cap (the “4 and 4 rule”) on migrants employed through the TFWP do apply to construction and will have serious consequences for migrants in the construction

trades across Canada, who may have to choose between returning home in the next year or staying and working illegally in Canada.

b) The implications of new legal and regulatory changes targeting employer safety, insurance and wages in the construction industry:

This will include exploring the outcomes and implications of new information sharing initiatives between state fiscal, workplace, and border institutions for construction migrants. In Toronto/the GTA, this will mean probing the actual impacts of WSIB coverage for migrant workers who fall under the category of self-employed, but also of exploring the outcomes of federal and provincial government information sharing, as occurred between Canada's border services and the Ontario Ministry of Transportation. It could also mean exploring the implementation of recommendations from the Dean report and the recent OHSA review, such as the need for increased outreach to vulnerable groups.

The UK government is currently appealing to rising nativism among the public, making migrants scapegoats amidst economic woes, imposing restrictions on migration, and curtailing migrants' social and employment rights. As in Canada, industry representatives are crying foul over new migration restrictions. The Chartered Institute of Building recently entered the fray. Admitting that it had a training problem that was creating skills shortages, it remains to be seen whether the UK government will reinvest in construction training and skills after decades of neglect, particularly if it undercuts employers' ability to recruit the migrant workers it has come to rely on.

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c) The role, agency and activities of labour subcontractors and 'third party' labour market intermediaries:

There is clear evidence that labour subcontractors play a key role in flexibility of both of these construction labour markets, and are a key employer subset employing migrants, and particularly vulnerable migrants. More research is needed for example on the role of gangmasters in London, and labour subcontractors in Toronto in these two labour markets. This may also include exploring the role that a broader range of intermediaries such as migrant settlement agencies, bilateral immigration offices, and nationally-segregated faith, sporting and cultural associations play in the sorting of workers into particular jobs and sectors, and in shaping constructions of which workers are 'suitable' for which jobs.

NOTES

¹ See Latham, Preston and Vosko; Leah F. Vosko, ed., *Precarious Employment : Understanding Labour Market Insecurity in Canada* (Montreal & Kingston: McGill-Queen's University Press, 2006); B. Anderson, "Migration, Immigration Controls and the Fashioning of Precarious Workers," *Work, Employment & Society*, 24 (2010), 300–317.

² Latham, Preston and Vosko; P. Chan, L. Clarke and A. Dainty, "The Dynamics of Migrant Employment in Construction: Can Supply of Skilled Labour Ever Match Demand?," in *Who needs migrant workers?* (Oxford: Oxford University Press, 2010); Construction Sector Council, *Working Mobile: A Study of Labour Mobility in Canada's Industrial Construction Sector* (Ottawa, 2005), pp. 1–36 <www.csc-ca.org>.

³ Canada Chamber of Commerce, *Canada's Skills Crisis: What We Heard* (Ottawa, 2012) <<http://www.chamber.ca/download.aspx?t=0&pid=f1c0b24c-9bae-e211-8bd8-000c291b8abf>>; Jonathan Clifton, "Fragmented Citizenship: Canadian Immigration Policy and Low-Skilled Portuguese Workers in Toronto," *Journal of Immigrant & Refugee Studies*, 8 (2010), 409–430 (pp. 410–411) <doi:10.1080/15562948.2010.522466>.

⁴ Clifton.

⁵ While we refer to London and Toronto, we are not bound by strict geographical boundaries. By Toronto we mean the Greater Toronto Area (GTA) and by London, Greater London. Still, these are not hermetically sealed units and as such we consider their social and spatial relationships within other jurisdictions and scales.

⁶ Mobility is systemic to the construction industry, since construction workplaces and projects are necessarily temporary. This can mean long-distance commuting (over days, weeks or months) for workers. Longer term circular migration for construction workers in the UK and Canada (across and within national borders) has also been commonplace in the industry since the turn of the last century. See Chan, Clarke & Dainty; Construction Sector Council, *Working Mobile: A Study of Labour Mobility in Canada's Industrial Construction Sector*; interview with O'Grady.

⁷ Wages are higher – up to double – that of manual work performed by men in the UK and Canada. Higher wages compensate workers for inherent cyclicity in the industry. Not all work that is temporary and mobile is equivalent with 'migrant work' or precarious work. This point was explained by John O'Grady, an independent consultant with extensive expertise pertaining to the Canadian construction industry (July 2014).

⁸ Over 95% of manual construction trades are filled by men. In the UK, there are also very few racial minorities in these trades at a national level Chan, Clarke and Dainty; Construction Sector Council, *The State of Women in Construction in Canada* (Ottawa, 2010), pp. 1–215

<http://www.cawic.ca/Resources/Documents/Recruitment_Women_English_State_of_Women_in_Construction_in_Canada%5B1%5D.pdf>.

⁹ In 2007 statistics; see Laura Chappell, Dhananjayan Sriskandarajah and Tracy K Swinburn, *Building a New Home: Migration in the UK Construction Sector* (London, 2008), pp. 1–59
<<http://www.ippr.org/publication/55/1669/building-a-new-homemigration-in-the-uk-construction-sector>>.

¹⁰ Jaime Elliott and Miguel Martinez Lucio, *The Hidden Workforce Building Britain: Exposing Exploitation and Protection Vulnerable Workers in Construction* (London, 2011), pp. 1–31
<http://ucatt.infobo.co.uk/files/publications/UCATT_Report_The_Hidden_Workforce_Building_Britain_2011.pdf>.

¹¹ Various sources quoted in Dylan Tutt and others, “‘In the Air’ and below the Horizon: Migrant Workers in UK Construction and the Practice-Based Nature of Learning and Communicating OHS,” *Construction Management and Economics*, 31 (2013), 515–527 (p. 516); Irwin Mitchell and Centre for Corporate Accountability, *Migrants’ Workplace Deaths in Britain* (London, 2009), pp. 1–54
<http://www.corporateaccountability.org.uk/dl/HSE/migrant/cc_a_irwinmitchell.pdf>.

¹² Andy Manahan, “Undocumented Workers Important to Construction,” *Daily Commercial News* (Toronto, 31 May 2004)
<<http://search.proquest.com.myaccess.library.utoronto.ca/printviewfile?accountid=14771>>; Marina Jiménez, “Ottawa Rules out Amnesty for 200 , 000 Illegal Workers,” *Globe and Mail* (Toronto, 2006), pp. 1–2
<<http://www.theglobeandmail.com/news/national/ottawa-rules-out-amnesty-for-200000-illegal-workers/article4112345/>>.

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¹³ Jeffrey S Passel, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.* (Washington, DC, 2006), p. 11; Mike Rabourn, “Organized Labor in Residential Construction,” *Labor Studies Journal*, March (2008), 9–26 (p. 16).

¹⁴ Franca Iacovetta, *Such Hardworking People : Italian Immigrants in Postwar Toronto* (Montréal: McGill-Queen’s University Press, 1993), chap. 7.

¹⁵ Iacovetta, chap. 7.

¹⁶ Joe Friesen, “GTA’s Migrants : Working in the Dark,” *Globe and Mail* (Toronto, 2010), pp. 3–5
<<http://www.theglobeandmail.com/news/toronto/gtas-migrants-working-in-the-dark/article1424908>>.

¹⁷ Interview with O’Grady.

¹⁸ Chappell, Sriskandarajah and Swinburn.

¹⁹ Christine Wall, Linda Clarke, Charlie McGuire and Michaela Brockmann, *Construction Workers in Stevenage* (London, 2011) <www.buildingworkersstories.com>; Christine Wall, Linda Clarke, Charlie McGuire and Olivia Munoz-Rojas, *Building the Barbican 1962-1982: Taking the Industry Out of the Dark Ages* (London, 2011), pp. 1–56 <www.buildingworkersstories.com>.

²⁰ Mark Harvey, “The United Kingdom: Privatization, Fragmentation, and Inflexible Flexibilization in the UK Construction Industry,” in *Building chaos: An international comparison of deregulation in the construction industry*, ed. by Gerhard Bosch and Peter Philips (London: Routledge, 2003), p. 187.

²¹ M. Aalbers, “The Financialization of Home and the Mortgage Market Crisis”, *Competition & Change*, 12 (2008), 148-168; Elvin Wyly, Markus Moos, Daniel Hammel, & Emanuel Kabahizi, “Cartographies of Race and Class: Mapping the Class-Monopoly Rents of American Subprime Mortgage Capital”, *International Journal of Urban and Regional Research*, 33 (2009), 332-354.

²² Michelle Buckley, “From Kerala to Dubai and Back Again: Construction Migrants and the Global Economic Crisis,” *Geoforum*, 43 (2012), 250–259 (p. 252); Kavita Datta, “Last Hired and First Fired? The Impact of the Economic Downturn on Low-Paid Bulgarian Migrant Workers in London,” *Journal of International Development*, 23 (2011), 565–582.

²³ Buckley.

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²⁴ Justin Byrne, Linda Clarke and Marc Van Der Meer, “Gender and Ethnic Minority Exclusion from Skilled Occupations in Construction: A Western European Comparison,” *Construction Management and Economics*, 23 (2005), 1025–1034; Thiel, “Class in Construction: London Building Workers, Dirty Work and Physical Cultures”, p. 229.

²⁵ Tutt and others, p. 516.

²⁶ McKay.

²⁷ Chappell, Sriskandarajah and Swinburn.

²⁸ A8 countries are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia. A2 countries are Bulgaria and Albania. The ‘transitional phases’ leading up to full labour mobility for A8 and A2 migrants expired in 2011 and 2014, respectively. Anderson and others, p. 2.

²⁹ J. Wills and others, *Global Cities at Work: New Migrant Divisions of Labour* (New York: Pluto Press, 2010).

³⁰ Chan, Clarke and Dainty; Anderson and others; Chappell, Sriskandarajah and Swinburn.

³¹ Chappell, Sriskandarajah and Swinburn; Chan, Clarke and Dainty; & interview with Don Flynn, Executive Director, Migrant Rights Network, UK (July 2014).

³² Ayona Datta and Katherine Brickell, “‘We Have a Little Bit More Finesse, as a Nation’: Constructing the Polish Worker in London’s Building Sites,” *Antipode*, 41 (2009), 439–464.

³³ Wills and others.

³⁴ Thiel, “Contacts and Contracts: Economic Embeddedness and Ethnic Stratification in London’s Construction Market.”

³⁵ These lists are used to issue work permit migration into particular jobs. These work permits are tied to specific employers, though workers are permitted to locate new employers. However their employer has to be willing to apply for a new permit for them, making it difficult to stay in the UK if they cannot locate a new employer willing to do so. Forty per cent of these migrants were from India in 2007, followed by US labour migrants Migration Advisory Committee, *Review of the Transitional Restrictions on Access of Bulgarian and Romanian Nationals to the UK Labour Market* (Croydon, 2011), pp. 1–102 <www.ukba.homeoffice.gov.uk/mac>; Migration Advisory Committee, *Skilled Shortage Sensible: The Recommended Shortage Occupation Lists for the UK and Scotland* (Croydon, 2008), pp. 1–310 <<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workintheworld/mac/skilled-shortage-sensible/skilled-report.pdf?view=Binary>>..

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³⁶ Chappell, Sriskandarajah and Swinburn, p. 39.

³⁷ Hsiao-Hung Pai, “Migrant Construction Workers: Overlooked and in Danger,” *The Guardian* (London, 2010), pp. 1–6 <www.theguardian.com/money/2010/apr/10/migrant-construction-workers>.

³⁸ Elliott and Martinez Lucio.

³⁹ Interview with Craig; Oxfam GB, *Turning the Tide: How to Best Protect Workers Employed by Gangmasters, Five Years after Morecambe Bay* (London, 2009), pp. 1–12 <<http://policy-practice.oxfam.org.uk/publications/turning-the-tide-how-best-to-protect-workers-employed-by-gangmasters-five-years-114054>>.

⁴⁰ Interview with Flynn.

⁴¹ Under new family migration rules (as of 2012), British citizens married to non-EEA migrants must be earning £18,600 pounds a year, with additional income requirements for each child in the family (ex.: to secure visas for a spouse and two children, the family’s income would need to be a minimum of £24,800). Interview with N. Ramadan, Executive Director, Migrant Voice, UK (July 2014).

⁴² Under the FSWP, permanent immigration-stream ‘spots’ are reserved for skilled workers in occupations listed as high demand. Between 2005 and 2009, 3,140 skilled workers in construction entered Canada as construction supervisors, mechanic tradespersons, industrial electricians, industrial instrument technicians and mechanics, while 45,000 skilled business, finance, and administrative workers and 50,000 engineers entered Canada. These statistics indicate that the FSWP is disproportionately used in construction to attract international ‘professionals’ to the industry. See Construction Sector Council, *Construction Employer’s Roadmap to Hiring and Retaining Internationally Trained Workers* (Ottawa, 2011) <www.csc-ca.org>.

⁴³ Construction Sector Council, *Construction Employer’s Roadmap to Hiring and Retaining Internationally Trained Workers*.

⁴⁴ Construction Sector Council, *Temporary Foreign Workers in the Canadian Construction Industry : An Analysis of Programs and Mechanisms* (Ottawa, 2007) <<http://www.buildforce.ca/en>>.

⁴⁵ According to available data Employment and Social Development Canada, “Labour Market Opinion (LMO) Statistics - Annual Statistics 2012”; Employment and Social Development Canada, “Labour Market Opinion (LMO) Annual Statistics 2006-2009”; Employment and Social Development Canada, “Labour Market Opinions: Annual Statistics,” *Government of Canada*, 2012, pp. 1–7 <www.hrsdc.gc.ca/eng/jobs/foreign_workers/lmo_statistics/annual-top-occs.shtm> [accessed 10 October 2013]., construction employers in Ontario do not rely on the TFWP, and do not show up in the data for top occupational groups in the TFWP in the province of Ontario. However, construction trades and jobs are among the 20 top occupational groups in BC and Alberta. Of these, most are ‘voluntary’ trades (see Part 3 in this report). The Provincial Nominee Program (PNP) is another ‘temporary worker’ immigration stream that allows provinces to nominate migrant workers to settle permanently in the province; in Ontario, employers must nominate workers who can then be nominated by the province. Between 2005 and 2009, more than 5000 construction worker gained permanent resident status through the PNP, especially as welders, truck drivers, and carpenters across the country Construction Sector Council, *Construction Employer’s Roadmap to Hiring and Retaining Internationally Trained Workers*.

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⁴⁶ Construction Sector Council, *Construction Employer’s Roadmap to Hiring and Retaining Internationally Trained Workers*.

⁴⁷ Employment and Social Development Canada, “Labour Market Opinion (LMO) Statistics - Annual Statistics 2012.”

⁴⁸ The table includes data pertaining to TFWP LMO’s [now called LMIA’s] in construction occupations regardless of skill-level. This includes accelerated LMO’s but excludes IEC entrants, as they are LMO exempt. Provinces where data was less 1,000 were excluded from this table. Employment and Social Development Canada, “Labour Market Opinion (LMO) Statistics - Annual Statistics 2012,” *Government of Canada*, 2013, 1–66

<www.hrsdc.gc.ca/eng/jobs/foreign_workers/lmo_statistics/annual2012.shtml#h2.11> [accessed 1 August 2013]; Employment and Social Development Canada, "Labour Market Opinion (LMO) Annual Statistics 2006-2009," *Government of Canada*, 2010, pp. 1–69
<www.hrsdc.gc.ca/eng/jobs/foreign_workers/lmo_statistics/annual2009.shtml> [accessed 5 November 2013].

⁴⁹ Robert Hough, "The Celtic Invasion : Why the Arrival of Hundreds of Irish Construction Workers Benefits Toronto's Building Boom," *Toronto Life* (Toronto, 2012), pp. 1–10
<http://www.torontolife.com/informer/features/2012/11/05/the-celtic-invasion/?page=all#tlb_multipage_anchor_1>.

⁵⁰ Goodman.

⁵¹ Dean; Manahan; Parliament of Canada, "Committee Evidence [Tuesday, April 8, 2008]" (Ottawa: House of Commons, Number 025, 2nd Session, 39th Parliament, 2008)
<<http://www.parl.gc.ca/CommitteeBusiness/SearchBrowseEvidence>>.

⁵² Manahan.

⁵³ Personal communication with Rosemary Sparks, Senior Director of Planning and Development, Construction Sector Council (December 2013).

⁵⁴ Jiménez; Clifton.

⁵⁵ Giovanni Vendramin, "Occupational Mobility of Brazilian Immigrants in Segmented Labour Markets" (Ryerson University, 2008).

⁵⁶ Interview with Richard Boraks, 23 June 2014.

⁵⁷ Mark Harvey and Felix Behling, *The Evasion Economy: False Self-Employment in the UK Construction Industry* (London, 2008), pp. 1–96 (p. 7) <http://ucatt.infobo.co.uk/files/publications/UCATT_Report_Evasion_Economy.pdf>.

⁵⁸ With construction projects taking of greater value and size, construction consortia are increasingly formed between several companies in bidding on contracts, distributing enormous risks among parties involved. These processes further obfuscate and erode the employer-worker relationship, as consortia effectively act as labour brokers who subcontract building work and do not directly employ any tradesperson. Interview with Cosmo Mannella, Business Manager, LiUNA Ontario Provincial District Council (July 2014).

⁵⁹ Known as Project Labor Agreements in the US. Harvey; Interview with Richard Clarke, National Apprenticeship Officer-Construction, Unite the Union UK (July 2014); Ince and others, pp. 8-9.

⁶⁰ See Lee-Anne Goodman, “More Foreign Workers Coming under International Experience Canada Program,” *CTV News* (Ottawa, 2014) <<http://www.ctvnews.ca/politics/more-foreign-workers-coming-under-international-experience-canada-program-1.1798171>>; N. Keung (February 7, 2015) “Migrant construction workers sue Ottawa for discrimination” *The Toronto Star*, <<http://www.thestar.com/news/immigration/2015/02/07/migrant-construction-workers-sue-ottawa-for-discrimination.html>> [accessed February 10, 2015]; Eric Tucker and Brendon Jowett, “Employment-Related Geographic Mobility and Collective Bargaining in Canada” (Toronto: On The Move, Policy Component, 2014); Alison Taylor, Jason Foster and Carolina Cambre, *Temporary Foreign Workers in Trades in Alberta* (Edmonton, 2012); Ahna Kim and Dominique Gross, *Construction Workers’ Perception of Temporary Foreign Workers in Metro Vancouver* (Vancouver: Metropolis British Columbia, 2009); Jeffrey Shantz, “Discrimination Against Latin American Workers During Pre-Olympic Games Construction in Vancouver,” *Employee Responsibilities and Rights Journal*, 23 (2011), 75–80 <<http://link.springer.com/10.1007/s10672-010-9166-7>> [accessed 31 October 2013].

⁶¹ Known as WSIB, CPP in Ontario and EI in Canada.

⁶² Interview with O’Grady; Ontario Construction Secretariat, *Underground Economy in Construction - It Costs Us All* (Etobicoke, 2010) <www.iciconstruction.com>.

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⁶³ John Calvert, “Overcoming Systemic Barriers to ‘Greening’ the Construction Industry: The Important Role of Building Workers in Implementing Climate Objectives at the Workplace,” *Alternative Routes*, 25 (2014), 81–116.

⁶⁴ Subcontracting dates to the 19th century in Britain, according to Linda Clarke, 2005. See also Chan, Clarke and Dainty; D. Thiel, “Class in Construction: London Building Workers, Dirty Work and Physical Cultures,” *The British Journal of Sociology*, 58 (2007), 227–51; Harvey, p. 195.

⁶⁵ Harvey, p. 197.

⁶⁶ Interview with Clarke. Also, see D. Thiel, “Contacts and Contracts: Economic Embeddedness and Ethnic Stratification in London’s Construction Market,” *Ethnography*, 11 (2010), 443–471 (p. 454); Wall, Clarke, McGuire and Munoz-Rojas; Wall, Clarke, McGuire and Brockmann.

⁶⁷ Chan, Clarke and Dainty; Thiel, “Contacts and Contracts: Economic Embeddedness and Ethnic Stratification in London’s Construction Market.”

⁶⁸ As of 2008; see Chappell, Sriskandarajah and Swinburn, p. 20.

⁶⁹ Harvey & Behling, p. 13.

⁷⁰ Chappell, Sriskandarajah and Swinburn; Harvey, p. 197.

⁷¹ Harvey & Behling; Harvey.

⁷² Elliott and Martinez Lucio; Jill Insley, “‘Self-Employment’ Switch Saves Construction Industry Millions in Tax,” *The Guardian* (London, 2012), pp. 11–14 <www.theguardian.com/business/2012/dec/03/self-employment-switch-saves-construction-industry-millions-tax>.

⁷³ Following an attempt in 1995 to regulate rising and often false self-employment, which rose dramatically in the 1980s, the UK government started issuing CIS tax certificates in 1999. The house-building sector has been a major advocate for this arrangement. See Harvey and Behling; Harvey.

⁷⁴ Insley.

⁷⁵ Chan, Clarke and Dainty; Harvey; Harvey and Behling.

⁷⁶ Elliott and Martinez Lucio; Chappell, Sriskandarajah and Swinburn; Harvey and Behling, p. v.

⁷⁷ See Sonia McKay, *Employer Use of Migrant Labour – Motivations, Experiences and HR Responses*, 2009, p. 6 <www.acas.org.uk/researchpapers>; Chappell, Sriskandarajah and Swinburn; B. Anderson and others, *Central and East European Migrants in Low Wage Employment in the UK* (York, 2006), pp. 1–4 <www.jrf.org.uk>.

⁷⁸ Chappell, Sriskandarajah and Swinburn, p. 35.

⁷⁹ The Health and Safety Executive (HSE) regulates, tracks, and enforces OHS legislation. Occupational health and safety laws in the UK do have a statutory basis (Health and Safety at Work etc. Act 1974, or HAWA). See Health and Safety Executive, “Construction Industry Statistics,” *UK Government*, 2012, 12–13 <<http://www.hse.gov.uk/statistics/industry/construction/index.htm>> [accessed 10 October 2013].

⁸⁰ Worker fatality rates are highest in agriculture, followed by construction and then manufacturing. See the Health and Safety Executive, “Construction Industry Statistics.”

⁸¹ Health and Safety Executive, *Health and Safety in Construction in Great Britain, 2013: Work-Related Injuries and Ill Health*, 2013, pp. 1–16 <www.hse.gov.uk/statistics/>.

⁸² Irwin Mitchell and /Centre for Corporate Accountability.

⁸³ Irwin Mitchell and /Centre for Corporate Accountability, p. 3.

⁸⁴ Both HSE and Irwin Mitchell & CCA reports indicate that migrant workers mistrust the HSE as it may conduct or work alongside immigration

enforcement. Neither report clarified whether indeed it is within the HSE's jurisdiction to conduct or collaborate in immigration enforcement.

⁸⁵ See <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/>.

⁸⁶ Interview with S. Craig.

⁸⁷ City of Toronto, "City of Toronto Industry Profiles, 2013" [web], Economic Development Division, City of Toronto <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=ef1d3c6d9c8ba310VgnVCM10000071d60f89RCRD&vgnextchannel=e71032d0b6d1e310VgnVCM10000071d60f89RCRD> [accessed 12 September 2014]; John O'Grady, "The Impact of Climate Change on Employment and Skills Requirements in the Construction Industry," in *The state of research on work, employment and climate change in Canada* (Toronto, 2010) <<http://warming.apps01.yorku.ca/wp-content/uploads/2011/08/What-do-we-know-full-report-final.pdf>>.

⁸⁸ City of Toronto.

⁸⁹ Ontario Construction Secretariat, p. 3.

⁹⁰ Ontario Construction Secretariat.

⁹¹ This is due to the fact that self-employment only requires a bank account or venue to cash a cheque (rather than a Social Insurance Number in Canada, for example). Interview with O'Grady (July 2014).

⁹² Ontario Construction Secretariat.

⁹³ Currently a pilot project is being developed in several municipalities in Ontario to share information. Tony Dean, *Expert Advisory Panel on Occupational Health and Safety: Report and Recommendations to the Minister of Labour* (Toronto, 2010), p. 38 <http://www.labour.gov.on.ca/english/hs/pdf/eap_report.pdf>.

⁹⁴ See WSIB Ontario, "Bill 119 Mandatory Coverage for the Construction Industry – Home Renovators" <<http://needwsibcoverage.ca/who-needs-coverage/home-renovators>>.

⁹⁵ WSIB Ontario.

⁹⁶ Interview with O'Grady.

⁹⁷ Nasima; Akter, Sevgul; Topkara-Sarsu and Diane Dyson, *Shadow Economies: Economic Survival Strategies of Toronto Immigrant Communities* (Toronto, 2013), pp. 1–88 (p. 42).

⁹⁸ Akter, Topkara-Sarsu and Dyson.

⁹⁹ Nicholas Keung, “Undocumented Migrants Targeted in ‘vehicle Safety Blitz,’” *Toronto Star* (Toronto, 2014), pp. 15–17 <http://www.thestar.com/news/immigration/2014/08/15/undocumented_migrants_targeted_in_vehicle_safety_blitz.htm>.

¹⁰⁰ J. O’Grady, T.E. Armstrong and Richard P. Chaykowski, *Impact of Fair Wage Policies on the Construction Industry* (Toronto, 2006).

¹⁰¹ The Parliament of Canada repealed the *Fair Wages and Hours of Labour Act* in 2012 which had enforced closed contract bidding on federal government construction proposals since the 1930’s Government of Canada, “Federal Construction Contracts - Labour Program,” *Ministry of Labour*, 2013 <http://www.labour.gc.ca/eng/standards_equity/contracts/index.shtml> [accessed 28 January 2014]; Josh Mandryk, “Repealing the Fair Wages Act Goes against Evidence and Workers’ Interests,” *Toronto Star* (Toronto, 2012) <http://www.thestar.com/opinion/editorialopinion/2012/07/03/repealing_the_fair_wages_act_goes_against_evidence_and_workers_interests.html>; O’Grady, Armstrong and Chaykowski..

¹⁰² Some of these bills have been defeated and others are still on the table. These bills were the result of lobbying by large contractor companies like the London, Ontario-based developer/contractor company EllisDon, one of the largest in the country (whose profits were \$3 billion in 2013). Since the 1950’s under special OLRA rules, EllisDon must hire unionized workers. The company argues that it cannot compete with other contractors who are not bound by these labour laws Kelly Lapointe, “OCOT and Open Tendering Key 2014 Ontario Issues,” *Daily Commercial News* (Toronto, 2013), pp. 1–3 <www.dcnonline.com/article/id58447/--ocot-and-open-tendering-key-2014-ontario-issues>; Reed Construction Data, *The Leaders* (Reed Construction Data, 2013) <www.reedconstructiondata.com/can>; Richard J. Brennan, “Ontario Bill Would Give EllisDon Relief from Union Deal,” *The Toronto Star* (Toronto, 2013), pp. 8–9 <www.thestar.com/news/queenspark/2013/08/30/ontario_bill_would_give_ellisdon_relief_from_union_deal.print.htm>.

¹⁰³ A claim refuted in O’Grady, Armstrong and Chaykowski.

¹⁰⁴ Interview with O’Grady.

¹⁰⁵ Dean, p. 5.

¹⁰⁶ Dean, p. 7.

¹⁰⁷ Law Commission of Ontario, *Vulnerable Workers and Precarious Work* (Toronto, 2012), pp. 1–142 (p. 3) <<http://www.lco-cdo.org/en/vulnerable-workers-final-report>>.

¹⁰⁸ Dean, p. 7.

¹⁰⁹ London's construction workers have a remarkable tradition of radical labour militancy. Due to dangerous conditions for workers building the experimental concrete structure called the Barbican in the late 1960's, workers reacted with protests that would prompt the formation of the Building Workers' Charter in 1971. By 1971, the Union of Construction, Allied Trades and Technicians (UCATT) was formed. During this period, trade union activism was directed at preventing 'lump worker' hiring, or labour-only subcontracting, which provided non-union labour and often scabs. See Wall, Clarke, McGuire and Munoz-Rojas; Wall, Clarke, McGuire and Brockmann.

¹¹⁰ Harvey, p. 486.

¹¹¹ Chan, Clarke & Dainty.

¹¹² Harvey.

¹¹³ L. Clarke, C. Winch and M. Brockmann, "Trade-Based Skills versus Occupational Capacity: The Example of Bricklaying in Europe," *Work, Employment & Society*, 27 (2013), 932–951; Harvey.

¹¹⁴ Gall; Ince and others, p. 8.

¹¹⁵ Harvey, p. 196.

¹¹⁶ Gall.

¹¹⁷ Chan, Clarke and Dainty.

¹¹⁸ Interviews with Clarke & Bernard McAulay, National Officer (Construction), Unite the Union UK (July 2014); Ince and others; Cremers.

¹¹⁹ Anthony Ince and others, "British Jobs for British Workers ? Negotiating Work, Nation, and Globalisation through the Lindsey Oil Refinery Disputes," *Antipode*, Early view (2014), 1–19 (p. 9).

¹²⁰ Ince and others; G. Gall, "The Engineering Construction Strikes in Britain, 2009," *Capital & Class*, 36 (2012), 411–431; Jan Cremers, *In Search of Cheap Labour in Europe: Working and Living Conditions of Posted Workers* (Amsterdam, 2010).

¹²¹ Wall, Clarke, McGuire and Munoz-Rojas, pp. 45–48.

¹²² Keith Ewing, *Ruined Lives: Blacklisting in the UK Construction Industry* (London, 2009), pp. 1–24 <http://ucatt.infobo.co.uk/sites/default/files/uploaded/publications/ruinedlive_srevisedfinal.pdf>; Matthew Taylor, "Construction Industry Blacklisting Is Unacceptable, Warns Vince Cable," *The Guardian* (London, 2013), pp. 11–14 <www.theguardian.com/business/2013/jul/28/construction-industry-blacklisting-vince-cable>.

¹²³ European Institute for Construction Labour Research - GB Office, *CLR-GB Newsletter* (London, 2011), pp. 1–4 <<http://www.clr-news.org/Newsletter/CLR-GB/CLR-GB-2-2011.pdf>>.

¹²⁴ Tucker and Jowett.

¹²⁵ Interview with Mannella.

¹²⁶ Statistics Canada, Table 282-0223, “Labour Force Survey estimates (LFS), employees by union status, North American Industry Classification System (NAICS), by Sex, Status, Annual”; Patrick J. Coe and J.C. Herbert Emery, “Accreditation Requirements and the Speed of Labour Market Adjustment in Canadian Building Trades,” *Canadian Public Policy*, 38 (2012), 91–111 (p. 100).

¹²⁷ Jean Charest, “Labor Market Regulation and Labor Relations in the Construction Industry: The Special Case of Quebec within the Canadian Context,” in *Building chaos: An international comparison of deregulation in the construction industry*, ed. by Gerhard Bosch and Peter Philips (London: Routledge, 2003), pp. 95–113 (p. 100).

¹²⁸ O’Grady.

¹²⁹ S. Tufts and M. P. Thomas, “Populist Unionism Confronts Austerity in Canada,” *Labor Studies Journal*, 39 (2014), 60–82.

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¹³⁰ Terrance Oakey, “Open Shop Construction and the Canadian Economy: Speech to the Economic Club of Canada in Ottawa,” *Merit Canada*, 2013, pp. 1–12 <<http://www.opportunitytowork.ca/wp-content/uploads/2013/06/Econ-Club-Speech-FINAL-Merit-Canada.pdf>> [accessed 10 October 2013].

¹³¹ City of Toronto.

¹³² O’Grady, 2010.

¹³³ Interviews with Mannella, O’Grady & Joe Mandarino, Executive Director, LiUNA Canadian Tri-Fund (July 2014).

¹³⁴ Interview with Mandarino.

¹³⁵ Interviews with Mannella & Mandarino.

¹³⁶ Interview with Mandarino.

¹³⁷ Interview with O’Grady

¹³⁸ Chan, Clarke and Dainty.

¹³⁹ Harvey, p. 205.

¹⁴⁰ Interview with Clarke.

¹⁴¹ Harvey.

¹⁴² Clarke, Winch and Brockmann; Clarke; Harvey.

¹⁴³ Chappell, Sriskandarajah and Swinburn; Chan, Clarke and Dainty.

¹⁴⁴ Harvey.

¹⁴⁵ Interview with Steve Craig.

¹⁴⁶ Chan, Clarke and Dainty; Anderson and others; Chappell, Sriskandarajah and Swinburn.

¹⁴⁷ Migration Advisory Committee, *Skilled Shortage Sensible: The Recommended Shortage Occupation Lists for the UK and Scotland*.

¹⁴⁸ Thiel, "Contacts and Contracts: Economic Embeddedness and Ethnic Stratification in London's Construction Market", p. 459.

¹⁴⁹ Calvert, p. 95; Mandryk.

¹⁵⁰ Training and apprenticeships are regulated (or partially regulated) under the new 2009 legislation in Ontario. Out of 150 skilled trades, 22 are legally required to be registered, fee-paying members of OCOT, though workers in other trades can choose to join and gain membership benefits if they want. The new legislation and OCOT are meant to deal with skills mismatches as well as undercut the underground economy to help legitimate contractors compete. OCOT is not uniformly embraced by Ontario's construction industry, because they claim the costs are high and OCOT membership is not enforced. See Lapointe.

¹⁵¹ Coe and Emery, p. 95.

¹⁵² O'Grady, Armstrong and Chaykowski.

¹⁵³ Dean.

¹⁵⁴ Construction Sector Council, *Working Mobile: A Study of Labour Mobility in Canada's Industrial Construction Sector*.

¹⁵⁵ Ontario College of Trades (OCOT), "Ontario College of Trades - Ordres de Metiers de l'Ontario," *Ontario College of Trades*, 2013 <www.collegeoftrades.ca/> [accessed 6 January 2014].

¹⁵⁶ Dean; Calvert.

¹⁵⁷ O'Grady.

¹⁵⁸ Calvert, p. 87; Erik Girard and Harald Bauder, "The Making of an 'arcane' Infrastructure: Immigrant Practitioners and the Origins of Professional Engineering Regulation in Ontario," *The Canadian Geographer / Le Géographe canadien*, 51 (2007), 233–246.

¹⁵⁹ As of December 2013, see OCOT, 2013.

¹⁶⁰ Coe and Emery.

¹⁶¹ All Red Seal trades.

¹⁶² Keung, 2015.