National Interests and Migrants' Rights: The Non-Ratification of the ICMW by Singapore and Canada

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Contents

Abstract

On 1 July 2003, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) entered into force after finally reaching the threshold of twenty ratifying states since its initial signature in 1990. Despite standing as the most comprehensive treaty in the field of migration (Pécoud 2009, 332), the ICMW has been ratified by fewer than 50 states as of 2015, making it the least ratified treaty among all major human rights treaties (Ruhs 2012, 1281). A quick survey of the ratifying states shows a list of states comprised of developing, migrant-sending countries (Vucetic 2007, 404). Among states which have yet to ratify the convention, however, are a collection of countries which vary in regime type and records of previous ratification of international human rights conventions. Countries with authoritarian political systems such as Singapore, in keeping with their lower proclivity to ratify and sign international human rights treaties, have more predictably failed to ratify the ICMW. On the other hand, a host of liberal democratic countries with proven track records in ratifying numerous international human rights treaties such as Canada have similarly ignored the ICMW. How then have the vast majority of affluent liberal democracies found themselves in the same camp as a set of authoritarian states in continuing to fail to officially recognize the issue of migrant workers' rights on an international level? An underlying research question which flows from this concern then is: Why is the ICMW so lowly ratified among migrant-receiving states?

This thesis compares the policies and politics of Singaporean and Canadian non-ratification of the ICMW. The argument forwarded by this thesis is that Singaporean and Canadian national interests, largely understood as economic interests, continue to dictate that migrant workers, especially low-skilled migrant workers, are seen as functional, economic entities serving an instrumental role in filling up labour shortages in the national economy. Furthermore, I argue that such an interest is ultimately negotiated within a domestic power configuration in which citizen voters in the form of employers, recruitment agencies and other private actors are better able to forward their own interests vis-à-vis the interests of non-citizen migrant workers. This in turn results in a citizen-, employer-oriented policy setting in which the rights of migrants are systematically subjugated in favour of the economic interests of citizen voters and of government actors themselves. As such, given the functional, instrumental view of migrant workers, and the longevity of such a view within both Singapore and Canada's citizen-oriented policy setting, both countries have failed to ratify the ICMW as the treaty's express aims of treating migrant workers not merely as economic entities through the accordance of a number of labour and human rights is inherently at odds with the preferences and practices of both countries.

Introduction

On 1 July 2003, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) entered into force after finally reaching the threshold of twenty ratifying states since its initial signature in 1990. Despite standing as the most comprehensive treaty in the field of migration (Pécoud 2009, 332), the ICMW has been ratified by fewer than 50 states as of 2015, making it the least ratified treaty among all major human rights treaties (Ruhs 2012, 1281). A quick survey of the ratifying states shows a list of states comprised of developing, migrant-sending countries (Vucetic 2007, 404). Among states which have yet to ratify the convention, however, are a collection of countries which vary in regime type and records of previous ratification of international human rights conventions. Countries with authoritarian political systems such as Singapore, in keeping with their lower proclivity to ratify and sign international human rights treaties, have more predictably failed to ratify the ICMW. On the other hand, a host of liberal democratic countries with proven track records in ratifying numerous international human rights treaties such as Canada have similarly ignored the ICMW. How then have the vast majority of affluent liberal democracies found themselves in the same camp as a set of authoritarian states in continuing to fail to officially recognize the issue of migrant workers' rights on an international level? An underlying research question which flows from this concern then is: Why is the ICMW so lowly ratified among migrant-receiving states?

Ruhs argues that the ICMW has remained largely unratified due to a perceived or real divide between domestic national interests of migrant-receiving states, and the ICMW's goals of extending rights to migrants (Ruhs 2012, 1287). The likelihood of ICMW ratification is shown by Pécoud to be similarly low in Asian migrant-receiving countries, whose rights accorded to migrants differ greatly with those of the ICMW, and in Western states in which the gap between

domestic laws and the ICMW is relatively minor (Pécoud 2009, 344). Vucetic posits that the "genuine puzzle" thus lies in the domestic politics of each migrant-receiving country, suggesting that an avenue of further research lies in the analysis of states' national interests in ratifying the ICMW, or not (Vucetic 2007, 420-421). This thesis seeks to build on this call for further research into the divide between state approaches towards migrant workers, and the goals of the ICMW, through a deeper probing of two cases of migrant-receiving, non-ratifying countries—Singapore and Canada. The aim of this thesis is thus to bolster previous research already conducted on the non-ratification of the ICMW at the international level with more country-specific case studies to uncover and articulate the within-case complexities of the divide between national interests and the goals of the ICMW, and the obstacles these differences present to the ratification of the convention. By adopting a comparative framework, this thesis also endeavours to juxtapose the cases of Singapore and Canada in an attempt to ascertain whether similarly held national interests, beliefs, or preferences lead to their shared outcome of non-ratification of the ICMW.

The argument forwarded by this thesis is that Singaporean and Canadian national interests, largely understood as economic interests, continue to dictate that migrant workers, especially low-skilled migrant workers, are seen as functional, economic entities serving an instrumental role in filling up labour shortages in the national economy. Furthermore, I argue that such an interest is ultimately negotiated within a domestic power configuration in which citizen voters in the form of employers, recruitment agencies and other private actors are better able to forward their own interests vis-à-vis the interests of non-citizen migrant workers. This in turn results in a citizen-, employer-oriented policy setting in which the rights of migrants are systematically subjugated in favour of the economic interests of citizen voters and of government actors themselves. As such, given the functional, instrumental view of migrant workers, and the longevity of such a view within

both Singapore and Canada's citizen-oriented policy setting, both countries have failed to ratify the ICMW as the treaty's express aims of treating migrant workers not merely as economic entities through the accordance of a number of labour and human rights is inherently at odds with the *preferences* and *practices* of both countries.

As such, this thesis will strive to accomplish two main tasks. First, it will outline the obstacles which stand in the way of either country ratifying the ICMW, and subsequently analyse Singaporean and Canadian immigration policies, specifically towards temporary low-skilled foreign workers, in an attempt to understand to what extent migrant workers' rights are violated as a result of national legislation. In doing so, this thesis will ascertain whether Singaporean and Canadian practices are currently compliant to the stipulations of the ICMW. Is there a significant gap between current Singaporean and Canadian *practices* and the stipulations of the ICMW? Second, this thesis will probe into the domestic national interests which structure Singaporean and Canadian immigration policy, and to what extent these interests ultimately play a role in the non-ratification of the ICMW in both cases. To what extent is the non-ratification of the ICMW a reflection of the *preferences* of Singapore and Canada with regards to the issue of the admission and treatment of migrant workers into their respective countries? Thus, this thesis aims to explore the national interests—the deep causation--which lay at the root of Singaporean and Canadian non-compliance with, and non-ratification of, the ICMW.

The ICMW

The ICMW stands as one of the least ratified international human rights treaties, and the lack of ratification on the parts of Canada and Singapore is by no means exceptional. That it took thirteen years for the ICMW since its adoption by the UN General Assembly in 1990 to reach the threshold number of ratifiers upon which it could enter into force is also an indication of the amount of inertia the convention has had in gaining wide acceptance. To date, all 48 state parties

to the ICMW are countries which are, for the most part, migrant-sending, and see the ratification of the ICMW as a strategy to protect their emigrant citizens abroad (Pecoud and de Guchteneire 2006, 249). The adoption of the ICMW by the UN General Assembly is seen as an indicator of a measure of international awareness of migrant workers as a vulnerable set of persons who have suffered from a historical exclusion from legal protection (Pecoud and de Guchetneire 2006, 243). Despite this awareness, widespread international commitment to the protection of such vulnerable migrant workers has been relatively elusive, as seen in the lack of ratification of the ICMW on the part of any net migrant-receiving country (De Guchteneire and Pecoud 2009, 13). A key point which is forwarded by this thesis is that this relative inaction is shown not to stem from a lack of articulated international standards, but a "lack of political will to implement them" (Pecoud and de Guchteneire 2006, 244).

The ICMW attempts to ensure the protection of the fundamental rights of migrant workers on an international level, and has been seen as having "become a cornerstone of the rights-based approach to migration advocated by many international organizations and non-governmental organizations (NGOs) concerned with the protection of migrant workers" (Ruhs 2012, 1279). It builds on previous conventions initiated by the International Labour Organization (ILO), not so much through the establishment of newer rights, but by offering a more precise set of interpretations of these rights. Indeed, the three most important international human rights treaties which pertain to the protection of migrant workers' rights are seen to be the ICMW, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised) (ILO Convention 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (ILO Convention 143). Adopted in 1949, ILO Convention 97 is seen to have been "motivated by a

concern to facilitate the movement of surplus labour from Europe to other parts of the world" (Ruhs 2012, 1279). As such, its primary aim was to provide an instrument concerned with "the organization and regulation of the movements of migrant workers in demand in industrialized countries" (Cholewinski 1997, 94). ILO Convention 143 was adopted in 1975, and is aimed at further regulating migration flows, with an express focus on the "elimination of irregular migration" perhaps best seen in its then unprecedented provision of rights for migrants with irregular status (Ruhs 2012, 1279). The ICMW is ultimately seen to have incorporated and built on these conventions following its adoption in 1990, not only in offering a "more precise interpretation of human rights in the case of migrant workers" (De Guchteneire and Pecoud 2009, 8), but also in setting a much broader set of rights, as seen in its inclusion of 93 articles compared to the 23 and 24 articles of ILO Conventions 97 and 143 respectively.

The ICMW is also seen as a comprehensive treaty with regards to the protection of migrant workers' rights as its stipulations apply not only to the nature in which migrant workers are recruited, but also to the rights of migrants within their respective host countries upon admission (De Guchteneire and Pecoud 2009, 8). The 93 articles of the ICMW are separated into nine parts. Part I sets out the scope of the treaty and definitions of key concepts, Part II sets out a fundamental non-discrimination clause, Part III lists human rights which are to be accorded to *all* migrant workers regardless of migration status, while Part IV specifies a set of rights which are to be accorded to migrant workers with regular status in their respective host country. Part V provides for certain rights for specific categories of migrant workers and their families, such as frontier workers or seasonal workers. Part VI deals with the obligations of the states in ratifying the treaty, and Parts VII to IX concern the application of the convention and lay out a number of provisions for state signature, ratification and reservations.

A key contribution of the ICMW is seen firstly in its contribution of a definition of the "migrant worker," seen by scholars as "the most comprehensive definition…found in any international instrument" which in itself is posited to be a "major accomplishment" (Cholewinski 1997, 149). A prime, inclusive aspect of the ICMW's definition of the migrant worker can be seen in its provision of rights to *all* migrant workers--both irregular migrants and migrant workers with regular status. This is best seen in Part III of the treaty which includes rights to be accorded to all migrant workers and their family members regardless of their status. Thus, Article 2(1) of the treaty defines the migrant worker as "a person who is to be engaged, is engaged or has been engaged in remunerated activity in a State of which he or she is not a national." This definition is in turn bolstered by the remainder of Article 2 which includes a number of categories of migrant workers, many of which were excluded from previous international conventions (Cholewinski 1997, 151). These categories include frontier workers, seasonal workers, seafarers, workers on offshore installations, itinerant workers (workers who travel between states for short periods of time as part of their jobs), project-tied workers and "specified-employment workers"--defined succinctly as workers taking up employment in a country for a restricted period of time. A number of categories of persons are excluded from the scope of the ICMW, such as employees of international organizations, government officials, investors, refugees, students and "non-national non-resident" seafarers and workers on offshore installations (Cholewinski 1997, 154). The underlying point to be highlighted about the ICMW's definition of the migrant worker, however, is that it is "inclusive rather than exclusive" in offering a "considerably broader" definition compared to those found in the ILO Conventions 97 and 143 (Cholewinski 1997, 149).

As noted before, the ICMW consists of 93 articles in total, and it would be unfeasible and rather mundane to list out all the rights which are stipulated for by the treaty. It would be helpful,

however, to highlight the rights which have often been examined and scrutinized by scholars, and which are most pertinent to this thesis' analysis of Singaporean and Canadian labour immigration policies. Broadly, the ICMW is seen to be important in a number of ways. Besides the importance of the ICMW in providing an international definition of the migrant worker and in providing for the protection of both documented and undocumented migrants, the treaty is also seen to be important in viewing migrant workers as social entities, as opposed to mere economic entities, through its stipulations of rights to family reunification. As such, the ICMW is seen to fill a "conceptual gap in the protection of situations of vulnerability" of migrant workers through the viewing of migrant workers as "more than labourers or mere economic entities and assets" (Di Lieto 2015, 94). The ICMW is also significant in its express recognition of the inadequate protection of migrant workers and their families as non-nationals in their states of employment and thus provides an avenue for the articulation of international standards of equality of treatment between migrants and nationals. The ICMW is thus seen as "a tool with which to encourage those States which lack national standards to bring their legislation in closer harmony with recognized international standards" (Taran 2000, 89-90).

A key principle which undergirds the rights outlined in the ICMW is that of non-discrimination. Article 7 obliges state parties to guarantee the rights of migrant workers and their families "without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status." The ICMW is also seen to be guided by the principle of equal treatment between migrants and non-nationals, seen in rights such as the right to equality with nationals before courts and tribunals (Article 18); the right to equal treatment with regard to remuneration, terms of employment and social security (Articles 25 and 27); the right to equal

treatment with nationals in relation to protection against dismissal, employment benefits, access to public unemployment work schemes (Article 54) among many others. Following these two foundational principles, Part III of the treaty lists a number of civil and political rights to be accorded to all migrant workers which "virtually correspond to articles in the International Convention on Civil and Political Rights" (Di Lieto 2015, 94-95). Such fundamental rights include the right to life (Article 9); the right to not be subjected to torture (Article 10); the right to liberty and protection from arbitrary detention (Article 16); the rights to be free from slavery or forced labour (Article 11); and the right to not have identity documents confiscated (Article 21). Part IV of the ICMW provides a set of additional rights for documented migrants regarding transfers of remittances (Article 47), the right to participate in public affairs in the state of origin (Article 41) and notably the right to family reunification (Article 44) among others.

A number of particular rights stipulated for by the ICMW have also come under rigorous scholarly scrutiny, and will become especially significant in the thesis' discussion of the labour immigration policies of Singapore and Canada. Under Article 26, all migrant workers, regardless of status, are allowed to take part in existing trade unions and are allowed to seek the aid of any trade union. However, the right to form trade unions are reserved only for migrant workers with regular status seeing as it is in outlined in Article 40 which finds itself in Part IV of the treaty. As such, this "two-tier protection" has come under some criticism from legal scholars of the ICMW, as the treaty is seen as "departing from existing international standards in the ICCPR, the ICESCR and ILO instruments" which allow for the joining *and* forming of trade unions to all persons without distinction based on status (Cholewinski 1997, 164). Despite this, it should be highlighted that as part of the stipulations of the ICMW, all migrant workers have the right to join existing trade unions and documented migrant workers have the right to form trade unions. Thus, the treaty

works towards according migrant workers the right to effectively organize to advocate for the protection of their welfare within a given host-state's political context.

Another key right of the migrant worker forwarded by the ICMW is the right to family reunification. Similar to the right to form trade unions, the right to family reunification is reserved for documented migrant workers, and is articulated in Article 44 in a notably "limited and carefully worded way" (Ruhs 2012, 1280). The family is defined in Article 4 as "persons married to migrant workers or having with them a relationship that, according to applicable law, produces effect equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation." As such, Article 44(2) the state "shall take measures that they deem appropriate to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children."

A key set of rights stipulated for by the ICMW is with regards to the freedom of the migrant worker to move, to choose their place of residence, and to navigate the labour market of the given host country. Article 38 accords documented migrant workers and their families the right to be temporarily absent from the state of employment without any effect on their authorization to work in the country. Article 39 provides migrant workers the right to liberty of movement within the host country's territory and the freedom to choose their residence in host country. Most significantly, Article 52 states that migrant workers shall have "the right to freely choose their remunerated activity." This right, however, is subject to some restrictions, as states of employment are allowed to restrict access to "limited categories of employment…where there is necessary interests of this State." States are also allowed to restrict the choice of employment according to

"recognition of occupational qualifications acquired outside of its territory." States are ultimately allowed to make the right to freedom of choice of employment based on the migrant's lawful residence in the hosts state's for a given period of time not exceeding two years. States are also able to limit access of employment for migrant workers on the basis of granting priorities to nationals or to relevant persons regarding bilateral or multilateral agreements. Such limitations, however, are stipulated to cease to apply to migrant workers who have resided lawfully in the host country's territory for a period of time that does not exceed five years. To put this simply, the ICMW accords the migrant worker the right to "freely choose their remunerated activity after 5 years of residence in the host country" (Ruhs 2012, 1280).

Obstacles to the Ratification of the ICMW: A Review

The following section of the thesis will present some of the general obstacles to the widespread ratification of the ICMW as seen in the academic literature. In explaining the lack of ratification of the ICMW on the part of net migrant-receiving states, scholars have noted that the lack of awareness of the ICMW; a number of misperceptions regarding the treaty; the content of the treaty itself as serving as an obstacle; a perceived non-relevance of the treaty; and an acute tension between the aims of the treaty and state sovereignty. This section will ultimately seek to counter the explanatory power of these arguments, pushing forward instead an argument which focuses on the importance of domestic national interests in accounting for the lack of ratification of the ICMW among migrant-receiving states.

A lack of awareness of the treaty and misperceptions of the treaty's contents, on the part of many governments, have been seen by some scholars as key to the ICMW's non-ratification among many migrant-receiving countries. Knowledge about the treaty is seen by Pecoud as "generally low" among governments and even civil society actors, and it this lack of awareness of the treaty and its contents that dampens interest in ratification of the treaty, and in effectively

lobbying governments to ratify the treaty among NGOs (Pecoud 2009, 343). This lack of awareness of the ICMW has been argued to result from the lack of extensive promotion of the treaty, especially when compared to the extents to which other treaties were promoted. Attempts to promote the ICMW, on the part of the UN, in the period immediately following its adoption in 1990, were seen to not be as vigorous as efforts to promote other treaties such as the Convention on the Rights of the Child (De Varennes 2003, 25). Taran notes further that the text of the ICMW itself was only published six years after its adoption, thus placing an immense amount of difficulty on actors who wished to obtain a copy of the text as "photocopies of the original 1990 General Assembly resolution" had to be relied upon (Taran 2000, 95). Furthermore, Taran underlines the lack of manpower in civil society, government, or international organizations, dedicated to the promotion of and advocacy for the ratification of the ICMW. Writing in 2000, Taran notes that "there is simply no-one yet taking up on a full-time basis the huge tasks of information, distribution, coordination, advocacy, etc. that promoting adoption of an international treaty requires." Ultimately, this lack of a concerted effort to promote the ICMW is contrasted sharply to the well-staffed and well-mobilized volunteer force behind the promotion of other human rights treaties such as the Convention on the Rights of the Child, the Convention on Desertification, and the Convention against Anti-Personnel Landmines (Taran 2000, 96).

This relative lack of awareness of the contents of the ICMW is posited to generate some misperceptions over the stipulations of the treaty. The ICMW is shown to often be misunderstood as effectively ruling out the ability of the state to determine its own admission policies of immigrants, and is also misread as obligating states to "grant large family reunification possibilities for immigrants" (Pecoud 2009, 343). Scholars have instead been quick to point out

that Article 79[1] of the treaty would clearly refute the claim that the ICMW effectively encroaches upon the state's ability to formulate their own immigration policies (Chetail 2012, 65; De Varennes 2003, 26; Pecoud 2009, 343). Furthermore, the ICMW's stipulations for family reunification is also seen by scholars to afford the state with substantial discretion to regulate the admission of family members of migrant workers, and thus much less can be said of outright obligations of the state to automatically provide for "large family reunifications" among migrant workers that the ICMW supposedly entails (Cholewinski 1997, 172-173; Pecoud 2009, 343).

The content of the convention has been cited as a possible obstacle in itself, as seen in the contention over articles stipulating for the allowance of migrant worker participation in unions and state contests over the definition of family (Pecoud and de Guchteneire 2006, 254-255). The ICMW is seen by some to be overly complex, and dealing with an overly large variety of sectors of state responsibility. This in turn implies a difficulty for ratifying states to co-ordinate efforts to adhere to the standards of the convention. Several states have also been shown to possess a multitude of government departments in dealing with issues of migration policy and thus ratification of the ICMW represents a major decision which entails necessary, yet possibly non-existent, state capacity to enact the required changes to ensure compliance (Pecoud and de Guchteneire 2006, 255-256). The ICMW is also seen as containing "new wording" of previously articulated rights and stipulations, which "in many cases departs from established human rights language" (Cholewinski 1997, 201). Ratification of the ICMW is thus predicted to be "slow" in many countries because of the treaty's length and complexity, and the substantial changes in national laws and policies adhering to the treaty would entail (Ruhs 2012, 1283). As such, some scholars view the complexity and comprehensive of the ICMW as a prime reason for the treaty's

[1] "Nothing in the present Convention shall affect the right of each State Party to establish criteria governing the admission of migrant workers and members of their families."

lack of widespread ratification, as seen in Cholewinski's assertion that "technical questions alone, therefore, may prevent many states from speedily accepting its provisions" (Cholewinski 1997, 202).

Somewhat related to the argument that the ICMW's content is the prime reason for its lack of widespread ratification, the perceived non-relevance of the ICMW is also cited by many scholars, as many countries view the stipulations of the treaty as already covered by national legislation or by other existing human rights treaties. Such an explanation centres on the notion that many governments simply assume that migrant workers' rights are already protected, and thus ratification of the ICMW is deemed unnecessary (De Varennes 2003, 26). This argument has been applied at the international level, as migrant-receiving states have been found to express a lack of intention to ratify the ICMW in the view that migrant workers' are already covered by other human rights treaties and instruments which apply to all individuals, including migrants (Mattila 2000, 59). Indeed, significant overlap between the ICMW, the ILO migrant worker conventions and existing core human rights treaties has been cited by many migrant-receiving countries as a reason for the non-ratification of the ICMW (Bohning 1991). At the national level, the compatibility of the ICMW with national laws is also used as a justification by many countries for non-ratification of the treaty in the view that since migrants are already protected by national legislation, the ICMW is thus "superfluous" (Pecoud 2009, 345).

A more fundamental tension between the content of the ICMW and states is seen simply in the principle of granting rights to non-citizens, and the perceived imbalance this would bring between the rights of the foreign individual and state sovereignty. This tension between the ICMW and state sovereignty is shown to be especially pronounced, from the point of view of the state, when taking into account the convention's stipulations for the provision of rights to undocumented

workers (Bosniak 1991). The ICMW's express inclusion of a set of fundamental civil and political rights for both regular and irregular migrants as a principal reason for the non-ratification of the treaty and has been seen by non-ratifying states as encouraging irregular migration (Pecoud 2009, 345). The contention, thus, is that undocumented migrants reside in a territory without the state's consent; and that by virtue of their being humans, have rights which should be respected, and ultimately should be protected by the state which does not allow them into the territory in the first place. As such, irregular migrants have been seen as "an extreme case for the universality of human rights" and that while according such migrants adequate protections is "straightforward according to human rights logic," in most cases it is "politically very difficult," especially in light of the inherent tension between state sovereignty and human rights (Pecoud 2009, 346).

However, while such a tension between sovereignty and the human rights of undocumented migrants has represented an obstacle in the non-ratification of the ICMW, a key point which must be highlighted is the misperception that the ICMW encourages irregular migration via its provision of policies for undocumented migrant workers. Cholewinski describes the ICMW as having a "clear and principled human rights approach to the problem of irregular migration" in seeking for the discouragement and prevention of undocumented migration but not at the neglect of undocumented migrant workers who have already taken residence in their respective countries of employment (Cholewinski 2005, 13). The notion that *all* migrants are accorded a set of rights in Part III of the treaty, but that only regular migrants are granted additional rights in Part IV, is seen as central to the ICMW's aim to disincentivize the hiring of undocumented migrants. Cholewinski substantiates this claim by citing the preamble to the ICMW, which states that

> "recourse to the employment of migrant workers in an irregular situation will be discouraged if the fundamental rights of all migrant workers are more widely recognized and, moreover, that granting certain additional rights to migrant workers and members of their families in a regular situation will encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned."

Furthermore, Article 68, which includes a number of obligations for states to collaborate and effectively prevent the facilitation of movement and employment of irregular migrants, is also cited by Cholewinski to "dispel the myth" that the ICMW works towards the encouragement of undocumented migration (Cholewinski 2003, 13-14). Thus, the crucial take-away point from this discussion is that while some fundamental tensions are stoked due to the ICMW's express interest in protecting undocumented migrants through the inclusion of an abridged set of rights for irregular migrants, it is by no means accurate to characterize the ICMW as effectively working towards the encouragement of undocumented migration, as it has been shown that the structure of the treaty itself, in granting additional rights to documented migrants, is intended to deter and disincentivize the employment of irregular migrants.

While these obstacles—lack of awareness, misperceptions, complexity and comprehensiveness of the treaty, and its perceived non-relevance—have been cited by many as explanatory of the lack of widespread ratification of the ICMW, some political science research has ruled out these obstacles as adequate explanations for the non-ratification of the ICMW by migrant-receiving states. Through an analysis of a campaign carried out in 1998 which aimed at raising awareness of migrant rights and the ICMW, Vucetic concludes that the weakness of the transnational advocacy networks (TANs) involved in the promotion of the treaty does not account for the continued lack of change in human rights practices, pointing instead to the "vulnerability of the target state [of the campaign] to the combination of material and moral pressure" as more viable explanation for the likelihood of a migrant-receiving state to ratify the ICMW (Vucetic 2007, 410). The campaign, which was initiated by Migrant Rights International and which was headed by a Steering Committee consisting of eighteen organizations including UNESCO and the ILO among others, succeeded in compelling the UN General Assembly in declaring December 18

as “International Day of Solidarity with Migrants” and in establishing a UN Special Rapporteur on migrant workers’ rights. However, what is underlined is the campaign’s failure to achieve its principal aim of persuading at least one signature or ratification of the ICMW from the major migrant-receiving OECD countries, and thus the continued lack of official, meaningful commitment to the rights of migrant workers, despite some concerted efforts to raise awareness about the issue (Vucetic 2007, 409).

The argument of the perceived non-relevance of the ICMW, or the idea that the stipulations of the ICMW are already covered by national legislations of a variety of countries and are already provided for by more universally applicable existing human rights instruments may also be refuted. While such an argument may be appealing to the notion that most migrant-receiving countries are already human rights-, and therefore, migrant rights-respecting countries, I draw question marks on the extent to which the compatibility of the ICMW with an existing domestic policy setting necessarily justifies *non*-ratification of the treaty. Could it not also be argued that the compatibility of the ICMW with existing national legislation renders the ratification of the treaty as unproblematic? As pointed out by Pecoud, the non-compatibility of the ICMW and the existing laws of a number of Asian migrant-receiving states also renders such states unlikely to ratify the ICMW given the “numerous and obvious” legal obstacles seen in the gaps between such states’ policies and the standards of the ICMW (Pecoud 2009, 344). Thus, is it because the ICMW is already in line with a state’s existing migration policies and international human rights commitments that it is not ratified? Or is it that the larger the gap between the stipulations of the ICMW and a country’s existing legislations, the less likely the ratification of the treaty by the state? An argument which answers positively to the former question rather than the latter ultimately neglects to account for the possibility that the compatibility of existing national legislation with

the ICMW's standards works towards reducing the costs of compliance to the treaty, and is an indication of a lower number of major policy changes which would be required of such a migrant rights-respecting state to be adherent to the treaty. As such, the argument of the non-relevance of the ICMW is posited instead to shy away from the "political, cultural or philosophical obstacles that, broadly speaking, refer to the spirit that guides migration policies in many countries and that diverge substantially from the rights-based approach of the Convention" (Pecoud 2009, 345).

The argument that the content of the ICMW itself is the prime explanatory factor for the ICMW's lack of ratification among migrant-receiving states has also been called into question by a number of scholars. Vucetic argues that the lack of ICMW ratification lies not in the lack of adequate transnational promotion of the treaty, nor in the claims of over-complexity, over-comprehensiveness, or over-precision of the treaty itself. The precision, comprehensiveness and complexity of the treaty are cited as "at best intervening, but certainly not causal variables" to the lack of ratification of the convention, and if the treaty bears these characteristics, "it is because the states opted for this particular design" (Vucetic 2007, 420). In reference especially to the argument that the content of the ICMW explains the treaty's lack of widespread ratification, Vucetic highlights the politics of the drafting process of the ICMW, and that the ICMW was a product of negotiations of states themselves and a reflection of a "compromise over different political interests of states" (Vucetic 2007, 418). Thus, the complexity and comprehensiveness of the ICMW, as independent variables leading to the likelihood of ratification of the treaty, are shown as endogenous to the "prior decision by state actors to include complexity, precision, and escape clauses in a treaty" (Vucetic 2007, 417). As such, a design-based argument to account for the lack of ratification of the ICMW among migrant-receiving states does less to forward a theoretically salient explanation of the phenomenon of non-ratification of the ICMW. Ruhs echoes this critique

in referring to the content and the lack of promotion of the ICMW as "auxiliary issues," pointing instead to a more "fundamental" explanation related to the national interests and politics of migrant-receiving nation-states (Ruhs 2012, 1284).

A survey of the literature suggests instead that the most important set of obstacles to the ratification of the ICMW are political ones (Pecoud and de Guchteneire 2006; Ruhs 2012; Vucetic 2007). Governments are seen to be less receptive to the idea of committing to the protection of the rights of non-citizens in times of economic crisis and uncertainty. The lack of popularity of such a migrant-focused action as the ratification of the ICMW is further compounded by populist politicians presenting migrants and migrations as threats to national security and stability, often resulting in calls for stronger border controls, restricted immigration flows, and greater restriction for immigrants to access social welfare (De Varennes 2003, 27-28). Thus, the issue of migration is shown to be "frequently addressed as a problem of law and order," with migration viewed broadly as a threat to the political, economic, social and cultural setting of a given country (Pecoud 2009, 348). The focus of the ICMW on low-skilled migrant workers is cited as divergent from the interests of many states who place a greater priority on the attraction of skilled migrants (Pecoud 2009, 347). The stipulations of the ICMW may also be seen to run counter to the social and political traditions of certain states' immigration policy, especially in settings where differential treatment not only of immigrant populations, but also of segments of the society at large is widely accepted (Pecoud and de Guchteneire 2006, 258). A key set of political obstacles are those which pertain to the political economy of labour migration, and the perception that the granting of rights to migrant workers is economically counter-productive. As such, there is a recognized tendency that states protect local employers more than foreign workers (Pecoud and de Guchteneire 2006, 257). Uncertainties over the economy, and the longevity of the welfare state is shown, in many contexts,

to place the protection of the national economy and the welfare system as issues of higher priority, rendering migrant workers' rights a low-priority issue and one which may be viewed in a negative light by the mass public (Pecoud and de Guchteneire 2006). Market forces are especially posited to present a deep challenge to the ICMW's rights-based logic as the accordance of migrant rights is seen to imply costs, thus resulting in a "vertical hierarchisation of migrants according to economic contribution" which directly contradicts the horizontal distribution of rights and standards to all migrants under the ICMW (Pecoud 2009, 346). As such, it is the "supply-and-demand mechanisms" of the labour market, not the access to rights and standards forwarded by the ICMW, which determines the admission and treatment of migrants. Migrant-receiving states are thus shown to compete among each other for high-skilled migrant workers through the offering of more attractive living and working conditions. Low-skilled migrant workers, on the other hand, are viewed as "virtually unlimited," and thus countries are not compelled to provide attractive conditions for their employment, often resulting in competition among migrants to "accept extremely poor conditions" (Pecoud 2009, 346-347).

In evaluating the various categories of obstacles which stand in the way of the ratification of the ICMW by a broad set of countries, scholars have pointed out that the key obstacles lie in the domestic politics and the national interests of specific countries. As Vucetic points out, all government actions, including the ratification or not of an international human rights treaty such as the ICMW, are reflections of balances of domestic interests and identities. Conceiving of the national interest as "a product of exchange and collective action among various domestic groups who operate under various domestic constraints," Vucetic forwards the notion that the lack of ratification of the ICMW among migrant-receiving results from such a national interest, rather than the lack of promotion or the content of the treaty itself (Vucetic 2007, 420). Ruhs similarly

finds that the fundamental, root cause of the lack of widespread ratification of the ICMW is the national interest of the state. Thus, the main concern highlighted is the perceived cost of granting rights to migrant workers, as stipulated for by the ICMW, on the existing host country's population and on the ability of the state to continue implementing current policies which govern the admission and treatment of migrant workers (Ruhs 2012, 1284).

The "genuine puzzle" is thus posited to exist at the level of domestic politics, and that in order to account for the non-ratification of the ICMW, a domestic theory of politics which considers the balance of domestic interests and identities is required (Vucetic 2007, 420-421). As such, a study of the interests and the role of the nation-state in shaping its migration framework is necessary in the discussion of the human rights of the migrant workers, and of the efficacy of the ICMW in achieving, or not, a wider global acceptance (Ruhs 2012, 1287). This thesis thus seeks to build on the recommendations of these scholars through a comparative study of the national policies of Canada and Singapore towards migrant workers, and ultimately a comparative analysis of the national interests which result in the non-ratification of the ICMW of both cases. As such, this thesis actively seeks to analyze Singaporean and Canadian labour immigration policies and the extent to which the stipulations of the ICMW stand to impose costs on the states' ability to continue implementing current policies. Further, I will explore the politics behind the formulation of such policies, and analyze the national interests which undergird the immigration policy frameworks of Singapore and Canada. In doing so, this thesis explicitly focuses on the role of the state and its interests in shaping its compliance, or lack thereof, to the protection of migrant workers' rights, which in turn builds on our understanding of the nature of the state's non-ratification of the ICMW. This thesis, thus, takes on a comparative, domestic politics-oriented lens on a phenomenon which could be more simplistically viewed to be salient only at the international

level. As posited by Donnelly, "the struggle for international human rights is, in the end, a series of national struggles," and that "the study of human rights must in the final analysis rest most heavily on the study of comparative politics, not international politics" (Donnelly 2013, 180).

A significant first step in embarking on this task could be the enumeration of the obstacles to the ratification of the ICMW encountered by both countries. In the case of Singapore, a number of perceptions, and misperceptions, of the contents of the ICMW are reported to exist. A common misconception made on the part of Singaporean policymakers is that the ICMW mandates the migrant worker's right to bring one's family to the host country (the ICMW does not, in fact, require the admission of family members). Another obstacle would be the granting of freedom of movement to all foreign workers, which stands as a contradiction to many of the practices of employers of temporary unskilled workers, especially domestic workers, in the Singaporean context (Iredale and Piper 2003). Little pressure is also placed on the government to meaningfully consider the ratification of the ICMW due to a relative lack of political activism within the Singaporean authoritarian political framework. Singapore's minimal record of ratification of international human rights treaties is accompanied by the notion that the Singapore government's priorities for future international human rights treaty accession does not include the ICMW (Iredale and Piper 2003). I argue, however, that the key, underlying obstacle to Singaporean ratification of the ICMW is its interest in preserving its detailed and tightly controlled system of policies regarding foreign labour. It is from this interest in preserving these sets of policies that Singapore's violations of migrant workers' right also stem, and it is the state's interests and its violations that not only render Singapore a non-complier of the ICMW's stipulations, but also results in the view of the ICMW as "far beyond what is possible in Singapore on the basis of its existing laws and practices" (Iredale and Piper 2003, 47).

A number of obstacles standing in the way of Canadian ratification of the ICMW have also been identified. Despite Canada's encouragement of increased bilateral and multilateral dialogue on international migration issues, migration policy is posited to be exclusively determined at the national level, and that Canada does not recognize the legitimacy of the impact of the ICMW on Canada's freedom to form its own migration policies (Piche et al 2006, 10). A second set of obstacles is with regards to an alleged incompatibility between the ICMW's focus on temporary workers and the immigration philosophy of Canada. According to this set of obstacles, the ICMW, which was formulated during the 1970s, is seen to have come about in the context of a wide increase of guest worker programs in a number of developed countries. This phenomenon was not seen in the Canadian case as the negligible number of temporary workers in Canada during the 1970s reflected an immigration policy which primarily aimed to attract permanent immigrants (Piche et al 2006). As will be shown in the forthcoming section, however, Canada has in recent times increased its reliance on temporary foreign workers, and questions can be raised over the validity of this purported obstacle. A third set of obstacles is based on the claim that Canada already provides for the respect of fundamental human rights, and as such, migrant workers do not represent a vulnerable group which requires particular protections. The ratification of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and various other core UN human rights treaties, and the provisions for human rights in the Canadian Charter of Rights and Freedoms and in various instruments of provincial legislation are utilized to bolster the claims of this argument.

Why do States Ratify?

The question of why states have been willing to commit to international human rights treaties is a relatively well explored one, and a number of theories and approaches have attempted to offer explanations for such state behaviour. One theory forwarded is the existence of a normative

logic of appropriateness within a world society or culture which persuades states to ratify international conventions on human rights. According to this approach, the nation-state is first seen to be embedded in a wider international environment which is organized around cultural rules and associational networks, and not centralized control (Driori and Kruecken 2003). This embeddedness in turn represents a key variable for the extent to which a country becomes socialized to enact broader world standards, as countries which are better integrated are endowed with greater access to the "appropriate scripts and norms" which ultimately allow for future adherence to a given international standard (Woptika and Ramirez 2008, 315). As a result of this embeddedness, state structures are in turn affected as countries from a variety of contexts come to offer similar social services and enact similar policies, ultimately resulting in a broad "institutional isomorphism" (Driori and Kruecken 2003, 15). As Driori and Kruecken write of Meyer's perspective on the world society, through the expansion of the social role of the state, the intertwining of social institutions with the state, and the broad shift in articulating universalistic rights instead of particularistic values through a series of international laws and transnational efforts, a global human rights regime comes to be constructed which exerts a "diffuse authority" on nation-states (Driori and Kruecken 2003, 16). As such, the attendance of world conferences (Risse 2000), the active membership in transnational governance and global civil society (Cole 2003; Woptika and Ramirez 2008) and the effects of "norm cascades" (Finnemore and Sikkink 1998) in bringing about greater policy emulation, are viewed as key mechanisms through which states ratify international human rights treaties. Ratification is thus thought of as an act of emulation through which states formally enact the values of the broader world culture in order to identify themselves as "members in good standing of the modern society of states" (Simmons 2009, 62). A key implication of this view of ratification is the notion of an endemic "decoupling" of

legislation and practice in state behaviour (Cole 2003; Driori and Druecken 2003). States are seen to operate in a "ceremonial and ritualized manner" and ratification is viewed less as a "deep commitment" to the stipulations of the treaty and seen more as a way to "signal probity with the international community" (Cole 2003). Hence, from the perspective of the world society thesis, states which have ratified a treaty may also be non-compliant with its stipulations. Such non-compliance, however, is interpreted not as a strategic move, but as an act of emulation and appropriateness within the context of ritualized enactment and modelling in which non-compliant behaviour "becomes routine" (Driori and Druecken 2003, 16).

Framing ratification purely as a practice of emulation and signalling membership in the wider international community, however, draws question marks over the substantive aspects of the act of ratification. While ratification is partially brought about by concern over the state's place in the wider international society, the world society approach is shown to "privilege the global in ways that may not be fully justified" (Simmons 2009, 64). Indeed, such an approach may discount the act of ratification as nothing more than the adoption of superficial formal policies among states, and risks losing sight of the manner in which global conceptions of rights interacts with the domestic political and social settings and its demands on national leaders (Simmons 2009, 63-64). A rationalist view of ratification places prime significance, instead, on the costs of compliance to a treaty in determining a state's likelihood of ratification of the treaty. Such a view is predicated on the notion that states expect the stipulations of treaties to be binding and thus only enter into agreements on the basis of well-developed conceptions of their national interests. As such, whether or not a state ratifies a treaty depends on the extent to which the treaty serves its national interest, which is negotiated by an "interplay between domestic players and international actors" (Hathaway 2003, 1829). Thus, taking the view that national interests predominantly take the form

of material interests, the process of international negotiations is seen to involve "groups who stand to gain or lose economically" from the policy changes implicated by the stipulations of the given treaty. Where such policy changes are high, or where costs of compliance to the treaty are high, more domestic groups will thus be seen to attempt to block ratification, hence making ratification less likely (Milner 1997). States are also seen to compare their current practices with the practices required by the treaty, and are seen to only join treaties whose stipulations diverge with state practices to a lesser extent (Downs et al 1996).

Following the notion that the costs of compliance, seen in terms of the extent to which current practices and interests diverge from the stipulations of the treaty, hold significant weight in determining state ratification of a treaty, Simmons develops a dynamic theory to account for the ratification (or not) of international human rights treaties among states. The theory of rationally expressive ratification posits that treaty ratification is a reflection of the government's preferences and practices after the state's consideration of the costs of compliance (Simmons 2009, 64).

In line with this theory, Simmons develops three categories of governments. First, sincere ratifiers are states which support the values forwarded by the contents of the human rights treaty and anticipate that they will be able to comply with the treaty's stipulations. Thus, a sincerely ratifying country is one for whom the contents of a treaty are in line with the state's ideal point in terms of preferences and practices, and for whom the required policy adjustments to be made for compliance with the treaty are few (Simmons 2009, 65). A second group of ratifying countries can be characterized as false positives or strategic ratifiers. These countries are characterized as not having a strong normative commitment to the contents of a treaty, and yet are seen to decide to ratify it. The reasoning behind this behaviour is shown by Simmons to be a belief that the expected, short-term benefits of ratification will exceed its costs and the expectations to comply over the

long run (Simmons 2009, 77). A third group of countries are false negatives. Such countries are seen to be committed to the principles forwarded by the international human rights treaty, yet ultimately fail to ratify it due to a host of domestic, political obstacles. Among these possible domestic obstacles are the presence of legislative veto players in state legislatures, local and provincial governments within federations, and lawmakers in the judicial systems of various countries (Simmons 2009, 68-72). A final category of countries, which is not articulated by Simmons, could be that of sincere non-ratifiers. Countries in this category exhibit a simultaneous lack of convergence of state preferences with the goals of the treaty, and lack of compliance with the stipulations of the treaty. Thus, no strategic cost-benefit analysis forms the foundation of such behaviour, as a simple lack of agreement between state preferences and practices results in non-ratification of the treaty.

Methods: Case Selection and Semi-Structured Elite Interviews

Apart from their similar statuses as migrant-receiving countries and countries whose populations have historically comprised of immigrant populations, Singapore and Canada differ across a number of key variables which have pertinence to the likelihood of ratification of international human rights treaties. One simple point of difference is the number of international human rights treaties already ratified by either country. Singapore is shown to have acceded to only two UN conventions on human rights: The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) in 1995. Of note, neither the ICCPR nor the ICESCR has been ratified by Singapore. This minimal record of ratification of international human rights conventions is contrasted to that of Canada, which has ratified a majority of the principal human rights treaties such as the ICCPR, ICESCR, CEDAW, CRC, the Convention against Torture (CAT), the Convention on the Elimination of All

Forms of Racial Discrimination (CERD), and the Convention on the Rights of Persons with Disabilities (CRPD).

The countries also differ critically in regime type. Despite the presence of regular elections with universal suffrage, Singapore is considered an authoritarian state. Its provisions for civil and individual rights in its constitution are seen to be weak as a restrictive press law, harassment of opposition parties by the ruling People's Action Party, and restrictions on opposition parties to organize and campaign stand as examples of some of the key violations of the rights of its citizens on the part of the Singapore government (Englehart 2000). Canada, on the other hand, is a liberal democracy with regular, competitive, free elections and possesses an institutional setting which broadly provides for the protection of the civil liberties of the individual. Thus, based on the difference in regime type between the cases, it is possible to preliminarily expect that Canada, with its deeper commitments to democratic principles and civil liberties, is more likely to see its preferences in line with a number of international human rights conventions as opposed to Singapore, whose authoritarian disposition entails an expectation of resistance towards the contents of the treaty (Simmons 2009, 65).

A final, preliminary point of distinction should also be made of the differing cultural and regional contexts in which either case finds themselves in. Canada is a liberal democracy in the Western hemisphere which is purported to provide a cultural context conducive for "the use of law to empower the individual vis-à-vis the government or the society" (Simmons 2009, 66). Singapore, on the other hand, is situated in Southeast Asia, and, more significantly, has employed a culture-based argument, in the form of Asian Values, in defense of its lack of provisions for democracy and human rights (Englehart 2000). As such, one can also possibly expect different rates of ratification of international human rights treaties of either case based on their respective cultural

dispositions. Given Canada's stronger links to Western cultural mores and practices, one would expect Canada to be more receptive to ratification of international human rights treaties and the possible restrictions on its sovereignty compliance to these treaties entails, while Singapore's purported links to Asian cultural mores and practices may render it less likely to welcome the encroachments on national sovereignty the ratification of international human rights treaties might bring (Simmons 2009, 66).

In light of these differing expectations of Canada's and Singapore's propensity to ratify international human rights treaties in general, the two countries provide an opportunity to conduct a case comparison to ascertain how these different settings ultimately provided for the similar outcome of the lack of ratification of the ICMW. Given the supposed dispositions of either country and their respective governments' conceptions of their general preferences towards ratifying international human rights treaties, we might expect the ICMW to at least be ratified by Canada--yet it is not. Using Simmons' theory of rationally expressive ratification as a framework, this paper seeks to explore these questions: To what extent do these positive expectations of Canadian ratification truly represent its preferences with regards to the ICMW, and thus to what extent can we conceive of Canada as a migrant workers' rights-respecting government which refrains from ratification (a false negative)? To what extent do our lower expectations of Singaporean ratification of international human rights treaties necessarily translate to its non-ratification of the ICMW, and to what degree does Singapore stand as a sincere non-ratifier? In order to answer these questions, Simmons provides us with two elements of state behaviour which serve as crucial subjects of analysis for our case study—the practices and preferences of Singapore and Canada; or their policies and national interests.

In an attempt to examine the degree of compliance of Singaporean and Canadian policies governing temporary, low-skilled foreign labour with the stipulations of the ICMW; and the national interests which underlie these policy frameworks, I not only conducted a survey of academic literature, government documents, and news articles from select sources, but also conducted a number of semi-structured interviews in both Canada and Singapore with three sets of actors: government decision-makers or bureaucrats involved in labour migration policymaking, migrant labour non-government organizations (NGOs), and private actors involved in the hiring of temporary foreign workers, such as employment agencies or employer associations (see Appendix 1 for list of interviewees). The broad aim of the interviews is to reveal these actors' perspectives of the state's interests which shape the migrant labour policies of their respective countries and to attempt to uncover the preferences of the actors themselves. The inclusion of such a broad range of actors is predicated on the notion that these actors are deeply involved in migrant labour issues and may thus not only provide insights on how labour migration policy frameworks in their countries come to be negotiated, but that these actors also hold key interests in labour migration policy outcomes. Hence, in the vein of Milner's disaggregated view of the state in her theory of international treaty ratification (Milner 1997), national interests are seen from the outset to be negotiations among government actors, civil society actors, and private business actors involved in the employment of migrant labour.

Questions posed to interviewees sought to gain opinions on why Canada or Singapore has yet to ratify the ICMW; what the priorities of Canadian or Singaporean labour immigration policy are, or should be; who is involved in the labour immigration policymaking process; and to what extent the interests of market, sovereignty and security structure the immigration policy frameworks of either country. I conducted eleven interviews with actors involved in Singaporean

migrant labour NGOs and employment agencies during a trip I took to the country over the course of December 2016 and early January 2017. In the case of Canada, I conducted eight interviews from February to April 2017, three of which are of government officials directly involved in immigration policy making. An important point to underline is that I was unable to conduct interviews with any Singaporean government actors due to a lack of access. In the absence of such interview data, I include government documents, statements and press releases to substantiate any claims of Singaporean government interests as best as possible.

Singaporean Immigration Policy

The following section provides a detailed account of the policy framework governing the admission and treatment of migrant workers in Singapore. The purpose of this overview is not only to highlight the hierarchized nature in which migrant workers are governed in the Singaporean setting but also to show the manners in which Singapore's current policy practices are non-compliant with the stipulations of the ICMW, as part of the attempt to ascertain Singapore's sincerity in failing to ratify the treaty. I argue that this non-compliance to the ICMW is most vividly seen in the imposition of security bonds, levies, maximum periods of employment, mandatory medical examinations, and the overt segmentation of migrant workers according to nationality. It should be noted that these rights-impinging practices are mostly, often exclusively, administered to low-skilled migrant workers, and that Singapore's immigration policy framework is characterized ultimately as a three-tiered hierarchy in which a hybrid of skill, education and salary determine the migrant worker's access to certain labour and human rights.

Singaporean immigration policy has been characterized by its "single-minded comprehensiveness" in response to the perceived necessity of economic growth and the demands of its labour market to support this growth (Wong 1997). The overarching rationale which dictates its national interests and the structuring of its labour policy has been one of "maximizing economic

	2006	2011	2015	2016
Citizens	3107.9	3257.2	3375	3408.9
Permanent Residents	418	532	527.7	524.6
Residents	3525.9	3789.3	3902.7	3933.6
Non-Residents	875.5	1394.4	1632.3	1673.7
Total	**4401.4**	**5183.7**	**5535**	**5607.3**

Figure 1: Total Population of Singapore, as of June 2016 ('000), Source: Department of Statistics

benefits while simultaneously minimizing social and economic costs" (Devasahayam 2010, 46). In keeping with these national interests, Singapore's policy towards migrant workers has been broadly portrayed as comprised of the "twin pillars" of liberal encouragement of permanent settlement of *talent* and the ensured transience of low-skilled or unskilled *guest workers* (Wong 1997; italics added). Singapore has historically been a crossroads for diasporic Chinese and Indian immigrants and indigenous Malay populations, and the significance of immigration is seen in the country's recent history as well. As seen in Figure 1, in 2016 of the 5.6 million people who make up the total population of Singapore, 1.67 million are non-residents, meaning that they are neither Singaporean citizens nor permanent residents, while 3.93 million people are either citizens or permanent residents of the country. Thus, non-residents make up a relatively high proportion of the country's total population--approximately 30%. Another point to be noted from the data presented in Figure 1 is the steady increase of Singapore's non-resident population from 1.39 million people in 2011 to 1.67 million people in 2016. This increase can be further seen as part of an ongoing trend, as suggested by the large surge in non-residents, from 875,000 to 1.39 million, in a short five-year span between 2006 and 2011. The composition of the non-resident population in Singapore can be seen in Figure 2. This thesis' discussion of Singapore's non-ratification of the ICMW, will explore the policies which govern the admission of Employment and S pass holders, and will especially focus on the positions of vulnerability held by Work Permit holders and foreign domestic workers.

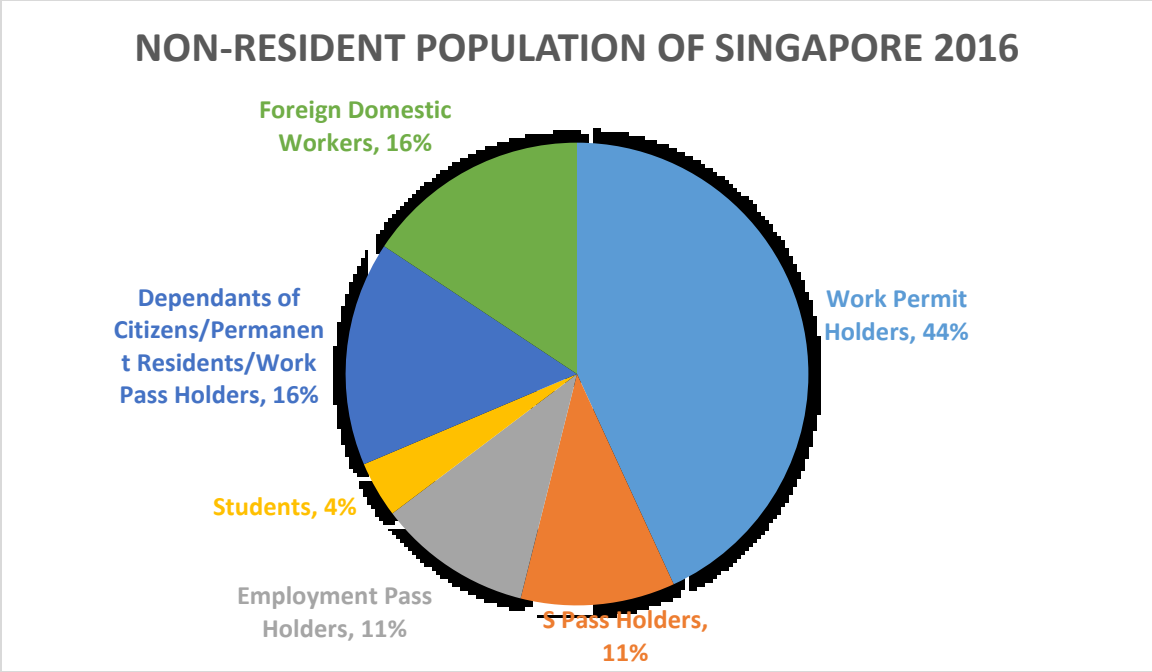

Figure 2: Composition of Non-Resident Population in Singapore in 2016, Source: National Population and Talent Division

A number of policies govern the admission and treatment of Singapore's non-resident population, of which three are aimed at middle and high-skilled foreign workers. First, Employment Passes geared towards high-skilled professionals in a managerial or executive position are made available to young graduates from educational institutions who are able to secure a job offer in Singapore with a fixed monthly salary of at least S$3600 per month. Older, more experienced candidates are also able to apply for the permit. However, they must fulfill the caveat of being able to command a higher monthly salary than $3600 which more appropriately matches their work experience. Acceptable qualifications for eligibility for an Employment Pass are expressed largely in terms of academic qualifications in the form of "a good university degree, professional qualifications or specialist skills" (Ministry of Manpower 2017a). Second, permits called S passes are awarded to mid-level skilled technical staff who are able to secure a job offer with a minimum salary of $2200 per month. To be eligible for an S pass, the potential foreign employee must possess a degree or diploma, or a technical certificate which requires at least one

year of full-time study (Ministry of Manpower 2017b). Both Employment Passes and S Passes share a number of common stipulations: Both permits require the employer or an employment agency to submit applications on behalf of their prospective hires; holders of either pass who are able to command a fixed monthly salary of at least $5000 are eligible to apply for residence permits for family members[2]; and both permits are valid for two years, after which the employer is able to renew the permit for subsequent periods of up to three years. Thus, Employment Pass holders and S pass holders are able to extend their permits limitlessly. Additionally, holders of both sets of work permits are eligible to apply for permanent residence in Singapore.

However, Employment and S Passes also differ in ways other than the skill-levels and salaries of their holders. A more exclusive category of work permits, Personalized Employment Passes (PEPs), is made available to existing holders of Employment Passes who command a monthly salary of at least $12,000, and to foreign, overseas-based professionals whose last drawn fixed monthly salary was at least $18,000. PEPs are valid for a period of three years and are non-renewable. The key benefit of this permit is the provision of greater job flexibility as it is not tied to a specific employer. Hence, holders are not only allowed to switch jobs without re-applying for a new pass but also allowed to legally reside in the country for up to six months without employment (Ministry of Manpower 2017d). Other than S pass holders not being eligible to apply for a PEP, a further distinguishing trait of the S pass is that employers seeking to hire temporary foreign workers through the permit are subject to a system of quotas and levies broadly intended by the Singaporean government to constrain the hiring of mid to low-skilled foreign workers. A

[2] There is a slight difference in the extent to which family members of Employment and S pass holders are given the option to legally reside in Singapore. While holders of either work permit earning at least $5000 per month are eligible to apply for a Dependant's Pass for their legally married spouses and children under the age of 21, only Employment Pass holders are able to apply for Long-Term Visit Passes for their common-law spouses, "handicapped" children above 21, step-children under 21, and parents (only Employment Pass holders with a salary of at least $10,000 are eligible to apply for their parents) (Ministry of Manpower 2017c).

Pass Type	Dec 2012	Dec 2013	Dec 2014	Dec 2015	Dec 2016
Employment Pass (EP)	173,800	175,100	178,900	187,900	192,300
S Pass	142,400	160,900	170,100	178,600	179,700
Work Permit (Total)	942,800	974,400	991,300	997,100	992,700
- Work Permit (Foreign Domestic Worker)	209,600	214,500	222,500	231,500	239,700
- Work Permit (Construction)	293,300	318,900	322,700	326,000	315,500
Other Work Passes	9,300	11,300	15,400	23,600	28,300
Total Foreign Workforce	**1,268,300**	**1,321,600**	**1,355,700**	**1,387,300**	**1,393,000**
Total Foreign Workforce (excluding Foreign Domestic Workers)	**1,058,700**	**1,107,100**	**1,133,200**	**1,155,800**	**1,153,200**
Total Foreign Workforce (excluding Foreign Domestic Workers & Construction)	**731,300**	**748,100**	**764,500**	**780,300**	**787,800**

Figure 3: Singapore Foreign Workforce numbers 2012-2016, Source: Ministry of Manpower

more nuanced discussion of this rather complex system of monthly fees and hiring caps will follow later in this paper. Despite these differences, however, the PEP, Employment Pass, and S Pass are ultimately similar in their provision for limitless periods of employment and a pathway to permanency for individuals holding these permits.

"Semi-skilled" workers (borrowing from the terminology used by the Ministry of Manpower) are governed by a substantially more stringent set of policies which serve to regulate the employment and freedoms of such workers. Named rather unimaginatively as Work Permits, this set of permits governs the employment of low-skilled to "semi-skilled", temporary foreign workers across five sectors—construction, manufacturing, marine, process, and services—and provides different sets of criterion for the hiring of workers in each sector (Ministry of Manpower 2017e). An additional category of Work Permits exclusively governs the employment of foreign domestic workers which contains its own set of eligibility requirements and policies. As seen in Figure 3, a large proportion of Work Permit holders are employed as foreign domestic workers or in the construction sector. With 239,700 Work Permit holders employed as domestic workers and

315,500 employed in construction, the sectors of construction and domestic work stand as the two largest employers of temporary, foreign workers in Singapore. All Work Permits share a number of key traits: There is no minimum qualifying salary for potential workers applying for the permit; workers employed under this permit are not eligible to apply for any residence permits for their family members; each Work Permit is valid for two years and is open to renewal for subsequent periods of two years until the maximum period of stay of the employee has been reached; and crucially, all Work Permits are tied to the employer and the occupation that is officially designated to the employee (in the case of domestic workers, the permit is tied specifically to the employer's residential address). There are largely no minimum educational or technical qualifications required for eligibility for a Work Permit, with the exception of foreign domestic workers who are required to have had at least eight years of formal education and to have obtained at least one certificate among a detailed list of educational certificates accepted as documented proof of education[3].

Additionally, all holders of Work Permits are required to comply with a number of regulations intended to restrict their movement and ensure the temporariness of their residence in Singapore. Employees are required to live in the housing provided by the employer (the employer's residence, in the case of domestic workers), to carry their original Work Permit document at all times which is to be produced upon inspection by a public officer, and are forbidden from marrying a Singaporean citizen or permanent resident in or outside the country without prior approval from the Ministry of Manpower. Work Permit holders are also banned from being pregnant with child or delivering a child while in Singapore over the course of their Work Permit unless already married to a Singaporean citizen or permanent resident with the approval of the Ministry of Manpower.

[3] Full list of accepted educational certificates can be found on the Ministry of Manpower website (see citation: Ministry of Manpower).

Employers of holders of Work Permits are required to adhere to a number of regulations. Other than fulfilling the more base requirements of paying workers their declared monthly salary and paying for their medical treatment, employers are also required to purchase medical insurance for workers and to facilitate the medical examination of workers with the implication that a worker's permit is to be revoked should they be found medically unfit. Additionally, employers are required to purchase a security bond of $5000 for each non-Malaysian foreign worker, adhere to sector-specific foreign worker quotas, pay stipulated monthly foreign worker levies and ensure that workers are hired from a sector-specific set of approved source countries which ultimately dictates the maximum period of employment of the worker, the amount of the monthly levy to be paid by the employer, the quota of workers the employer is able to hire, and the liability of the employer to purchase the security bond. These institutionalized practices—security bonds, quotas, levies, maximum periods of employment, and the segmentation of the foreign labour force by nationality—and how these practices can be seen as a reflection of migrant vulnerability will be discussed to a greater extent subsequently. However, the point to be underlined through the presentation of this survey of Singaporean labour immigration policies is the sheer extent to which the Singaporean state plays a role in restricting the movement of its temporary foreign workers, via its employer-tying work permits, and in ensuring the transience of low-skilled, or "semi-skilled", temporary foreign workers. Through the categorization of foreign labour according to a hybrid of skill, education level, salary and country of origin, foreign workers are thus differentially granted a pathway to permanency of residence, reunification with their families, and opportunities to take up residence in Singapore without the need for an employer-tied work authorization. Crucially, through such a system of categorization, a three-tiered hierarchy is created which sets out clear parameters for selective integration and non-integration of migrant workers--eventual

settlement for Employment and S Pass holders, and deliberately persistent transience for low skilled and "semi-skilled" Work Permit holders (Wong 1997, 141).

In order to ensure compliance to the conditions of the Work Permit among employers and temporary foreign employees, employers are required to purchase a $5000 security bond in the form of a banker's or insurance guarantee for any non-Malaysian foreign worker hired. The bond is ultimately seen as a transaction between the employer and the Singaporean government, and is paid back to the employer when the Work Permit of the worker in question is cancelled, when the worker has gone home, and when there is found to be no breach of the conditions of the Work Permit. The bond will be forfeited, however, if either the employer or the employee is found to be in violation of the conditions of the Work Permit, such as if employers do not pay workers' salaries on time or if employers fail to send workers back to their country of origin following the expiration, cancellation, or revocation of their Work Permit. Significantly, if the worker goes missing, half of the sum of money used to purchase the security bond will be forfeited if the employer files a police report and if they have "made reasonable effort[s] to locate the worker" (Ministry of Manpower 2017f). Should the police report not be filed, or the employer found to have made such reasonable efforts, however, the full sum of the security bond will be forfeited. As noted by Devasahayam, in the event a foreign worker goes missing, the employer is given a one-month grace period to find the worker. Ultimately, if the worker is found, a police report is made, and a flight ticket for repatriation of the worker is purchased, the employer stands to not lose their $5000 sum (Devasahayam 2010, 51).

The imposition of a security bond on employers of migrant domestic workers is shown to produce some grave implications for the rights of such workers. Acting on their fear of losing the sum of money placed on this bond, many employers have been found to ultimately "police" their

foreign domestic workers (Devasahayam 2010, 51; Huang and Yeoh 1996, 485; Tan 2013). Using explicit methods of limiting the movement of their foreign workers, many employers are shown to refuse to grant days-off for their employed domestic workers in order to minimize the chances of the disappearance of the domestic worker (Devasahayam 2010, 51). Huang and Yeoh, through a survey of employers of foreign domestic workers in Singapore, found that a commonly held belief among employers was that control of foreign workers' social life was necessary, and that not only were many foreign domestic workers having their work schedules precisely planned out by their employers, but also that their movements outside the home were actively limited (Huang and Yeoh 1996, 485). As such, elements of "bonded labour" are present in many cases of the employment of foreign workers, especially domestic workers, as a result of the imposition of the security bond on employers (Iredale and Piper 2003, 45). The policy of the security bond effectively incentivizes the monitoring of the social life of foreign workers, and compels the employer to limit the movement of the foreign worker, either through the lack of granting of days-of or through the curtailing of time spent outside of work, in order to protect their interest of not forfeiting the $5000 used to purchase the bond. Hence, the vulnerability of the migrant through the violation of the rights of non-Malaysian temporary foreign workers can be seen in this instance to be reflected rather explicitly from official state policy. Besides the deprivation of basic needs of rest days and freedom to socialize outside of work, the security bond and the practices it brings about is also seen to result in a social isolation which works towards hindering the ability of migrant workers to collectively organize, and as such plays a role in "contributing in large measure to their powerlessness and vulnerability" (Huang and Yeoh 1996, 486).

As noted earlier in the paper, a number of regulations are also imposed on the marital and reproductive rights of Work Permit holders, especially female ones, to ensure the continued

temporariness of their residence in Singapore. Specifically, Work Permit holders are not allowed to marry a Singaporean citizen or permanent resident without approval from the Ministry of Manpower and are not allowed to be pregnant or deliver a child unless in such a state-approved marriage. In order to enforce this legislation, foreign domestic workers are required to undergo the "indignity" of a regular mandatory pregnancy test (Huang and Yeoh 2003; Wong 1997). Employers are required to send any foreign domestic workers they hire for a Six Monthly Medical Examination (6ME) which tests for syphilis, HIV, tuberculosis and most crucially, pregnancy. The underlying implication of the 6ME ultimately is that in the event that a foreign domestic worker fails the examination, the employer must cancel the worker's Work Permit and arrange for the worker's repatriation (Ministry of Manpower 2016g). It has remained relatively unclear among employers whether the employer is liable to forfeit the $5000 paid to purchase the security bond for a foreign domestic worker who has failed the 6ME. According to the Ministry of Manpower's guidelines for the security bond, employers are "not liable for your[sic] helper's violations (such as those relating to pregnancy) if you[sic] can prove that you[sic] have: informed her of the Work Permit conditions she must comply with; reported a violation when you[sic] first become aware of it" (Ministry of Manpower 2017f). The Ministry of Manpower officially sought to clarify that security bond will no longer be forfeited in the event of pregnancy in 2011, thus indicating a shift away from attaching the security with the foreign domestic worker's pregnancy (Ministry of Manpower 2011). I would argue, however, that similar fears stoked by tangible interests on the part of employers continue to persist, as employers are still motivated to limit the movements of their hires in order to ensure that foreign domestic workers do not get pregnant. Essentially, it is costly to hire and re-hire a foreign domestic worker, both in terms of adjusting to and training a new worker and in terms of paying for the airfares involved in repatriation. Thus, as long as the

contraction of syphilis, HIV, tuberculosis, and the pregnancy of the worker necessarily entails their repatriation, employers will continually have an interest in safeguarding the investment made in their employment of the foreign domestic worker, in both financial and temporal terms, achieved most simply through the active limitation of the movements of the worker.

Employers are also subject to adhering to quotas on the hiring of S pass and Work Permit holders and are required to pay a monthly levy for each temporary foreign worker hired. Described as a "pricing mechanism to regulate the number of foreign workers in Singapore," the amount of the foreign worker levy varies according to sector, the worker's skill level, and the worker's country of origin (Ministry of Manpower 2016h). The quotas placed on the proportion to which a firm's workforce is comprised of temporary foreign workers varies according to sector. The amount of the levy of each temporary foreign worker, in the sector-specific conditions in place of the services and manufacturing sectors, increases as the firm hires a number of foreign workers closer to their designated quota. For example, a firm in the services sector is liable to pay a monthly levy of $450 for each basic-skilled temporary foreign worker if Work Permit or S pass holders represent up to ten percent of their workforce. If such workers represent between ten and twenty-five percent of the workforce of the firm, the monthly levy is raised to $600, and is further raised to $800 if twenty-five to forty percent of the firm's workforce is comprised of foreign workers (Ministry of Manpower 2017i). The manner in which the quota is expressed, either as a simple ratio or as a proportion of the workforce, differs according to sector as well. For example, employers in the construction or process sector are able to hire a maximum of seven Work Permit holders for every local employee of the firm, while the total number of Work Permit holders in firms in the manufacturing sector are allowed to be comprised of a maximum of sixty percent of the firm's total workforce (Ministry of Manpower 2017j; Ministry of Manpower 2017k).

A key factor which also determines the amount of the monthly levy the employer is required to pay is the skill-level of the temporary foreign worker. As noted by scholars, there is a clear differential in the exact amount of the levy between skilled and unskilled foreign workers, as the levies of skilled workers are much lower than those of unskilled migrant workers (Devasahayam 2010; Wong 1997). Indeed, the system of levies under Singapore's migration policy framework makes a distinction between "basic-skilled" and "higher-skilled" Work Permit holders, the primary implication of making this distinction being that the monthly levies of higher-skilled works are lower than those of basic-skilled ones. For example, while an employer in the construction sector is required to pay a monthly levy of $650 for each basic-skilled Work Permit holder employed, the employer would be required to pay a lower levy of $300 for each higher-skilled temporary foreign worker. This differential in the amount of the levy according to skill-level is practised across all sectors, with employers in the marine sector, as another example, required to pay a $400 monthly levy for each basic-skilled Work Permit holder hired, and a $300 levy for each higher-skilled one. There are numerous ways in which workers are able to qualify to be considered higher-skilled, and these pathways are normally in the form of passing sector-specific technical tests or training courses. Additionally, workers in the service, marine and process sectors from either Malaysia, China or a number of North Asian source (NAS)[4] countries may qualify as higher-skilled via academic qualifications (typically a high school diploma or certificate) (see Ministry of Manpower 2017m and Ministry of Manpower 2017n).

This system of levies, however, is not without problems and some key violations of these migrant workers' rights flowing from these policies have been documented. While the rationale behind the levy system has been to curb the employment of unskilled foreign labour, the policy

[4] North Asian source (NAS) countries include Hong Kong, Macau, South Korea and Taiwan.

has done much less to achieve this (Devasahayam 2010). The policy has instead been shown to benefit the Singaporean government in terms of the revenue it generates, with the Singaporean state mainly concerned with employers' adherence to the payment of the levy. By contrast, due to the higher costs of hiring unskilled migrant labour, particularly domestic workers, employers view the policy of imposing levies unfavourably, and the levy system is shown to lead to the commodification and exploitation of women migrant workers who are at the behest of employers who "feel justified to use them however they wish" (Devashayam 2010, 49).

Another characteristic of Singaporean immigration policy with regards to temporary, low-skilled labour is the institutionalized distinction made among migrants according to their source country. The act of such distinction has been highlighted by Iredale and Piper as a violation of human rights in itself as it invariably leads to an explicit discrimination of low-skilled migrant workers based on ethnicity (Iredale and Piper 2003, 44). More precisely, Singaporean employers are only allowed to apply for Work Permits for individuals from a list of approved source countries, with workers from each country, or each subset of countries, governed differently on the amount of the monthly levy their employers will have to pay for them, their maximum period of employment, the renewability of their contracts, and the sectors which are available for them to work in (Iredale and Piper 2003). Under this framework, distinctions are made between Work Permit holders from Malaysia, China, a set of countries designated as non-traditional source countries (NTS)[5], and another set of countries referred to as North Asian source countries (NAS). Foreign domestic workers must be hired from a separate list of approved source countries[6]. A worker's nationality has a distinct impact on whether they are able to be employed in specific

[5] Non-traditional source (NTS) countries include India, Sri Lanka, Thailand, Bangladesh, Myanmar and the Philippines.
[6] Bangladesh, Cambodia, Hong Kong, India, Indonesia, Macau, Malaysia, Myanmar, the Philippines, South Korea, Sri Lanka, Taiwan and Thailand.

sectors. For example, while workers from all approved source countries are allowed to be employed in Singapore's construction, process, and marine sectors, employers in the manufacturing and services sector may only hire Work Permit holders from Malaysia, China, and NAS countries. Thus, a clear barrier is placed on the employment of individuals from NTS countries in two of Singapore's most significant economic sectors. Even more specifically, workers from China and NTS countries in the process sector may only be employed as a "process maintenance and construction worker" or as a "process maintenance and construction worker-cum-driver," and hence an explicit limitation is placed even on the occupation for which workers from China and NTS countries may employed in the specific sector (Ministry of Manpower 2017n). A worker's nationality also affects the maximum amount of years they are allowed to be employed in Singapore—a policy which perhaps most explicitly safeguards the temporariness of the Work Permit holder. While no cap is placed on the maximum period of employment for workers from Malaysia and NAS countries, basic-skilled workers from China and NTS countries are allowed a maximum of ten years to work in the construction, marine, manufacturing and process sectors, and are allowed 22 years if they qualify as higher-skilled workers in these sectors. A similar practice is seen in the service sector as work permit holders from China are allowed a maximum of ten years to be employed in Singapore if considered basic-skilled, and eighteen years if higher-skilled, while workers from Malaysia or NAS countries may be employed in Singapore endlessly. Another instance in which conditions of employment are clearly differentiated according to nationality in official policy is the exemption of the need to purchase security bonds for the hiring of Malaysian Work Permit holders. Thus, the requirement for the employer to pay $5000 for the security bond, and the implications this bond may have on the rights of the worker, as discussed earlier in this

paper, are dealt along the lines of nationality as only non-Malaysians are exposed to the practices of "bonded labour" which may arise.

Thus, it is not surprising that scholars who have examined Singaporean migration policy have found an officialised ethnic segmentation of the migrant workforce in Singapore, with Malaysians as the most "free" and migrants from non-traditional source countries such as Indonesia, Philippines and Sri Lanka as subject to more extensive restrictions on their employment (Iredale and Piper 2003; Wong 1997). The Singaporean state, via these policies which regulate the hiring of foreign workers according to country of origin, effectively signals its preferences for which nationalities of people are to be accorded the "privileges" of a wider choice of sectors to work in, of their employment not being accompanied by a costly bond, and the lack of a cap placed on the length of the worker's stay in Singapore. As such, going along the lines of the notion that Singaporean labour policy is structured to minimize the social costs of immigration (Devasahayam 2010, 46), an element of social control can be seen in regulating the employability of temporary foreign workers according to nationality, as workers from NTS countries, which ultimately tend to be less affluent and contain populations with fewer cultural affinities with the ethnic groups which have historically comprised of Singapore[7], are limited in their opportunities compared to workers from neighbouring Malaysia, familiar China, and the affluent NAS countries. A fundamental question to be asked, then, is whether or not it is inherently problematic to officially distinguish migrant populations along the lines of nationality. If one were to adopt a human rights-based approach which ultimately advocates for non-discrimination of opportunities according to race and ethnicity, one would be compelled to view Singapore's practice of segmenting its labour immigration policies according to the worker's country of origin as standing in contrast to this

[7] Singapore's multiethnic citizen population is comprised of ethnic Chinese (76.1%), Malays (15%), Indians (7.4%), and "Others" (1.5%) (National Population and Talent Division 2016, 18).

approach. Through this segmentation, I argue that the migrant worker comes to be viewed as a racialized subject of the policy framework under which they are regulated, and the vulnerability of the migrant worker which results from this racialization comes to be officially produced through the state's examination of the extent to which a temporary foreign worker originates from a country which better suits the economic and social interests of the host country. More cynically, one could also highlight how such a practice goes against the ideals espoused by Singapore's own national pledge—"regardless of race, language or religion" (National Heritage Board). In this sense, officially sanctioned equality of opportunity may be seen as a privilege reserved only for Singaporean citizens and permanent residents, and that temporary, low-skilled, low-wage, foreign workers are excluded from this ideal.

Apart from official Singaporean policies which directly produce migrant vulnerability, a selective lack of intervention, on the part of the Singaporean state, is also seen to produce such vulnerability. The continued lack of binding legislation on the provision of contracts for foreign domestic workers is a prominent example of this lack of state intervention, and the exclusion of foreign domestic workers from Singapore's Employment Act is justified by the notion that "it is not practical to regulate specific aspects of domestic work, such as hours of work and work on public holidays" (Ministry of Manpower 2017o). The state's retraction of its involvement in the legislation of contracts for foreign domestic workers is seen as a reflection of its preference for the free market to determine the wages and working conditions due to the purported difficulties in distinguishing between the household chores the worker performs for the employer and personal chores of the worker herself (Huang and Yeoh 1996, 486). This "hands-off approach" ultimately implies the lack of recognition of domestic work as "real" work under the protection of the Employment Act, on the part of the state, and thus places the "foreign domestic helper very much

at the mercy of the maid agency that placed her with her employers in Singapore as well as in the hands of her employer" (Huang and Yeoh 1996, 486). An expanded discussion of the lack of state intervention, in the form of a lack of enforcement of existing regulations or through the passing superficial policies, will be carried out in the next section of this paper.

Overall, Singaporean policy towards low-skilled, temporary foreign workers has been founded on an express interest of the non-integration of this set of migrants. The prohibitions of family reunion, marriage and even pregnancy are accompanied by the social containment of domestic workers which stem from the implementation of security bonds and levies on their employers. On top of this is an apparent overall marginalization of the low-skilled and unskilled migrant workforce through an ethnicization and gendering of this set of peoples in dictating the opportunities that are available to them, and the abuses they are prone to face (Wong 1997, 161). What is to be underlined is that the violations of migrant workers' rights, and the direct violation of many of the stipulations of the ICMW, which stem from the domestic interest of ensuring the transience of low-skilled and unskilled workers, ultimately lead us to rather conclusively characterize Singapore as a sincere non-ratifier of the ICMW. Much less evidence has been shown to plausibly support the falseness of Singapore's negative response to the ratification of the ICMW, and an analysis of Singapore's policies which govern temporary, low-skilled, foreign labour suggests that its practices are, to a large extent, non-compliant with the ICMW.

Canadian Immigration Policy

This section follows similarly from the previous section's probing of Singapore's immigration policy framework in its attempt to provide an overview of the Canadian case. As such, this section will provide a detailed overview of Canada's policies regarding migrant workers, focusing especially on the Temporary Foreign Workers' Program (TFWP). Besides providing an overview of the program and some its key practices, this section will strive towards summarizing

some of the recent reforms made to the program which occurred roughly between 2012 and 2016. The argument forwarded by this section with regards to these reforms is that Canada has failed to substantially reform its immigration policy regime towards the better safeguarding of the rights and welfare of low-skilled, temporary migrant workers. More significant to this thesis' focus, however, I argue that Canada's immigration policy framework is effectively non-complaint with the aims of the ICMW, seen especially in the forbidding of workers under the Seasonal Agricultural Worker Program to participate in trade unions, the forced repatriation mechanisms within the TFWP, the legislated lack of equality among nationals and non-nationals and the systemic racialization of workers employed under the TFWP. Somewhat similar to the case of Singapore, the two-tiered nature of Canada's immigration policy framework is highlighted, as high-wage workers are given pathways to permanency of status and opportunity for family reunification, while low-wage migrant workers are systematically denied these rights and are further subject to a number of rights-impinging practices originating from policy.

Given the previous mention of Canadian immigration philosophy as possessing a focus on attracting permanent settlement and integration, a useful starting point in our analysis of the Canadian case is to ask how significant temporary, low-skilled migrant labour is to Canada in the first place. Temporary workers have formed a large proportion of the migration into Canada since 1980, and the temporary migrant worker population in the country is "far from negligible" (Piche et al 2006, 4). A dramatic increase in the number of temporary migrant workers from 97,500 to 302,300 was seen between 1983 and 2007, and temporary foreign workers are shown to outnumber economic class permanent immigrants for most years (Fudge and MacPhail 2009, 15). Another important finding is the tripling of the number of low-skilled temporary workers from 1998 to 2007, which is shown to coincide with Canada's expansion of its Temporary Foreign Worker

Program (TFWP) (Fudge and MacPhail 2009, 19). Overall, while Canada has largely maintained the rate of high-skilled, permanent immigration, shifts in federal immigration policy towards the increase of temporary foreign workers in recent decades has resulted in overarching shifts in preference for temporary over permanent immigration; low-skilled over high-skilled (Fudge and MacPhail 2009, 15). As will be seen, much like Singapore, Canada's labour immigration policy framework works towards a similar goal of offering pathways to permanent residence for talented, high-skilled, high-wage foreign workers, while such pathways are made difficult, or in some instance denied outright, to low-skilled, low-wage foreign workers.

As part of this thesis' analysis of Canada's immigration policy framework and its compliance with the stipulations of the ICMW, I will explore Canada's primary set of policies aimed at governing the admission and treatment of temporary foreign worker--the TFWP. Canada's first general program for temporary foreign workers was first seen in the introduction of the Non-Immigrant Employment Authorization Program (NIEAP) in 1979. Described as "a rotation system of immigration and employment," the NIEAP required that the migrant worker apply for a work permit from outside the country, and such work permits not only restricted the worker's stay in Canada to the duration of authorized employment, but also restricted workers' mobility within the labour market by tying the validity of the permit to a specific employer. Thus, from an early stage, Canadian policy towards temporary foreign workers is seen as facilitating "the increased reliance by employers on unfree labour" able to work jobs which were unattractive to workers who were able to navigate the Canadian labour market more freely (Fudge and MacPhail 2009, 8). As such, the argument that Canada's immigration philosophy is exclusively oriented towards permanent, skilled immigrants can be greatly called into question. It is clear that there has been a steady growth in the influx of temporary foreign workers into Canada, seen not only in that

most years since the introduction of the NIEAP "temporary migrant workers have outstripped immigrants who intend on settling in Canada permanently," but also that the NIEAP itself marks "a shift in Canadian policy from immigration for permanent settlement to temporary foreign workers" (Fudge and MacPhail 2009, 8).

While the TFWP has undergone numerous changes over the years, seen most recently in what has been called an overhaul of the program in 2014 (Employment and Social Development Canada 2016), the program is posited to retain the basic structure of the NIEAP. The overarching aim of the TFWP remains the filling of jobs in the Canadian economy in which there is a shortage of domestic Canadian or permanent resident workers. Thus, the broader interest to be served by the program is firmly Canadian, and the program has most recently been characterized as a last and limited resort to fill acute labour shortages on a temporary basis when qualified Canadians are not available (Employment and Social Development Canada 2014). The TFWP is governed primarily by two federal departments: a labour department, currently called Employment and Social Development Canada (ESDC), which deals with employers, administers the authorization of employment of temporary foreign workers through the processing of Labour Market Impact Assessments (LMIAs) and ultimately designs the structure of the TFWP; and an immigration department, Citizenship and Immigration Canada (CIC) which deals with the processing of the application of the work permit itself and immigration matters with regards to medical examinations and the collection of application fees. Additionally, the Canadian Border Services Agency is responsible for the determining of the eligibility of temporary foreign workers at ports of entry, while the provincial and territorial governments establish and enforce health and labour standards, and laws on the recruitment of temporary foreign workers (Employment and Social Development Canada 2016, 22). While the TFWP is a rather complex set of policies, it can be succinctly

Temporary Foreign Workers with LMIA	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Live-in Caregivers	**27,368**	**35,423**	**39,968**	**41,707**	**39,632**	**36,422**	**28,373**	**23,846**	**23,174**	**20,466**
Agricultural Workers	**24,936**	**29,144**	**33,575**	**34,510**	**35,320**	**36,636**	**38,256**	**41,697**	**45,281**	**46,827**
Other Temporary Foreign Worker Program work permit holders	**57,790**	**76,438**	**104,478**	**115,516**	**109,783**	**94,997**	**99,199**	**111,788**	**109,847**	**87,978**
Higher-skilled	51,590	61,660	73,355	77,208	73,623	67,205	69,784	76,278	69,929	54,831
Lower-skilled	5,844	14,523	31,543	39,363	38,098	29,875	31,813	38,655	41,002	32,026
Other occupations[1]	624	674	765	780	733	907	956	987	891	2,298
Total unique persons	**110,021**	**140,804**	**177,601**	**191,139**	**184,022**	**167,304**	**165,121**	**176,541**	**177,704**	**154,859**

Figure 4: TFWP work permit holders by program, 2006 to 2015 (Source: CIC)

understood as comprised of four main streams of governance of the admission and treatment of temporary foreign workers which have existed in some form or another before the policy's overhaul in 2014. Temporary foreign workers are thus categorized into the High-wage, Low-wage, Primary Agricultural streams (which includes the Seasonal Agricultural Workers' Program as well as a separate Agricultural Stream) and the Caregiver Program.

Figure 4 sheds light on the numbers of TFWP work permit holders in Canada across the programs various streams. It may first be useful to point the absolute increase in total number of work permit holders between 2006 and 2015, indicating the extent to which Canada's reliance on temporary foreign labour has grown in the last decade. It would be more significant, however, to point out the substantial decreases in the total number of work permit holders in 2011 and 2015. These substantial decreases in the number of temporary foreign workers in Canada come as a result of a number of reforms to the program which sought to reduce Canada's intake of temporary foreign labour. As seen from the table, the most significant reductions took place between 2014 and 2015, and this came as a result of a large number of changes as part of what has been referred to as the overhaul of the TFWP. The changes made to the TFWP will be discussed and analysed throughout this thesis. It is useful to note that while the numbers of work permit holders across

most of the streams of the TFWP were affected, in terms of work permit holders in the Low-wage, High-wage and Caregiver streams, the increasing trend of agricultural workers has not been affected by the reforms of 2011 and 2014. As will be discussed in the next section of the thesis, the reforms have largely served to reduce the number of workers granted entry in the Low-wage and High-wage streams of the TFWP, and have left the Agricultural stream, and to some extent even the Caregiver program less meaningfully altered.

A key unifying practice across all streams of the TFWP is the requirement of the employer to complete a labour market test known as the LMIA, previously known as the Labour Market Opinion (LMO), before the hiring of any temporary foreign worker. The primary objective of the LMIA is to demonstrate the need for the hiring of a foreign worker for a given job and that no Canadian worker is able to fill such a job (CIC 2015). The employer is thus required to prove their efforts in recruiting Canadians or permanent residents by providing evidence of having advertised the job opening, and information on why Canadian candidates for the job were ultimately rejected. The ESDC also takes into account the potential benefits hiring a temporary foreign worker has on the Canadian labour market, such as filling a labour shortage, transferring skills and knowledge, or the creation of more job opportunities for Canadians. The ESDC will also consult with the relevant union on the hiring of a foreign worker in a given field or economic sector (Human Resources and Skills Development Canada et al 2012, 5). Additionally, the LMIA requires employers provide information on the number of Canadian applicants to a job, the number of Canadians who were interviewed for the job, and the reasons why the Canadians applicants in question were not hired (Employment and Social Development Canada 2016, 9). As such, there is a relatively distinct “citizens-first” outlook of the TFWP through the requirement of employers to

undergo LMIAs in order to ensure Canadians or permanent residents are not being displaced by temporary foreign workers in the Canadian labour market (Preibisch 2010, 413).

A key change in the Canadian policy framework governing temporary labour immigration is the introduction of a whole new program to facilitate the entrance of high-skilled foreign workers into Canada. The International Mobility Program (IMP) is aimed to "advance Canada's broad economic and cultural national interest" through the hiring of high-skilled, high-wage foreign nationals (Employment and Social Development Canada 2016, 1). The underlying difference between the IMP and the TFWP thus is the IMP's focus on the "bigger picture" of broader Canadian interests, as opposed to the TFWP's focus on filling specific labour demands among Canadian employers. This difference manifests itself through the exemption from the need for employers to pass an LMIA when hiring workers through the IMP[8]. The IMP is also seen to base itself largely on a number of multilateral and bilateral agreements between Canada and other countries. Thus, by allowing intakes of workers into Canada from countries who are parties to such agreements, the IMP furthers broader Canadian interests through the reciprocity benefits made available to Canadian citizens and permanent residents to work in a number of other countries. A consequence of this focus on reciprocity via existing international agreements is the IMP's express sourcing of labour from developed countries, rather than developing countries (Employment and Social Development Canada 2016, 1). In addition to the lack of a need for an LMIA and focus on sourcing labour from developed countries, the IMP crucially differs from the TFWP in the openness of the work permit provided to foreign workers upon arrival in Canada. While workers under the TFWP are given employer-specific work permits, in which workers are only able to be employed by one employer during their stay in Canada, workers under the IMP are given

[8] For full list of exemptions from LMIA and the categories of workers eligible to enter Canada through the IMP, see citation CIC 2017a.

"generally open permits" upon arrival, hence allowing IMP holders a much higher degree of freedom to navigate the Canadian job market (Employment and Social Development Canada 2016, 1). While the IMP will not be a prime subject of analysis in this thesis, what should be highlighted about the program is the provision of a less restrictive policy framework for high-skilled workers which Canada hopes to attract through the provision of the freedom to navigate the labour market, the pathway to permanency of residence, and the facilitation of family reunification. As such, the ability to enter Canada on an open work permit upon arrival is reserved specifically for the entrepreneurs, traders, investors, professionals, academics, and their eligible spouses from a number of developed countries deemed to further the broader national interests of Canada, as opposed to the "last resort" workers employed under the TFWP to fill labour shortages in the Canadian economy.

Another key shift in the TFWP since its purported overhaul in 2014 is the departure from the use of skill-level as the primary distinguishing trait to determine which streams govern migrant workers within the program. In the place of skill-level, the median hourly wage of each province is instead the determining factor for the classification of temporary foreign workers as fitting in the High-wage or Low-wage streams of the TFWP[9]. Such a move seems at first a marked departure from previous practices, seen especially in light of the detailed nature of the National Occupation Classification (NOC) system which rigorously categorizes a vast number of occupations, determines the skill-level of each occupation, and ultimately dictated whether the hire of temporary foreign workers for a given occupation would occur under the high-skilled or low-skilled streams of the previous iteration of the TFWP[10]. While the NOC system has been displaced by the use of

[9] For full list of provincial median wages, see citation CIC 2017b.

[10] Under the TFWP, before the reforms of 2014, high-skilled occupations were coded as NOC 0, A and B and typically required post-secondary education or certification usually in managerial, professional and skilled trades positions. Low-skilled occupations were coded as NOC C and D and were characterized as requiring a high-school

the provincial median wage to categorize temporary foreign workers within the TFWP, questions may be asked of how much of an effective departure from the focus on skill this reform represents. In an official document released by the CIC outlining this shift in policy, high-wage occupations continue to be characterized as "managerial, scientific, professional and technical positions as well as the skilled trades", while low-wage jobs continue to "include general labourers, food counter attendants, and sales and service personnel" (Employment and Social Development Canada 2016, 8). While the reform ostensibly affects the categorization of certain high-paying, yet previously low-skilled occupations such as jobs in oil and gas drilling (Employment and Social Development Canada 2016, 8), there is the sense that similar distinctions among occupations continue to be made in the newly-reformed TFWP, this time in the form of wage level instead of skill.

Apart from the difference in wage-levels of workers in either the High-wage or Low-wage streams of the TFWP, a number of substantial differences exist between the two streams which pertain especially to the treatment of the migrant worker and the provision of a pathway to permanence. A key stipulation of the High-wage stream relates to the requirement for employers to provide a "transition plan" in which employers broadly show how they are "taking steps to reduce their reliance on temporary foreign workers over time" (Employment and Social Development Canada 2016, 13). As part of this transition plan, employers will have to show how they are either aiding Canadians to gain skills by "investing in skills training or taking on more apprentices", or how they are helping a high-waged temporary foreign worker transition to obtaining permanent residence in Canada (Employment and Social Development Canada 2016, 13). Such a transition plan, however, does not exist for the other streams of the TFWP and is reserved exclusively for the High-wage stream. While the goal of the transition plan is to underline

diploma or a maximum of two years of job-specific training (Employment and Social Development Canada 2016, 8).

the "last resort" nature of the TFWP and to ultimately decrease the number of high-wage temporary foreign workers under the TFWP in Canada (Employment and Social Development Canada 2016, 14), the presence of a clause which allows the employer to facilitate the obtaining of Canadian permanent residence for a high-waged foreign worker is crucial. A more in-depth discussion of differential pathways to permanent status according skill-level or wage-level will follow. However, the key point to highlight here is that transition plans, which include transitions to permanent residence, are expressly reserved for high-wage occupations, and such provisions are not required of employers hiring temporary foreign workers under the Low-wage, Primary Agricultural and Caregiver streams of the TFWP.

The Low-wage stream differs from the High-wage stream as well as the other streams of the TFWP in that it is the only stream in the TFWP with a set of quotas to regulate the proportion of temporary foreign workers employed in a low-wage position at a given worksite. The cap is another part of the reforms undertaken in 2014 and was phased in, allowing a 20% limit on the number of temporary foreign workers in low-wage positions for employers who had previously hired a low-wage foreign worker before the introduction of the cap, and a 10% cap for employers who had not hired a low-wage temporary foreign worker before the reforms of the TFWP in 2014 (CIC 2017c). This cap does not apply to high-wage occupations, nor does it apply to the on-farm agricultural, often seasonal jobs which are covered by the Primary Agricultural stream.

The Primary Agricultural stream is made up of two sub-streams of the TFWP, the Seasonal Agricultural Workers Program (SAWP) and the Agricultural Stream, and the stream as a whole aims to fulfill labour shortages in primary agricultural occupations involved in the production of a list of national commodities[11]. The SAWP was first implemented in 1966 and has been held as a

[11] The National Commodities list includes apiary products; fruits, vegetables (including canning/processing of these products if grown on the farm); mushrooms; flowers; nursery-grown trees including Christmas trees,

model migrant workers program across North America (Basok 2007; Walia 2010). A product of multilateral co-operation between governments of origin countries[12] and the Canadian government, the SAWP provides a formal structure which seeks to engage Canadian employers, Canadian provincial governments, and the origin governments of migrant workers. Specifically, employers are able to hire workers from participating countries under the SAWP for a period of up to eight months in a given calendar year. All employers, with the exception of employers in British Columbia, are required to provide free housing for workers, and employers are responsible for a number of other costs, most significantly including round-trip transportation of workers to the location of their work and to the worker's country of residence (Basok 2007; CIC 2016b). Participating foreign governments to the SAWP, in turn, are required to recruit workers to work under the program; ensure such workers are experienced in farming, above 18 years of age and possess the necessary documentation to work in Canada; to "maintain a pool of qualified workers"; and to appoint "representatives" to aid workers during their stay in Canada (CIC 2016a). The other sub-stream of the Primary Agriculture stream, entitled simply as the Agricultural Stream, differs from the seasonal, multi- or bilateral agreement based nature of the SAWP in allowing employers to hire temporary foreign workers from any country for a period of 24 months. Employers hiring under the Agricultural stream are held to similar requirements to employers hiring under the SAWP, seen for example in the similar requirement for employers to pay for the round-trip transportation costs of temporary foreign hires. A minor difference between the two policies can, however, be seen in the provision that employers are required to provide housing to their workers

greenhouses/nurseries; pedigreed canola; seed; sod; tobacco; bovine; dairy; duck; horse; mink; poultry; sheep; swine (CIC 2016a). Producers of commodities not included in the list are required to hire temporary foreign agricultural workers through either the Low-wage or High-wage streams of the TFWP.

[12] Participant countries in the SAWP include Mexico, Anguilla; Antigua and Barbuda; Barbados; Dominica; Grenada; Jamaica; Montserrat; St. Kitts-Nevis; St. Lucia; St. Vincent and the Grenadines; Trinidad and Tobago (CIC 2016a).

hired under the agricultural stream but are allowed to deduct a maximum of C$30 per week from the worker's wages (CIC 2017d).

The final main component of the TFWP is the Caregiver Program (CP) which provides a policy framework under which Canadian families to hire a foreign caregiver to provide care to children, the elderly, or people with medical needs in a private residence (CIC 2016c). A number of requirements are placed on the employer in ensuring that the employer is able to provide remunerated employment to the temporary foreign worker hired, and that the employer is in need of in-home care. As such employers must undergo an assessment by Services Canada to demonstrate their financial ability to pay for a foreign caregiver's wages, and must prove their need for the hire of a caregiver by submitting identity documents of children under the age of eighteen and seniors over the age of 65, or a physician's note of the "disability, chronic, or terminal illness" of the individual requiring in-home care (CIC 2016d). As such, there are two streams or pathways within the CP. First, "caregivers for children" provide care for children under the age of eighteen and their jobs are ultimately characterized as "child care provider, live-in caregiver, nanny." Second, "caregivers for high medical needs" provide care for elder individuals above the age of 65 or for "people with disabilities, a chronic or terminal illness." Occupations included under this second category of caregivers include "registered nurse or registered psychiatric nurse, licensed practical nurse, attendant for persons with disabilities, home support worker, live-in caregiver, personal care attendant" (CIC 2016c). Thus, even within the CP there is a distinction made between high-skilled and low-skilled caregivers as caregivers under the high medical needs pathway are required to have a post-secondary education, while caregivers under the children pathway are allowed to have "a certain amount of experience, short work demonstrations, on-the-job training, or no formal educational requirements" (CIC 2016d).

Like most of the streams in the TFWP, the CP has undergone some changes since the 2014 reforms, most notably seen in the removal of the requirement of the foreign caregiver to live in the employer's residence as was previously stipulated by the Live-in Caregiver Program (LCP). As stated in an official description of the requirements of the CP, "employers cannot require a caregiver to live in their home," and the hire of the caregiver on a live-in or live-out basis is required to result from a negotiation between the employer and employee instead (CIC 2016d). The live-in requirement was viewed by many scholars as problematic for the welfare of the foreign caregiver, and was seen to be the root of the worker's vulnerability to problems such as unpaid or excessive work hours, additional job responsibilities, an expectation to be on call at all times, forced confiscation of travel documents, gross violations of privacy, and sexual harassment and assault" (Walia 2010, 76). Indeed, the live-in requirement of the LCP was shown to result in the worker to be dependent on the goodwill of the employer, and to shield the employer from effective monitoring or enforcement of abuses (Fudge 2011; Stasiulis and Bakan 1997). While the removal of the live-in requirement can be broadly interpreted as a positive development for the advancement of the welfare of foreign caregivers, scholars have been guarded in their praise of such reform. Hanley et al highlight the persistently fundamental "unequal power dynamic between a Canadian employer and an employee whose immigration status is dependent on their work contract" which ultimately "precludes the idea that the negotiation of living arrangements would take place on even ground" (Hanley et al 2016, 8). Additionally, Hanley et al point out that it is unclear if there will be an increase in the minimum wage salaries of foreign caregivers to make up for the costs of living-out, and whether or not the exercise of the live-out option in turn comes to be made more so among the higher-skilled, better-paid foreign caregivers under the caring for

higher medical needs stream rather than the caregivers under the caring for children stream (Hanley et al 2016, 8-9).

A number of reforms to the CP have also introduced greater impediments to the ability of caregivers to obtain permanent residence in Canada. Under the LCP, a pathway to permanent residence was provided to foreign caregivers, as domestic workers are eligible to apply for permanent residence after working 24 months of a given 36 month period. A key stipulation of this policy was that once a foreign caregiver becomes a Canadian permanent resident, the live-in requirement no longer holds and the worker is allowed to live outside of the employer's residence. While the live-in requirement has been removed and the pathway to permanent residence has been officially retained post-2014 reforms, a couple of alterations to the practice of the CP has placed doubts over the ability of foreign caregivers, especially low-skilled ones, to attain the goal of Canadian permanent residence. First, as part of the reform of the CP, the Canadian government has capped the number of applications for permanent residence among workers employed in both streams of the program to 2,750 per year. The total number of 5,500 caregivers to be accepted as permanent residents per year is seen to be "out of sync" with the number of workers entering Canada through the program each year (Hanley et al 2016, 6). Thus, there is the notion that even if a foreign caregiver has fulfilled the requirement of two years working under the CP, Canadian permanent residence may not be guaranteed due to the cap placed on annual number of applications. An interviewee from the Caregivers' Action Centre characterized this as the government's acknowledgment of the guaranteed temporariness for the vast majority of caregivers. A second change to the CP is seen in Quebec's decision to not participate in the program entirely. In place of the CP, high-skilled foreign caregivers enter Quebec under a non-caregiver specific, high-skilled temporary foreign worker program and qualify for permanent residence after 12 months of

employment. Low-skilled caregivers, on the other hand, enter Quebec through what is referred to as the Low-Skill Pilot Program (LSPP), which is markedly similar to the Low-wage stream of the TFWP discussed previously, and would effectively be excluded from access to a pathway to permanent residence (Hanley et al 2016, 6). Thus, a clear distinction is made in Quebec among foreign caregivers according to skill, as high-skilled caregivers providing healthcare services are given accelerated pathways to permanent status while low-skilled foreign caregiving providing childcare or housekeeping services are effectively denied an avenue to live in the province as a permanent resident of Canada.

Such a distinction made between high-skilled and low-skilled temporary foreign workers in granting effective pathways to permanent residence is seen more broadly in the structure of the TFWP as a whole. As noted before, transition plans, which include the requirement for the employer to prove that efforts are made for high-wage workers hired under the TFWP to transition to becoming a permanent resident of Canada, are only required of employers hiring workers under the High-wage stream of the TFWP. Such transitions are not provided for by the TFWP for lower-skilled workers under the Low-wage stream, and it is "legally impossible" for such workers to achieve permanent immigration status under existing federal immigration programs (Nakache and Kinoshita 2010, 32). The Federal Skilled Worker Program (FSWP) and the Canadian Experience Class (CEC) are reserved for skilled and generally exclude lower-skilled, or low-wage workers under the Low-wage or Primary Agricultural streams of the TFWP. Workers who wish to apply for admission into the FSWP will only be accepted if they accumulate enough points among a set of six factors of which one is work experience in a skilled occupation. Thus, low-skilled foreign workers are effectively excluded from the program as few are seen to be able to gain at least one year of skilled work experience as well as a high level of formal education and language

proficiency which is required by the FPSW (Nakache and Kinoshita 2010, 32). In a similar fashion, the CEC only permits skilled workers from the TFWP to apply for permanent residence, as the only sets of workers eligible for the CEC are foreign workers with at least two years skilled work experience and foreign graduates from a Canadian tertiary educational institution with at least one year of skilled work experience (Nakache and Kinoshita 2010, 32-33).

The Provincial Nominee Program (PNP) has been characterized as the low-skilled temporary foreign worker's "best bet" for achieving permanent residence in Canada, but as the forthcoming analysis will show, actual practice of this program has thus far leaned towards the acceptance of high-skilled foreign workers rather than providing an effective pathway to permanency of status for low-skilled foreign workers (Fudge and MacPhail 2009, 23). The PNP stands as a mechanism that allows employers to nominate workers according to the province's view of its economic and labour needs, hence circumventing the federal system of points used to determine whether a prospective immigrant is qualified for permanent status. Thus, the PNP is "employer-driven" as applications for permanent residence are tied to the specific nominating employer (Fudge and MacPhail 2009, 23; Nakache and Kinoshita 2010, 36). Each provincial program is seen as unique as each province sets forth their own set of criteria according to the specific labour market needs of the province (Nakache and Kinoshita 2010, 35-36). It should be noted that not all provinces have PNP agreements in place[13], and practices vary among provinces with PNPs, often to the detriment of the ability of low-skilled foreign workers to obtain permanent residence. First, low-skilled temporary foreign workers are expressly excluded from the PNPs of New Brunswick, Prince Edward Island and, significantly, Ontario. Second, apart from the case of Manitoba, PNPs are shown to target high-skilled foreign workers, leaving the "growing unskilled

[13] Quebec and the Yukon.

portion of the TFWP still largely excluded" (Nakache and Kinoshita 2010, 36). The employer-driven nature of the PNP has also been seen to introduce greater difficulties for lower-skilled workers to be granted permanent residency as the worker is shown to have to fit into "narrow boxes" of employer- and provincially-determined labour needs. It is also important to note that in the event of the foreign worker losing their job during a PNP application, the application is cancelled (Nakache and Kinoshita 2010, 36-38). The inability of the PNPs to provide an effective pathway of permanent residence for low-skilled temporary foreign workers under the TFWP can be largely seen to fit under Canada's objectives to "recruit temporary foreign workers to fill low or unskilled jobs for several years and then to show them the way out" (Nakache and Kinoshita 2010, 38). A key point to be underlined through this thesis' analysis of the TFWP is the obstructions placed on, or the outright lack of, a pathway to permanent residence for the vast majority of low-skilled foreign workers in Canada. Such a finding should be juxtaposed to the much more numerous opportunities given to high-skilled foreign workers who either enter through the High-wage stream of the TFWP or through other schemes such as the IMP, CEC or FSWP. In short, Canada's migration policy framework can be seen to be largely built around the facilitation of the permanent settlement of high-skilled foreign talent; and the guaranteed, ensured temporariness of low-skilled foreign labour.

Related to the foregoing discussion of a differential provision of a pathway to permanent residence according to the skill or wage level of the migrant worker, the Canadian setting has also differentially provided for the ability of family reunification among migrant workers. The SAWP expressly precludes the ability of workers under the program from bringing family members with them, and agricultural migrant workers who leave the country during their permitted period of stay for reasons of family reunification are shown to experience difficulties re-entering Canada or being

re-chosen for subsequent seasons of the SAWP (Piche et al 2006). In reference to the TFWP in general, work permits are seen to be granted to individual foreign workers in general without provisions for family reunification, resulting in many "migrants' willingness to accept longer hours than domestic workers with social responsibilities in Canada (Preibisch 2010, 413). It should be noted, however, that there is no clear prohibition of low-skilled workers bringing their spouses or children on dependent work permits or visas to Canada. The ability of low-skilled workers to work and live in Canada with their family members is significantly affected by the Canadian labour immigration policy framework though, which holds "very legitimate concerns regarding the applicant's bona fides and ability to support dependents while in Canada" (Fudge and MacPhail 2009). Thus, a key concern of the Canadian government is the low-skilled worker's ability to cover transportation costs for their spouse and children, and to pay for possible international student tuition for their children's attendance in schools (Fudge and MacPhail 2009, 22). In addition to this "onus" placed on low-skilled foreign workers to demonstrate their ability to cover the financial costs of bringing their family members to Canada, a key differential is placed on the work status of the migrant worker's spouse according to their skill level. While a skilled foreign worker's spouse is able to enter Canada on an open work permit, spouses of low-skilled foreign workers are not entitled to such open work permits, and are required to pass an LMIA in order to obtain an employer-tied work permit, effectively limiting the work opportunities of such spouses (Nakache and Kinoshita 2010, 33). Thus, there is a clear distinction made between high-skilled and low-skilled migrant workers, as high-skilled temporary foreign workers are ultimately encouraged to be accompanied by their spouses or children through the provision of an open work permit (Fudge and MacPhail 2009, 23). Low-skilled workers, on the other hand, through the exclusion of their spouses from attaining such open work permits combined with the observation that "workers with

lower levels of formal training generally earn less" (Nakache and Kinoshita 2010, 33), are seen to face a "significant financial barrier to accompanying dependents which will be difficult to overcome (Fudge and MacPhail 2009). The differential manner in which permanent status and family reunification according to skill serves to highlight the "two-tiered nature of the TFWP" (Fudge and MacPhail 2009). As opportunities for low-skilled workers across the various streams and sub-programs within the TFWP to achieve permanent residence or simply live and work in Canada with their family members simultaneously are systematically limited, it is possible to characterize Canada's immigration policy as founded on the view that "the skilled are welcome to settle here permanently, while the lower skilled are expected to leave when their temporary work permits expire" (Nakache and Kinoshita 2010, 35).

The TFWP, and thus Canadian practices and policies with regards to the protection of migrant workers' rights, can be seen to be non-compliant with the stipulations of the ICMW in a number of ways. The ICMW's stipulations that all migrant workers are to be allowed to participate in existing trade unions is rather explicitly flouted by the SAWP's prohibition of its migrant workers from unionizing (Piche et al 2009). Even when migrant workers are allowed to participate in existing trade unions in Canada, scholars find that migrant workers tend to employed in economic sectors which rarely comprise of unionized occupations such as agriculture, domestic work, hospitality and food service (Fudge and MacPhail 2009, 40). Thus, the overriding observation is that due to the outright prohibition of seasonal migrant workers' participation in trade unions and the general lack of union representation in the sectors migrant workers tend to occupy within the Canadian economy, "very few migrant workers are unionized, and most migrant workers have little power to enforce their labour rights" (Fudge and MacPhail 2009, 41).

Another aspect of Canada's labour immigration policy framework which fails to comply with the stipulations of the ICMW, which comes at least partially as a consequence if this lack of union representation or effective organization, is seen in the ability of employers to repatriate, and ultimately dismiss and deport workers under the TFWP. Described as "a mechanism to discipline workers," repatriation provisions within the SAWP are seen in its standard contracts provided to employers and employees which allows employers "for non-compliance, refusal to work, or any other sufficient reason, to terminate the worker's employment hereunder and so cause the worker to be repatriated" (Preibisch 2010, 414). Employers are thus able to terminate the contracts of workers, and ultimately repatriate such workers, without an appeals or monitoring process (Piche et al 2006). This often heightens the vulnerability of temporary foreign workers as they come to be reticent in reporting injuries, unsafe working conditions, or demands of compensation for work-related illness out of fear that such an action constitutes "breaking the contract," and thus warrants firing and repatriation of the worker (Hennebry and McLaughlin 2012, 134-137). Due to the seasonal nature of the SAWP, migrant workers have been shown to be compelled to comply with deportation orders in their interests to be considered for subsequent seasons of the program. Additionally, the migrant's loss of work also entails the loss of place of residence of the worker seen in the inherent requirement of the employer to provide housing for migrant workers as part of the Primary Agricultural stream, thus introducing a clear set of "financial and logistical obstacles" to the migrant worker's continued stay in Canada post-termination of employment (Preibisch 2010, 415). As Hennebry and McLaughlin note, the ability of employers to swiftly terminate and expel foreign employees is "perhaps the greatest way that employers can exert power over workers" within the SAWP, and that the structure of the policy "tilts power entirely in favour

of employers and that does not allow workers to safely access their rights" (Hennebry and McLaughlin 2012, 134-137).

Canada's current practices and policy framework are also found to be non-compliant with the stipulations of the ICMW, especially with respect to the treaty's norms and standards with regards to the equal treatment of nationals and non-nationals. Indeed, agricultural migrant workers are excluded from the Employment Standards Act, indicating a lack of a provision of standards on the health and safety of workers to begin with (Walia 2010). As noted previously in this section of the thesis, the enforcement of health and labour standards falls in the jurisdiction of provincial and territorial governments, and thus most of the specificities of labour rights and migrant workers' welfare falls under provincial jurisdiction. It is significant then that Alberta and Ontario, two of the provinces which receive the largest numbers of temporary foreign workers, exclude agricultural workers outright from access to collective bargaining rights, while a number of other provinces have worked to reduce entitlements such as paid overtime, limits on maximum hours of work, and statutory holidays for foreign agricultural workers and caregivers. It is also important to highlight that temporary foreign workers are not eligible for provincial social assistance in any of the provinces or territories of Canada (Fudge and MacPhail 2009, 31).

Question marks can be placed on the extent to which there is effective legislation over the contracts made between employers and employees under the TFWP. While a contract between the employer and employee is required before the commencement of any employment authorization, the contract is ultimately seen as "not a mechanism that the federal government uses to enforce foreign temporary workers' employment rights." Scholars have further highlighted the lack of a regulatory authority within the ESDC to effectively monitor employer compliance with the TFWP, in addition to the "mostly symbolic" function of the employment contract (Fudge and MacPhail

2009, 30). There is also an explicit failure on the part of the Canadian government to provide effective legislation over the contracts of domestic workers. The explicit statement of Citizenship and Immigration Canada (CIC) that it holds no responsibility over the contracts between employers and domestic workers opens the migrant worker to abuses such as excessive, or unpaid work, assault, harassment, and forced confiscation of travel documents (Walia 2010).

This lack of enforcement, on the part of the federal government, over the issue of temporary foreign workers' contracts is reflective of a wider lack of monitoring of the actions of employers and the presence of a punitive framework for employers found guilty of abuse of migrant workers. Such inaction is also seen in almost all the provincial governments, with only Manitoba having passed legislation which established a framework to regulate and enforce compliance to migrant labour welfare standards among employers (Preibisch 2010, 415). Ultimately, the structure of the TFWP itself, in terms of the delegating of responsibilities over employment standards and labour rights to the provinces, is seen to work to the benefit of the federal government, and to the detriment of migrant workers as accountability for their welfare comes to be weakened. Scholars note that when issues regarding the treatment of migrant workers are brought up to federal officials, responsibility is often deferred to "provincial and municipal governments, sending country officials, or employers, who in turn deflect accountability upwards" (Preibisch 2010, 416). Thus, the creation of a "jurisdictional void" in the coordination of the TFWP among government agencies serves to severely hamper the migrant worker's ability to hold government actors, at either the federal or provincial level, accountable for the protection and provision of their welfare (Preibisch 2010, 416). I argue that such a failure of accountability, driven by the very structure of the TFWP, is reflective of Canada's non-compliance to the ICMW, especially in light of the ICMW's stipulations over the equal treatment of national and non-nationals. Migrant vulnerability,

especially among low-skilled workers employed under the TFWP, comes to be produced through their state-sanctioned inability to effectively organize and unionize and the lack of enforceable contracts which protect the rights of migrant workers, and such vulnerability ultimately comes to be neglected through buckpassing among a number of government actors.

Much literature on the TFWP, as well as responses by interviewees from Canadian migrant-labour NGOs, have been quick to point the inherently discriminatory practices of the employment of a racialized set of low-skilled foreign workers as going against the principle of non-discrimination upon which the ICMW is founded on. Despite Canadian federal and provincial legislation which prohibit discriminatory employment of foreign workers on the basis of country of origin, ethnicity and citizenship, there is a broad consensus among many scholars that the TFWP stands as a policy framework which harbours "racist intentions as it imports workers, not people, and keeps racialized men and women from the Global South out of the nation's territorial space and imagined community" (Hari et al 2013, 20). This practice is effectively enabled by the TFWP in its allowance of employers to specify the gender and nationality of employees they seek to hire (Preibisch 2010, 416). This provision within the TFWP is thus seen to result in the segmentation of workforces initiated by employers to serve their express economic interests (Preibisch 2010, 417). Employers have been shown to employ ethnically segmented sets of workers to enhance divisions among workers, hence subtracting from their ability to organize among themselves. Additionally, such a state-sanctioned practice is also seen to hamper the bargaining power of sending countries to advocate for the protection of the welfare of their nationals within the Canadian context, as migrant-sending countries are shown to compete for labour placement in Canada, and are ultimately reticent to engage in negotiations with Canadian employers or

government actors which would be seen to risk ceding the country's labour allotment in Canada to other countries (Preibisch 2010, 418).

As such, a great deal of agency is accorded to employers to engage in "country-surfing," characterized essentially as a "quest for the most docile, exploitable labour force" according to source country (Preibisch and Binford 2007, 16). Such a practice is exemplified by the shift in employment patterns among employers under the SAWP as the employment of Jamaican workers was seen to be displaced by Mexican workers throughout the 1990s (Preibisch and Binford 2007). Country-surfing practices are seen to be motivated by employers seeking to "move away from nationalities that may more empowered—either due to a stronger economic fall-back position and/or greater understanding of their rights—to groups that are more vulnerable" (Preibisch 2010, 419). The introduction of the LSPP, which has been more recently renamed the Agricultural stream within the Primary Agriculture stream, has been seen to facilitate this pattern of behaviour among employers. While the SAWP restricts the employer to a set of possible source countries to hire from due to its foundation on a number of multilateral and bilateral agreements, the Agricultural stream allows the employer to hire workers from any country, thus affording the employer a wider array of source countries from which to hire potentially more vulnerable sets of migrant workers. Such a pattern has been documented in the increase in the employment of Guatemalans, and the corresponding stagnation in the employment of Mexicans, in Quebec in the late 2000s, explained by the "industry's reaction to the labour movement's campaign to organize Mexican workers…or what growers and the Canadian government have perceived as an increasingly aggressive stance taken by Mexican authorities in SAWP negotiations" (Preibisch 2010, 420). Thus, there is a remarkable degree of state-sanctioned discrimination in the hiring practices of many Canadian employers of migrant, and it is less surprising that such discrimination has been found to be

"systemically embedded in the structure and operation" of Canada's TFWP (Preibisch 2010, 421). In an effort to broaden the scope of this analysis, it is also important to highlight that scholars have pointed out that the distinction made between high-skilled and low-skilled workers, and the differential provisions for access to permanent residence and family reunification such a distinction has been seen to entail, has worked towards entrenching "racial and gendered labour-market segregation," ultimately leading to the observation that "white immigrants fare better than immigrants of colour" in the Canadian context (Hari et al 2013, 21). What is to be underlined is the notion that Canadian state-sanctioned practices in hiring racialized sets of migrant workers, and differentially dealing out access to employment, protection of welfare, and ultimately family reunification and a pathway to permanent status represents a stark departure from the ICMW's principle of non-discrimination stipulated in explicit terms from the outset of the treaty.

A survey of the policies of the TFWP and their relative lack of protection of migrant workers from abuse suggests a rather remarkable level of non-compliance on the part of Canada to the ICMW. Broadly, the TFWP has been referred to as "an extreme version of labour flexibility" and provides "employers with a pool of unfree workers who are disposable at will" (Fudge and MacPhail 2009, 43). The vulnerability of low-skilled temporary migrant workers is thus seen to be "structured into the TFWP itself" in order to meet the requirements of a "captive unfree, cheap and compliant labour force" (Hennebry and McLaughlin 2012, 122). The structure and practice of the TFWP is ultimately posited to "deliver a workforce more willing to accept the industry's working and living conditions and one less able to contest them" (Preibisch 2010, 413). An overall observation of the Canadian policies towards temporary low-skilled, migrant workers is that the mechanisms to protect the rights of migrant workers are "neither well developed nor effectively enforced" (Fudge and MacPhail 2009, 43). This section of the thesis has endeavoured to show how

Canada's policies and practices which pertain to the admission and treatment of migrant workers, especially low-skilled, low-wage ones stand in contrast to the stipulations set out by the ICMW. Migrant workers in Canada are systematically deprived of unionized representation, excluded from state-provided social assistance, and have their employment based on unenforceable contracts which fails to place a binding commitment towards the protection of the migrant workers' rights on the part of the employer. It is significant then that such state-sanctioned practices, which go against a number of stipulations of the ICMW itself and contravenes the treaty's recurrent principle of equality of treatment of nationals and non-nationals, is carried out within an overarching policy framework which has been shown to be founded on a two-tiered hierarchy in which pathways to permanent status, family reunification is differentially accorded to migrant workers according to skill.

It is quite clear that violations of migrant workers' rights have existed in Canada, evidenced by its extensive documentation in the literature, and it is also clear that Canada's policies and practices provides a setting in which such violations have come to be facilitated, left unpunished, and ultimately, normalized. As such, the foregoing analysis of Canada's policies towards migrant workers, seen in the structure and practices of the TFWP especially with regards to low-skilled, low-wage temporary foreign workers, compels one to characterize Canada as remarkably non-compliant with the stipulations of the ICMW. Returning to Simmons' typology of state commitment to international human rights treaties, I argue that Canada can be firmly classified as a sincere non-ratifier of the ICMW in light of a disconnect between its current practices and the ICMW's efforts to address the vulnerability of migrant workers. If Canada were truly a false negative, we would expect political infighting at the government level among lawmakers in the executive and legislative branches to provide the narrative for the lack of ratification of the ICMW.

The literature, and indeed, this paper has shown that this is clearly not the case. What this thesis shows, instead, is evidence of a disconnect between the practices of the Canadian case with the stipulations of ICMW. Hence, it is not that Canada has migrant rights-respecting policies and has merely failed to ratify the ICMW. Nor is it that Canada has placed itself on a path towards the ratification of the ICMW, and already complies with the ICMW, but has ultimately failed to ratify it due to a roadblock in its deliberative process. The non-ratification of the ICMW on the part of Canada is to be understood instead as a reflection of its non-compliant practices and as an expression of its interests in retaining its non-compliant policies and practices. As Piche et al find, "by ratifying the Convention, Canada will be forced to re-evaluate its programmes and grant certain rights that are considered fundamental therein" (Piche et al 2009, 212). Safeguarding the interests served by its current policies and practices is thus key to Canada's sincere non-ratification of the ICMW, and the next section of the thesis seeks to articulate these interests and show how such interests come to explain the non-ratification of the ICMW in both Singapore and Canada.

Comparing the Immigration Policies of Singapore and Canada

Following the previous section's overview of the labour immigration policy frameworks of both Singapore and Canada, three broad similarities shared by the two cases should be highlighted with regards to their non-compliance with the ICMW. First, both Singaporean and Canadian policies towards migrant workers differentially treat foreign labour according to a hybrid of skill level, educational certification, and wage level, granting high-skilled foreign workers with effectively exclusive access to provisions for family reunification and permanent status, and exposing low-skilled workers to a number of rights-impinging, often discriminatory, policies and practices. While high-skilled and medium-skilled work authorizations in Singapore ultimately provide for a pathway to permanent residence and family reunification, low-skilled Work Permit holders are denied access to either provision despite being permitted to work in Singapore for

periods of up to ten or 22 years, depending on the worker's source country and level of certification. In Canada, high-skilled foreign workers are given opportunities to become a permanent resident under the IMP, CEC or FSWP, and the High-wage stream of the TFWP expressly encourages employers to outline plans to initiate processes which would allow their foreign high-wage workers to become Canadian permanent residents. The low-skilled workers which comprise the rest of the TFWP, on the other hand, are effectively denied family reunification and permanent status as seen in the focus of the PNP on the high-skilled labour and in the reforms of the CP which work towards limiting the number of accepted applications for permanent residence among caregivers. It is significant, thus, that scholars who have studied both Singaporean and Canadian labour immigration policies have characterized either country's policies as comprising of a two-tiered hierarchy, or in the case of Singapore a three-tiered hierarchy, in which the attraction of high-skilled, talented foreign labour is officially provided for by the facilitation of permanent settlement, while the temporariness of the employment of low-skilled foreign labour is ensured through the official deprivation of permanent status and family reunification. It should be noted that the ICMW does not stipulate for state parties to provide for the naturalization or granting of permanent status to any migrant workers, documented or not. Both Singapore and Canada can be seen as non-compliant with the ICMW, however, with regards to the treaty's stipulations for the state parties' provision for family reunification for documented migrant workers. While both Singapore and Canada facilitate family reunification for the skilled foreign workers within their borders, it is quite clear that neither extends this practice to low-skilled foreign labour.

Second, both countries have been seen to facilitate practices which discriminate low-skilled temporary, foreign workers according to their country of origin. As a result of such practices, low-skilled foreign workers in both countries have been shown to be segmented along ethnic lines, in

turn creating an exploitable, *racialized* set of workers placed within a hierarchy which accords workers of different nationalities with differential access to employment and equitable treatment. Such a hierarchy is enshrined in the Singaporean policy setting through distinctions made between workers from traditional source countries, NTS and NAS countries in granting differential access to certain sectors of employment, periods of employment and renewability of contracts. The ability of Canadian employers to specify the sex and nationality of the employees they wish to hire and the resulting practice of country-surfing among agricultural employers in the Canadian setting is evidence of a similar hierachisation of workers according to source country as workers from specific countries come to be preferred over others due to their enhanced vulnerability within Canada's borders. It may be remarkable to some that such ethnic segmentation of any population, regardless of status as low-skilled foreign labour or not, can exist in the multi-ethnic, multicultural settings of both Canada and Singapore. It is rather clear, however, that the ethnic segmentation of low-skilled temporary foreign workers which occurs in Singapore and Canada is distinctly at odds with the principle of non-discrimination which central to the ICMW. Should either country seriously seek to comply with the stipulations of the ICMW, it is clear that such state-sanctioned discriminatory practices will be required to be reformed.

A third and final broad similarity shared between the Singaporean and Canadian cases is their use of employer-specific work permits to govern the admission and treatment of their respective populations of low-skilled foreign workers. As such, the discussion of Singaporean and Canadian temporary migrant labour population fits into a broader discourse on "unfree labour." Characterized as a "politico-legal mechanism," labour unfreedom entails tying the worker to a specific employer and location, primarily through a "temporary work permit or authorization, which subjects noncitizens to the constant threat of repatriation" (Choudry and Smith 2016, 9). In

the case of Singapore, Work Permit holders are obliged to leave the country within seven days in the event of the termination of their employment (Wong 1997). In the case of domestic workers who fail the 6ME, their contracts and Work Permits are immediately cancelled. In an examination of the obstacles to the ratification of the ICMW among Asian countries, Iredale and Piper find that the hastiness in this mandatory departure, as legislated by Singaporean policy, is shown to result in a reticence among migrant workers in reporting rights abuses for fear of losing their jobs, and ultimately their visas (Iredale and Piper 2003, 44). Such an employment of this mechanism of repatriation is also seen in the Canadian case as articulated in the previous section of this thesis, and has ultimately been used by employers to exert their influence over migrant workers via the structure of the TFWP. The official policy of employer-tying temporary work permits, as employed in Singapore, Canada, and elsewhere, is thus seen to reflect migrant vulnerability, as this policy not only works towards dis-incentivizing temporary foreign workers from reporting abuse, but also works towards violating the liberty of migrant workers by restricting the migrant worker's right to freely navigate the host country's labour market (Depatie-Pelletier 2016, 26). It is important to note then that the employer-tying nature of the work permits for low-skilled temporary foreign workers in Canada and Singapore is perpetual, and there is no effective manner in which such workers are able to transition to an open work permit in either setting other than by attaining permanent residence, which has already been shown to be incredibly difficult, or effectively impossible for many. Such a policy thus goes against the ICMW's stipulation that state parties to the treaty provide documented migrant workers the freedom to choose their employment, or to not be tied to an employer by virtue of an employer-specific permit, after a migrant worker has lived and worked in the country for five years. Thus, it is significant that we witness a policy-enforced arrangement of labour unfreedom among temporary foreign workers in both the

Singaporean and Canadian cases, and it is this employment of employer-specific work permits which are arguably at the root, in terms of policy, of the vulnerability of migrant workers across a number of different host country settings.

Comparing Singapore and Canada: National Interests and Migrant Workers' Rights

This thesis forwards the argument that Canadian and Singaporean non-ratification of the ICMW is explained by a disconnect between the national interests of the state and the stipulations of the ICMW. Given the finding that the lack of political will to re-structure non-compliant immigration policies according to the goals of the ICMW represents an obstacle to ratification, I posit that a study of the interests which shape these policies works towards revealing the interests which contribute to the longevity of these policies, and may ultimately shed some light on the interests which have prevented both Canada and Singapore from ratifying the ICMW. In essence, identifying and exploring the interests that underlie the unwillingness to meaningfully alter domestic immigration policies towards protecting the welfare of migrant workers contributes to uncovering some of the key domestic interests which obstruct the ratification of the ICMW in Singapore and Canada. With regards to the general interplay between economic interests and the ICMW, market forces are posited to form a direct challenge to the rights-based approach of the ICMW as the rights accorded to migrant workers are derived from a "supply-and-demand mechanism" which determines the value of a migrant on the labour market according to their skill level, instead of a "horizontal distribution" of rights regardless of skill-level (De Gucheteneire and Pecoud 2009, 30). According substantial rights to migrant workers is thus costly as the state's obligation to provide welfare and equal treatment with nationals ultimately represents another instance when "a rights-based logic runs directly against such powerful economic interests" (De Guchteneire and Pecoud 2009, 31).

Economic interests were by far the most significant set of interests underlined by interviewees in responding to questions of what they thought the priorities of Singaporean policies governing the treatment and admission of temporary, low-skilled foreign labour are, and their responses do not differ from the analyses of a number of scholars who also view economics as the principal driver in dictating Singapore's approach to foreign manpower (Devasahayam 2010, 46; Kaur 2010, 9-10; Wong 1997). Temporary, low-skilled foreign labour is ultimately seen to serve an economic function as a cheap source of manpower, or as John Gee from Transient Workers Count Too (TWC2), a Singaporean migrant labour NGO, calls it, "an economic subsidy for the Singaporean economy." This notion of temporary foreign labour acting as a subsidy is seen vividly in Singapore's construction, manufacturing and marine sectors as low labour costs, driven by large-scale hiring of foreign workers, constitute a key advantage Singapore possesses over its competitors who source their manpower from local populations to a larger extent. This advantage is seen to result in a "bias towards the use of foreign workers" among Singaporean firms (Credit Suisse 2011, 9). The subsidizing effect of temporary foreign labour is speculated by Alex Au of TWC2 to have kept firms in marine and oil industries alive, and the jobs of higher-skilled Singaporeans employed in these firms intact, hence broadly serving the interests of the local population. This notion of ensuring labour costs are kept low for Singaporean economic interests is corroborated by members of Think Centre, a Singaporean advocacy group, who view foreign labour as a mechanism utilized by the state as means to keep the wages of both foreign and local workers low, pointing towards former National Wage Council (NWC) chairman Lim Chong Yah's failed, and widely-criticized, proposal to restructure Singapore's economy as evidence of a general reticence on the part of the government to forgo Singapore's purported key competitive advantage. The proposal drew much criticism from multiple government actors, and was referred to as a form

of "shock therapy" in calling for a restructuring of Singapore's economy through a wage increase for low-income earners and ultimately a reduction in the dependence on cheap foreign labour (Ng 2012; Tan 2012).

The viewing of temporary, low-skilled foreign labour in functional, economic terms can also be seen in the Canadian case, especially with regards to the agricultural workers within the Primary Agricultural stream of the TFWP. As noted elsewhere in this thesis, the TFWP in general is officially aimed at fulfilling labour shortages in the Canadian economy through the employment of temporary foreign workers through limited means, and as a means of last resort. The labour shortages themselves are officially seen as temporary and short-term, and it is ultimately the exceptional nature of the employment of migrant workers under the TFWP which allows the Canadian government to rationalize the temporariness of the employment of low-skilled temporary foreign workers and the exclusion of such workers from citizenship. Such a state of exception, is thus seen to provide a situation in which "exceptional measures, including suspending normal rights for certain groups of people, are seen to be necessary and become normalized" (Hennebry and McLaughlin 2012, 120). The exceptionality of the demand for foreign labour in the Canadian agricultural setting, however, is posited by Hennebry and McLaughlin to be a mere construct as they point out the "permanently temporary" nature of Canadian programs such as the SAWP, and the continued employment of a number of foreign workers over multiple years, even decades at a time (Hennebry and McLaughlin 2012, 119). Thus, labour shortages in Canada's agricultural sector are shown to be "far from acute or temporary, as agricultural employers have come to be depend on—and indeed plan their production around—the use of an unlimited supply of a 'just-in-time,' super-productive, easily replaceable labour force enabled by managed migration programs" (Hennebry and McLaughlin 2012, 120). Agricultural labour shortages in the Canadian

context are rooted not only in the low salaries and poor working conditions of agricultural work, but more importantly in the need for a pool of labour which does not have the extra-occupational social commitments such family obligations or friendship ties Canadian nationals have during the hot and frenetic harvest season (Basok 2002, 17). The implication of this observation is that Canadian growers have come to rely on a set of foreign labourers who are deprived of the ability to switch employers or refuse to work without threat of repatriation in order to fill this specific labour necessity. Thus, in the case of Canada, much like the case of Singapore, temporary, low-skilled foreign workers in the form of agricultural workers have been seen to be necessary for the economic well-being of the Canadian economy, as Canadian growers have come to be depend on a cheap, unfree labour force to ensure the global competitiveness of the country's agricultural sector (Hennebry and McLaughlin 2012, 122).

It is important to note, however, that Singapore's dependence on foreign labour and its, oft-viewed, overly liberal labour migration policy has come under some criticism from the general public. This was most poignantly seen with regards to a population white paper tabled by the Singaporean government in 2013 which proposed to remedy the country's ageing population through a greatly increased granting of permanent residencies and citizenships to fill the high-value jobs Singapore's shrinking local population ostensibly is unable to occupy, coupled with a continued supply of temporary work permits for foreign labour in low-skilled jobs (Ministry of Trade and Industry). The projected increase of the country's population to 6.9 million people by 2030, approximately representing a 30% increase, drew the ire of a broad swathe of Singaporeans, culminating in a series of protests that year of which one is cited as one of the country's largest ever (BBC 2013). This rare outpour of mass displeasure in a country better known for its strict social control and intolerance of dissent arguably prompted the Singaporean government to adopt

a more nuanced set of prescriptions, or at least a more nuanced portrayal of its prescriptions, for its approach to the admission of foreign labour. A refinement of this approach may be seen in a speech made in 2016 by the minister for manpower, Lim Swee Say, calling for a focus on "manpower-lean growth" with the Singaporean workforce as continually comprised of "two-thirds local and one-third foreign" (Ministry of Manpower 2016a). A key aspect of the speech to be highlighted, however, is the privileging of a strong "Singaporean core" within this framework in an attempt to assuage concerns over the security of locals in the domestic job market—"Singaporean core" being a term which was already used in the population white paper but which has come to be formally stressed as a concept to be defended in policy (Channel NewsAsia 2015).

A similar re-calibration of the government's official position and policy towards the liberal acceptance of temporary foreign workers as a result of a backlash by the mass public can be seen in the Canadian case. As noted throughout this thesis' analysis of the Canadian policies, a number of reforms have been made to the TFWP, seen especially in its overhaul in 2014. When asked about the reason for these reforms, a number of interviewees gave virtually identically responses, citing mass discontent towards the TFWP under the perception that Canadian jobs were increasingly taken by foreign workers following the Canadian media's coverage of three high-profile incidents involving temporary foreign workers. The three incidents were: The revelation that a Chinese-owned coal mining company in northern British Columbia was not staffed by Canadian workers and instead was consistently and exclusively hiring temporary foreign workers from China (Jordan 2012); the finding that Canadian workers at the Royal Bank of Canada were being displaced by high-skilled temporary foreign workers following the dismissal of several Canadian workers at the bank (Tomlinson 2013); and the observation that the employment of food

counter attendants at a number of McDonald's and Tim Hortons outlets was tilted favourably to temporary low-skilled foreign workers rather than Canadian nationals (Tomlinson 2014).

As a result of these incidents and the public backlash towards the overly-liberal employment of temporary foreign workers at the expense of Canadians that followed, especially in the aftermath of the final incident involving the employment of non-Canadian food counter attendants, the Canadian government was compelled to introduce a moratorium on the food service sector's ability to utilize the TFWP to fulfill its labour shortages through the employment of temporary foreign workers in April 2014 (Gollom 2014). While the moratorium would be lifted approximately two months later, a number of enduring reforms to the structure of the TFWP were made to the program, resulting ultimately in what an interviewee describes as a "tightening" of the TFWP. What should be highlighted, however, of the foregoing account of the 2014 reforms of the TFWP is that this tightening of the program has done less to significantly alter the rights or protections offered to temporary foreign workers, focusing more on reducing the number of low-skilled foreign workers entering the country, and that such reforms were prompted by the government's perception of widespread criticism of Canada's utilization of temporary foreign workers at the expense of Canadian workers on the part of the country's eligible-to-vote masses. In short, the reforms were prompted by and aimed less towards the improvement of the protection of migrant rights, but were instead founded on mass concerns of displacement of Canadians by temporary foreign workers in the Canadian economy.

The emphasis on accounting for the needs of Singaporean citizens has led some to view Singaporean labour migration policies and policymaking processes as prioritizing the interests of citizens, especially when "weighing employers' needs against migrant workers' welfare" (Koh et al 2016, 8). This dynamic of citizen employers versus foreign employees is seen in the employment

of foreign domestic workers and the manner in which Singaporean policies governing the treatment of these workers comes to be based on satisfying the interests of local Singaporeans. A number of interviewees remarked that the employment of domestic workers by the majority of Singaporean households comes as a result of the need to cope with Singapore's high-pressure working culture, along with a desire to achieve a degree of work-life balance through the freeing of additional time from domestic responsibilities. Such a view is echoed by Koh et al who posit that, as seen in the aforementioned manufacturing, construction and marine sectors, the Singaporean economy is founded on the labour of foreign domestic workers who serve as "temporal necessities" for many Singaporean families, especially dual-income households, who are dependent on foreign domestic workers to fulfill their needs of eldercare, childcare and housework (Koh et al 2016, 9). It is important to underline the implications that the availability of a pool of affordable foreign domestic labour in ensuring the continued involvement of Singaporean women in the workforce, and in providing an economically viable option for eldercare, has on the Singaporean economy within the context of the country's ageing population. As such, foreign domestic workers are viewed as serving a key economic function in facilitating the entrance of Singaporean women into the labour force and represent affordable remedies to the otherwise additional rigours of domestic responsibilities for Singaporeans, of whom many view the employment of such workers as "essential in attaining and maintaining a middle-class lifestyle both ideologically and materially" (Yeoh and Huang 2009, 75).

The net outcome of prioritizing citizens' interests and in privileging the "Singaporean core" is the rendering of the Singaporean labour migration policy environment as an employer-friendly one which regularly, and systematically, subjugates the protection of the welfare and rights of migrant workers to the demands of local employers. Notwithstanding the imposition of levies and

security bonds on employers wishing to hire temporary foreign labour, the interests of employers are served to a larger extent than those of low-skilled, foreign employees in many of the practices of the industries involved in employing such labour. Furthermore, it is often in the lack of government policy, or lack of enforcement of policy, where this dynamic can be seen to manifest itself.

The glaring lack of regulation of employment agencies, the majority of whom were portrayed largely as motivated by interests of profit-maximization, was pointed out by a number of interviewees. K Jayaprema, president of the Association of Employment Agencies Singapore (AEAS), a private organization who is referred to Jayaprema herself as representing the "voice of the industry," lamented at the "mismanaged" state of the industry of employment agencies. This lamentation was in reference to the dearth in regulation of the contentious practice carried out by many Singaporean employment agencies in collecting the recruitment fees owed by the foreign worker upon arrival in Singapore, not only to the Singaporean employment agency which secured the worker's employment, but also to the employment agency in the worker's country of origin which linked the worker to its sister agency in Singapore. The ultimate result of this practice is that many foreign workers are, upon arrival in Singapore, up to S$3000 to S$4000 in debt, implying that workers faced with this situation work their first 10 months to a year in the country without pay. To add to this, some interviewees, including Jayaprema, also hypothesized the existence of a "self-correcting" mechanism of employment fees in the employment agency industry. As agencies compete amongst each other to offer the cheapest potential employees to employers by lowering their prices, this reduction in revenue is compensated by raising the fees to be paid by the employee to work in Singapore. Thus, a lack of state policy regulating the conduct of employment agencies is seen to facilitate the catering of the demands of employers, as the want

for cheap labour is ultimately satisfied at the expense of the welfare of temporary, low-skilled, foreign workers.

Such a policy environment may also be seen in the Canadian context, reflected similarly in the lack of regulation of recruitment agencies. Canadian employers are first seen to be highly reliant on recruitment agencies to source temporary foreign workers to fulfill their labour needs, especially in the low-skilled, low-wage stream of the TFWP (Fudge and MacPhail 2009, 33; Nakache and Kinoshita 2010, 14). A fundamental aspect of the Canadian context which especially problematizes this reliance is seen in the lack of enforcement of a standard, binding employment contract at the federal level, as outlined in the previous section of this thesis. As a result of this, the responsibility to ensure that workers are not charged for exorbitant recruitment fees by the employer and/or the recruitment agency is seen to fall upon provincial governments or immigration officials at the CIC or the CBSA in processing individual work permit applications (Fudge and MacPhail 2009, 33). As such, there is some variation in the extent to which recruitment agencies are explicitly prohibited from charging foreign workers fees for the placement services of the agency, as the four Western provinces of British Columbia, Alberta, Manitoba and Saskatchewan prohibit such a practice, while other provinces, especially Ontario, have crucially shown a lack of commitment to ban the charging of fees to foreign workers outright (Fudge and MacPhail 2009, 34). While the Western provinces have made substantial efforts to officially prohibit such practice, the method of enforcing the prohibition has often been seen to punish the workers who have paid the recruitment fees rather than the agencies or employers charging them. The issuance of the work permit under the TFWP is seen to be dependent on the immigration official's assessment of whether or not such a fee has been charged on the foreign worker, and an assessment of the fee's impact on the ability of the of the worker to support themselves, in addition to sending remittances

back to their country of origin, and whether or not there is reason to believe that the worker will reside and work in Canada beyond their permitted period of employment (Fudge and MacPhail 2009, 36). The net result of this concern on the part of Canadian immigration officials is the refusal of granting work permits, and entry into Canada, to workers found to have been charged such fees. Such a method of enforcement, seen in an example in which 80 Mexican workers were detained and returned to Mexico at the Vancouver airport in 2008 as a result of placement fees found to be charged on the workers by their recruitment agency, is posited to "effectively punish the weakest party and lets recruitment agencies and employers off the hook" (Fudge and MacPhail 2009, 37).

Foreign workers who have been charged such fees and granted entry into Canada have also been seen to be reticent to formally complain against an agency within Canada's "complaint-driven" system of enforcement, as workers are seen to possess "a lack of awareness of their rights, self-censorship to protect their jobs and fear of reprisal" (Nakache and Kinoshita 2010, 14). A key assertion, thus, which follows from this analysis is the concerted lack of regulation of recruitment agencies, and the express prohibition of a number of its most problematic practices, on the federal level (Nakache and Kinoshita 2010, 15-17). The passing of the buck of responsibility to the provinces and to immigration officials to regulate and enforce the practices of recruitment agencies has been shown instead to enhance the vulnerability of low-skilled migrant workers to exorbitant placement fees and to create a setting which guarantees a lack of consistent punishment for employers and recruitment agencies found to be engaged in such practice. Essentially, despite some provincial regulation of recruitment agencies, Canada, much like Singapore, lacks a consistent, appropriately enforced, nationwide set of regulations vis-à-vis recruitment agencies. It is this lack of regulation which is indicative of the employer-friendly policy setting which is seen in both countries.

The research conducted on recruitment agencies and the extent to which their practices are effectively regulated and enforced by the government in either Canada or Singapore has been relatively brief and a full research paper or even a thesis unto itself may be required to fully do justice to the issue at hand. There is some evidence that employers and recruitment agencies in the Western provinces of Canada have been found to continue to charge foreign workers exorbitant fees, via loopholes in regulation, despite official legislation which prohibits this (see Harvey 2015), and more research may generally be required in the academic literature at large to fully describe and reveal the covert, under-the-radar, fraudulent practices of recruitment agencies on temporary foreign workers in both the Singaporean and Canadian settings. It is important to highlight, however, the similar abusive practices which have come to occur in both the Singaporean and Canadian settings among recruitment agencies in terms of charging foreign workers exorbitant placement fees, confiscating passports and travel documents, fraudulently describing the type of employment and the terms of conditions of employment to foreign employees, and ultimately the trafficking of humans which results from many of the practices of recruitment agencies (Fudge and MacPhail 2009, 33). That such practices come to be allowed through the lack of regulation resulting from a stand-offish position held by the Singaporean government and the Canadian federal government is significant, and is seen to be a reflection of the employer-friendly policy settings of both countries in which recruitment agencies come to facilitate the fulfilling of labour needs of employers which ultimately works towards the furtherance of broader national economic interests.

The notion that the environment in which low-skilled, foreign labour comes to be employed in Singapore is employer-friendly may also be seen in the lack of enforcement of enacted policies which appear to serve the well-being of foreign labour. A number of interviewees expressed doubts

over the adequacy of enforcement of the state policy of the banning of and cracking down on the collection of illicit fees from foreign workers as a condition for their continued employment on the part of employers. This policy was enacted in 2012 following the amendment of the Employment of Foreign Manpower Act to outlaw such "kickbacks," and has prompted some successful prosecution of employers found guilty of this practice. Nevertheless, interviewees from TWC2 and the Humanitarian Organization for Migration Economics (HOME) continued to view employers' collection of illicit fees as an ongoing practice, and questioned the extent to which the introduction of this policy has been effectively enforced. A policy which has been more robustly analyzed is the introduction of a mandatory day-off for foreign domestic workers in 2012. Despite its veneer of placing the well-being of foreign domestic workers at the forefront, the policy is seen by Koh et al as a way for the government to act upon its interests in improving Singapore's image as a migrant-receiving country amidst growing regional competition over the supply of migrant labour by appearing to adhere to a key international labour standard. The policy is also viewed by the scholars as satisfying the needs of its citizen employers in continually ensuring a steady inflow of foreign domestic workers for employment (Koh et al 2016). The scholars crucially highlight the presence of the compensation-in-lieu clause inherent in the policy which allows employers to request for their workers to work on a day-off in exchange for added compensation, subject to the agreement of the employee. As such, the government is shown to "not introduce a hard-and-fast rule" for mandatory days-off, highlighting that foreign domestic workers could be coerced into forgoing their days-off and that the "policy would not amount to much in terms of promoting and safeguarding migrant domestic workers rights" (Koh et al 2016, 10). Thus, "migrant rights appeared secondary in the equation" (Koh et al 2016, 10), as the policy is shown to be formulated by the state in terms which are favourable to employers, and not employees. Such an analysis thus

corroborated the broader opinion of a number of interviewees that policy change in the treatment of migrant labour in Singapore is largely superficial and lacks the enforcement or alterations in prevailing practices which would make such policy change meaningful.

A number of interviewees in Canada similarly found the reforms to Canadian labour immigration policies largely superficial and working less towards the accordance of fundamental rights to migrant workers. A discussion of how the 2014 reforms of the TFWP have worked towards the continued employment of low-cost, exploitable pool of foreign workers as seen in the lack of meaningful changes on the manner in which low-skilled, low-wage temporary foreign workers are treated under the program will follow in a subsequent paragraph. However, it is of significance to first highlight how the reforms have ultimately failed to significantly alter the tangible interests which undergirded, and continue to undergird, the TFWP in the first place. As mentioned before, the reforms to the TFWP have aimed towards "tightening" the program, and the reductions in admissions of foreign workers under the program are seen mostly in the reductions of workers employed in its High-wage and Low-wage streams. The reduction of admission of foreign workers in these two streams has been argued to have been directly in response to a series of high-profile incidents pertaining to the hire of high-skilled and low-skilled foreign workers as mentioned previously. What is more striking, however, is the lack of reform in the TFWP's agricultural stream, especially the SAWP, and the CP, cited as the "two flagship programs that defined Canada's guestworker programs in the post-war period" (Hari et al 2013, 17).

The lack of reform in the SAWP and CP is acknowledged in government publications. More specifically, there was the lack of an introduction of a quota on the employment of both agricultural workers and caregivers, of a $1000 LMIA processing fee in the case of agricultural workers, and the lack of a reduction of the period that either agricultural workers or caregivers are

allowed to stay in Canada (Employment and Social Development Canada 2016, 26). The analysis forwarded here is that the TFWP at large has essentially been whittled down to continue to provide labour for Canada's agricultural and caregiving sector. Policy reforms have done much less towards reforming the practices of employers and towards introducing meaningful changes to the employer-tied nature in which agricultural workers and caregivers are employed. Thus, it is crucial to highlight that "despite longstanding and ongoing evidence of abuse and exploitation of workers" in both the SAWP and CP, the reforms have ultimately failed not only in bringing about any meaningful change in the manner in which employees come to be treated while in Canada, but have also worked less towards bringing about change in the admission of such workers, indicating a continuation of the advancement of the interests the SAWP and the CP have been seen to serve (Strauss 2014). The reforms made to the CP in 2014 have been discussed in this thesis' previous section, and these reforms have ultimately been seen by scholars to further the precariousness of residence status for the vast majority of caregivers in Canada through the introduction of caps on successful permanent residency applications and the separation of access to permanent residence based on skill among care caregivers. The reform of the CP has, however, resulted in the removal of the live-in requirement of the LCP, and it is puzzling why such an ostensibly well-intentioned policy reform would in turn be accompanied by reforms which serve to reinforce the precarity of caregivers in terms of residence status. However, the key argument to be forwarded is that the reforms have done much less to alter the primary interests undergirding the TFWP in its agricultural and caregiving sector. The tightening of the TFWP's High-wage and Low-wage streams is thus to be seen in tandem with the broadening of the IMP and Canada's broader effort to attract high-skilled foreign talent through the carrot of permanent settlement in the country. Hence, despite a purported overhaul of the TFWP, the program continues to serve the labour

demands of agriculture and caregiving, and has so far been seen to introduce little reform in the manner in which migrant rights or welfare is protected.

A final observation of the Singaporean case which underlies much of the state's conduct in governing of the admission and treatment of migrant workers is that there is a purported overriding "institutional logic of economic pragmatism" which dictates government policy formulation and regulation across a variety of issues, of which temporary labour migration policy is one of them (Koh et al 2016, 8). The fundamental aim within such an institutional logic is the achievement of "continuous economic growth" and thus labour migration policy, not unlike any other set of policies, must strive towards this broader national aim (Chua 1985, 37). If we are to view Singapore, and the PAP, as basing its regime longevity on a form of performance legitimacy (Huntington 1991), in which continuous economic growth is a key criteria, then the political survival of the PAP necessarily entails the protection of key drivers of such growth, of which global competitiveness anchored in low-cost labour is especially pertinent to the low-skilled, foreign worker in Singapore. The endeavour towards ensuring the continued existence of a cheap pool of foreign labour for the purpose of perpetual growth, and ultimately regime longevity, conveniently coincides with the demands of their citizen employers for low-cost labour to fill up lower-skilled jobs in a variety of sectors. Singaporean employers themselves are thus seen to benefit from this state-sanctioned need for cheap, foreign labour as the availability of such labour also satisfies the labour demands of firms in a variety of sectors, and even the demands of many middle-class Singaporean households. The interests of many Singapore citizens thus intersect with the economic interests of their government, and it is perhaps less surprising then that the government has so willingly adopted a voter-first mentality—or more significantly, an employer-first mentality--in the policy matters of low-skilled foreign labour.

Thus, a key, direct challenge to the stipulations of the ICMW in the economic interests of Singapore is the need for temporary, low-skilled foreign labour to be *cheap,* or as an interviewee put it, "cheap plus plus." The "plus plus" is in reference to the need to include non-wage related measurements of cheap-ness of foreign labour. Thus, low-skilled foreign labour is seen in the Singaporean context not only as low-wage, but also as an exploitable set of workers for whom the provision of poor working conditions is acceptable. The according of the rights stipulated for by the ICMW to a broad swathe of temporary, low-skilled, foreign workers thus raises the costs of these workers themselves, and represents a forgoing of the benefits in employing migrant labour which is cheap, not to mention plus plus. It can be speculated that such an augmentation of costs may entail a re-structuring of the Singaporean economy to reduce its dependence on foreign labour which would most likely not be welcomed, best evidenced in the earlier mention of the NWC's Lim Chong Yah's proposal of wage "shock therapy". Additionally, the way in which the interests of ensuring the continued supply of cheap, foreign labour is inextricably linked to the broader interests of Singaporean citizens and the longevity of a PAP-led government suggests that a costlier, less-exploitable, rights-equipped migrant workforce, as advocated for by the ICMW, may necessitate a shift away from viewing perpetual economic growth as an achievable goal. Given that economic growth has been viewed as a key survivalist aim virtually since Singapore's independence, such a shift could come with political costs that the PAP is reluctant to bear. The fundamental interest in cheap labour would also be served less by a costly overhaul of policies and enforcement measures entailed by the ratification of and compliance to the ICMW's rights-based approach. Whether or not such a re-structuring of Singaporean policy, politics, and economics would necessarily transpire post-ratification of the ICMW remains a speculation. However, the point to be underlined is that fundamental change is required by the ICMW's rights-based logic

from exclusively treating low-skilled migrant labour as "digits" serving an economic function for broader economic interests, towards the treatment of such workers as human beings whose well-being requires protection and who are entitled to equality of treatment with nationals according to a number of key labour rights and standards. Given the mechanisms which allow Singaporean economic interests to not only form the basis of, but also to be continually inseparable from, its employer-friendly labour immigration policy framework, such a change has yet to be seen. As such, Singapore stands a sincere non-ratifier of the ICMW due to a fundamental disconnect between the employer-centred, economic interests of the Singaporean state and the stipulations of the treaty.

Despite Canada's status as a liberal democracy and its commitment to a number of human rights treaties, it may be possible to extend the characterization of the Singaporean state as pragmatic and acting towards economic aims to the Canadian case as well. As has been argued throughout this section, Canada has largely worked towards serving it economic interest in fulfilling labour shortages in its agricultural and caregiving sectors, and it is significant that the temporary foreign workforce, especially in the country's agricultural sector has become crucial to the continued global competitiveness of Canada's agricultural industry. This key interest has been seen to be safeguarded as the 2014 reforms of the TFWP left the Agricultural stream, and to some extent the CP, virtually unscathed, hence protecting current employer practices of hiring and treatment of agricultural workers in Canada. It is clear then that reforms to the TFWP have come in response to a perceived public outcry over employers' reliance on temporary foreign workers instead of Canadian workers, and the motivations for the selective lack of reform can be seen as an effort to secure the interests of Canadian employers in the agricultural sector. Thus, a similar voter-first, and employer-first, mentality may be seen in Canada as the interests of the Canadian

employers and the Canadian population at large come to be prioritized at the expense of the protection of the welfare of the migrant workers employed under the TFWP. Discussion of the TFWP and the reforms to be made of the program have centred around reductions in *numbers* of workers, increases in efforts to attract talented, high-skilled workers, and the need to safeguard the interests of Canadians first. Much less has been said of the swathe of racialized, often precariously employed, seemingly faceless migrant workers employed under the TFWP, and how meaningful steps to protect such workers from abuse, to end the employer-tied work permit provided to such migrant workers, and to provide an effective pathway to permanency of status should be undertaken as part of these reforms.

Given Canada's policy framework and the voter-first configuration of its national interests, it thus less surprising that the ICMW has not been ratified as the aims of the treaty in equipping migrant workers with rights and protections from abuse is at odds with the primary concerns and motivations of the Canadian state and population at large. It is significant to note, however, that a substantial rights-based discussion of the issue of migrant labour has been forwarded by Canadian actors as seen in the work of a number of migrant labour advocacy groups. This discussion was vividly seen in the testimonials of a variety of migrant labour NGOs and migrant workers themselves at the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA) on the TFWP held in June 2016 (see House of Commons 2016). Through participation in this parliamentary committee, migrant labour NGOs pushed for the end of employer-tying work permits and the federal provision of effective pathways to permanency of status for all foreign workers upon arrival. It is significant that these two aims were taken up by the committee as formal recommendations to the federal government, and it is this formal inclusion of civil society and its suggestions which is most indicative of the liberal

constraints on the government which are part and parcel of a liberal democratic political setting. However, whether or not these recommendations will be meaningfully taken up by the federal government remains to be seen. It is clear thus far from an analysis of the reforms that alterations to the TFWP have focused on reducing the number of workers employed in specific streams of the TFWP, and the focus on the part of the Canadian government has not been on the costlier provision of permanent status or the freedom to navigate the Canadian labour market to the low-skilled, low-wage foreign workers in Canada.

Thus, this reticence to meaningfully depart from a national interests-based discussion of temporary foreign workers, on the part of the Canadian government, is largely reflective of its commitment to the interests of Canadian employers and the Canadian population at large. Thus, it less surprising that a rights-based approach to the issue of migrant labour, as seen in the ICMW, which seeks to end racializing, discriminatory practices of Canadian employers, works towards equality of treatment of Canadians and non-Canadians, and effectively seeks to put an end to the vulnerability of migrant workers, has not gained traction in the functional, instrumental view of migrant labour on the part of the Canadian state. Thus, I argue that Canada's non-ratification of the ICMW is a reflection of Canada's practices and preferences as much as it is of Singapore's. Not only are Canada's current practices a reflection of a disconnect between the stipulations of the ICMW and the policy framework of the TFWP, but it has also been shown that Canada has largely preferred to safeguard its practices as part of the TFWP, and has not pursued, nor shown any signs of future pursuit of, significant alterations to its practices which would bring it line with the stipulations of the ICMW.

A final similarity seen in the Singaporean and Canadian cases is in their similar "domestic structure of preferences" (Milner 1997), or what has been referred to by a number of interviewees

of both countries as a power balance which prioritizes the interests of the state and the employer over those of the migrant worker. Singaporean interests are seen "to benefit the State first, then the employer and, only last, the worker" in relation to the manner in which labour immigration policies are structured (Devasahayam 2010). A similar finding may be seen in Canada as discussion of the TFWP has centred on "Canadian workers and Canadian business operations," with "relatively little attention paid to the migrant workers themselves, or the voices of community groups and NGOs advocating for their rights" (Strauss 2014). Members of NGOs interviewed in both countries similarly shared their lack of meaningful consultation with government actors, describing any form of meetings with government officials as mere window-dressing rather than meaningful engagement with the recommendations of these NGOs. While such a finding may be less surprising in the authoritarian setting of Singapore, it is significant that a liberal democratic country such as Canada fails to respond to the concerns of civil society. This lack of engagement with pro-migrant civil society organizations on the part of the Canadian government should be juxtaposed to the regular, almost daily, contact maintained between the ESDC and the private employers' associations interviewed for this thesis and the tangible effects these associations have had in successfully lobbying their interests throughout the process of reforming the TFWP. Thus, national interests come to be negotiated within a power configuration in which employers, agencies and private associations occupy higher rungs compared to migrant labour civil society actors or migrant workers themselves. As such, in this process of negotiating the national interest, the narrative of the need to prioritize broader economic interests of Singaporean and Canadian employers, and the voting populations of both countries comes to be privileged at the expense of the interests of the protection of the welfare of the migrant worker. The non-ratification of the ICMW of Singapore and Canada can in turn be seen as a reflection of the manner in which migrant

vulnerability comes to be constructed within a power structure. Such power structures guarantee the powerlessness of migrants, reflected in the migrant's inability to formulate and enforce rules which would better safeguard their own interests of better protection from abuse within their respective host countries (Bustamante 2002).

Conclusion

This thesis has argued that the non-ratification of the ICMW of Singapore and Canada is explained by the existence of a disconnect between the countries' current non-compliant policies and their national interests which undergird these policies and their unwillingness to meaningfully pursue measures which work towards correcting the vulnerability of migrant workers to abuse at the hands of their employers. Through an analysis of the policies and politics of migrant vulnerability in both countries, this thesis has offered a distinctly domestic-oriented view of the reasons for the non-ratification of an international human rights treaty such as the ICMW, shedding light on some of the common within-case complexities which resulted in both countries similarly choosing to forgo ratification of the ICMW.

The finding that countries employ cost-benefit analyses according to their national interests when considering the ratification of an international treaty is "obvious" as Ruhs notes throughout his book, *The Price of Rights*, and in a number of articles published on the national interests thesis of the non-ratification of the ICMW (Ruhs 2013). Indeed, if one were to adopt a realist understanding of international affairs, the observation that states conduct themselves according to their interests is by no means a novel idea, and that Singapore and Canada have acted in such a manner with regards to the ratification of the ICMW is less surprising. Where this thesis departs from the realist perspective is the express focus on the domestic politics of both countries, especially in the view of the interests of both countries as dictated not by a unitary state, but a multifaceted structure of domestic preferences negotiated by a variety of state and non-state actors.

As such, the focus of this thesis has been placed, not on the politicking at the international level undertaken by both Singapore and Canada, but on the public policies of both countries and the domestic negotiations among various actors which work against the protection of migrant workers' rights. While the argument forwarded by this thesis may be "obvious," it is significant, and perhaps important, to underline, in a comprehensive rigorous manner, the ways in which Singaporean and Canadian non-commitment to migrant workers' rights has resulted from an active preference, on the part of both countries, to do so, rather than from some form of oversight or neglect. Both countries have been shown to possess policy frameworks which have allowed and facilitated abusive practices of migrant workers and which serve to ensure the vulnerability and exploitability of migrant workers for the sake of the continued furtherance of broader national, economic interests. As obvious as such a finding may seem, I would argue that the expression of such a finding is crucial, at least from a normative standpoint, and is especially significant given our expectation of Canada as a human rights-respecting country.

Some thoughts on the implications on the foregoing comparative analysis of Singapore and Canada should also be shared. This thesis has shown how two countries with different dispositions to ratification of human rights treaties, in the form of different regime types, cultural mores and records of previous ratification of international human rights treaties have similarly failed to commit to the protection of the rights of migrant workers. Thus, there is the sense that the issue of migrant workers' rights and the degree to which states are willing to commit to the protection of migrant workers' rights depends less on whether a country is a liberal democracy or a Western country better-positioned to engage a rights-based approach to migrant labour. Again, the argument forwarded by this thesis is the importance of the country's national interests, and specifically its motivations in safeguarding the capital and employment of their national

populations. To what extent can this thesis' argument be extended, and generalized, to cases beyond Singapore and Canada? Based on the thesis' findings, especially in light of our characterization of Canada as a sincere non-ratifier, it is possible to speculate that very few migrant-receiving states actually comply with the stipulations of the ICMW, and that they simply remain unwilling to do so. Thus, the "puzzle" of why democratic, migrant-receiving states such as Denmark, Italy and the UK have not ratified may not necessarily lie in the complex politicking among law and policy makers in these settings to approve the ratification of the ICMW. These states may be similarly non-compliant to the ICMW as states such as Singapore, and are similarly unwilling to alter their policy frameworks to accommodate for the stipulations of the ICMW. A broad generalization from what is a small-N study, surely, but the implications of this thesis may help introduce a domestic policy-focused understanding as to why the ICMW remains so lowly ratified. If the case of Canada is at all similar to France, Norway, or New Zealand, and if Singapore's treatment of its migrant workers is in any way comparable to that witnessed in the UAE or Qatar, migrant-receiving states, regardless of their regime type or cultural dispositions, may ultimately see the provisions of the ICMW as not in line with their preferences or practices, and the costs of ensuring future compliance may be viewed as untenable vis-a-vis their interests.

The argument that national interests are at odds with the stipulations of a rights-based approach to migrant labour is not void of controversy. In the concluding chapter of *The Price of Rights*, Ruhs points out the reticence of a number of UN agencies to engage with a national interests argument for the lack of international commitment to migrant workers' rights, highlighting a personal anecdote in which his discussion of the costs of rights and their trade-offs with the openness of migrant-receiving countries' admission policies at a conference organized by the OHCHR was met with a cold, reluctantly cordial, response from the conference organizers

(Ruhs 2013,191-192). Going along with personal anecdotes, as part of a teaching assistantship for an undergraduate class on international development, I was tasked with organizing a debate to be held among students on the topic of migration. As part of any debate, two opposing sides needed to be formed, and thus a line of division between the students needed to be drawn from which they would argue their positions. Hence, in response to the debate question of how states should approach the admission and treatment of migrants in their country, I neatly divided the class into two groups, one which would argue for a focus on the human rights of migrants, and another which would argue for states to pursue their national interests. While the vast majority of students went along with this formulation of the debate, a thoroughly insightful response came from a student who semi-jokingly referred to me as, "Our TA, who by framing our debate as such has become a stooge of the capitalist system," in reference to my placing of human rights at one end of the debate, and national interests on the other. Moving beyond the comical nature of the statement, and sidestepping the quasi-Marxian analysis the student may be alluding to for the moment, the student's response does ask a foundational question of the national interests argument: How necessarily are national interests at odds with a rights-based approach to migrant labour?

The opinions expressed by the members of the Singaporean and Canadian migrant labour NGOs interviewed corroborates broadly with a hypothesis forwarded by Bustamante following his study which involved surveying a number of NGOs as well. The hypothesis follows that if the vulnerability of the migrant worker is "associated with the low cost of the services or labour they deliver," then the primary implication is that "if the vulnerability of immigrants is reduced, the closer it gets to zero, the more likely it is to reduce the demand for them and the more likely it is to disincentive economically related outmigration" (Bustamante 2002, 344). However, as argued by Bustamante himself, migrant vulnerability is ultimately a social construct. Thus, questions may

be asked of to what extent migrant labour is necessarily low-cost, exploitable, and vulnerable in order for the greater national good to be pursued. Is migrant vulnerability ultimately, as Bustamante has pointed out, a social construction? This thesis, through the presentation of the case of Singapore and Canada, has endeavoured to show that, empirically, migrant vulnerability does exist as a result of state policies, and finds its roots in the interests of the actors who ultimately come to operate within a power structure which systematically subjugates the interests of the migrant worker in favour of the interests of the state, the employer, and the agency. Whether or not migrant vulnerability exists is thus less in question. However, what is more in question is whether migrant vulnerability needs to exist. Does a country's interests in economic prosperity, national security, and state sovereignty necessarily stand in opposition to the human rights of foreign workers employed within its borders? Is it possible to imagine a situation in which a rights-equipped, healthy, permanent population of foreign workers of all skill-levels and source countries contributes to, rather than subtracts from, the national interests of a given migrant-receiving country?

This thesis will unfortunately leave these questions largely unanswered, and it remains to be seen whether migrant-receiving countries worldwide will ever come to align their national interests with efforts to protect the rights of migrant workers, as embodied by the ICMW. However, I hope that by bringing these questions up, we reflect on the possibility that the necessity of migrant vulnerability for the broader good of society could be a mere figment of imagination, and thus become aware of the possible normative, moral problems such a pursuit of imagined functionality can bring.

Bibliography

Basok, T. "Canada's Temporary Migration Program: A Model Despite Flaws' Migration Information Source." *Washington: Migration Policy Institute*. http://www. migrationinformation. org/feature/display.cfm (2007).

Basok, Tanya. *Tortillas and tomatoes: Transmigrant Mexican harvesters in Canada*. Vol. 37. McGill-Queen's Press-MQUP, 2002.

Bohning, Roger. "The ILO and the new UN convention on migrant workers: The past and future." *International Migration Review* (1991): 698-709.

Bosniak, Linda S. "Human rights, state sovereignty and the protection of undocumented migrants under the International Migrant Workers Convention." *The International Migration Review* 25, no. 4 (1991): 737-770.

Bustamante, Jorge A. "Immigrants' vulnerability as subjects of human rights." *International Migration Review* 36, no. 2 (2002): 333-354.

Channel NewsAsia. "Solid Singaporean core needed: Prime Minister Lee." July 23, 2015. Accessed January 23, 2017. http://www.channelnewsasia.com/news/singapore/solidsingaporeancore/2002476.html.

Chetail, Vincent. Sources of International Migration Law." In *Foundations of International Migration Law,* edited by B. Opeskin, R. Perruchoud, J. Redpath-Cross, 56-92. Cambridge University Press, 2012.

Cholewinski, Ryszard Ignacy. *Migrant Workers in International Human Rights Law: their protection in countries of employment*. Oxford University Press, 1997.

Choudry, Aziz, and Adrian A. Smith. "Introduction: Struggling Against Unfree Labour." In *Unfree Labour?: Struggles of Migrant and Immigrant Workers in Canada*, edited by Aziz Choudry and Adrian A. Smith. Oakland, CA: PM Press, 2016.

Chua, Beng Huat. "Pragmatism of the People's Action Party government in Singapore." *Southeast Asian Journal of Social Science* 13, no. 2 (1985): 29-46.

CIC. Find out if you need a Labour Market Impact Assessment. 2015. Accessed June 5, 2017. http://www.cic.gc.ca/english/work/employers/apply-who.asp

CIC. Hire a temporary worker through the Seasonal Agricultural Worker Program - Overview. 2016a. Accessed June 5, 2017. https://www.canada.ca/en/employment-social development/services/foreign-workers/agricultural/seasonal-agricultural.html

---. Hire a temporary worker through the Seasonal Agricultural Worker Program – Program requirements. 2016b. Accessed June 5, 2017. https://www.canada.ca/en/employment social-development/services/foreign-workers/agricultural/seasonal agricultural/requirements.html

---. Hire a temporary worker as an in-home caregiver – Overview. 2016c. Accessed June 5, 2017. https://www.canada.ca/en/employment-social-development/services/foreign workers/caregiver.html
---. Hire a temporary worker as an in-home caregiver – Program requirements. Accessed June 5, 2017. https://www.canada.ca/en/employment-social-development/services/foreign workers/caregiver/requirements.html

CIC. International Mobility Program: Labour Market Impact Assessment exemption codes. 2017a. Accessed June 5, 2017. http://www.cic.gc.ca/english/resources/tools/temp/work/opinion/codes.asp
---. Hire a temporary foreign worker in a high-wage or low-wage position. 2017b. Accessed June 5, 2017. https://www.canada.ca/en/employment-social-development/services/foreign workers/median-wage.html
---. Program requirements for low-wage positions. 2017c. Accessed June 5, 2017. https://www.canada.ca/en/employment-social-development/services/foreign workers/median-wage/low/requirements.html
---. Hire a temporary foreign worker through the Agricultural Stream - Program requirements. 2017d. Accessed June 5, 2017. https://www.canada.ca/en/employment-social development/services/foreign-workers/agricultural/agricultural/requirements.html

Cole, Wade M. "Sovereignty relinquished? Explaining commitment to the international human rights covenants, 1966-1999." *American Sociological Review* 70, no. 3 (2005): 472-495.

Credit Suisse. "Singapore Offshore and Marine Sector." June 2011. Accessed January 23, 2017. https://doc.research-and analytics.csfb.com/docView?language=ENG&source=ulg&format=PDF&document_id 893777261&serialid=FijEguqj1Z9EqtQQ%2FvCOoB11YNNjCosYuV69BylXkus%3D.

De Gucheteneire, Paul, and Antoine Pecoud. "Introduction: The Convention on Migrant Workers' Rights." Edited by Ryszard Cholewinski, Paul De Gucheteneire, and Antoine Pecoud. In *Migration and Human Rights*, 1-44. New York: UNESCO Publishing, 2009.

De Varennes, Fernand. "Strangers in foreign lands: Diversity vulnerability and the rights of migrants." (2002).

Depatie-Pelletier, Eugénie. "Judicial Review and Temporary Labour Migration Programs Declared a "Modern Form of Slavery": State Restrictions of (Im)Migrant Workers' Right to Liberty and Security (Not to Be Held Under Servitude) Through Employer-Tying Policies (Initial submission)." PhD diss., Université de Montréal, 2016.

Devasahayam, Theresa W. "Placement and/or protection? Singapore's labour policies and practices for temporary women migrant workers." *Journal of the Asia Pacific Economy* 15, no. 1 (2010): 45-58.

Di Lieto, Giovanni. "International Legal Realities of Migrant Labour Rights." *Journal of Identity and Migration Studies* 9, no. 2 (2015): 86.

Donnelly, Jack. *Universal human rights in theory and practice*. Cornell University Press, 2013.

Downs, George W., David M. Rocke, and Peter N. Barsoom. "Is the good news about compliance good news about cooperation?." *International Organization* 50, no. 03 (1996): 379-406.

Drori, Gili S., and Georg Krücken. "World society: A theory and a research program in context." *World Society: The Writings of John W. Meyer* (2009): 3-35.

Employment and Social Development Canada. Archived - Government of Canada Overhauls Temporary Foreign Worker Program Ensuring Canadians are first in line for available jobs. Accessed June 5, 2017. http://news.gc.ca/web/article-en.do?nid=859859.

Employment and Social Development Canada. Overhauling the Temporary Foreign Worker Program 2016. Accessed June 5, 2017. https://www.canada.ca/en/employment-social development/services/foreign-workers/reports/overhaul.html.

Englehart, Neil A. "Rights and culture in the Asian values argument: the rise and fall of Confucian ethics in Singapore." *Human Rights Quarterly* 22, no. 2 (2000): 548-568.

Finnemore, Martha, and Kathryn Sikkink. "International norm dynamics and political change." *International Organization* 52, no. 04 (1998): 887-917.

Fudge, Judy. "Global care chains, employment agencies, and the conundrum of jurisdiction: Decent work for domestic workers in Canada." *Canadian Journal of Women and the Law* 23, no. 1 (2011): 235-264.

Fudge, Judy, and Fiona MacPhail. "The temporary foreign worker program in Canada: Low skilled workers as an extreme form of flexible labour." *Comparative labor law and policy journal* 31 (2009): 101-139.

Gollom, Mark. "Temporary foreign worker moratorium: 'We will see some restaurants close'." *CBC News*, April 25, 2014. Accessed June 5, 2017. http://www.cbc.ca/news/canada/temporary-foreign-worker-moratorium-we-will-see some-restaurants-close-1.2622139

Hanley, Jill, Lindsay Larios and Jah Hon-Koo. "Does Canada "Care" about Migrant Caregivers?: Implications under the Reformed Caregiver Program." 2016.

Hari, Amrita, Susan McGrath, and Valerie Preston. *Temporariness in Canada: Establishing a research agenda*. CERIS-The Ontario Metropolis Centre, 2013.

Harvey, Mark. "Alberta law allows recruiters to bill foreign workers." *CBC News*. February 25, 2015. Accessed June 5, 2017. http://www.cbc.ca/news/canada/edmonton/alberta-law allows-recruiters-to-bill-foreign-workers-1.2969748

Hathaway, Oona A. "The cost of commitment." *Stanford Law Review* (2003): 1821-1862.

Hennebry, Jenna L., and Janet McLaughlin. ""The Exception that Proves the Rule": Structural Vulnerability, Health Risks, and Consequences for Temporary Migrant Farm Workers in Canada." In *Legislated Inequality: Temporary Labour Migration in Canada*, 117-38. Montreal, QC: McGill-Queen's University Press, 2012.

House of Commons. Temporary Foreign Worker Program. 2016. Accessed June 5, 2017. http://www.ourcommons.ca/Committees/en/HUMA/StudyActivity?studyActivityId=8855433

Huang, Shirlena, and Brenda SA Yeoh. "Ties that bind: state policy and migrant female domestic helpers in Singapore." *Geoforum* 27, no. 4 (1996): 479-493.

Human Resources and Skills Development Canada, Citizenship and Immigration Canada, and Corporate Affairs Branch Canada Border Services Agency. "Evaluating the Labour Market Opinion Streams of the Temporary Foreign Worker Program." 2012.

Huntington, Samuel P. "Democracy's third wave." *Journal of Democracy* 2, no. 2 (1991): 12-34.

Iredale, Robyn, and Nicola Piper. "Identification of the Obstacles to the Signing and Ratification of the UN Convention on the Protection of the Rights of All Migrant Workers The Asia Pacific Perspective." *UNESCO Series of Country Reports on the Ratification of the UN Convention on Migrants* (2003).

Jordan, Pav. " No Canadian hires for four years at Chinese-owned B.C. mine." *The Globe and Mail*, December 12, 2012. Accessed June 5, 2017. https://www.theglobeandmail.com/report-on-business/international-business/asian pacific-business/no-canadian-hires-for-four-years-at-chinese-owned-bc mine/article6281852/

Kaur, Amarjit. "Labour migration in Southeast Asia: migration policies, labour exploitation and regulation." *Journal of the Asia Pacific Economy* 15, no. 1 (2010): 6-19.

Koh, Chiu Yee, Charmian Goh, Kellynn Wee, and Brenda SA Yeoh. "Drivers of migration policy reform: The day off policy for migrant domestic workers in Singapore." *Global Social Policy* (2016): 1-18.

Mattila, Heikki S. "Protection of migrants' human rights: Principles and practice." *International Migration* 38, no. 6 (2000): 53-72.

Milner, Helen V. *Interests, Institutions, and Information: Domestic Politics and International Relations*. Princeton, NJ: Princeton University Press, 1997.

Ministry of Manpower. Eligibility for Employment Pass. 2017a. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/employment-pass/eligibility.

---. Eligibility for S Pass. 2017b. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and permits/s-pass/eligibility
---. Passes for family of Employment Pass holders. 2017c. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/employment-pass/passes-for-family
---. Eligibility and requirements for Personalised Employment Pass. 2017d. Accesse April 18, 2017. http://www.mom.gov.sg/passes-and-permits/personalised-employment pass/eligibility-and-requirements
---. Key facts on Work Permit for foreign worker. 2017e. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/key-facts
---. Security bond requirements for foreign worker. 2017f. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector specific-rules/security-bond
---. Six-monthly medical examination (6ME) for foreign domestic worker (FDW). 2017g. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for foreign-domestic-worker/eligibility-and-requirements/six-monthly-medical-examination
---. What is the foreign worker levy. 2017h. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/foreign worker-levy/what-is-the-foreign-worker-levy
---. Services sector: Work Permit requirements. 2017i. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector specific-rules/services-sector-requirements
---. Construction sector: Work Permit requirements. 2017j. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector specific-rules/construction-sector-requirements
---. Manufacturing sector: Work Permit requirements. 2017k. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector specific-rules/manufacturing-sector-requirements
---. Marine sector: Work Permit requirements. 2017m. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector specific-rules/marine-sector-requirements
---. Process sector: Work Permit requirements. 2017n. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector specific-rules/process-sector-requirements
---. Contracts and safety agreement for foreign domestic worker. 2017o. Accessed April 18, 2017. http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic worker/employers-guide/contracts-and-safety-agreement
---. Itemised pay slips. 2017p. Accessed April 18, 2017. http://www.mom.gov.sg/employment practices/salary/itemised-payslips

Ministry of Trade and Industry. *Population White Paper: "A Sustainable Population for a Dynamic Singapore"*.

Nakache, Delphine and Paula J. Kinoshita. 2010. “The Canadian Temporary Foreign Worker Program: Do Short-Term Economic Needs Prevail over Human Rights Concerns?” *IRPP Study*, No. 5.

National Heritage Board. The National Pledge. Accessed April 18, 2017. http://www.nhb.gov.sg/resources/national-symbols/national-pledge

National Population and Talent Division. *Population in Brief 2016*. 2016. Accessed April 18, 2017. https://www.nptd.gov.sg/Portals/0/Homepage/Highlights/population-in-brief-2016.pdf

Ng, Gwendolyn. "PM: 'No' to wage shock therapy." *AsiaOne News*. May 2, 2012. Accessed January 23, 2017. http://news.asiaone.com/News/Latest%2BNews/Singapore/Story/A1Story20120502

Pécoud, Antoine. 2009. "The UN Convention on Migrant Workers' Rights and International Migration Management."*Global Society* 23: 333-350

Pécoud, Antoine, and Paul De Guchteneire. "Migration, human rights and the United Nations: an investigation into the obstacles to the UN Convention on Migrant Workers' Rights." *Windsor YB Access Just*. 24 (2006): 241-266.

Piché, Victor, Eugénie Pelletier, Dina Epale. "Identification of the obstacles to the ratification of the United Nations Convention on the protection of the rights of all migrant workers and members of their family: the Canadian case." *UNESCO Series of Country Reports on the Ratification of the UN Convention on Migrants* (2006).

Preibisch, Kerry. "Pick-Your-Own Labor: Migrant Workers and Flexibility in Canadian Agriculture1." *International Migration Review* 44, no. 2 (2010): 404-441.

Preibisch, Kerry, and Leigh Binford. "Interrogating racialized global labour supply: An exploration of the racial/national replacement of foreign agricultural workers in Canada." *The Canadian Review of Sociology* 44, no. 1 (2007): 5.

Risse, Thomas. "'Let's argue!': communicative action in world politics." *International Organization* 54, no. 01 (2000): 1-39.

Ruhs, Martin. 2012. "The Human Rights of Migrant Workers: Why Do So Few Countries Care? *American Behavioral Scientist* 56: 1277-1293

Ruhs, Martin. *The price of rights: Regulating international labor migration*. Princeton University Press, 2013.

Simmons, Beth (2009). *Mobilizing for Human Rights*. Cambridge.

Stasiulis, Daiva, and Abigail B. Bakan. "Negotiating citizenship: the case of foreign domestic workers in Canada." *Feminist review* (1997): 112-139.

Strauss, Kendra. " Temporary foreign workers need more rights, not better enforcement of flawed policy." *Canadian Centre for Policy Alternatives*. September 1, 2014. Accessed June 5, 2017. https://www.policyalternatives.ca/publications/monitor/temporary-foreign-workers need-more-rights-not-better-enforcement-flawed-policy

Tan, Jeanette. "'Shock therapy' economist urges NWC to call for more wage increases." *Yahoo! News*. October 25, 2012. Accessed January 23, 2017. https://sg.news.yahoo.com/-1-000 minimum-wage-scheme-as-'last-resort'-for-wage-shock-therapy--lim-chong-yah.html.

Tan, Teckwah. "Singapore's Maids: No Respite?" *The Diplomat*, August 5, 2013. Accessed April 18, 2017. http://thediplomat.com/2013/08/singapores-maids-no-respite/

Taran, Patrick A. "Status and Prospects for the UN Convention on Migrants' Rights." *European Journal of Migration and Law* 2, no. 1 (2000): 85-100.

Tomlinson, Kathy. "RBC replaces Canadian staff with foreign workers." *CBC News*, April 6, 2013. Accessed June 5, 2017. http://www.cbc.ca/news/canada/british-columbia/rbc-replaces canadian-staff-with-foreign-workers-1.1315008

Tomlinson, Kathy. "McDonald's accused of favouring foreign workers." *CBC News*, April 14, 2014. Accessed June 5, 2017. http://www.cbc.ca/news/canada/british-columbia/mcdonald s-accused-of-favouring-foreign-workers-1.2598684

Vucetic, Srdjan. 2007. "Democracies and International Human Rights: Why is there No Place for Migrant Workers?" *International Journal of Human Rights* 11: 403-428

Walia, Harsha. "Transient servitude: Migrant labour in Canada and the apartheid of citizenship." *Race & Class* 52, no. 1 (2010): 71-84.

Wong, Diana. "Transience and settlement: Singapore's foreign labor policy." *Asian and Pacific Migration Journal* 6, no. 2 (1997): 135-167.

Wotipka, Christine Min, and Francisco O. Ramirez (2008). "World Society and Human Rights: An Events History Analysis of the Convention on the Elimination of All Forms of Discrimination against Women."In Beth Simmons, Frank Dobbin, and Geoffrey Garrett (eds.), *The Global Diffusion of Markets and Democracy*, Cambridge, pp. 303-343.

Yeoh, Brenda SA, and Shirlena Huang. "Foreign domestic workers and home-based care for elders in Singapore." *Journal of Aging & Social Policy* 22, no. 1 (2009): 69-88.

Appendix 1: List of Interviewees

Singapore

Name	Position, and Organization
K Jayaprema	President, Association of Employment Agencies (Singapore)
Jevon Ng	Humanitarian Organization for Migration Economics (HOME)
Jolovan Wham	Executive Director, Humanitarian Organization for Migration Economics (HOME)
Sinapan Samydorai	Think Centre
Ted Tan	Executive Secretary, Think Centre
Soe Min Than	Treasurer, Think Centre
Alex Au	Treasurer, Transcient Workers Count Too (TWC2)
John Gee	Executive Committee Member, Transcient Workers Count Too (TWC2)

(note: List does not include five anonymous interviewees.)

Canada

Name	Position, and Organization
Anonymous Researcher	Canadian Agricultural Human Resources Council
Anna Malla	Caregivers' Action Centre
Robert Judge	Director, Temporary Resident Policy and Program Division, Immigration Branch, Strategic and Program Policy, Department of Citizenship and Immigration
Paul Thompson	Senior Assistant Deputy Minister, Skills and Employment Branch, Employment and Social Development Canada
Chris Ramsaroop	Justice for Migrant Workers (J4MW)
Jerry Amirault	President, Lobster Association of New Brunswick & Nova Scotia
Eugénie Depatie-Pelletier	Researcher, MigrantWorkersRights

(note: List does not include one anonymous interviewee.)